WHATCOM COUNTY COUNCIL AGENDA BILL

<table>
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<th>CLEARANCES</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
<th>Assigned to:</th>
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<tr>
<td>Originator:</td>
<td>Helms</td>
<td>6/7/2016</td>
<td></td>
<td>6/14/2016</td>
<td>Special meeting</td>
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Division Head:
Dept. Head:
Prosecutor:
Purchasing/Budget:
Executive:

**TITLE OF DOCUMENT:**
2017-2018 Budget Priorities

**ATTACHMENTS:**

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

Executive Louwes' 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:**
6/14/2016: Discussed

**COUNCIL ACTION:**
6/14/2016: Motion to concur with the priorities and guidelines as identified in the Executive's memo to Council dated May 9, 2016 and to include Council priorities (Motion was held in Council and will be scheduled in COTW).

**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: 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 supplant 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.
WHATCOM COUNTY COUNCIL

Special County Council Meeting

June 14, 2016

CALL TO ORDER

Council Chair Barry Buchanan called the meeting to order at 1:30 p.m. in the Civic Center Garden Level Conference Room, 322 N. Commercial, Bellingham, Washington.

ROLL CALL

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

Absent: None.

The motion carried by the following vote:

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

Nays: None (0)

1. COUNCIL TO MEET WITH THE ADMINISTRATION TO SET PRIORITIES FOR THE 2017-2018 BIENNIAL BUDGET CYCLE (AB2016-198)

Jack Louws, County Executive, introduced the budget process framework. He read through the presentation (on file).

Brenner stated don't demolish the Northwest Annex. Also, she is having difficulty with the new phone system. Migrate away from the guardian ad litem program to the Court-Appointed Special Advocate (CASA) program. She asked for a description of
program-based budgeting. Louws described how the departments will identify their
individual programs and the associated costs and revenue.

Mann stated this process reminds him of how many programs the County runs and
how well the staff does. The larger fund balance helped the County survive the economic
downturn they recently experienced. He supports maintaining a larger fund balance for a
rainy day fund. He approves of the new program-based approach. Develop specific ways
for departments to measure their efficiency. Regarding the priority to recover costs,
sometimes the attempt to recover costs of a program result in a higher County cost, such as
the cost of electronic home monitoring versus housing someone in the jail. Louws stated
developing and implementing a performance metrics program is very time consuming and
difficult to do without the system tools they need to accurately track work outcome. He
described how he and the department heads develop their budgets.

Tyler Schroeder, Executive’s Office, stated they could initially look at programs and
focus on benchmarking specific programs.

Browne stated performance measures are a priority for him. They can first extract
existing data from the technology. Benchmarking is just defining what was the actual
outcome. After that is done, figure out how to do better. The second level of benchmarking
is against other jurisdictions. He is also concerned about macroeconomic information and
approves of maintaining a larger rainy day fund. Don’t draw down the capital reserves.
Develop a more proactive process to draw in contract bidders. Identify people who could
apply, and make sure they are informed of available bids. Last, focus on economic
development issues to raise the community’s average wage. Support existing employers
and bring in new employers. Funding for that activity should come from the economic
development investment (EDI) fund.

Sidhu stated economic development efforts are very important. The County can
bring together all the existing economic development agencies and efforts in the county. If
the emergency medical services (EMS) levy passes, they can bond for $35 million with the
$2.3 million saved, which should go toward capital projects other than the jail. Invest more
in behavioral health services. He supports the pollution identification and control (PIC) program, and expand it to the farming community.

Buchanan asked for information on the cooperation efforts among the Counties through the North Sound Behavioral Health Organization (BHO). Schroeder described how the BHO plans for and lobbies on behalf of all the Counties in the Region to the State legislature.

Buchanan asked about plans for better interface with the public via the County website. Louws stated the GIS system will provide real-time information to the public. Online permit systems also increase efficiencies.

Donovan asked how long they want to continue to defer the capital improvements. Louws stated they still need to do regular maintenance so infrastructure doesn’t continue to deteriorate. Energy requirements of renovation makes projects very expensive. In general, government does a poor job with necessary ongoing maintenance, so they must make sure they know what the six- and ten-year capital improvement programs will be. It will be expensive. They plan to defer the big renovation projects and renovate the courthouse over a ten-year period.

Donovan asked how to fund operating costs for a crisis triage center. Schroeder stated they are talking with the BHO about those commitments.

Louws stated they can commit to build and operate a triage center but at the cost of something else. He hopes they will get support from the State.

Donovan stated they must begin discussing how to build a fund for replacing the Lummi Island ferry.

Weimer asked what is the sustainable fund balance for the general fund. Louws stated he doesn’t want it to go below $13 million. They must balance maintaining a fund balance with putting the dollars into the community. It doesn’t take much to tilt the balance in the wrong direction.
Weimer stated make it clear that the general fund money will be spent on public safety if the EMS levy should pass. During the budget review process this fall, they should invite the non-departmental agencies into the process to pitch their projects sooner rather than later. Louws stated the County doesn’t have a lot of extra money at this time, so he won’t advertise that money is available. People should learn to run their programs without County contributions, in case another economic recession comes along.

Sidhu stated consider the cost of leasing newer buildings rather than renovating the older buildings the County has now. Louws described the timing of staffing needs for square footage as they move staff around while they are renovating buildings.

Weimer stated take a serious look at the adequacy and equity of how the County pays for stormwater costs. Have a discussion soon about creating a stormwater district. Louws stated he prefers to get the capital infrastructure projects done first before creating a new district. It will be a good discussion of how to handle all the issues surrounding the stormwater costs and the flood fund. It’s a Council policy issue.

Buchanan asked if Peace Health is still willing to partner with the County on a triage center and if there is federal Medicaid money for a facility. Schroeder stated a representative from Peace Health is involved in the Task Force.

Mann asked if the Executive anticipates changes to the property tax revenue. Louws stated he doesn’t have plans to change anything, but it’s a Council decision. The banked capacity is the safety net for future bonding.

Louws stated he will ask the Council to concur with the priorities and guidelines as identified in the memo to Council dated May 9, 2016 at its evening meeting.

Brenner stated she would like information on whether there have been any programs in which the costs are paid 100 percent from the fee revenue. Otherwise, that budget priority seems vague and disingenuous. She’s not comfortable with the guideline that requires programs to recover their costs.
OTHER BUSINESS

There was no other business.

ADJOURN

The meeting adjourned at 10:55 a.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
**Ordinance Amending WCC 3.08. Purchasing System**

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

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

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

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

Ordinance to amend WCC 3.08 Purchasing System

**Committee Action:**
- 6/14/2016: Held in Committee

**Council Action:**
- 5/31/2016 Introduced
- 6/14/2016: Held in Committee

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**Attachments:**
- Memo, Ordinance, Code Revision

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**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

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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 entirety, as set forth in the attached Exhibit A:

ADOPTED this day of , 2016.

WHATCOM COUNTY COUNCIL ATTEST:

WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Clerk of the Council

Barry Buchanan, Council Chair

WHATCOM COUNTY EXECUTIVE

WHATCOM COUNTY, WASHINGTON

APPROVED AS TO FORM:

Jack Louws, County Executive

Civil Deputy Prosecutor

( ) Approved  ( ) Denied
EXHIBIT A
Chapter 3.08
PURCHASING SYSTEM

Sections:
3.08.010 Purpose.
3.08.020 Administration.
3.08.030 Authority and functions.
3.08.040 Price quotations.
3.08.050 Vendor lists.
3.08.060 Bids and proposals required.
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.
3.08.095 Small works roster contract award process.
3.08.100 Council approval required.
3.08.110 Unregistered or unlicensed contractors prohibited.
3.08.120 Joint purchasing.
3.08.130 Amendments to chapter.
3.08.140 Severability.

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 reciting 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 his 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 moneys, 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.

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

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

DF. 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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<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>
</tr>
<tr>
<td>Pierce 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>
</tr>
<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>
</tr>
<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>
</tr>
<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
**WHATCOM COUNTY COUNCIL AGENDA BILL**

**TITLE OF DOCUMENT:** 2016 Supplemental Budget Request #10

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

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

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

Supplemental #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:**

6/14/2016: Introduced 7-0

**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:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Expenditures</th>
<th>Revenues</th>
<th>Net Effect</th>
</tr>
</thead>
<tbody>
<tr>
<td>Convention Center Fund</td>
<td>10,000</td>
<td>(10,000)</td>
<td>-</td>
</tr>
<tr>
<td>Emergency Management Fund</td>
<td>97,900</td>
<td>(97,900)</td>
<td>-</td>
</tr>
<tr>
<td>Public Utilities Improvement Fund</td>
<td>1,100,000</td>
<td>-</td>
<td>1,100,000</td>
</tr>
<tr>
<td>Total Supplemental</td>
<td>1,207,900</td>
<td>(107,900)</td>
<td>1,100,000</td>
</tr>
</tbody>
</table>

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: ________________________

I:\BUDGET\SUPPLS\2016_Suppl\Supplemental #10-2016.docx
## WHATCOM COUNTY

### Summary of the 2016 Supplemental Budget Ordinance No. 10

<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>
</tr>
</thead>
<tbody>
<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>
</tr>
<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>
</tr>
<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>
</tr>
<tr>
<td><strong>Total Supplemental</strong></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

Suppl 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

Costs:

<table>
<thead>
<tr>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>4313.3000</td>
<td>Hotel/Motel Tax</td>
<td>($10,000)</td>
</tr>
<tr>
<td>6610</td>
<td>Contractual Services</td>
<td>$10,000</td>
</tr>
<tr>
<td>Request Total</td>
<td></td>
<td>$0</td>
</tr>
</tbody>
</table>

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 it
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

Status: Pending

Suppl 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)

Date 5/26/16

Costs:

<table>
<thead>
<tr>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>4333.1146</td>
<td>Comm Based Restrn Prgm</td>
<td>($47,900)</td>
</tr>
<tr>
<td>4367.1000</td>
<td>Donations</td>
<td>($50,000)</td>
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<tr>
<td>7190</td>
<td>Other Miscellaneous</td>
<td>$2,100</td>
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<tr>
<td>7410</td>
<td>Equipment-Capital Outlay</td>
<td>$95,800</td>
</tr>
<tr>
<td>Request Total</td>
<td></td>
<td>$95,800</td>
</tr>
</tbody>
</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.
Supplemental Budget Request

Executive

Fund 332  Cost Center 332229  Originator: Suzanne Mildner

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

Name of Request: COB Waterfront Project - EDI Grant

X

Department Head Signature (Required on Hard Copy Submission)  Date

Costs:  

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<thead>
<tr>
<th>Object</th>
<th>Object Description</th>
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<tbody>
<tr>
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<tr>
<td>Request Total</td>
<td></td>
<td>$1,100,000</td>
</tr>
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</table>

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

Wednesday, June 01, 2016
WHATCOM COUNTY COUNCIL AGENDA BILL

CLEARANCES

<table>
<thead>
<tr>
<th>CLEARANCES</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
<th>Assigned to:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Originator:</td>
<td>DMP</td>
<td>06/16/16</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Division Head:</td>
<td></td>
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<tr>
<td>Dept. Head:</td>
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<tr>
<td>Executive:</td>
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</tr>
</tbody>
</table>

RECEIVED

JUN 21 2016

WHATCOM COUNTY COUNCIL

TITLE OF DOCUMENT:
Interlocal Agreement between the City of Bellingham and County of Whatcom for 2016 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Award

ATTACHMENTS:
Interlocal Agreement between the City of Bellingham and Whatcom County for 2016 Edward Byrne Memorial Justice Assistance Grant (JAG) Program Award

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

As required by the U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, the Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY2016 Local Solicitation is made available to the Whatcom County Council for its review and comment and to citizens for public review and comment.

Total Whatcom County Jurisdiction allocation is $39,398 (with $23,752 for the City of Bellingham and $15,646 for Whatcom County). The City of Bellingham will administer the grant and provide $15,646 to Whatcom County Sheriff’s Office to purchase ballistic helmets.

COMMITTEE ACTION:

COUNCIL ACTION:

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

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

TO: Jack Louws, County Executive
FROM: Bill Elfo, Sheriff
DATE: June 16, 2016
RE: Interlocal Agreement Between the City of Bellingham and Whatcom County Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY2016

Enclosed for review and signature are two (2) originals of the Interlocal Agreement between the City of Bellingham and Whatcom County for Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY2016 Local Solicitation.

Total Whatcom County Jurisdiction allocation is $39,398 (with $23,752 for the City of Bellingham and $15,646 for Whatcom County). The City of Bellingham will administer the grant and provide $15,646 to the Whatcom County Sheriff’s Office to purchase ballistic helmets.

Please contact Undersheriff Parks at extension 6610 if you have any questions regarding the terms of this agreement.

Thank you.

enclosure
**WHATCOM COUNTY CONTRACT INFORMATION SHEET**

**Contractor's/Agency Name:** City of Bellingham

<table>
<thead>
<tr>
<th>Question</th>
<th>Yes</th>
<th>No</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>Is this a New Contract? If not, is this an Amendment or Renewal to an Existing Contract?</td>
<td>☑</td>
<td>☐</td>
<td>Yes</td>
</tr>
<tr>
<td>Does contract require Council Approval? If No, include WCC:</td>
<td>☑</td>
<td>☐</td>
<td>WCC 3.06.010 (see Whatcom County Codes 3.06.010, 3.08.090 and 3.08.100)</td>
</tr>
<tr>
<td>Is this a grant agreement?</td>
<td>☑</td>
<td>☐</td>
<td>Grantor agency contract number(s): ____________ CFDA#: 16.738</td>
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<tr>
<td>Is this contract grant funded?</td>
<td>☑</td>
<td>☐</td>
<td>Whatcom County grant contract number(s): ___________________________________</td>
</tr>
<tr>
<td>Is this the result of a RFP or Bid process?</td>
<td>☑</td>
<td>☐</td>
<td>RFP and Bid number(s): ____________________________________ Cost Center: 1003515006</td>
</tr>
<tr>
<td>Is this agreement excluded from E-Verify? If no, include Attachment D Contractor Declaration form.</td>
<td>☑</td>
<td>☐</td>
<td></td>
</tr>
</tbody>
</table>

If YES, indicate exclusion(s) below:
- Professional services agreement for certified/licensed professional.
- Contract work is for less than $100,000.
- Contract work is for less than 120 days.
- Interlocal Agreement (between Governments).

| Contract Amount: (sum of original contract amount and any prior amendments): | $15,646.00 |
| This Amendment Amount:                                                       |            |
| Total Amended Amount:                                                        | $15,646.00 |

Summary of Scope:
Interlocal Agreement between City of Bellingham and Whatcom County for U.S. Department of Justice Edward Byrne Memorial Justice Assistance Grant (JAG) Program Fiscal Year (FY) 2016 Local Solicitation. Total Whatcom County Jurisdiction allocation is $39,398 (with $23,752 for the City of Bellingham and $15,646 for Whatcom County). The City of Bellingham will administer the grant and provide $15,646 to Whatcom County Sheriff's Office to purchase ballistic helmets.

**Term of Contract:** 07/01/16  **Expiration Date:** 12/31/17

**Contract Routing:**
1. Prepared by: DMP  
2. Attorney signoff:  
3. AS Finance reviewed:  
4. IT reviewed (if IT related):  
5. Contractor signed:  
6. Submitted to Exec.: ✓  
7. Council approved (if necessary):  
8. Executive signed:  
9. Original to Council:

**Dates:**
- Date: 06/16/16
- Date: 4/17/16
- Date: 4/20/16
- Date: 6/20/16

**Last Edited:** 06/04/14
THE STATE OF WASHINGTON

COUNTY OF WHATCOM

INTERLOCAL AGREEMENT
BETWEEN THE CITY OF BELLINGHAM, AND COUNTY OF WHATCOM

2016 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD

This Agreement is made and entered into this 15th day of June, 2016, by and between The COUNTY of Whatcom, acting by and through its governing body, the County Council, hereinafter referred to as COUNTY, and the CITY of Bellingham, acting by and through its governing body, the City Council, hereinafter referred to as CITY, both of Whatcom County, State of Washington, witnesseth:

WHEREAS, each governing body, in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that party: and

WHEREAS, each governing body finds that the performance of this Agreement is in the best interests of both parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under this agreement: and

WHEREAS, per the grant, Whatcom County Jurisdiction is allocated $39,398 in grant funding, $23,752 for the City and $15,646 for Whatcom County: and

WHEREAS, the CITY agrees to provide the COUNTY $15,646 from the JAG award for the purchase of Ballistic Helmets: and

WHEREAS, the CITY and COUNTY believe it to be in their best interests to reallocate the JAG funds.

NOW THEREFORE, the COUNTY and CITY agree as follows:

Section 1.

CITY agrees to pay COUNTY a total of $15,646 of JAG funds.

Section 2.

COUNTY agrees to use $15,646 for the purchase of Enhanced Ballistic Protection until 2017.

Section 3.

Nothing in the performance of this Agreement shall impose any liability for claims against the "CITY" or "COUNTY"

Section 4.

Each party to this agreement will be responsible for its own actions in providing services under this agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by the other party.
**Section 5.**
The parties to this Agreement do not intend for any third party to obtain a right by virtue of this Agreement.

**Section 6.**
By entering into this Agreement, the parties do not intend to create any obligations express or implied other than those set out herein; further, this Agreement shall not create any rights in any party not a signatory hereto.

CITY OF Bellingham, WA

Kelli Linville, Mayor

ATTEST:

Brian Henshaw, Finance Department

APPROVED AS TO FORM:

City Attorney

Chief of Police

COUNTY OF Whatcom, WA

Sheriff

APPROVED AS TO FORM:

Prosecuting Attorney

Jack Louws, Whatcom County Executive
Whatcom County Sheriff's Office
Program Abstract

Abstract

Enhanced officer safety and ballistic protection for first responders – In response to continued violent critical incidents at schools and public venues, the Whatcom County Sheriff's Office has developed enhanced training for incidents involving active violence against vulnerable populations. The most recent tragedy in Orlando, FL which resulted in 49 killed and 53 injured, highlights the threats that face citizens and law enforcement on a daily basis. In an effort to better prepare for and provide an enhanced response to critical violent incidents, the Whatcom County Sheriff’s Office conducts ongoing training to deal with these threats and unusual situations that require an expedited response in order to save lives.

In addition to training, law enforcement must be prepared and equipped to deal with armed suspects in order to effectively mitigate the threat posed to the public. In the face of such violence and destruction, law enforcement must be adequately equipped to respond in an effective manner. It is essential that all members of the Sheriff’s Office have sufficient ballistic resistant vests and helmets to protect them from gunfire. Sheriff’s Office uniformed personnel are required to wear ballistic vests. We are required to provide ballistic protective equipment to personnel who are subject to occupational hazards that include gunfire/ballistic threats. The Sheriff’s Office currently issues ballistic vests and helmets to all deputy sheriffs. SWAT has a current need for specialized helmets that designed for their assignment and operational needs. The SWAT helmets need to be replaced in order to accommodate and integrate with hearing protection/communications gear that is necessary to carrying out their duties during a critical mission. The current SWAT helmets could then be repurposed and issued to other members of the Sheriff’s Office. The Sheriff’s Office objective is to utilize allocated funds to purchase and replace current ballistic helmets and improve officer safety.

Project identifiers – Equipment – Tactical, Body Armor – Ballistic Resistant, Counter Terrorism and Officer Safety.
Whatcom County Sheriff's Office
2016 Bryne JAG grant
Program Narrative

The continued trend of violent attacks on innocent citizens at schools and public venues has reaffirmed why it is imperative that responders be trained and prepared to respond to incidents of active violence in an efficient and effective manner. The Sheriff’s Office is uniquely positioned on the international border between the US and Canada, and is subject to both domestic and international threats. This includes not only schools and public venues, but multiple federal facilities and critical infrastructure that may be the targets of violent attacks and/or terrorism. The Sheriff’s Office continues to train all deputies to deal with critical incidents, to include terrorist attacks and active shooter scenarios.

In addition to training, law enforcement officers must be provided necessary equipment that enhances their officer safety and increases the likelihood that they will be able to carry out their duties without serious injury or loss of life. The recent tragedy in Orlando, FL highlighted the need for ballistic protection for first responder and tactical units. In this case, a ballistic helmet saved the life of a responding officer. During the response to save lives and neutralize the suspect, the officer was shot in the head with a bullet. The officer survived and will return to serve his community.

Sheriff’s Office uniformed personnel are required to wear ballistic vests. We are required to provide ballistic protective equipment to personnel who are subject to occupational hazards that include gunfire/ballistic threats. The Sheriff’s Office currently issues ballistic vests and helmets to all deputy sheriffs. SWAT has a current need for specialized helmets that designed for their assignment and operational needs. The SWAT helmets need to be replaced in order to accommodate and integrate with hearing protection/communications gear that is necessary to carrying out their duties during a critical mission. The current SWAT helmets could then be repurposed and issued to other members of the Sheriff’s Office.

The Sheriff’s Office intends to utilize JAG funding to purchase and replace ballistic helmets that have exceeded the standard operational life. These helmets are NIJ certified and met the current .06 Level IIIA standards of protection.
Whatcom County Sheriff’s Office
2016 Byrne JAG program
Budget and Budget Narrative

BUDGET

E. Supplies

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ballistic resistant helmets</td>
<td>$15,646.00</td>
</tr>
</tbody>
</table>

Total $15,646.00

Total project costs $15,646.00

BUDGET NARRATIVE

EQUIPMENT: In order to provide enhanced ballistic protection and increase officer safety, the Whatcom County Sheriff’s Office intends to purchase ballistic helmets. Ballistic helmets are essential personal protective equipment that are utilized by members of the Whatcom County Sheriff’s Office. The use by deputies allows them to carry out their duties while protecting them from sudden violent attacks from gunfire.

Ballistic helmets - The intent is to equip deputies with NIJ certified ballistic helmets that are rated to stop handgun rounds, as well as some shotgun and rifle rounds. The Whatcom County Sheriff’s Office is looking to purchase ballistic helmets, which are made in America. These helmets are worn by all deputies when responding to incidents where weapons are known to be present or the use of firearms is suspected. The use of ballistic helmets by all deputies allows them to respond quickly to an active shooter incident, while providing ballistic protection and improving officer safety. The recent mass shooting in Orlando, FL highlights the use and role helmets play in protecting those who protect others. The use of ballistic helmets serves to increase the likelihood that they can carry out their duties and save lives, while improving the chances that they go home at the end of the day.
**Budget Summary** - When you have completed the budget worksheet, transfer the totals for each category to the spaces below. Compute the total direct costs and the total project costs. Indicate the amount of Federal funds requested and the amount of non-Federal funds that will support the project.

<table>
<thead>
<tr>
<th>Budget Category</th>
<th>Federal Request</th>
<th>Non-Federal Amounts</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>A. Personnel</td>
<td>$0</td>
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<td>$0</td>
</tr>
<tr>
<td>B. Fringe Benefits</td>
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<td>$0</td>
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<tr>
<td>C. Travel</td>
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<tr>
<td>D. Equipment</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>E. Supplies</td>
<td>$0</td>
<td>$15,646</td>
<td>$15,646</td>
</tr>
<tr>
<td>F. Construction</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>G. Consultants/Contracts</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>H. Other</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Total Direct Costs</td>
<td>$0</td>
<td>$15,646</td>
<td>$15,646</td>
</tr>
<tr>
<td>I. Indirect Costs</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td><strong>TOTAL PROJECT COSTS</strong></td>
<td>$0</td>
<td>$15,646</td>
<td>$15,646</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Federal Request</th>
<th>Non-Federal Amount</th>
<th>Total Project Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$0</td>
<td>$15,646</td>
<td>$15,646</td>
</tr>
</tbody>
</table>

**Public Reporting Burden**

*Paperwork Reduction Act Notice:* Under the Paperwork Reduction Act, a person is not required to respond to a collection of information unless it displays a current valid OMB control number. We try to create forms and instructions that are accurate, can be easily understood, and which impose the least possible burden on you to provide us with information. The estimated average time to complete and file this application is four (4) hours per application. If you have comments regarding the accuracy of this estimate, or suggestions for making this form simpler, you can write the Office of Justice Programs, Office of the Chief Financial Officer, 810 Seventh Street, NW, Washington, DC 20531; and to the Public Use Reports Project, 1121-0188, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503.
Whatcom County Sheriff's Office  
2016 Edward Bryne Memorial JAG Program  
FY 2016 Local Solicitation

Review Narrative

The Whatcom County Sheriff's Office intends to make its Fiscal Year 2016 JAG application available to the Whatcom County Council for its review and comment on June 28, 2016.

The application has not yet been made available for public review and comment. The Whatcom County Sheriff's Office will make its Fiscal Year 2016 JAG application available to citizens for comment at the Whatcom County Council meeting on June 28, 2016.
Whatcom County Sheriff’s Office
2016 Edward Bryne Memorial JAG Program
FY 2016 Local Solicitation

Applicant Disclosure of Pending Applications

The Whatcom County Sheriff’s Office does have a pending application within the last 12 months for federal funding to cover some costs of the proposed program under this solicitation.

The Whatcom County Sheriff’s Office has applied for the 2016 DOJ Bulletproof Vest Partnership grant.

<table>
<thead>
<tr>
<th>Federal Funding Agency</th>
<th>Solicitation Name</th>
<th>Name/Phone/Email for Point of Contact</th>
</tr>
</thead>
<tbody>
<tr>
<td>USDOJ</td>
<td>Bulletproof Vest Partnership</td>
<td>1-877-758-3787/owner-bvp-list@ojp.usdoj.gov</td>
</tr>
</tbody>
</table>
The U.S. Department of Justice (DOJ), Office of Justice Programs (OJP) Bureau of Justice Assistance (BJA) is seeking applications for funding under the Edward Byrne Memorial Justice Assistance Grant (JAG) Program. This program furthers the Department's mission by assisting state, local, and tribal efforts to prevent or reduce crime and violence.

Edward Byrne Memorial Justice Assistance Grant (JAG) Program  
Fiscal Year (FY) 2016 Local Solicitation  
Applications Due: June 30, 2016

Eligibility

Eligible applicants are limited to units of local government appearing on the FY 2016 JAG Allocations List. To view this list, go to www.bja.gov/programs/jag/16jagallocations.html. For JAG Program purposes, a unit of local government is a town, township, village, parish, city, county, borough, or other general purpose political subdivision of a state; or, it may also be a federally recognized Indian tribal government that perform law enforcement functions (as determined by the Secretary of the Interior). Otherwise a unit of local government may be any law enforcement district or judicial enforcement district established under applicable state law with authority to independently establish a budget and impose taxes. In Louisiana, a unit of local government means a district attorney or parish sheriff.

Deadline

Applicants must register in the OJP Grants Management System (GMS) prior to submitting an application for this funding opportunity. Registration is required for all applicants, even those previously registered in GMS. Select the "Apply Online" button associated with the solicitation title. All registrations and applications are due by due by 5:00 p.m. eastern time on June 30, 2016.

For additional information, see How to Apply in Section D, Application and Submission Information.
Contact Information

For technical assistance with submitting an application, contact the Grants Management System Support Hotline at 888-549-9901, option 3 or via email at GMS.HelpDesk@usdoj.gov. The GMS Support Hotline hours of operation are Monday – Friday from 6:00 a.m. to midnight eastern time, except federal holidays.

Applicants that experience unforeseen GMS technical issues beyond their control that prevent them from submitting their application by the deadline must email the contact identified below within 24 hours after the application deadline and request approval to submit their application. Additional information on reporting technical issues is found under "Experiencing Unforeseen GMS Technical Issues" in the How to Apply section.

For assistance with any other requirement of this solicitation, contact the National Criminal Justice Reference Service (NCJRS) Response Center: toll-free at 1-800-851-3420; via TTY at 301-240-6310 (hearing impaired only); email grants@ncjrs.gov; fax to 301-240-5830; or web chat at https://webcontact.ncjrs.gov/ncjchat/chat.jsp. The NCJRS Response Center hours of operation are 10:00 a.m. to 6:00 p.m. eastern time, Monday through Friday. You may also contact your State Policy Advisor.

Release date: May 16, 2016
Contents

A. Program Description ........................................................................................................... 4
  Overview ................................................................................................................................. 4
  Program-Specific Information ................................................................................................. 4
  Goals, Objectives, and Deliverables ...................................................................................... 7
  Evidence-Based Programs or Practices ................................................................................. 7
B. Federal Award Information ................................................................................................ 8
  Type of Award .......................................................................................................................... 8
  Financial Management and System of Internal Controls ....................................................... 9
  Budget Information ................................................................................................................ 10
  Cost Sharing or Matching Requirement ................................................................................ 11
  Pre-Agreement Cost (also known as Pre-award Cost) Approvals ....................................... 11
  Prior Approval, Planning, and Reporting of Conference/Meeting/Training Costs ............... 11
  Costs Associated with Language Assistance (if applicable) ................................................ 12
C. Eligibility Information ........................................................................................................ 14
  Limit on Number of Application Submissions .................................................................... 14
D. Application and Submission Information ......................................................................... 14
  What an Application Should Include .................................................................................. 14
  How to Apply .......................................................................................................................... 22
E. Application Review Information ........................................................................................ 24
  Review Process ....................................................................................................................... 24
F. Federal Award Administration Information ..................................................................... 25
  Federal Award Notices ......................................................................................................... 25
  Administrative, National Policy, and other Legal Requirements ......................................... 25
  General Information about Post-Federal Award Reporting Requirements ........................ 26
G. Federal Awarding Agency Contact(s) ................................................................................ 26
H. Other Information .............................................................................................................. 26
  Provide Feedback to OJP ......................................................................................................... 26
  Application Checklist ............................................................................................................. 28
Edward Byrne Memorial Justice Assistance Grant (JAG)  
Program: FY 2016 Local Solicitation  
(CFDA #16.738)  

A. Program Description

Overview
The Edward Byrne Memorial Justice Assistance Grant (JAG) Program (42 U.S.C. § 3751(a)) is the primary provider of federal criminal justice funding to state and local jurisdictions. The JAG Program provides states and units of local governments with critical funding necessary to support a range of program areas including law enforcement; prosecution and court programs; prevention and education programs; corrections and community corrections; drug treatment and enforcement; crime victim and witness initiatives; and planning, evaluation, and technology improvement programs.

Program-Specific Information
JAG funds may be used for state and local initiatives, technical assistance, strategic planning, research and evaluation (including forensics), data collection, training, personnel, equipment, forensic laboratories, supplies, contractual support, and criminal justice information systems that will improve or enhance such areas as:

- Law enforcement programs.
- Prosecution and court programs, including indigent defense.
- Prevention and education programs.
- Corrections, community corrections and reentry programs.
- Drug treatment and enforcement programs.
- Planning, evaluation, and technology improvement programs.
- Crime victim and witness programs (other than compensation).

Additionally, BJA reminds applicants that the JAG program allows funding for broadband deployment and adoption activities as they relate to criminal justice activities.

JAG Priority Areas
BJA recognizes that there are significant pressures on state and local criminal justice systems. In these challenging times, shared priorities and leveraged resources can make a significant impact. In light of this, it is important to make State Administering Agencies (SAAs) and local JAG recipients aware of several areas of priority that may be of help in maximizing the effectiveness of JAG funding at the state and local level. The following priorities represent key areas where BJA will be focusing nationally and encourages each state and local JAG recipient to join us in addressing these challenges as a part of our JAG partnership:

Reducing Gun Violence
Gun violence has touched nearly every state, local, and tribal government in America. BJA continues to encourage states and localities to invest valuable JAG funds in programs to combat gun violence, enforce existing firearms laws, and improve the process for ensuring that persons prohibited from purchasing or owning guns are prevented from doing so by enhancing reporting to the FBI's National Instant Criminal Background Check System (NICS).
While our nation has made great strides in reducing violent crime, some municipalities and regions continue to experience unacceptable levels of violent crime at rates far in excess of the national average. In 2014, as part of BJA’s longstanding commitment to support effective strategies to reduce violent crime, BJA launched the Violence Reduction Network (VRN). By the end of FY 2016, 10 VRN sites, working with a broad network of federal, state, and local partners, will be implementing data-driven evidence-based strategies to reduce deeply entrenched violent crime in their communities. States and localities can support VRN sites by investing JAG funds in technology, crime analysis, training, and community-based crime reduction programs in VRN communities. For information on VRN, see www.bja.gov/Programs/VRN.html.

Body-Worn Cameras, Storage, and Policies
Law enforcement agencies across the country are equipping their officers with body-worn cameras (BWCs) to increase transparency and build community trust. The important benefits of BWCs, and the challenges in implementing BWC programs, are highlighted in several recent publications: see the Office of Justice Programs’ Diagnostic Center report Police Officer Body-Worn Cameras: Assessing the Evidence, and the COPS Office and Police Executive Research Forum paper, Implementing A Body-Worn Camera Program: Recommendations and Lessons Learned.

JAG funding is an important potential source of funding for law enforcement agencies implementing new BWC programs or enhancing existing programs. JAG funds may be used to purchase BWCs and for costs associated with the BWC program, such as storage and policy development. Similarly, SAAs are encouraged to use either their Variable Pass-Through (VPT) or their “less than $10,000” funding that is added into the state award to set aside funds to assist small departments in implementing BWC programs. Grantees who wish to use JAG funds to purchase BWC equipment, or to implement or enhance BWC programs, must certify that they or the law enforcement agency receiving the BWC funding have policies and procedures in place related to equipment usage, data storage, privacy, victims, access, disclosure, training, etc. A copy of the required BWC certification can be found at www.bja.gov/Funding/BodyWornCameraCert.pdf.

The BJA BWC Toolkit provides model BWC policies, resources, and best practices to assist departments in implementing BWC programs.

National Incident-Based Reporting System (NIBRS)
The FBI has formally announced its intentions to establish NIBRS as the law enforcement (LE) crime data reporting standard for the nation. The transition to NIBRS will provide a more complete and accurate picture of crime at the national, state, and local level. Once this transition is complete, the FBI will no longer collect summary data and will only accept data in the NIBRS format and JAG awards will be based on submitted NIBRS data. Transitioning all law enforcement agencies to NIBRS is the first step in gathering more comprehensive crime data. State and local JAG grantees are encouraged to use JAG funds to expedite the transition to NIBRS in their jurisdictions.

Justice System Reform and Reentry
There is growing bipartisan support for Justice Systems Reform and Reentry. A promising approach to justice systems reform is the Justice Reinvestment Initiative (JRI), a public-private partnership between BJA and the PEW Public Safety Performance Project. Currently, 30 states have used the justice reinvestment process to control spiraling incarceration costs and reinvest
in evidence-based criminal justice programs and strategies. Strategic investments of JAG funds to implement JRI legislation and policy changes in JRI states can augment federal funds and achieve greater cost savings and reinvestments in programs to promote public safety. For state-by-state information on JRI, please visit the JRI Sites web page.

Over the past seven years, DOJ has partnered with state, local, and tribal agencies and national organizations to support hundreds of reentry programs across the country to provide job training, healthcare, housing, treatment, and other services to individuals returning to our communities from prisons and jails. The demand for effective reentry services remains high. More than 600,000 men and women leave our prisons every year and more than 11 million people cycle through our jails. Investments of JAG funds to support reentry efforts at the state and local level will pay dividends for returning citizens and for public safety in America. A summary of research-based reentry strategies is available on the National Reentry Resource Center’s What Works in Reentry Clearinghouse along with a map identifying federally funded Second Chance Act Reentry programs at the state and local level. (See https://csgjusticecenter.org/nrrc).

Public Defense
Another key priority area is support for improving public defense delivery systems. To support this priority in November 2015, BJA established the Right to Counsel National Consortium (www.rtnationalcampaign.org) to spearhead a national conversation on how to ensure the Sixth Amendment Right to Counsel for every individual. BJA continues to encourage states and SAAs to use JAG funds to ensure that no person faces the loss of liberty without first having the aid of a lawyer with the time, ability, and resources to present an effective defense. Currently, across the nation public defense reform is being supported by governors, state legislators, chief judges and local communities. Research shows that early appointment of counsel can decrease jail and prison stays and produce better outcomes for defendants and communities. Many of these successes are guided by the American Bar Association’s Ten Principles of a Public Defense Delivery System, which are recommendations for government officials and other parties who are charged with improving public defense delivery systems (http://www.americanbar.org/content/dam/aba/administrative/legal_aid_indigent_defendants/lscoid_def_tenprinciplesbooklet.authcheckdam.pdf).

Improving Mental Health Services
Many people with mental illness enter the criminal justice system without a diagnosis or with untreated mental illness. Screening and assessment is critical to identify and provide appropriate referrals to treatment. This is an issue that impacts numerous facets of the criminal justice system. BJA encourages states to utilize JAG funding in support of programs and policy changes aimed at identifying and treating people with severe mental illness to divert when appropriate, treat during incarceration, and engage in appropriate pre-release planning for the provision of community treatment (see JMHCP Resources). BJA provides training and technical assistance (TTA) to grantees and non-grantees (states, jurisdictions) to increase enrollment in health care plans (increase linkages to health care providers) that can increase access to treatment for improved mental health outcomes. Information can be found at www.bjatraining.org.

DOJ Universal Accreditation w/Forensic Service Providers
In 2015, the National Commission on Forensic Science (NCFS) announced recommendations on strengthening the field of forensic science. There are a number of key principles, which include promoting universal accreditation and finding ways to improve upon medical-legal
investigative processes. For additional information on these recommendations, please review the New Accreditation Policies to Advance Forensic Science. The JAG program provides broad-based support to states and local jurisdictions across the nation in order to strengthen our criminal justice system, including the forensic sciences. As such, BJA encourages investments of JAG funds for programs and activities related to forensic work, including accreditation of forensic labs.

Goals, Objectives, and Deliverables
The Chief Executive Officer (CEO) of an eligible unit of local government or other officer designated by the CEO must submit the application for JAG funds. A unit of local government receiving a JAG award will be responsible for the administration of the funds including: distributing the funds; monitoring the award; submitting quarterly financial status (SF-425), performance metrics reports, and semi-annual programmatic reports; and providing ongoing oversight and assistance to any subrecipients of the funds.

Evidence-Based Programs or Practices
OJP strongly emphasizes the use of data and evidence in policy making, program development, and program implementation in criminal justice, juvenile justice, and crime victim services. OJP is committed to:

- Improving the quantity and quality of evidence OJP generates
- Integrating evidence into program, practice, and policy decisions within OJP and the field
- Improving the translation of evidence into practice

OJP considers programs and practices to be evidence-based when their effectiveness has been demonstrated by causal evidence, generally obtained through one or more outcome evaluations. Causal evidence documents a relationship between an activity or intervention (including technology) and its intended outcome, including measuring the direction and size of a change, and the extent to which a change may be attributed to the activity or intervention. Causal evidence depends on the use of scientific methods to rule out, to the extent possible, alternative explanations for the documented change. The strength of causal evidence, based on the factors described above, will influence the degree to which OJP considers a program or practice to be evidence-based. The OJP CrimeSolutions.gov website is one resource that applicants may use to find information about evidence-based programs in criminal justice, juvenile justice, and crime victim services.

1. A useful matrix of evidence-based policing programs and strategies is available through the Center for Evidence-Based Crime Policy at George Mason University. BJA offers a number of program models designed to effectively implement promising and evidence-based strategies through the BJA “Smart Suite” of programs including Smart Policing, Smart Supervision, Smart Pretrial, Smart Defense, Smart Prosecution, Smart Reentry and others (see https://www.bja.gov/programs/crppe/smartsuite.htm). BJA encourages states to use JAG funds to support these “smart on crime” strategies, including effective partnerships with universities and research partners and with non-traditional criminal justice partners.

BJA Success Stories
The BJA Success Story web page was designed to identify and highlight projects that have demonstrated success or shown promise in reducing crime and positively impacting communities. This web page will be a valuable resource for states, localities, territories, tribes,
and criminal justice professionals who seek to identify and learn about JAG and other successful BJA-funded projects linked to innovation, crime reduction, and evidence-based practices. **BJA strongly encourages the recipient to submit annual (or more frequent) success stories.**

If you have a Success Story you would like to submit, sign in to your [My BJA account](#) to access the Success Story Submission form. If you do not have a [My BJA account](#), please [register](#). Once you register, one of the available areas on your My BJA page will be "My Success Stories. Within this box, you will see an option to add a Success Story. Once reviewed and approved by BJA, all success stories will appear on the [BJA Success Story web page](#).

**B. Federal Award Information**

BJA estimates that it will make up to 1,161 local awards totaling an estimated $86.4 million.

Awards of at least $25,000 are four years in length, and award periods will be from October 1, 2015 through September 30, 2019. Extensions beyond this period may be made on a case-by-case basis at the discretion of BJA and must be requested via GMS no less than 30 days prior to the grant end date.

Awards of less than $25,000 are two years in length, and award periods will be from October 1, 2015 through September 30, 2017. Extensions of up to two years can be requested for these awards via GMS no less than 30 days prior to the grant end date, and will be automatically granted upon request.

All awards are subject to the availability of appropriated funds and to any modifications or additional requirements that may be imposed by law.


**Type of Award**

BJA expects that it will make any award from this solicitation in the form of a grant.

JAG awards are based on a statutory formula as described below:

Once each fiscal year’s overall JAG Program funding level is determined, BJA partners with the Bureau of Justice Statistics (BJS) to begin a four-step grant award calculation process which consists of:

1. Computing an initial JAG allocation for each state and territory, based on their share of violent crime and population (weighted equally).

2. Reviewing the initial JAG allocation amount to determine if the state or territory allocation is less than the minimum ("de minimus") award amount defined in the JAG legislation (0.25 percent of the total). If this is the case, the state or territory is funded at the minimum level, and the funds required for this are deducted from the overall pool of JAG

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1 **See generally** 31 U.S.C. §§ 6301-6305 (defines and describes various forms of federal assistance relationships, including grants and cooperative agreements [a type of grant]).
funds. Each of the remaining states receives the minimum award plus an additional amount based on their share of violent crime and population.

3. Dividing each state’s final award amount (except for the territories and District of Columbia) between state and local governments at a rate of 60 and 40 percent, respectively.

4. Determining local unit of government award allocations, which are based on their proportion of the state’s 3-year violent crime average. If a local eligible award amount is less than $10,000, the funds are returned to the state to be awarded to these local units of government through the state agency. If the eligible award amount is $10,000 or more, then the local government is eligible to apply for a JAG award directly from BJA.

Financial Management and System of Internal Controls
Award recipients and subrecipients (including any recipient or subrecipient funded in response to this solicitation that is a pass-through entity\(^2\)) must, as described in the Part 200 Uniform Requirements set out at 2 C.F.R. 200.303:

(a) Establish and maintain effective internal control over the Federal award that provides reasonable assurance that the recipient (and any subrecipient) is managing the Federal award in compliance with Federal statutes, regulations, and the terms and conditions of the Federal award. These internal controls should be in compliance with guidance in “Standards for Internal Control in the Federal Government” issued by the Comptroller General of the United States and the "Internal Control Integrated Framework," issued by the Committee of Sponsoring Organizations of the Treadway Commission (COSO).

(b) Comply with Federal statutes, regulations, and the terms and conditions of the Federal awards.

(c) Evaluate and monitor the recipient’s (and any subrecipient’s) compliance with statutes, regulations, and the terms and conditions of Federal awards.

(d) Take prompt action when instances of noncompliance are identified including noncompliance identified in audit findings.

(e) Take reasonable measures to safeguard protected personally identifiable information and other information the Federal awarding agency or pass-through entity designates as sensitive or the recipient (or any subrecipient) considers sensitive consistent with applicable Federal, state, local, and tribal laws regarding privacy and obligations of confidentiality.

In order to better understand administrative requirements and cost principles, applicants are encouraged to enroll, at no charge, in the Department of Justice Grants Financial Management Online Training available here.

\(^2\) For purposes of this solicitation (or program announcement), "pass-through entity" includes any entity eligible to receive funding as a recipient or subrecipient under this solicitation (or program announcement) that, if funded, may make a subaward(s) to a subrecipient(s) to carry out part of the funded program.
Budget Information

Administrative Funds – Grant recipients may use up to 10 percent of the JAG award, including up to 10 percent of any earned interest, for costs associated with administering funds. Administrative funds (when utilized) must be tracked separately and recipients must report on SF-425s those expenditures that specifically relate to each grant number and established grant period. Additionally, recipients and subrecipients are prohibited from commingling funds on a program-by-program or project-by-project basis. More specifically, administrative funds under JAG are utilized for the same purpose each year (i.e., the administration of JAG funding) and therefore not considered separate programs/projects (commingling is not occurring) when utilized across all active JAG awards.

Disparate Certification – A disparate allocation occurs when a city or municipality is allocated one-and-one-half times (150 percent) more than the county, while the county bears more than 50 percent of the costs associated with prosecution or incarceration of the municipality’s Part 1 violent crimes. A disparate allocation also occurs when multiple cities or municipalities are collectively allocated four times (400 percent) more than the county, and the county bears more than 50 percent of the collective costs associated with prosecution or incarceration of each municipality’s Part 1 violent crimes.

Jurisdictions certified as disparate must identify a fiscal agent that will submit a joint application for the aggregate eligible allocation to all disparate municipalities. The joint application must determine and specify the award distribution to each unit of local government and the purposes for which the funds will be used. When beginning the JAG application process, a Memorandum of Understanding (MOU) that identifies which jurisdiction will serve as the applicant/fiscal agent for joint funds must be completed and signed by the Authorized Representative for each participating jurisdiction. The signed MOU should be attached to the application. For a sample MOU, go to www.bja.gov/Funding/JAGMOU.pdf.

Supplanting – Supplanting is prohibited under JAG. Applicants cannot replace or supplant non-federal funds that have been appropriated for the same purpose. See the JAG FAQs on BJA’s JAG web page for examples of supplanting.

Leveraging of Grant Funds – Although supplanting is prohibited, the leveraging of federal funding is encouraged. For example, a city may utilize JAG and Homeland Security Grant Program (HSGP) money to fund different portions of a fusion center project. In instances where leveraging occurs, all federal grant funds must be tracked and reported separately and may not be used to fund the same line items. Additionally, federal funds cannot be used as match for other federal awards.

Trust Fund – Units of Local Government may draw down JAG funds in advance. To do so, a trust fund must be established in which to deposit the funds. The trust fund may or may not be an interest-bearing account. If subrecipients draw down JAG funds in advance, they also must establish a trust fund in which to deposit funds. This trust fund requirement does not apply to direct JAG award recipients or subrecipients that draw down on a reimbursement basis rather than in advance.
Prohibited and Controlled Uses – The JAG Prohibited and Controlled Expenditures Guidance represents a combination of BJA-controlled items and those controlled under the Executive Order on “Federal Support for Local Law Enforcement Equipment Acquisition” that was signed on January 16, 2015. The guidance contains:

1. Table of all prohibited expenditures (strictly unallowable expenditures under JAG).
2. Table of all controlled expenditures (expenditures which require prior written approval from BJA under JAG; including UAV guidance checklist).
3. Controlled Expenditures Justification Template (must be completed and submitted for any JAG controlled expenditures request to be considered for approval by BJA).
4. Overall Controlled Expenditure/Equipment Guidance (should be reviewed in conjunction with the template prior to controlled expenditures request(s) being submitted to BJA).
5. Standards for State, Local and Tribal Law Enforcement Agencies for the Acquisition of Controlled Equipment with Federal Resources.

Additional information on JAG controlled and prohibited expenditures, along with the process for requesting prior approval from BJA to expend funds on controlled items, can be found within the JAG FAQs.

Cost Sharing or Matching Requirement
This solicitation does not require a match. However, if a successful application proposes a voluntary match amount, and OJP approves the budget, the total match amount incorporated into the approved budget becomes mandatory and subject to audit.

Pre-Agreement Cost (also known as Pre-award Cost) Approvals
Pre-agreement costs are costs incurred by the applicant prior to the start date of the period of performance of the grant award.

OJP does not typically approve pre-agreement costs; an applicant must request and obtain the prior written approval of OJP for all such costs. If approved, pre-agreement costs could be paid from grant funds consistent with a grantee’s approved budget, and under applicable cost standards. However, all such costs prior to award and prior to approval of the costs are incurred at the sole risk of an applicant. Generally, no applicant should incur project costs before submitting an application requesting federal funding for those costs. Should there be extenuating circumstances that appear to be appropriate for OJP's consideration as pre-agreement costs, the applicant should contact the point of contact listed on the title page of this announcement for details on the requirements for submitting a written request for approval. See the section on Costs Requiring Prior Approval in the Financial Guide, for more information.

Prior Approval, Planning, and Reporting of Conference/Meeting/Training Costs
OJP strongly encourages applicants that propose to use award funds for any conference-, meeting-, or training-related activity to review carefully—before submitting an application—the OJP policy and guidance on conference approval, planning, and reporting available at www.ojp.gov/financialguide/DOJ/PostawardRequirements/chapter3.10a.htm. OJP policy and guidance (1) encourage minimization of conference, meeting, and training costs; (2) require prior written approval (which may affect project timelines) of most conference, meeting, and training costs for cooperative agreement recipients and of some conference, meeting, and training costs for grant recipients; and (3) set cost limits, including a general prohibition of all food and beverage costs.
Costs Associated with Language Assistance (if applicable)
If an applicant proposes a program or activity that would deliver services or benefits to individuals, the costs of taking reasonable steps to provide meaningful access to those services or benefits for individuals with limited English proficiency may be allowable. Reasonable steps to provide meaningful access to services or benefits may include interpretation or translation services where appropriate.

For additional information, see the "Civil Rights Compliance" section under "Solicitation Requirements" in OJP's Funding Resource Center.

Other JAG Requirements

Compliance with Applicable Federal Laws
Applicants for state and local JAG formula grants are required to certify compliance with all applicable federal laws at the time of application. In that regard, Members of Congress have asked the Department of Justice to examine whether jurisdictions with “sanctuary policies” (i.e., policies that either prevent law enforcement from releasing persons without lawful immigration status into federal custody for deportation, or that prevent state or local law enforcement from sharing certain information with Department of Homeland Security [DHS] officials), are in violation of 8 U.S.C. section 1373.

All applicants should understand that if OJP receives information that indicates that an applicant may be in violation of any applicable federal law, that applicant may be referred to the DOJ Office of Inspector General (OIG) for investigation; if the applicant is found to be in violation of an applicable federal law by the OIG, the applicant may be subject to criminal and civil penalties, in addition to relevant OJP programmatic penalties, including suspension or termination of funds, inclusion on the high risk list, repayment of funds, or suspension and debarment.

Law Enforcement Agency Training Information
Any law enforcement agency receiving direct or subawarded JAG funding must submit quarterly accountability metrics data related to training on use of force, racial and ethnic bias, de-escalation of conflict, and constructive engagement with the public that officers have received. Any grantees that fail to submit this data will have their grant funds frozen.


Body-Worn Camera (BWC) purchases
Grantees who wish to use JAG funds to purchase BWC equipment, or to implement or enhance BWC programs, must certify that they or the law enforcement agency receiving the BWC funding have policies and procedures in place related to equipment usage, data storage, privacy, victims, access, disclosure, training, etc. A copy of the required BWC certification can be found at www.bja.gov/Funding/BodyWornCameraCert.pdf.

Any grantees that wish to use JAG funds for BWC-related expenses who do not have BWC policies and procedures in place will have funds withheld until a certification is submitted and approved by BJA.
The BJA BWC Toolkit provides model BWC policies, resources, and best practices to assist departments in implementing BWC programs.

**Body Armor**
Ballistic-resistant and stab-resistant body armor can be funded through two BJA-administered programs: the JAG Program and the Bulletproof Vest Partnership (BVP) Program. The BVP Program is designed to provide a critical resource to state and local law enforcement through the purchase of ballistic-resistant and stab-resistant body armor. A jurisdiction is able to request up to 50 percent of the cost of a vest with BVP funds. For more information on the BVP Program, including eligibility and application, refer to the BVP web page.

JAG funds may also be used to purchase vests for an agency, but they may not be used to pay for that portion of the ballistic-resistant vest (50 percent) that is not covered by BVP funds. Unlike BVP, JAG funds used to purchase vests do not require a 50 percent match. Vests purchased with JAG funds may be purchased at any threat level, make, or model from any distributor or manufacturer, as long as the vests have been tested and found to comply with the latest applicable National Institute of Justice (NIJ) ballistic or stab standards. In addition, vests purchased must be American-made. Information on the latest NIJ standards can be found at: www.nij.gov/topics/technology/body-armor/safety-initiative.htm.

As is the case in BVP, grantees who wish to purchase vests with JAG funds must certify that law enforcement agencies receiving vests have a written "mandatory wear" policy in effect. FAQs related to the mandatory wear policy and certifications can be found at www.bja.gov/Funding/JAGFAQ.pdf. This policy must be in place for at least all uniformed officers before any FY 2016 funding can be used by the agency for vests. There are no requirements regarding the nature of the policy other than it being a mandatory wear policy for all uniformed officers while on duty. The certification must be signed by the Authorized Representative and must be attached to the application. If the grantee proposes to change project activities to utilize JAG funds to purchase bulletproof vests after the application period (during the project period), the grantee must submit the signed certification to BJA at that time. A mandatory wear concept and issues paper and a model policy are available by contacting the BVP Customer Support Center vests@usdoj.gov or toll free at 1–877–758–3787.

A copy of the certification related to the mandatory wear can be found at: www.bja.gov/Funding/BodyArmorMandatoryWearCert.pdf.

**DNA Testing of Evidentiary Materials and Upload of DNA Profiles to a Database**
If JAG Program funds will be used for DNA testing of evidentiary materials, any resulting eligible DNA profiles must be uploaded to the Combined DNA Index System (CODIS, the national DNA database operated by the FBI) by a government DNA lab with access to CODIS. No profiles generated with JAG funding may be entered into any other non-governmental DNA database without prior express written approval from BJA. For more information, refer to the NIJ DNA Backlog Reduction Program, available at www.nij.gov/topics/forensics/lab-operations/evidence-backlogs/Pages/backlog-reduction-program.aspx.

In addition, funds may not be used for purchase of DNA equipment and supplies when the resulting DNA profiles from such technology are not accepted for entry into CODIS.
Interoperable Communications
Grantees (including subgrantees) that are using FY 2016 JAG Program funds to support emergency communications activities (including the purchase of interoperable communications equipment and technologies such as voice-over-internet protocol bridging or gateway devices, or equipment to support the build out of wireless broadband networks in the 700 MHz public safety band under the Federal Communications Commission (FCC) Waiver Order) should review FY 2016 SAFECOM Guidance. The SAFECOM Guidance is updated annually to provide current information on emergency communications policies, eligible costs, best practices, and technical standards for state, local, tribal, and territorial grantees investing federal funds in emergency communications projects. Additionally, emergency communications projects should support the Statewide Communication Interoperability Plan (SCIP) and be coordinated with the full-time Statewide Interoperability Coordinator (SWIC) in the state of the project. As the central coordination point for their state’s interoperability effort, the SWIC plays a critical role, and can serve as a valuable resource. SWICs are responsible for the implementation of the SCIP through coordination and collaboration with the emergency response community. The U.S. Department of Homeland Security Office of Emergency Communications maintains a list of SWICs for each of the 56 states and territories. Contact OEC@hq.dhs.gov. All communications equipment purchased with grant award funding should be identified during quarterly performance metrics reporting.

In order to promote information sharing and enable interoperability among disparate systems across the justice and public safety community, OJP requires the grantee to comply with DOJ’s Global Justice Information Sharing Initiative guidelines and recommendations for this particular grant. Grantee shall conform to the Global Standards Package (GSP) and all constituent elements, where applicable, as described at: www.it.ojp.gov/gsp_grantcondition. Grantees shall document planned approaches to information sharing and describe compliance to the GSP and appropriate privacy policy that protects shared information, or provide detailed justification for why an alternative approach is recommended.

C. Eligibility Information

For eligibility information, see the title page.

For additional information on cost sharing or matching requirements, see Section B. Federal Award Information.

Limit on Number of Application Submissions
If an applicant submits multiple versions of the same application, BJA will review only the most recent system-validated version submitted. For more information on system-validated versions, see How to Apply.

D. Application and Submission Information

What an Application Should Include
Applicants should anticipate that if they fail to submit an application that contains all of the specified elements, it may negatively affect the review of their application; and, should a decision be made to make an award, it may result in the inclusion of special conditions that
preclude the recipient from accessing or using award funds pending satisfaction of the conditions.

Applicants may combine the Budget Narrative and the Budget Detail Worksheet in one document. However, if an applicant submits only one budget document, it must contain both narrative and detail information. Please review the "Note on File Names and File Types" under How to Apply to be sure applications are submitted in permitted formats.

OJP strongly recommends that applicants use appropriately descriptive file names (e.g., "Program Narrative," "JAG Budget and Budget Narrative," "Timelines," "Memoranda of Understanding," "Résumés") for all attachments. Also, OJP recommends that applicants include résumés in a single file.

Failure to submit the required information will result in an application being returned in the Grants Management System (GMS) for inclusion of the missing information OR the attachment of a withholding of funds special condition at the time of award.

1. Information to Complete the Application for Federal Assistance (SF-424)

The SF-424 is a required standard form used as a cover sheet for submission of pre-applications, applications, and related information. GMS takes information from the applicant’s profile to populate the fields on this form.

Intergovernmental Review: This funding opportunity is subject to Executive Order 12372. Applicants may find the names and addresses of their state’s Single Point of Contact (SPOC) at the following website: www.whitehouse.gov/omb/financial_s poc/. Applicants whose state appears on the SPOC list must contact their state’s SPOC to find out about, and comply with, the state’s process under Executive Order 12372. In completing the SF-424, applicants whose state appears on the SPOC list are to make the appropriate selection in response to question 19 once the applicant has complied with their state’s E.O. 12372 process. (Applicants whose state does not appear on the SPOC list are to make the appropriate selection in response to question 19 to indicate that the “Program is subject to E.O. 12372 but has not been selected by the State for review.”)

2. Project Abstract

Applications should include a high-quality project abstract that summarizes the proposed project in 400 words or less. Project abstracts should be:

- Written for a general public audience and submitted as a separate attachment with "Project Abstract" as part of its file name.
- Single-spaced, using a standard 12-point font (Times New Roman) with 1-inch margins
- Include applicant name, title of the project, a brief description of the problem to be addressed and the targeted area/population, project goals and objectives, a description of the project strategy, any significant partnerships, and anticipated outcomes.
- Identify up to 5 project identifiers that would be associated with proposed project activities. The list of identifiers can be found at www.bja.gov/funding/JAGIdentifiers.pdf.

As a separate attachment, the project abstract will not count against the page limit for the program narrative.
3. Program Narrative
Applicants must submit a program narrative that generally describes the proposed program activities for the two or four year grant period. The narrative must outline the type of programs to be funded by the JAG award and provide a brief analysis of the need for the programs. Narratives must also identify anticipated coordination efforts involving JAG and related justice funds. Certified disparate jurisdictions submitting a joint application must specify the funding distribution to each disparate unit of local government and the purposes for which the funds will be used.

A plan for collecting the data required for this solicitation’s performance measures should also be included. To demonstrate program progress and success, as well as to assist the Department with fulfilling its responsibilities under the Government Performance and Results Act of 1993 (GPRA), Public Law 103-62, and the GPRA Modernization Act of 2010, Public Law 111-352, applicants that receive funding under this solicitation must provide data that measure the results of their work done under this solicitation. Quarterly accountability metrics reports must be submitted through BJA’s PMT, available at www.biaperformancetools.org. The accountability measures can be found at: http://www.biaperformancetools.org/help/iaqdocs.html.

BJA does not require applicants to submit performance measures data with their application. Performance measures are included as an alert that BJA will require successful applicants to submit specific data as part of their reporting requirements. For the application, applicants should indicate an understanding of these requirements and discuss how they will gather the required data, should they receive funding.

Note on Project Evaluations
Applicants that propose to use funds awarded through this solicitation to conduct project evaluations should be aware that certain project evaluations (such as systematic investigations designed to develop or contribute to generalizable knowledge) may constitute “research” for purposes of applicable DOJ human subjects protection regulations. However, project evaluations that are intended only to generate internal improvements to a program or service, or are conducted only to meet OJP’s performance measure data reporting requirements likely do not constitute “research.” Applicants should provide sufficient information for OJP to determine whether the particular project they propose would either intentionally or unintentionally collect and/or use information in such a way that it meets the DOJ regulatory definition of research.

Research, for the purposes of human subjects protections for OJP-funded programs, is defined as, “a systematic investigation, including research development, testing, and evaluation, designed to develop or contribute to generalizable knowledge” 28 C.F.R. § 46.102(d). For additional information on determining whether a proposed activity would constitute research, see the decision tree to assist applicants on the “Research and the Protection of Human Subjects” section of the OJP’s Funding Resource Center. Applicants whose proposals may involve a research or statistical component also should review the “Data Privacy and Confidentiality Requirements” section on that web page.

4. Budget Detail Worksheet and Budget Narrative
Applicants must submit a budget detail worksheet and budget narrative outlining how JAG funds, including administrative funds (up to 10% of the grant award) if applicable, will be used to
support and implement the program. Please note that if an applicant submits only one budget document, it must contain both narrative and detail information.

a. **Budget Detail Worksheet**
A sample Budget Detail Worksheet can be found at [www.ojp.gov/funding/Apply/Resources/BudgetDetailWorksheet.pdf](http://www.ojp.gov/funding/Apply/Resources/BudgetDetailWorksheet.pdf). Applicants that submit their budget in a different format should include the budget categories listed in the sample budget worksheet. The Budget Detail Worksheet should be broken down by year.

b. **Budget Narrative**
The budget narrative should thoroughly and clearly describe every category of expense listed in the Budget Detail Worksheet. OJP expects proposed budgets to be complete, cost effective, and allowable (e.g., reasonable, allocable, and necessary for project activities). **This narrative should include a full description of all costs, including administrative costs (if applicable) and how funds will be allocated across the seven allowable JAG program areas** (law enforcement, prosecution, indigent defense, courts, crime prevention and education, corrections and community corrections, drug treatment and enforcement, planning, evaluation, technology improvement, and crime victim and witness initiatives).

Applicants should demonstrate in their budget narratives how they will maximize cost effectiveness of grant expenditures. Budget narratives should generally describe cost effectiveness in relation to potential alternatives and the goals of the project. For example, a budget narrative should detail why planned in-person meetings are necessary, or how technology and collaboration with outside organizations could be used to reduce costs, without compromising quality.

The narrative should be mathematically sound and correspond with the information and figures provided in the Budget Detail Worksheet. The narrative should explain how the applicant estimated and calculated all costs, and how they are relevant to the completion of the proposed project. The narrative may include tables for clarification purposes but need not be in a spreadsheet format. As with the Budget Detail Worksheet, the Budget Narrative should be broken down by year.

For questions pertaining to budget and examples of allowable and unallowable costs, see the DOJ Grants Financial Guide at [www.ojp.gov/financialguide/index.htm](http://www.ojp.gov/financialguide/index.htm).

c. **Non-Competitive Procurement Contracts In Excess of Simplified Acquisition Threshold**
If an applicant proposes to make one or more non-competitive procurements of products or services, where the non-competitive procurement will exceed the simplified acquisition threshold (also known as the small purchase threshold), which is currently set at $150,000, the application should address the considerations outlined in the Financial Guide.

d. **Pre-Agreement Costs**
For information on pre-agreement costs, see “Pre-Agreement Cost Approvals” under Section B. Federal Award Information.
5. **Indirect Cost Rate Agreement (if applicable)**
Indirect costs are allowed only under the following circumstances:
(a) The applicant has a current, federally approved indirect cost rate; or
(b) The applicant is eligible to use and elects to use the "de minimis" indirect cost rate described in the Part 200 Uniform Requirements as set out at 2 C.F.R. 200.414(f).

Attach a copy of the federally approved indirect cost rate agreement to the application. Applicants that do not have an approved rate may request one through their cognizant federal agency, which will review all documentation and approve a rate for the applicant organization, or, if the applicant’s accounting system permits, costs may be allocated in the direct cost categories. For the definition of Cognizant Federal Agency, see the “Glossary of Terms” in the Financial Guide. For assistance with identifying your cognizant agency, please contact the Customer Service Center at 1-800-458-0786 or at ask.ocfo@usdoj.gov. If DOJ is the cognizant federal agency, applicants may obtain information needed to submit an indirect cost rate proposal at www.ojp.gov/funding/Apply/Resources/IndirectCosts.pdf.

In order to use the "de minimis" indirect rate, attach written documentation to the application that advises OJP of both the applicant’s eligibility (to use the "de minimis" rate) and its election. If the applicant elects the "de minimis" method, costs must be consistently charged as either indirect or direct costs, but may not be double charged or inconsistently charged as both. In addition, if this method is chosen then it must be used consistently for all federal awards until such time as you choose to negotiate a federally approved indirect cost rate.³

6. **Tribal Authorizing Resolution (if applicable)**
Tribes, tribal organizations, or third parties proposing to provide direct services or assistance to residents on tribal lands should include in their applications a resolution, a letter, affidavit, or other documentation, as appropriate, that certifies that the applicant has the legal authority from the tribe(s) to implement the proposed project on tribal lands. In those instances when an organization or consortium of tribes applies for a grant on behalf of a tribe or multiple specific tribes, the application should include appropriate legal documentation, as described above, from all tribes that would receive services or assistance under the grant. A consortium of tribes for which existing consortium bylaws allow action without support from all tribes in the consortium (i.e., without an authorizing resolution or comparable legal documentation from each tribal governing body) may submit, instead, a copy of its consortium bylaws with the application.

Applicants unable to submit an application that includes a fully-executed (i.e., signed) copy of appropriate legal documentation, as described above, consistent with the applicable tribe’s governance structure, should, at a minimum, submit an unsigned, draft version of such legal documentation as part of its application (except for cases in which, with respect to a tribal consortium applicant, consortium bylaws allow action without the support of all consortium member tribes). If selected for funding, BJA will make use of and access to funds contingent on receipt of the fully-executed legal documentation.

7. **Applicant Disclosure of High Risk Status**
Applicants that are currently designated high risk by another federal grant making agency must disclose that status. This includes any status requiring additional oversight by the federal agency due to past programmatic or financial concerns. If an applicant is designated

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high risk by another federal grant making agency, the applicant must email the following information to OJPComplianceReporting@usdoj.gov at the time of application submission:

- The federal agency that currently designated the applicant as high risk
- Date the applicant was designated high risk
- The high risk point of contact name, phone number, and email address, from that federal agency
- Reasons for the high risk status

OJP seeks this information to ensure appropriate federal oversight of any grant award. Disclosing this high risk information does not disqualify any organization from receiving an OJP award. However, additional grant oversight may be included, if necessary, in award documentation.

8. Additional Attachments

a. Review Narrative

Applicants must submit information documenting that the date the JAG application was made available for review by the governing body of the state, or to an organization designated by that governing body, was not less than 30 days before the application was submitted to BJA. If the 30 governing body requirement cannot be met before the application deadline, a withholding special condition will be placed on the award until the governing body requirement can be met. The attachment must also specify that an opportunity to comment was provided to citizens prior to application submission to the extent applicable law or established procedures make such opportunity available.

Below are notification language templates that can be utilized in completing this section of the application.

The (provide name of State/Territory) made its Fiscal Year 2015 JAG application available to the (provide name of governing body) for its review and comment on (provide date); or intends to do so on (provide date).

The (provide name of State/Territory) made its Fiscal Year 2015 JAG application available to citizens for comment prior to application submission by (provide means of notification); or the application has not yet been made available for public review/comment.

b. Memorandum of Understanding (if applicable)

Jurisdictions certified as disparate must identify a fiscal agent that will submit a joint application for the aggregate eligible allocation to all disparate municipalities. The joint application must determine and specify the award distribution to each unit of local government and the purposes for which the funds will be used. When beginning the JAG application process, a Memorandum of Understanding (MOU) that identifies which jurisdiction will serve as the applicant/fiscal agent for joint funds must be completed and signed by the Authorized Representative for each participating jurisdiction. The signed MOU must be attached to the application. For a sample MOU, go to www.bja.gov/Funding/JAGMOU.pdf.
c. Applicant Disclosure of Pending Applications

Applicants are to disclose whether they have pending applications for federally funded grants or subgrants (including cooperative agreements) that include requests for funding to support the same project being proposed under this solicitation and will cover the identical cost items outlined in the budget narrative and worksheet in the application under this solicitation. The disclosure should include both direct applications for federal funding (e.g., applications to federal agencies) and indirect applications for such funding (e.g., applications to state agencies that will subaward federal funds).

OJP seeks this information to help avoid any inappropriate duplication of funding. Leveraging multiple funding sources in a complementary manner to implement comprehensive programs or projects is encouraged and is not seen as inappropriate duplication.

Applicants that have pending applications as described above are to provide the following information about pending applications submitted within the last 12 months:

- The federal or state funding agency
- The solicitation name/project name
- The point of contact information at the applicable funding agency

<table>
<thead>
<tr>
<th>Federal or State Funding Agency</th>
<th>Solicitation Name/Project Name</th>
<th>Name/Phone/Email for Point of Contact at Funding Agency</th>
</tr>
</thead>
<tbody>
<tr>
<td>DOJ/COPS</td>
<td>COPS Hiring Program</td>
<td>Jane Doe, 202/000-0000; <a href="mailto:jane.doe@usdoj.gov">jane.doe@usdoj.gov</a></td>
</tr>
<tr>
<td>HHS/ Substance Abuse &amp; Mental Health Services Administration</td>
<td>Drug Free Communities Mentoring Program/ North County Youth Mentoring Program</td>
<td>John Doe, 202/000-0000; <a href="mailto:john.doe@hhs.gov">john.doe@hhs.gov</a></td>
</tr>
</tbody>
</table>

Applicants should include the table as a separate attachment to their application. The file should be named “Disclosure of Pending Applications.”

Applicants that do not have pending applications as described above are to include a statement to this effect in the separate attachment page (e.g., “[Applicant Name on SF-424] does not have pending applications submitted within the last 12 months for federally funded grants or subgrants (including cooperative agreements) that include requests for funding to support the same project being proposed under this solicitation and will cover the identical cost items outlined in the budget narrative and worksheet in the application under this solicitation.”).

d. Research and Evaluation Independence and Integrity
If a proposal involves research and/or evaluation, regardless of the proposal’s other merits, in order to receive funds, the applicant must demonstrate research/evaluation independence, including appropriate safeguards to ensure research/evaluation objectivity and integrity, both in this proposal and as it may relate to the applicant’s other current or prior related projects. This documentation may be included as an attachment to the application which addresses BOTH i. and ii. below.

i. For purposes of this solicitation, applicants must document research and evaluation independence and integrity by including, at a minimum, one of the following two items:

   a. A specific assurance that the applicant has reviewed its proposal to identify any research integrity issues (including all principal investigators and subrecipients) and it has concluded that the design, conduct, or reporting of research and evaluation funded by BJA grants, cooperative agreements, or contracts will not be biased by any personal or financial conflict of interest on the part of part of its staff, consultants, and/or subrecipients responsible for the research and evaluation or on the part of the applicant organization;

   OR

   b. A specific listing of actual or perceived conflicts of interest that the applicant has identified in relation to this proposal. These conflicts could be either personal (related to specific staff, consultants, and/or subrecipients) or organizational (related to the applicant or any subgrantee organization). Examples of potential investigator (or other personal) conflict situations may include, but are not limited to, those in which an investigator would be in a position to evaluate a spouse’s work product (actual conflict), or an investigator would be in a position to evaluate the work of a former or current colleague (potential apparent conflict). With regard to potential organizational conflicts of interest, as one example, generally an organization could not be given a grant to evaluate a project if that organization had itself provided substantial prior technical assistance to that specific project or a location implementing the project (whether funded by OJP or other sources), as the organization in such an instance would appear to be evaluating the effectiveness of its own prior work. The key is whether a reasonable person understanding all of the facts would be able to have confidence that the results of any research or evaluation project are objective and reliable. Any outside personal or financial interest that casts doubt on that objectivity and reliability of an evaluation or research product is a problem and must be disclosed.

ii. In addition, for purposes of this solicitation applicants must address the issue of possible mitigation of research integrity concerns by including, at a minimum, one of the following two items:

   a. If an applicant reasonably believes that no potential personal or organizational conflicts of interest exist, then the applicant should provide a brief narrative explanation of how and why it reached that conclusion. Applicants MUST also include an explanation of the specific processes and
procedures that the applicant will put in place to identify and eliminate (or, at the very least, mitigate) potential personal or financial conflicts of interest on the part of its staff, consultants, and/or subrecipients for this particular project, should that be necessary during the grant period. Documentation that may be helpful in this regard could include organizational codes of ethics/conduct or policies regarding organizational, personal, and financial conflicts of interest.

OR

b. If the applicant has identified specific personal or organizational conflicts of interest in its proposal during this review, the applicant must propose a specific and robust mitigation plan to address conflicts noted above. At a minimum, the plan must include specific processes and procedures that the applicant will put in place to eliminate (or, at the very least, mitigate) potential personal or financial conflicts of interest on the part of its staff, consultants, and/or subrecipients for this particular project, should that be necessary during the grant period. Documentation that may be helpful in this regard could include organizational codes of ethics/conduct or policies regarding organizational, personal, and financial conflicts of interest. There is no guarantee that the plan, if any, will be accepted as proposed.

Considerations in assessing research and evaluation independence and integrity will include, but are not limited to, the adequacy of the applicant's efforts to identify factors that could affect the objectivity or integrity of the proposed staff and/or the organization in carrying out the research, development, or evaluation activity; and the adequacy of the applicant's existing or proposed remedies to control any such factors.

In accordance with the Part 200 Uniform Requirements as set out at 2 C.F.R. 200.205, federal agencies must have in place a framework for evaluating the risks posed by applicants before they receive a federal award. To facilitate part of this risk evaluation, all applicants (other than an individual) are to download, complete, and submit this form.

10. Disclosure of Lobbying Activities
Any applicant that expends any funds for lobbying activities is to provide the detailed information requested on the form, Disclosure of Lobbying Activities (SF-LLL).

How to Apply

Applicants must submit applications through the Grants Management System (GMS), which provides support for the application, award, and management of awards at OJP. Applicants must register in GMS for each specific funding opportunity. Although the registration and submission deadlines are the same, OJP urges applicants to register immediately, especially if this is their first time using the system. Find complete instructions on how to register and submit an application in GMS at www.ojp.gov/gmsctft. Applicants that experience technical difficulties during this process should email GMS.HelpDesk@usdoj.gov or call 888-549-9901 (option 3), Monday–Friday from 8:00 a.m. to midnight, Eastern Time, except federal holidays. OJP recommends that applicants register promptly to prevent delays in submitting an application package by the deadline.

OJP may not make a federal award to an applicant organization until the applicant organization has complied with all applicable DUNS and SAM requirements. Individual applicants must comply with all Grants.gov requirements. If an applicant has not fully complied with the requirements by the time the federal awarding agency is ready to make a federal award, the federal awarding agency may determine that the applicant is not qualified to receive a federal award and use that determination as a basis for making a federal award to another applicant.

All applicants should complete the following steps:

1. **Acquire a Data Universal Numbering System (DUNS) number.** In general, the Office of Management and Budget (OMB) requires that all applicants (other than individuals) for federal funds include a DUNS number in their application for a new award or a supplement to an existing award. A DUNS number is a unique nine-digit sequence recognized as the universal standard for identifying and differentiating entities receiving Federal funds. The identifier is used for tracking purposes and to validate address and point of contact information for federal assistance applicants, recipients, and subrecipients. The DUNS number will be used throughout the grant life cycle. Obtaining a DUNS number is a free, one-time activity. Call Dun and Bradstreet at 866-705-5711 to obtain a DUNS number or apply online at [www.dnb.com](http://www.dnb.com). A DUNS number is usually received within 1-2 business days.

2. **Acquire registration with the System for Award Management (SAM).** SAM is the repository for standard information about federal financial assistance applicants, recipients, and subrecipients. OJP requires that all applicants (other than individuals) for federal financial assistance maintain current registrations in the SAM database. Applicants must update or renew their SAM registration annually to maintain an active status. SAM registration and renewal can take as long as 10 business days to complete.

   Information about SAM registration procedures can be accessed at [www.sam.gov](http://www.sam.gov).

3. **Acquire a GMS username and password.** New users must create a GMS profile by selecting the "First Time User" link under the sign-in box of the GMS home page. For more information on how to register in GMS, go to [www.ojp.gov/gmscbt](http://www.ojp.gov/gmscbt).

4. **Verify the SAM (formerly CCR) registration in GMS.** OJP requests that all applicants verify their SAM registration in GMS. Once logged into GMS, click the "CCR Claim" link on the left side of the default screen. Click the submit button to verify the SAM (formerly CCR) registration.

5. **Search for the funding opportunity on GMS.** After logging into GMS or completing the GMS profile for username and password, go to the "Funding Opportunities" link on the left side of the page. Select BJA and the FY 16 Edward Byrne Memorial Local Justice Assistance Grant (JAG) Program.

6. **Register by selecting the “Apply Online” button associated with the funding opportunity title.** The search results from step 5 will display the funding opportunity title
along with the registration and application deadlines for this funding opportunity. Select the "Apply Online" button in the "Action" column to register for this funding opportunity and create an application in the system.

7. **Follow the directions in GMS to submit an application consistent with this solicitation.** Once submitted, GMS will display a confirmation screen stating the submission was successful. **Important:** In some instances, applicants must wait for GMS approval before submitting an application. OJP urges applicants to submit the application **at least 72 hours prior** to the application due date.

**Note: Duplicate Applications**
If an applicant submits multiple versions of the same application, BJA will review only the most recent system-validated version submitted. See Note on “File Names and File Types” under How to Apply.

**Experiencing Unforeseen GMS Technical Issues**
Applicants that experience unforeseen GMS technical issues beyond their control that prevent them from submitting their application by the deadline must contact the GMS Help Desk or the SAM Help Desk (Federal Service Desk) to report the technical issue and receive a tracking number. Then the applicant must email the BJA contact identified in the Contact Information section on page 2 **within 24 hours after the application deadline** and request approval to submit their application. The email must describe the technical difficulties and include a timeline of the applicant’s submission efforts, the complete grant application, the applicant’s DUNS number, and any GMS Help Desk or SAM tracking number(s). **Note: BJA does not approve requests automatically.** After the program office reviews the submission, and contacts the GMS Help Desk to validate the reported technical issues, OJP will inform the applicant whether the request to submit a late application has been approved or denied. If OJP determines that the applicant failed to follow all required procedures, which resulted in an untimely application submission, OJP will deny the applicant’s request to submit their application.

The following conditions are generally insufficient to justify late submissions:

- Failure to register in SAM or GMS in sufficient time (SAM registration and renewal can take as long as 10 business days to complete)
- Failure to follow GMS instructions on how to register and apply as posted on the GMS website
- Failure to follow each instruction in the OJP solicitation
- Technical issues with the applicant’s computer or information technology environment, including firewalls, browser incompatibility, etc.

**Notifications regarding known technical problems with GMS, if any, are posted at the top of the OJP funding web page at [http://ojp.gov/funding/index.htm](http://ojp.gov/funding/index.htm).**

**E. Application Review Information**

**Review Process**

OJP is committed to ensuring a fair and open process for awarding grants. BJA reviews the application to make sure that the information presented is reasonable, understandable,
measurable, and achievable, as well as consistent with the solicitation. BJA will also review applications to ensure statutory requirements have been met.

OJP reviews applications for potential awards to evaluate the risks posed by applicants before they receive an award. This review may include but is not limited to the following:

1. Financial stability and fiscal integrity
2. Quality of management systems and ability to meet the management standards prescribed in the Financial Guide
3. History of performance
4. Reports and findings from audits
5. The applicant’s ability to effectively implement statutory, regulatory, or other requirements imposed on award recipients

Absent explicit statutory authorization or written delegation of authority to the contrary, the Assistant Attorney General will make all final award decisions.

F. Federal Award Administration Information

Federal Award Notices
OJP sends award notification by email through GMS to the individuals listed in the application as the point of contact and the authorizing official. The email notification includes detailed instructions on how to access and view the award documents, and how to accept the award in GMS. GMS automatically issues the notifications at 9:00 p.m. eastern time on the award date (by September 30, 2016). Recipients will be required to login; accept any outstanding assurances and certifications on the award; designate a financial point of contact; and review, sign, and accept the award. The award acceptance process involves physical signature of the award document by the authorized representative and the scanning of the fully-executed award document to OJP.

Administrative, National Policy, and other Legal Requirements
If selected for funding, in addition to implementing the funded project consistent with the agency-approved project proposal and budget, the recipient must comply with award terms and conditions, and other legal requirements, including but not limited to OMB, DOJ, or other federal regulations which will be included in the award, incorporated into the award by reference, or are otherwise applicable to the award. OJP strongly encourages prospective applicants to review the information pertaining to these requirements prior to submitting an application. To assist applicants and recipients in accessing and reviewing this information, OJP has placed pertinent information on its Solicitation Requirements page of OJP’s Funding Resource Center website.

Please note in particular the following two forms, which applicants must accept in GMS prior to the receipt of any award funds, as each details legal requirements with which applicants must provide specific assurances and certifications of compliance. Applicants may view these forms in the Apply section of OJP’s Funding Resource Center and are strongly encouraged to review and consider them carefully prior to making an application for OJP grant funds.

- Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements
• Standard Assurances

Upon grant approval, OJP electronically transmits (via GMS) the award document to the prospective award recipient. In addition to other award information, the award document contains award terms and conditions that specify national policy requirements with which recipients of federal funding must comply; uniform administrative requirements, cost principles, and audit requirements; and program-specific terms and conditions required based on applicable program (statutory) authority or requirements set forth in OJP solicitations and program announcements, and other requirements which may be attached to appropriated funding. For example, certain efforts may call for special requirements, terms, or conditions relating to intellectual property, data/information-sharing or -access, or information security; or audit requirements, expenditures and milestones; or publications and/or press releases. OJP also may place additional terms and conditions on an award based on its risk assessment of the applicant, or for other reasons it determines necessary to fulfill the goals and objectives of the program.

Prospective applicants may access and review the text of mandatory conditions OJP includes in all OJP awards, as well as the text of certain other conditions, such as administrative conditions, via OJP’s Mandatory Award Terms and Conditions page of OJP’s Funding Resource Center.

General Information about Post-Federal Award Reporting Requirements
Recipients must submit quarterly financial reports, semi-annual progress reports, final financial and progress reports, an annual audit report in accordance with the Part 200 Uniform Requirements, if applicable, and Federal Funding Accountability and Transparency Act (FFATA) reports through the FFATA Sub-award Reporting System (FSRS) as necessary. Future awards and fund drawdowns may be withheld if reports are delinquent.

Special Reporting requirements may be required by OJP depending on the statutory, legislative or administrative requirements of the recipient or the program.

G. Federal Awarding Agency Contact(s)

For Federal Awarding Agency Contact(s), see title page.

For contact information for GMS, see title page.

H. Other Information

Provide Feedback to OJP
To assist OJP in improving its application and award processes, we encourage applicants to provide feedback on this solicitation, the application submission process, and/or the application review process. Provide feedback to OJPSolicitationFeedback@usdoj.gov.

---

4 See generally 2 C.F.R. 200.300 (provides a general description of national policy requirements typically applicable to recipients of federal awards, including the Federal Funding Accountability and Transparency Act of 2006 [FFATA]).
IMPORTANT: This email is for feedback and suggestions only. Replies are not sent from this mailbox. If you have specific questions on any program or technical aspect of the solicitation, you must directly contact the appropriate number or email listed on the front of this solicitation document. These contacts are provided to help ensure that you can directly reach an individual who can address your specific questions in a timely manner.

If you are interested in being a reviewer for other OJP grant applications, please email your resume to ojppeerreview@imsolas.com. The OJP Solicitation Feedback email account will not forward your resume. Note: Neither you nor anyone else from your organization can be a peer reviewer in a competition in which you or your organization have submitted an application.
Application Checklist
Edward Byrne Memorial Justice Assistance Grant (JAG) Program:
FY 2016 Local Solicitation

This application checklist has been created to assist in developing an application.

What an Applicant Should Do:

Prior to Registering in GMS:
_____ Acquire a DUNS Number (see page 23)
_____ Acquire or renew registration with SAM (see page 23)

To Register with GMS:
_____ For new users, acquire a GMS username and password* (see page 23)
_____ For existing users, check GMS username and password* to ensure account access
   (see page 23)
_____ Verify SAM registration in GMS (see page 23)
_____ Search for correct funding opportunity in GMS (see page 23)
_____ Select correct funding opportunity in GMS (see page 23)
_____ Register by selecting the “Apply Online” button associated with the funding opportunity
   title (see page 23)
_____ Read OJP policy and guidance on conference approval, planning, and reporting available
   at Post Award Requirements (see page 11)
_____ If experiencing technical difficulties in GMS, contact the NCJRS Response Center (see
   page 24)

*Password Reset Notice – GMS users are reminded that while password reset capabilities exist,
this function is only associated with points of contacts designated within GMS at the time the
account was established. Neither OJP nor the GMS Help Desk will initiate a password reset
unless requested by the authorized official or a designated point of contact associated with an
award or application.

General Requirements:

_____ Review Solicitation Requirements web page in the OJP Funding Resource Center.

Scope Requirement:

_____ The federal amount requested is within the allowable limit(s) of the FY 2016 JAG
   Allocations List as listed on BJA’s JAG web page

Eligibility Requirement:
_____ State/Territory listed as the legal name on the application corresponds with the eligible
   State/Territory listed on BJA’s JAG web page
What an Application Should Include:

- Application for Federal Assistance (SF-424) (see page 15)
- Intergovernmental Review (see page 15)
- Project Abstract (see page 15)
- Program Narrative (see page 16)
- Budget (see page 17)
- Budget Narrative (see page 17)
- Indirect Cost Rate Agreement (if applicable) (see page 18)
- Tribal Authorizing Resolution (if applicable) (see page 18)
- Applicant Disclosure of High Risk Status (If applicable see page 18)
- Additional Attachments (see page 19)
  - Review Narrative (see page 19)
  - Applicant Disclosure of Pending Applications (see page 20)
  - Research and Evaluation Independence and Integrity (see page 20)
- Disclosure of Lobbying Activities (SF-LLL) (if applicable) (see page 22)
- Financial Management and System of Internal Controls Questionnaire (see page 22)
Approval for Contract Award of the construction contract for the County Roadway Safety Program, CRP 915015 to Razz Construction, Inc.

Attachment:
1. Memo
2. Bid Tabulation
3. Project Narrative
4. Approval for Contract Award

Public Works respectfully requests that the County Council authorize the County Executive to sign the Approval for Contract Award of the construction contract for the County Roadway Safety Program, CRP 915015 to Razz Construction, Inc.

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

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

Through: Jon Hutchings, Director

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

Date: June 14, 2016

Re: County Roadway Safety Program
    CRP No. 915015 & 916012; Cost Center 355104 & 355100;
    Federal Aid #HSIP-000S(440)
    Construction Contract for Award

Attached for your review and signature is the standard construction contract award package for the County Roadway Safety Program, CRP 915015. This package consists of the following: agenda bill, approval for contract award, and tabulation of all bids.

Requested Action
Public Works respectfully requests that the County Council authorize the County Executive to enter into a contract with the low bidder, Razz Construction, Inc. A project-based budget for this project was established by the Whatcom County Council on November 25, 2014 under Ordinance 2014-071. Upon receipt of the signed Approval for Contract Award form, Public Works will submit the construction contract to the County Executive for contract execution.

Background and Purpose
Bid proposals for the project were opened at 2:30 p.m. on Tuesday, June 7, 2016. A total of three (3) responsive bids were received, with Razz Construction, Inc. being the lowest responsible bidder in the amount of $678,890.00. The project is listed as Item No. 20 on the 2016 Annual Construction Program.

Funding Amount and Source
Whatcom County has been awarded $680,000 in federal Highway Safety Improvement Program (HSIP) funds for the construction phase, and this portion of the project (shoulder rumble strips and horizontal alignment signs) is 100% federally funded under CRP 915015. The locally funded work (centerline rumble strips) will be covered under CRP 916012, Unanticipated Site Improvements.

Please contact Jim Karcher at extension 6271 if you have any questions or concerns regarding this contract.

In accordance with W.C.C. 3.08.090, I concur with this recommendation:

Sara Winger, Purchasing Coordinator

Date
06/20/2016
### Item No. Description

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**Total Schedule A**

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*Note: Amounts in bold and italic represent a correction to the contractor's submitted bid.*

### Item No. Description

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**Total Schedule B**

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**Total Bid: Schedule A & B**

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1 I hereby certify that the amounts tabulated herein are correct and accurately represent the amounts contained in the Engineer’s estimate and the respective bid proposals opened at 2:30 P.M., June 7, 2016, for the County Roadway Safety Program CRP No. 15018.

[Signature]

Joseph P. Rutan, P.E.
County Engineer

2 STATE OF WASHINGTON

COUNTY OF WHATCOM

On this day personally appeared before me, Joseph P. Rutan, P.E., known to me to be the County Engineer and the person described herein and who executed the within and foregoing instrument.

[Signature]

Andrea J. Smith

Notary Public

Residing at Bellingham

My commission expires:

---

CRP CURRENT PROJECTS\County Roadway Safety Program\CRP-600 Construction\610-Award\CRP Bid Tab 15018.xlt
County Roadway Safety Program
CRP # 915015

Construction Funding Year(s): 2016/2017

Project Narrative:
This project was the result of a Federal Safety Initiative to reduce fatalities and serious injury collisions on county roadways throughout the state. Whatcom County’s grant addresses safety concerns through signage and rumble strips. This project is #R28 on the 2016-2021 Six Year Transportation Improvement Program.

Project Status:
Design began in 2015. Construction will begin in 2016

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<th>Total Estimated Project Cost: $ 750,000</th>
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<td>Expenditures to Date: $ 0</td>
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Due to the nature of this program item, no map exists.
County Roadway Safety Program

CRP No. 915015 & CRP No. 916012
Cost Center 355104 & 355100
Federal Aid #HSIP-000S(440)

APPROVAL FOR CONTRACT AWARD

Approval is hereby granted to award the Contract as follows:

Project: County Roadway Safety Program

To: Razz Construction, Inc.

In the amount of their bid proposal $678,890.00 including all taxes.

Whatcom County Executive
Approving Authority

Daniel L. Gibson
Chief Civil Deputy Prosecutor

Date

June 17, 2016
### WHATCOM COUNTY COUNCIL AGENDA BILL

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**TITLE OF DOCUMENT:** Award of Bid 16-31 Annual Supply of Rock, Gravel & Soil

**ATTACHMENTS:** Memos from Finance and the Public Works

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

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

**Requested Date:**

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

Public Works Maintenance & Operations requested bids for the annual supply of rock, gravel & soil for use as needed in various county road maintenance, and Parks department projects. They would like approval to accept all bids and select the appropriate vendor as dictated by the special circumstances of the particular job. This is a regularly budgeted expenditure and funds have been approved in the 2016 budget. Product is purchased on an as need basis and expenditures will not exceed $300,000.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

**Please Note:** Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: [www.co.whatcom.wa.us/council](http://www.co.whatcom.wa.us/council).
DATE: June 20, 2016
TO: Jack Louws, County Executive
FROM: Brad Bennett, AS Finance Manger
SUBJECT: Award of Bid 16-31 – Annual Supply of Rock, Gravel & Soil

BACKGROUND & PURPOSE

Bids were advertised for the annual supply of rock, gravel and soil for various Public Works Maintenance & Operations and Parks & Recreation projects as needed from July 1, 2016 through June 30, 2017. Six firms submitted bids on Tuesday, June 7, 2016. A tabulation of the prices is attached.

Generally the County will select the supplier submitting the lowest bid price for the specific material needed. However, under special circumstances, the County may select the supplier or suppliers that best meet the requirements for that particular job based on criteria other than lowest bid price.

Special circumstances which may be considered include:

- Differences in ability to deliver
- Delivery time
- Availability of material
- Special loading or unloading conditions
- Total cost including transport and or labor, if not included with bid item
- Performance of the delivered material
- Location of the source
- Proximity to the delivery point

If the materials of the lowest priced vendor do not meet specifications for a particular job, or if a pattern of failing to meet specifications is apparent to the County, the County reserves the right to use the next lowest qualifying bidder, in light of the special circumstances noted above. All gravel must be obtained from pits that are in compliance with all applicable laws and regulations. Public Works recommends accepting all bids received.

FUNDING

This is a regularly budgeted item and funds have been approved in the current budget. Product is purchased on an as needed basis and total annual expenditures will not exceed $300,000.00. I concur with this recommendation.

AS Finance Manager

Approved as recommended:

_____________________________________
County Executive

Date of Council Action ______________________
MEMORANDUM

To: Brad Bennett, AS Finance Manager

Through: Jon Hutchings, Public Works Director

From: Eric L. Schlehuber, PW Equipment Services Manager

Date: June 15, 2016

Re: Bid #16-31, 2016-2017 Annual Supply of Rock, Gravel, and Soil

- Requested Action
  I am requesting Executive and Council approval to purchase rock, gravel, and soil as needed during 2016-2017 from any of the following vendors: Concrete Nor’West, Cowden Gravel and Ready Mix, Ferndale Ready Mix and Gravel, Granite Construction Company, Iverson Earthworks, and Stremler Gravel. Consideration will be given as to the differences in ability to deliver, delivery time, availability of material, special loading or unloading conditions, total cost including transport if not included with bid item, performance of the delivered material, location of the source, and proximity to the delivery point.

- Background and Purpose
  Bids were duly advertised for the supply of rock, gravel, and soil. The purpose of this bid is to establish firm prices for the purchase of rock, gravel, and soil for use on various Public Works and Parks & Recreation projects from July 1, 2016 through June 30, 2017. The Maintenance & Operations Division of the Public Works Department and the Parks & Recreation Department uses these materials regularly for annual maintenance on county roads, beaches, county road projects, and parks. Bid responses were received Tuesday, June 7, 2016. We received good responses from six vendors (total of eleven locations). Attached is a copy of the Whatcom County Bid Opening Results which lists the price for each category type of rock, gravel, and soil.

- Funding Amount and Source
  These are regularly budgeted expenditures for material, which are used on an annual basis as needed and have been budgeted during the 2015-2016 Budget process. Based on prior and estimated usage it is anticipated total expenditures are not to exceed $300,000 and, therefore, requires Whatcom County Council approval.

- Recommendation
  Please approve this purchase and forward to the Executive and the Whatcom County Council for approval at the June 28, 2016 Whatcom County Council Meeting. Please contact Eric L. Schlehuber at extension 6405, if you have any questions or concerns.

Enclosures
# WHATCOM COUNTY BID OPENING RESULTS

The following information is a record of bidders and their bid totals as received at the time of the bid opening.

All bids are subject to review by the requesting department and approval by the county Executive and the county Council. A formal award or rejection notice and tabulation will be issued to all participants or to any interested parties once the bid has been awarded.

**BID 16-31 2016-2017 Annual Supply of Rock, Gravel, and Soil**

**PUBLIC WORKS - MAINTENANCE and OPERATIONS**

**2:30 PM, TUESDAY, JUNE 7, 2016**

<table>
<thead>
<tr>
<th>PRODUCTS</th>
<th>Concrete Nor’West</th>
<th>Cowden AXTON</th>
<th>Cowden CEDARVILLE</th>
<th>Cowden CLAUSEN</th>
<th>Cowden SIFER</th>
<th>Ferndale FERNDALE</th>
<th>Ferndale KENDALL</th>
<th>Ferndale LYNDEN</th>
<th>Ferndale NORTH STAR</th>
<th>Granite SINGER</th>
<th>Iverson IVerson YARD</th>
<th>Stremler LYNDEN</th>
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<td>1 1¼” Minus, Crushed</td>
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<td>20 5-Man Drilled Ballast Rock, 48” to 54”</td>
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<td>22 1/4” Modified Chips - Maintenance Rock</td>
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<td>Nor'West</td>
<td>AXTON</td>
<td>CEDARVILE</td>
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<td>SINGER</td>
<td>IVERSON</td>
<td>GRAY</td>
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<tr>
<td>2&quot; Minus Crushed Ballast</td>
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<td>30 3&quot; to 4&quot; Minus Crushed Ballast</td>
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<td>31 Pit Run</td>
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<tr>
<td>32 Pit Run, 2&quot; Screened</td>
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<tr>
<td>33 Pit Run, 4&quot; Screened</td>
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<td>34 1-1/2&quot; Drain Rock, Washed</td>
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<td>35 2-1/2&quot; Rounded Washed Rock</td>
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<td>36 1-1/2&quot; to 6&quot; Cobblestone</td>
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<td>39 3/4&quot; Crushed Limestone</td>
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<td>42 RAP (recycled Asphalt Product)</td>
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<td>47 Concrete With Rebar</td>
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<td>49 Dirt Spills (No Woody Debris)</td>
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<td>50 2 x 9 Quarry Spalls</td>
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<td>51 2&quot; Permeable Ballast</td>
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<td>52 1 1/4&quot; Minus Limestone</td>
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### CLEARANCES

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<tr>
<th>Originator:</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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<td>06.16.16</td>
<td></td>
<td>06.28.16</td>
<td>Finance/Council</td>
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### TITLE OF DOCUMENT

Jail Facility Use Agreement

### ATTACHMENTS:

Memo and Jail Facility Use Agreement

### SEPA review required? Yes NO

### SEPA review completed? Yes NO

### SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

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

Request authorization for the County Executive to enter into a new Jail Facility Use Agreement between Whatcom County and the City of Lynden effective July 1, 2016.

### COMMITTEE ACTION:

#### COUNCIL ACTION:

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

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

<table>
<thead>
<tr>
<th>Originating Department:</th>
<th>County Executive</th>
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<tbody>
<tr>
<td>Contract or Grant Administrator:</td>
<td>Deputy Executive</td>
</tr>
<tr>
<td>Contractor’s / Agency Name:</td>
<td>City of Lynden</td>
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</tbody>
</table>

**Is this a New Contract?**  Yes ☒ No ☐
If not, is this an Amendment or Renewal to an Existing Contract? YES ☒ NO ☐

**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): __________

**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):

$ __________ fee for service __________

This Amendment Amount:

$ __________

Total Amended Amount:

$ __________

**Summary of Scope:** The purpose and intent of this agreement is for the County and the City to work together in order that the county may provide the City with corrections services.

<table>
<thead>
<tr>
<th>Term of Contract:</th>
<th>2 years</th>
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<tbody>
<tr>
<td>Expiration Date:</td>
<td>June 30, 2018</td>
</tr>
</tbody>
</table>

**Contract Routing:**
1. Prepared by: Tyler Schroeder and legal
2. Attorney signoff:  
3. AS Finance reviewed:
4. IT reviewed (if IT related):  
5. Contractor signed:  
6. Submitted to Exec.:  
7. Council approved (if necessary):  
8. Executive signed:  
9. Original to Council:  

**Date:** 06.16.16

_Last Edited 060414_
MEMORANDUM

TO: Jack Louws, County Executive
FROM: Tyler Schroeder, Deputy Executive
RE: Jail Facility Use Agreement
DATE: June 16, 2016

Enclosed are two (2) originals of a contract between Whatcom County and the City of Lynden.

- **Background and Purpose**
  This new agreement allows the County to continue providing jail services to the City of Lynden on July 1, 2016 as the current agreement expires on June 30, 2016. The County agrees to provide inmate services for gross misdemeanor and misdemeanor cases initiated by the City and referred to the County for those offenses alleged to have been committed by adults within the City.

- **Funding Amount and Source**
  This is a fee for service contract for Whatcom County. The City of Lynden pays Whatcom County for jail services through booking and other fees.

- **Differences from Previous Contract**
  Booking fees have increased to more effectively cover the cost of service.

Please contact Tyler Schroeder at extension 5207, if you have any questions or concerns regarding the terms of this agreement,

Encl.
INTERLOCAL JAIL FACILITY USE AGREEMENT FOR CORRECTIONS SERVICES BETWEEN WHATCOM COUNTY AND THE CITY OF LYNDEN

This INTERLOCAL AGREEMENT FOR CORRECTIONS SERVICES BETWEEN WHATCOM COUNTY and the CITY OF LYNDEN (this "Agreement"), is made and entered into this ___ day of ___, 2016, by and between WHATCOM COUNTY, a political subdivision of the State of Washington (the "County"), and the CITY OF LYNDEN, a municipal corporation of the State of Washington (the "City") pursuant to Chapter 39.34 RCW and Chapter 70.48 RCW. The County Executive, or designee, will serve as the administrator of the Agreement pursuant to RCW 39.34.

RECITALS

A. The County currently maintains and operates correctional facilities known as the Whatcom County Correctional facility ("Jail") and the Whatcom County Jail Work Center ("JWC"). In order to assist other jurisdictions, the County from time to time will enter into interlocal agreements to confine in its corrections facilities persons from other jurisdictions.

B. The County and City each have the statutory power and authority to maintain and operate correctional facilities and to confine inmates therein.

C. The City from time to time desires to confine persons who have been arrested, detained or convicted by the City of criminal offenses (the "City Inmates"), and the County is willing to furnish its corrections facilities and personnel in exchange for payment from the City of fees and costs, all as more fully described in this Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the respective agreements set forth below and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the County and the City agree as follows:

1.0 Purpose of Agreement. This Agreement is authorized by and entered into pursuant to Chapter 39.34 RCW and Chapter 70.48 RCW. The purpose and intent of this Agreement is for the County and the City to work together efficiently and effectively in order that the County may provide the City with corrections services (the "Services"), as defined in Section 4 below, based on the rules and conditions set forth in the applicable Sheriff's Office and County policies, procedures, rules and regulations and in this Agreement and any attachments hereto.

2.0 Effective Date and Duration. This Agreement shall be effective July 1, 2016
regardless the date of signature. This Agreement shall begin on July 1, 2016 and remain in effect through June 30, 2018, unless earlier terminated pursuant to other provisions in this Agreement or by written mutual agreement, PROVIDED HOWEVER, that the term of this Agreement may be extended or renewed for up to three (3) additional two (2) year terms by written notice from the County to the City, PROVIDED FURTHER that each Party's obligations at the end of each contract period, are contingent upon local legislative appropriation of necessary funds for this specific purpose in accordance with applicable law.

3.0 Administrators. Each party to this Agreement shall designate an individual (an "Administrator"), who may be designated by title or position, to oversee and administer such party's participation in this Agreement. The parties' initial Administrators shall be the following individuals:

**County's Administrator:**
Jack Louws, County Executive  
311 Grand Ave, Courthouse  
Bellingham, WA 98225  
360-778-5200

Bill Elfo, Sheriff (or designee)  
311 Grand Ave/Public Safety Building  
Bellingham, Washington 98225  
360-778-6600

**City's Administrator:**
Mike Martin  
300 4th Street  
Lynden, WA 98264  
360-354-1170

3.1 Change of Administrator. Either party may change its Administrator at any time by delivering written notice of such party's new Administrator to the other party.

4.0 Scope of Services. As described in this Section 4 and subject to the terms or conditions set forth elsewhere in this Agreement, the County agrees to provide inmate services for gross misdemeanor and misdemeanor cases initiated by the City and referred to the County for those offenses alleged to have been committed by adults within the City. The County will hold such City Inmates until such time as they are lawfully discharged from custody pursuant to law, the terms of a judicial Order of Commitment, transferred to another (non-Whatcom) correctional facility and/or returned to the custody of the City

4.1 Assignment. The County shall provide at least 30 days' prior notice to the parties of its intent to assign or delegate duties under this Agreement, specifying which duties it intends to assign or delegate and the name and address of the party to whom it intends to assign or delegate.

4.2 Basic Services. The County shall provide Services to the City subject to the conditions set forth in this Agreement. The City shall select from one of the two options listed below. Regardless of which option selected, should the County, in its sole discretion, decline to accept or retain custody of a City Inmate for any of the reasons identified in this Agreement, the County shall notify the arresting officer in person or the City's judicial or law enforcement agency of the non-acceptance and the reason for the non-acceptance. Acceptance of a City Inmate into the Jail shall be conditioned upon either Option 1 or Option 2 as set forth below. The Option selected by the City shall be marked in Section 11 of this Agreement.
OPTION 1

a) The County agrees to provide inmate services for adult arrestees/inmates in misdemeanor and gross misdemeanor cases initiated by the City, subject to availability of space within the correctional facilities operated by the County. The County shall provide inmate services consistent with the standards contained in this Agreement. If circumstances require the County to reduce services, such reductions shall be made at the sole discretion of the Sheriff in light of his assessment of potential overcrowding; challenges in maintaining critical infrastructure, life-safety, and security systems; increasing behavioral and security concerns regarding the inmate population; and other factors judged by the Sheriff to be relevant. Reductions shall be made by first prioritizing the housing of inmates the County is legally responsible for detaining and housing. The County shall provide reasonable notice to the City of its intention to reduce service levels in any correction program.

b) The City shall contract for inmate housing services and the transportation of inmates to a jail facility or facilities other than Whatcom County to include a jail facility that will accept inmates following arrest by City officers in the event it becomes necessary for the Sheriff to reduce jail population. If the Sheriff determines that space is not available or a need exists to reduce the correctional facility population, notice of the same shall be given to the City, and the County will continue to accept and book inmates for the City and detain the inmate until the time of the inmate’s first court appearance or first review by a judicial officer. It shall be the City’s responsibility to ensure that such hearings or reviews are held within 48 hours of booking. If the inmate is not released on personal recognizance or bail within six (6) hours of the first court appearance or review by a judicial officer, the City will accept the return of the inmate or arrange to have the inmate transferred out of the correctional facility within 4 hours, or at a later time agreed to by the Sheriff. The City will provide the County a point of contact available 24 hours a day for receiving the required notifications. The County may also notify the City that persons already sentenced need to be removed from the correctional facility in order to maintain appropriate correctional facility population levels. In case such notification is given, the City shall retrieve the inmate from the correctional facility within 24 hours of such notice.

c) Under the terms of this Agreement, once an inmate is released from County custody, regardless of court or probation conditions placed on an inmate by the City and regardless of where the inmate is released, transported or housed by the City, the County shall bear no responsibility or liability whatsoever for the inmate, including but not limited to, the inmate’s mental, physical, or health care, the inmate’s conduct or behavior, or the inmate’s court obligations. If the inmate is subsequently re-booked back into the Whatcom County Jail on the City matter, the County’s duties and responsibilities per the contract terms go back into effect during the time the inmate is in County custody.

OPTION 2

a) The County agrees to provide inmate services for adult arrestees/inmates in misdemeanor and gross misdemeanor cases initiated by the City, subject to availability of space within the jail facilities operated by the County. The County shall provide inmate services consistent with the standards contained in this Agreement. If circumstances require the County to reduce services, such reductions shall be made at the sole discretion of the Sheriff in light of his assessment of potential overcrowding; challenges in maintaining critical infrastructure, life-safety, and security systems; increasing behavioral and security concerns regarding the inmate population; and other factors judged by the Sheriff to be relevant. Reductions shall be made by first prioritizing the
housing of inmates the County is legally responsible for detaining and housing. The County shall provide reasonable notice to the City of its intention to reduce service levels in any correction program.

b) The City shall contract for inmate housing services and the transportation of inmates to a jail facility or facilities other than Whatcom County to include a jail facility that will accept inmates following arrest by City officers in the event it becomes necessary for the Sheriff to implement booking restrictions. On an ongoing basis, the City shall arrange for a minimum of one weekly transport of eligible inmates, to be identified by the City, on a day that is mutually agreed upon by the County and the City. The City will make arrangements for additional transports if necessary to meet County needs to reduce the jail population.

c) Eligible Inmates for reduction of jail population by transport:

1. Have been convicted of a City misdemeanor charge;
2. Have 7 or more days left to serve on the sentence on the day of transport; and
3. Are not held on any other charges by a Whatcom County jurisdiction.

d) The Parties agree that the following conditions need to exist in order for an inmate who is in pretrial status to also be considered an eligible inmate:

1. The County agrees to allow City inmates who have been transferred to another facility to be returned to the County Jail for rebooking in order to be present for pre-trial hearings, trials and/or guilty pleas provided the City will make arrangements to have the inmate transferred back to the alternate facility or released from custody as soon as is practicable if the Whatcom County Jail population is still over the population cap.

2. The City will work diligently to establish the necessary process and technology to hold remote pretrial hearings. At the request of the County, the City shall provide a report regarding its progress in achieving this goal.

e) Additional Population Reduction

1. If the Sheriff determines that a need exists to reduce the jail population beyond the transport identified above, notice of the same shall be given to the City of additional number of inmates held or sentenced on City only charges that need to be transferred from the jail. The City will use its best efforts and all available tools to reduce the population by at least the amount identified by the County and will do so as soon as feasible.

2. Notwithstanding the above provisions, the Sheriff retains the right and discretion to take more immediate action to reduce the jail population if the Sheriff determines such actions are required. Such action may include, but is not limited to, advising the City that in order to maintain security, health and safety in the jail, the time period for transfer after first appearance may be shortened and/or booking restrictions implemented. The City specifically recognizes the potential need to implement booking restrictions in the event of overcrowding and/or the failure or unreliability of facility systems or infrastructure; combined with an inability to swiftly remove a sufficient number of inmates, whether or not the inmates are in pretrial status or post-conviction. When implementing booking restrictions, the Sheriff will consider, while
retaining full discretion, exceptions to booking restrictions to allow booking of DUI, domestic violence, and assault inmates.

3. The Sheriff will work closely with all in-county users of the jail when providing notice of the need to reduce the jail population and when seeking the swift removal of inmates from the jail. Prior to implementing booking restrictions with respect to the City, the County will make a good faith effort to seek the removal of all other non-county inmates consistent with its Agreements with other jurisdictions and applicable law.

4. For those City inmates that have been identified by the City for removal or transport, the County will allow law enforcement officers to enter the booking area inside the jail to receive custody of the inmate(s) for transport or removal. A City employee or contractor, who has received individual clearance to enter inside the jail pursuant to Whatcom County Policy, will be allowed entry into the jail. All other non-law enforcement employees or contractors will be allowed entry onto the jail premises in a designated area to facilitate the release of the inmate(s) to City custody. Clearances granted for the purpose described above may be cancelled or suspended by the Sheriff at any time due to emergency or other security-related circumstance deemed necessary by the Sheriff.

5. Under the terms of this Agreement, once an inmate is released from County custody, regardless of court or probation conditions placed on an inmate by the City and regardless of where the inmate is released, transported or housed by the City, the County shall bear no responsibility or liability whatsoever for the inmate, including but not limited to, the inmate's mental, physical, or health care, the inmate’s conduct or behavior, or the inmate’s court obligations. If the inmate is subsequently re-booked back into the Whatcom County Jail on the City matter, the County’s duties and responsibilities per the contract terms go back into effect during the time the inmate is in County custody.

4.3 Control of Correctional Facilities and Effect of Ordinance, Policies, Procedures, Rules and Regulations. County correctional facilities will be administered by the County in accordance with the ordinances, policies, procedures, rules and regulations of the Sheriff’s Office and in accordance with the rules and regulations of any agency of the State of Washington empowered to make rules governing the administration of County correctional facilities. The City and City Inmates shall be subject to the County's ordinances, policies, procedures, rules and regulations relating to correctional facility operations, including any emergency security rules imposed by the Sheriff and/or County Administrator, PROVIDED, HOWEVER, that nothing in this Agreement shall be construed as creating, modifying, or expanding any duty on the part of the County except as specifically provided herein. Nothing in this Agreement shall be interpreted as a delegation by the City, its judicial and law enforcement agencies, to the County of the duty to oversee City Inmates except as provided by this agreement.

a) Obligation to Abide by Policies and Procedures. The City, its officers, employees and agents shall follow all applicable Correctional facility policies and procedures.

b) Operational Control. Each City acknowledges the County's operational control of the jail and alternate jail programs, and each agrees that City inmates committed to the Whatcom County Jail and alternative jail programs will be subject to the same lawful rules and regulations required of other inmates incarcerated therein.
c) **Equal Treatment.** Except where provided elsewhere in this Agreement, the County agrees to furnish its facilities and personnel for confinement of City inmates and other services described in this Agreement in the same manner and to the same extent as the County furnishes for the confinement of its own gross misdemeanor or misdemeanor inmates, provided that the County shall meet or exceed all legal requirements.

### 4.4 Inmates Defined:

a. **City Inmate.** As used herein, "City Inmate" shall mean those inmates charged in municipal courts of the Cities, those inmates arrested by a city law enforcement officer while held prior to being charged with a misdemeanor or gross misdemeanor, or to release without charges, or those inmates who are originally arrested for felony offenses and are referred to the appropriate City Attorney for filing in Municipal Court as described above.

b. **County Inmate.** As used herein, "County Inmate" shall mean those inmates originally charged in Whatcom County District Court on gross misdemeanor and misdemeanor offenses, those inmates arrested by the County Sheriff while held prior to charging or to release without charges, and persons arrested for, or charged with, any felony offense charged in Whatcom County Superior Court or are held by magistrate warrant. A County Inmate includes those inmates which the Sheriff is legally required to book and hold in custody.

c. **Third Party Inmate.** For the purposes of this Agreement, County Inmates and City Inmates shall not include those inmates who are committed to the Correctional facility by entities that are not a party to this Agreement, or other inmates arrested by state and federal agencies.

d. **Material Witnesses Held in Correctional facility.** Inmate days arising from a material witness warrant shall be allocated to the jurisdiction issuing the material witness warrant.

e. **Tribal Inmate.** As used herein, “Tribal Inmate” shall mean a person arrested by Tribal police and held and confined in the County Jail, or otherwise held in detention as provided in this Agreement, pursuant to a violation of a Tribal ordinance, law, court order, or held for any purpose related to tribal charging, adjudication or jurisdiction. The term “Tribal Inmate” shall not include a person arrested on a warrant issued by another jurisdiction or for charges initiated by a non-Tribal officer or non-Tribal Court, or for charges initiated by Tribal police from Tribes located outside of the physical confines of Whatcom County.

### 4.5 City Access to City Inmates.** All City law enforcement officers and defense attorneys shall have the right to interview confined City Inmates at any time subject to Correctional facility security rules, emergency declarations, orders and regulations. Available interview rooms and appropriate communication technology may be used by City law enforcement officers and defense attorneys.

### 4.6 Transport of City Inmates.** The City shall provide or arrange for transportation and security of its inmates to and from the Correctional facility for initial booking and to all court appearances held in its municipal court. Cities may contract with the County to provide custody and/or transportation services for outside court appearances, except when (a) the County determines, in its sole discretion, that emergency transportation is necessary in order to secure medical or health care and/or psychiatric evaluation or treatment, or (b) the County determines, in its sole discretion, that
transportation is required to support the orderly operation of the corrections facility.

4.7 Access to Court. The County shall provide the City Court access to the Jail in-house courtroom for hearings involving incarcerated inmates. The County will provide internal escort within the facility and security within the Courtroom. The City may access the County video court system provided that:

a) The City’s system is compatible with the existing County system.
b) Any interfaces, either hardware or software, necessary for the City to access the system will conform with County security protocols and be paid for by the City.
c) Times of access will be coordinated with County Jail personnel and cannot interfere with use by either District or Superior Courts.
d) The City shall have no claim if any County or Jail Video or Audio Court System becomes inoperable or temporarily dysfunctional.

4.8 Booking an Inmate.

a) Documentation of Legal Basis for Confinement. Absent proper documentation providing a legal basis for confining the City Inmate, the County will have no obligation to receive the City Inmate into custody. Proper documentation for purposes of this section means an arrest warrant, judicial Order of Commitment, other order of a court of competent jurisdiction, or a properly completed Probable Cause Affidavit, in a format prescribed by the Sheriff.

b) Administrative Booking. Upon request by the arresting officer, City Prosecutor or the City Court, and when not otherwise prohibited by statute, court rule or court order, the County shall administratively book, and as soon as practicable, release the City Inmate. The County further reserves the right to administratively book and as soon as practicable release a City Inmate when, in the sole discretion of the Sheriff or designee, the County is unable to accept the City’s Inmate for housing and when such action is not otherwise prohibited by statute, court rule or court order. The County will make a good faith effort to notify the arresting officer prior to booking of the County’s decision that it will release an inmate immediately after booking so the arresting officer may maintain the ability to pursue an option other than booking in the County’s correctional facility.

c) Health Care Clearance. The County shall have the right to refuse to accept any inmate from the City who, in the judgment of the County, has a current medical, mental health or dental condition, which may adversely affect the safety of the individual, the safety of other inmates, the safe operations of the County Jail, or is beyond the operational or physical plant limitations of the Facility. The County may require written clearance from the local hospital prior to booking, the cost of which will not be the responsibility of the County. Additionally, the County will have no obligation to receive into custody or retain custody of a City Inmate when, in the opinion of Corrections or Community medical or mental health staff the City Inmate is not medically and/or psychiatrically able to be housed in the Correctional facility, and/or needs medical and/or psychiatric attention that would require treatment at a hospital or other type of health care facility. The County will notify the City in these instances so that the City can arrange other housing. At all times, the Sheriff or designee shall have final authority to determine whether a City Inmate is medically and/or psychiatrically fit for the County’s Correctional facility.
4.9 Determination of Case Status. The Prosecuting Attorney shall have the sole authority to determine which felony arrest cases submitted by the City shall be charged as felonies and which cases are referred back to the City for a determination as to filing gross misdemeanor or misdemeanor charges. The City shall not be responsible for any case charged as a felony, pursuant to determination of case status by the Prosecuting Attorney, except the City will be responsible for the cost of non-routine services provided by outside medical providers administered prior to sentencing for felony inmates arrested by City law enforcement officers as provided in RCW 70.48.130, following the efforts by the County to reduce medical costs as set forth in this Agreement. If the determination is made by the Prosecuting Attorney that a case should be referred to a municipality for review and possible charging as a gross misdemeanor or misdemeanor, such cases shall be referred to the appropriate City Attorney for filing in the Municipal Court with all inmate services charged to the City from the point of booking. Any case originally charged by the Prosecutor as a felony and later adjudicated to a gross misdemeanor or misdemeanor shall not require compensation by the Cities. If a determination is made by the Prosecuting Attorney that a City case originally charged as a gross misdemeanor or misdemeanor will be charged as a felony, then all inmate services will be charged to the County.

4.10 Jail Alternative Programs. Inmates judged to be eligible for Jail Alternative Programs by the sentencing Judge may be permitted to participate in those programs at the discretion of the Sheriff or designee. Such programs may include but will not be limited to, In Custody and Out of Custody Work Crews, Work or School Release and Electronic Home Monitoring/Detention. The County will make jail alternative programs available to City inmates to the same extent they are made available to County inmates.

A City Inmate may be terminated from a Jail Alternative Program if: (a) the City municipal court or other judicial agency order the City Inmate terminated from the Program or otherwise amends its earlier order; (b) the County determines, in its sole discretion, that the City Inmate is no longer eligible for the Program.

Upon termination from a Program, a City Inmate already in the custody of the County shall be confined in the Correctional facility to serve the remainder of his or her term of confinement, however, the inmate’s status remains subject to the other provisions of this Agreement, including Section 4.2. If the City Inmate is not yet in the County's custody at termination, he or she will be the immediate responsibility of the County for all purposes, including, but not limited to, the duty to apprehend.

4.11 Release of Inmates. The County will facilitate the release of City Inmates who have completed their sentences, posted bond or bail, or who have been released by the City Court. The County will make all reasonable attempts notify the City when their inmates are released from custody via one of the following:

a) Notice of Time Served: Used when an inmate has completed a sentence by the City Court.

b) Posting of Bail/Bond: The County agrees to act as agent for Cities with respect to processing bail and/or bail bonds posted by inmates. The County will deliver bail bonds or money posted for inmates to the Municipal Court in a timely manner. Performance bonds will not be accepted by the County, but must be posted directly with the Court of Jurisdiction.

c) Personal Recognizance (PR): In the event a PR form is not completed in the City Court, the County will route a copy of the County PR form to the Municipal Court in a timely
4.12 Earned Early Release. The County will grant early release credits to City Inmates in accordance with Chapter 9.94A RCW and County Sheriff’s Office policies and procedures.

4.13 Record Keeping. In order to facilitate the management of the jail population, the County will provide the City with real-time access to the Sheriff’s Office records management system so that the City can determine the following:

1. The names and detailed booking data of those inmates that are held at the Main Jail on City-only charges or sentences, including the amount of accrued credit for time served on the current charge(s);

2. The names and detailed booking data of those inmates that are held at the Division Street facility on City-only charges or sentences, including the amount of accrued credit for time served on the current charges (along with which inmates are participating in each jail alternative program). This information will be attached to individual inmate records, accessible by the City; and

3. The total inmate population(s) and location.

4.14 Form of Records. The County agrees to maintain a system of record keeping relative to the booking and confinement of each City Inmate in such style and manner as equivalent to County records pertaining to County Inmates.

4.15 City Access to Records. Records of services provided to City Inmates shall be available for review by the applicable City, unless their release is expressly prohibited by applicable law concerning the confidentiality of medical records (including the federal Health Insurance Portability and Accountability Act, "HIPAA"). The parties may enter business associate agreements under the HIPAA as necessary to implement the intent of this Agreement.

4.16 Correctional Facility Bed-Day Utilization Reporting. At least quarterly the County shall report to the City the actual number of inmate days utilized by each party in the previous quarter, and the total number of actual inmate days. This report may take the form of a master quarterly report, with all contract agency use figures being included on the same report.

5. Per Diem, Costs and Billing.

5.1 Notification and Basis of Rates. As set forth in this Agreement, the City will be notified by the County by August 15 of each year of the estimated booking fee, per diem, rates and fees to be charged in the next year. This estimate is not binding on the County but will be the best estimate that can be provided based on the information available by that date. The final booking fee, per diem, rates and fees will be determined following adoption of the County Budget by the County Council, as established through the Whatcom County Unified Fee Schedule, and will be provided to the parties with the first monthly statement in the New Year. Per Diem rates and fees will be for In Custody jail per diem (bed day charges), Out of Custody Work Crew, Electronic Home Detention, and may
include a capital replacement charge to fund the replacement of component systems of the Jail. On August 15 of each year, the County shall provide the best estimate of the breakdown of costs that support the adjustments in charges. The County shall provide the actual basis for adjustments in charges during the Whatcom County Budget for the biennium or supplemental budget process in November of each year and as reflected in the County Unified Fee Schedule.

5.2 In-Custody Jail Per Diem. A In Custody Jail Per Diem cost shall be charged to the City, for each City Inmate. Cities will be charged pursuant to the following policies:

a) The City will be charged per diem in 1/3rd day increments for persons incarcerated in the jail on City gross misdemeanor, misdemeanor charges, warrants, or for any other City inmate incarceration purposes. Persons incarcerated on felony charges will be the responsibility of the County, except nothing in this contract prevents the County from seeking reimbursement for felony medical costs prior to sentencing as provided in RCW 70.48.130.

b) Persons originally incarcerated for a felony level violation that is declined by the County Prosecutor and returned to the City Attorney will be the City's responsibility from the date/time of booking. Any case originally charged by the Prosecutor as a felony and later plea-bargained or adjudicated to a gross misdemeanor or misdemeanor, shall not require compensation by the City.

c) If a City charge or hold is concurrent to another jurisdiction’s charge or hold, each entity will equally share the per diem for the shared incarceration period. The City shall not be responsible for per diem costs related to inmates on which the City has no hold.

d) The County will allocate all operating costs, including maintenance, utility, and operating costs of facilities shared between the Jail and other county divisions, bureaus, or departments on a rational and systematic basis open to audit and public inspection in a manner that recognizes that the city parties are not responsible for costs associated with non-jail activities or services. The costs of shared facilities allocated to any non-jail divisions, bureaus, or departments will be funded by non-jail revenues. Additionally, the County will allocate all operating costs, including site maintenance, utility, and site operating costs related to non-jail facilities in a manner that recognizes that the city parties are not responsible for costs associated with non-jail maintenance and operations. The site costs allocated to non-jail facilities will be funded by non-jail revenues.

5.3 Booking Charge:

a) A booking fee shall be charged to the City, for each person booked into the jail on the City’s charges and/or warrants. Persons booked into the jail and released within 8 hours will only incur the booking fee. Persons who are booked into the jail and held in the facility will incur both the booking charge and a per diem charge accruing in 1/3 day increments. If an inmate is booked on charges from multiple local entities, the booking fee will be split evenly between those jurisdictions.

b) In those instances when the City Court requests that an inmate be brought to the in-
house courtroom on a charge that is not on the inmate’s current booking record, the
inmate will be escorted to Court and the City charge(s) will be added to the inmate’s
current booking record, along with the Court’s instructions. The City charge will be
added to the inmate’s current booking record, regardless if the inmate was transported
on a new City charge, a pending City charge, or a post-conviction City charge.

If the inmate was already being held on a charge from the City, there will be no change to
the per diem and no additional booking fee will be charged. If the inmate is not currently
being held on any other City charge, a booking fee for the above described in-house
courtroom appearance will be charged to the City and the fee will be apportioned as
described in section 5.3(a). If the inmate was not being held on a City’s charge, per diem
will start being charged as of the date the defendant is booked and held on those charge(s).
Per diems and booking fees will be apportioned as described above.

5.4 Alternative Jail Programs/Per Diem: Jail Per Diem costs for In Custody Work Release and
Work Crew, Electronic Home Detention and Out of Custody Work Crew shall also be charged to
the City, for each City Inmate. The City will be charged for Alternative Jail Programs as follows:

a) In Custody Work Release: If an inmate participating in Whatcom County's Work
Release Program the parties will be charged the In Custody per diem rate per bed
day for work release inmates. Any funds collected from the inmate will be credited
to the cost to the City.

b) In Custody Work Crew: If an inmate is participating in the In Custody Work Crew
Program, billing to the City for these participants will be based on the In Custody per
diem rate per bed day for work crew inmates. If the County bills the inmates for
participating in this program, the funds collected from the inmate will be credited
to the City.

c) Electronic Home Detention: If an inmate qualifies for Electronic Home Detention,
billing to the City for these participating inmates will be based on the Electronic Home
Detention per diem rate. Any funds collected from the inmate will be credited to the
City.

d) Out of Custody Work Crew: If an inmate is participating in the Out of Custody
Work Crew Program, billing to the City for these participants will be based on the
Out of Custody Work Crew per diem rate. If the County bills the inmates for
participating in this program, the funds collected from the inmate will be credited
to the City.

All participants must first be authorized by the sentencing judge to apply for alternative
jail programs, and the Sheriff or designee must approve the terms and conditions of the
program participation.

If a City charge or hold is concurrent to another jurisdiction’s charge or hold, the City shall
be billed the proportionate percentage share of the current year per diem for the shared
incarceration period.
5.5 Health Care Costs. All inmates shall receive medical, mental health, and dental treatment when medically necessary to safeguard their health while in custody as required by law. Medical costs shall be allocated per state law or by agreement between the City and the County. If there is a difference between state law allocation of such costs and an agreement between the City and the County, the Agreement shall control. The County shall be responsible for providing routine health care. Such health care will include those health care services routinely delivered at normal cost by County staff, contracted practitioners, or nursing staff, and delivered within the facility.

a) The County is not responsible for the cost of services delivered to City inmates outside of the facility, or for non-routine services provided by outside medical practitioners within the facility. The City shall be responsible for the costs of any and all emergent or necessary medical or health care, dental and psychiatric treatment provided outside of the County Correctional Facilities or non-routine services or medication provided to the inmate inside the jail. Payment for emergency, exceptional or non-routine necessary medical or health care for City gross misdemeanor or misdemeanor inmates shall be made by the City upon written invoice by the County or upon such other terms as City and the County may agree in writing. The County will additionally bill the City for pre-sentence felony inmates, held on the City's case, who incur emergency, exceptional or non-routine necessary medical or health care costs, as set forth in RCW 70.48.130. The County shall notify the City within a reasonable period of time, when the County becomes aware that an inmate being held on the City's charges or awaiting sentencing on a City felony charge is in need of emergency, exceptional, or non-routine necessary medical or health care or when the inmate has been transported for emergency care. Any decision to release a pretrial City felon, City pre-trial detainee, or City inmate, will rest with the City, the Prosecuting Attorney and/or City Attorney, and/or the Court. Included in the cost of extraordinary medical costs will be the costs to transport and/or provide a guard detail if the inmate is not released by the Court.

b) The County agrees to utilize all existing agreements with medical practitioners and organizations to mitigate any medical costs, to make its best efforts to negotiate additional favorable agreements, and seek out any and all eligible third party reimbursement for medical costs (including health or auto insurance, DSHS/Medicaid, and/or the State of Washington), in the same manner and to the same extent at the County does for inmates held on its own charges and prior to billing the City. No third party beneficiary contract or contract of insurance is intended by this contract. Non-routine necessary medical or health care shall include all practitioner-ordered health care or medical services delivered to City inmates outside of the facility, specialized care provided by non-contract health care providers in or out of the facility, and emergency treatment, including EMS and the local Hospital Emergency Department.

c) Any failure or error by the County to provide the City with proper notification of extraordinary, non-routine necessary medical or health care, emergency care, dental and/or mental health services described under Section 5, delivered to a City Inmate shall in no way excuse full, complete and timely payment by the City under this Agreement.

5.6 Invoicing for Extraordinary, Non-Routine, Necessary Medical or Health Care, Emergency Care, Mental Health and Dental Services. The County shall invoice the City for all costs
incurred for extraordinary or non-routine necessary medical, health, or emergency care, dental, or mental health services to City Inmates, including, but not limited to, durable medical equipment, ambulance fees, medical, dental, and mental health services provided outside the Correctional facility specialized equipment or extraordinary medications essential to the inmates health such as chemotherapy, anti-viral or biologic medications. Extraordinary Medical Costs do not include routine medical examinations, tests, procedures performed at the Correctional facility by Correctional facility staff or contractors or routine medications. The County will facilitate use of a City inmate’s 3rd party medical insurance whenever possible. If there is coverage, the County will credit amounts received from the City Inmate's own health insurance and applicable public assistance to the City’s bill. Credit amounts may show up on billings subsequent to the time of service, due to processing timelines by both the provider and the 3rd party payer.

5.7 Payment: The City shall remain liable for complete and timely payment of all amounts invoiced. Invoices may be sent monthly, quarterly or on any other schedule that is mutually convenient to the parties. Where complete payment is not tendered within thirty (30) days of the invoice date, the County may charge interest on the outstanding balance at a rate equal to the interest rate on the monthly County investment earnings. Should the City wish to dispute the amount of a particular invoice, it will (a) make complete and timely payment on the outstanding balance, and (b) deliver written notice of the dispute to the County within thirty (30) days of the invoice date. Failure to properly notify the County of any disputed amounts within thirty (30) days of the invoice shall constitute an acceptance by the City of all charges contained therein. Within fifteen (15) days of timely receipt of payment and the City’s written notice of dispute, the County shall review the disputed invoice. Should the County resolve the dispute in favor of the City, the disputed amounts will be credited towards the City's next billing cycle, PROVIDED, HOWEVER, that upon termination of this Agreement, the County shall pay out to the City any such credited amounts. Withholding payment of any amount billed, regardless of whether the City has provided timely written notice of a disputed invoice, will constitute a default under this Agreement.

5.8 Review and maintenance of records: Each party may examine the other party's books and records to verify charges and to audit the amounts charged under this Agreement. If the City elects to conduct an audit, the audit may be conducted under the supervision by the County IT Department or Jail Administration for purposes of record retrieval, protecting confidentiality and expediency. The County shall maintain accurate time and accounting records related to the Services for a period of three (3) years following final payment.

6. Indemnification/Hold Harmless.

6.1 City Held Harmless. The County shall indemnify and hold harmless the City and its officers, agents, and employees, or any of them from any and all claims, actions, suits, liability, loss, costs, expenses, and damages of any nature whatsoever, by any reason of or arising out of any negligent act or omission of the County, its officers, agents, and employees, or any of them relating to or arising out of performing services pursuant to this agreement. In the event that any such suit based upon such a claim, action, loss, or damages is brought against the City, the County shall defend the same at its sole cost and expense; provided that the City reserves the right to participate in said suit if any principle of governmental or public law is involved; and if final judgment in said suit be rendered against the City, and its officers, agents, and employees, or any of them, or jointly against the City and the County and their respective officers, agents, and employees, or any of them, the County shall satisfy the same.

6.2 County Held Harmless. The City shall indemnify and hold harmless the County and its officers, agents, and employees, or any of them from any and all claims, actions, suits,
liability, loss, costs, expenses, and damages of any nature whatsoever, by any reason of or arising out of any negligent act or omission of the City, its officers, agents, and employees, or any of them relating to or arising out of performing services pursuant to this agreement. In the event that any suit based upon such a claim, action, loss, or damages is brought against the County, the City shall defend the same at its sole cost and expense; provided that the County reserves the right to participate in said suit if any principle of governmental or public law is involved; and if final judgment be rendered against the County, and its officers, agents, and employees, or any of them, or jointly against the County and the City and their respective officers, agents, and employees, or any of them, the City shall satisfy the same.

The Parties' obligations to indemnify defend and hold harmless for injuries, sickness, death or damage caused by or resulting from the concurrent negligence or willful misconduct of the Parties or of the Parties and a third party other than an officer, agent or employee of the Parties, shall apply only to the extent of the negligence or willful misconduct of each Party.

6.3 Waiver under Washington Industrial Insurance Act. The foregoing indemnity is specifically intended to constitute a waiver of each party's immunity under Washington's Industrial Insurance Act, Chapter 51 RCW, as respects the other party only, and only to the extent necessary to provide the indemnified party with a full and complete indemnity of claims made by the indemnitor's employees. The parties acknowledge that these provisions were specifically negotiated and agreed upon by them. The terms of the Indemnification provisions shall survive the termination or expiration of this Agreement.


In executing this Agreement, the County does not assume liability or responsibility for or in any way release the City from any liability or responsibility which arises in whole or in part from the existence or effect of City ordinances, policies, rules or regulations. Nor shall the County be liable or responsible for any claims of conduct or actions by the City, City Courts, or law enforcement, including, but not limited to claims of unlawful arrest, excessive force, unlawful imprisonment, unconstitutional deprivation, negligence, errors, omissions or misconduct. If any cause, claim, suit, action or administrative proceeding is commenced in which the enforceability and/or validity of any such City ordinance, policy, rule or regulation is at issue, or in which there is an allegation of City Court, City Prosecutor or Law Enforcement action as described above, the City shall defend the same at its sole expense and, if judgment is entered or damages are awarded against the City, the County, or both, the City shall satisfy the same, including all chargeable costs and reasonable attorney's fees.

In executing this Agreement, the City does not assume liability or responsibility for or in any way release the County from any liability or responsibility which arises in whole or in part from the existence or effect of County ordinances, policies, rules or regulations. Nor shall the City be liable or responsible for any claims of conduct or actions by the County, County Courts, or law enforcement, including, but not limited to claims of unlawful arrest, excessive force, unlawful imprisonment, unconstitutional deprivation, negligence, errors, omissions or misconduct. If any cause, claim, suit, action or administrative proceeding is commenced in which the enforceability and/or validity of any such County ordinance, policy, rule or regulation is at issue, or in which there is an allegation of County Court, County Prosecutor or Law Enforcement action as described above, the County shall defend the same at its sole expense and, if judgment is entered or damages are awarded against the County, the City, or both, the County shall satisfy the same, including all chargeable costs and reasonable attorney's fees.
7.1 Insurance. Each Party shall maintain its own insurance and/or self-insurance for its liabilities from damage to property and/or injuries to persons arising out of its activities associated with this Agreement as it deems reasonably appropriate and prudent. The maintenance of, or lack thereof of insurance and/or self-insurance shall not limit the liability of the indemnifying party(s). Each Party shall provide the other with a certificate of insurance or letter of self-insurance annually as the case may be.

7.2 Compliance with Laws. In the performance of its obligations under this Agreement, each party shall comply with all applicable federal, state, local laws, all State and local rules and regulations.

7.3 Default and Remedies.

Default. If either the County or the City fails to perform any act or obligation required to be performed by it hereunder, the other party shall deliver written notice of such failure to the non-performing party. The non-performing party shall have fifteen (30) days after its receipt of such notice in which to correct its failure to perform the act or obligation at issue, after which time, if non-performance continues, it shall be in default ("Default") under this Agreement; provided, however, that if the non-performance is of a type that could not reasonably be cured within said fifteen (30) day period, then the non-performing party shall not be in Default if it commences cure within said fifteen (15) day period and thereafter diligently pursues cure to completion.

Remedies. In the event of a party's Default under this Agreement, then after giving notice and an opportunity to cure pursuant to this Agreement, the County and City will attempt to progressively resolve the dispute in the following manner:

1. Through negotiations between the City and County's respective Administrators or their designees.
2. Through non-binding mediation.
3. Seeking resolution in the Courts of law and equity.

In addition, if the City fails to make payment on an outstanding invoice within the time to cure and the City has not disputed the invoice as provided in this Agreement, the City shall have no further right under this Agreement to deliver custody to or otherwise house City Inmates at the Correctional facility and shall, at the County's request, remove all City Inmates from the Correctional facility within fourteen (14) days of notice to do so. Thereafter, the County may, in its sole discretion, accept City Inmates to the Correctional facility if all outstanding invoices are paid.

8. Early Termination

8.1 Termination by the County. Except as provided in Section 8.3 below, the County may terminate this Agreement at any time, with or without cause, upon not less than ninety (90) days advance written notice to the City and the Washington State Office of Financial Management. The Notice shall state the grounds for termination and the specific plans for accommodating the affected jail population.
8.2 Termination by the City. The City may terminate this Agreement at any time, with or without cause, upon not less than ninety (90) days advance written notice to the County and the Washington State Office of Financial Management. The Notice shall state the grounds for termination and the specific plans for accommodating the affected jail population.

8.3 Lack of Funding. This Agreement is contingent upon governmental funding and local legislative appropriations. In the event that funding from any source is withdrawn, reduced, limited, or not appropriated after the effective date of this Agreement, this Agreement may be terminated by the County immediately by delivering written notice to the City. The termination notice shall specify the date on which the Agreement shall terminate.

8.4 Calculation of Costs Due Upon Early Termination. Upon early termination of this Agreement as provided in this Section 8, the City shall pay the County for all Services performed up to the date of termination. The County shall notify the City within thirty (30) days of the date of termination of all remaining costs. No payment shall be made by the City for any expense incurred or Services performed following the effective date of termination unless authorized in writing by the City.

8.5 Dispute Resolution. Other than that specified in Section 7, should a dispute arise under this Agreement between the City and the County, such dispute shall be progressively resolved in the following manner:

1. Through negotiations between the City and the County’s respective contacts.
2. Through negotiations between the Mayor and the County Executive; or
3. In the event that the City and the County do not reach agreement within 90 days of commencing negotiations, the matter will be submitted to binding arbitration.

Nothing in this section shall deny any rights established elsewhere in this Agreement.

8.6 Extension of Negotiations. The City and the County may mutually agree to extend the negotiation period. If the City and the County cannot agree upon the selection of an impartial arbitrator within fourteen days of a written request for arbitration by either the City or the County, the arbitrator shall be selected as provided in the Superior Court Mandatory Arbitration Rules by a judge of the Superior Court of Skagit County. The arbitration shall be conducted pursuant to the Superior Court Mandatory Arbitration Rules.

9. Notices. All notices required to be given by any party to the other party under this Agreement shall be in writing and shall be delivered either in person, by United States mail, or by electronic mail (email) to the applicable Administrator or the Administrator's designee. Notice delivered in person shall be deemed given when accepted by the recipient. Notice by United States mail shall be deemed given as of the date the same is deposited in the United States mail, postage prepaid, and addressed to the Administrator, or their designee, at the addresses set forth in Section 3 of this Agreement. Notice delivered by email shall be deemed given as of the date and time received by the recipient.

10. Miscellaneous.

10.1 Entire Agreement. This Agreement constitutes the entire agreement between the parties regarding the subject matter hereof, and supersedes any and all prior oral or written agreements.
between the parties regarding the subject matter contained herein. This Agreement may not be
modified or amended in any manner except by a written document executed with the same
formalities as required for this Agreement and signed by the party against whom such modification is
sought to be enforced.

10.2 Conflicts between Attachments and Text. Should any conflicts exist between any attached
exhibit or schedule, and the text or main body of this Agreement, the text or main body of this
Agreement shall prevail.

10.3 Governing Law and Venue. This Agreement shall be governed by and enforced in
accordance with the laws of the State of Washington. The venue of any action arising out of this
Agreement shall be in the Superior Court of the State of Washington, in and for Skagit County.

10.4 Interpretation. This Agreement and each of the terms and provisions of it are deemed to have
been explicitly negotiated by the parties, and the language in all parts of this Agreement shall, in all
cases, be construed according to its fair meaning and not strictly for or against either of the parties
hereto. The captions and headings in this Agreement are used only for convenience and are not
intended to affect the interpretation of the provisions of this Agreement. This Agreement shall be
construed so that wherever applicable the use of the singular number shall include the plural number,
and vice versa, and the use of any gender shall be applicable to all genders.

10.5 Severability. If any provision of this Agreement or the application thereof to any person or
circumstance shall, for any reason and to any extent, be found invalid or unenforceable, the
remainder of this Agreement and the application of that provision to other persons or circumstances
shall not be affected thereby, but shall instead continue in full force and effect, to the extent permitted
by law.

10.6 Savings. Nothing in this Agreement shall be construed so as to require the commission of any act
contrary to law, and wherever there is any conflict between any provisions of this Agreement and any
statute, law, public regulation or ordinance, the latter shall prevail, but in such event, the provisions of this
Agreement affected shall be curtailed and limited only the extent necessary to bring it within legal
requirements.

10.7 No Waiver. A party's forbearance or delay in exercising any right or remedy with respect
to a Default by the other party under this Agreement shall not constitute a waiver of the Default at
issue. Nor shall a waiver by either party of any particular Default constitute a waiver of any other
Default or any similar future Default.

10.8 No Assignment. This Agreement shall not be assigned, either in whole or in part, by either
party without the express written consent of the other party, which may be granted or withheld in
such party's sole discretion. Any attempt to assign this Agreement in violation of the preceding
sentence shall be null and void and shall constitute a Default under this Agreement.

10.9 Warranty of Authority. Each of the signatories hereto warrants and represents that he or
she is competent and authorized to enter into this Agreement on behalf of the party for whom he or
she purports to sign this Agreement.

10.10 Independent Contractor. The County will perform all Services under this Agreement as
an independent contractor and not as an agent, employee, or servant of the City. The County shall
be solely responsible for control, supervision, direction and discipline of its personnel, who shall be
employees and agents of the County and not the City. The County has the express right to direct and
control the County's activities in providing the Services in accordance with the specifications set out
in this Agreement. The City shall only have the right to ensure performance.

10.11 No Joint Venture. Nothing contained in this Agreement shall be construed as creating any
type or manner of partnership, joint venture or other joint enterprise between the parties.

10.12 No Separate Entity Necessary. The parties agree that no separate legal or administrative
entities are necessary to carry out this Agreement.

10.13 Ownership of Property. Except as expressly provided to the contrary in this Agreement,
any real or personal property used or acquired by either party in connection with its performance
under this Agreement will remain the sole property of such party, and the other party shall have no
interest therein.

10.14 No Third Party Beneficiaries. This Agreement and each and every provision hereof
is for the sole benefit of the City and the County. No other persons or parties shall be deemed to
have any rights in, under or to this Agreement.

10.15 Force Majeure. In the event either party's performance of any of the provisions of this
Agreement become impossible due to circumstances beyond that party's control, including without
limitation, force majeure, strikes, embargoes, shortages of labor or materials, governmental
regulations, acts of God, war or other strife, that party will be excused from performing such
obligations until such time as the Force Majeure event has ended and all facilities and operations have
been repaired and/or restored.

10.16 This is an Integrated Agreement. Neither party has relied on any representation other
than those expressly set forth herein in entering this Agreement.

10.17 Neutral Authorship. Each of the terms and conditions of this Agreement have been
reviewed and negotiated with resort to legal counsel, and represents the combined work product of
the parties hereto, and this Agreement shall not be interpreted for or against any Party hereto based
upon authorship. The Parties represent that they have had a full and fair opportunity to seek legal
advice with respect to the terms of this Agreement, and have either done so or have voluntarily
chosen not to do so. The Parties represent and warrant that they and their authorized representatives
executing this Agreement have fully read this Agreement, that they understand its meaning and
effect, and that they enter into this Agreement with full knowledge of its terms. This Agreement
contains terms and conditions agreed upon by the Parties. The Parties agree that there are no other
understandings, oral or otherwise, regarding the subject matter of this Agreement. No change or
addition to this Agreement shall be valid or binding upon the Parties unless such change or
addition is in writing, executed by all the Parties.

10.18 The Parties agree that during the performance of this Agreement they shall abide by all
Federal, State and local laws, provided, the prohibition against discrimination in employment
because of handicap shall not apply if the particular disability, with reasonable accommodation,
prevents the proper performance of the work involved.
10.19 The Parties agree to aid and assist the other in accomplishing the objectives of this Agreement.

10.20 This Agreement shall be binding upon the Parties, and their successors and assigns.

10.21 Further Acts. The Parties agree to take such further actions and to execute documents as in their reasonable judgment may be necessary or desirable in order to carry out the terms of, and complete the transactions contemplated by, this Agreement.

10.22 Agreement Contact. The County’s initial contact for this Agreement shall be the County Executive. The Cities’ initial contact shall be the Mayor of each respective city. The Parties to this Agreement may designate new contacts by providing written notice to all the other Parties.

11. City Election of Option 1 or Option 2 under Section 4, Basic Services.
The City has elected the following Option of Basic Services outlined in Section 4.2 and checked below:

[ ] Option 1.

OR -

[ ] Option 2.
IN WITNESS WHEREOF, Whatcom County and the City of Lynden have executed this Amendment on the date and year below written.

DATED this __________ day of ________________, 20__.

WHATCOM COUNTY:

Approved as to form:

Prosecuting Attorney

Approved:
Accepted for Whatcom County:

By: ____________________________
    Jack Louws, Whatcom County Executive

STATE OF WASHINGTON )
    ) ss
COUNTY OF WHATCOM )

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

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

__________________________. My commission expires ________________.

Jail Facility Use Agreement with City of Lynden  Page 20 of 21
CITY OF LYNDEN:

EXECUTED this _____ day of _______________, 201_. For the CITY OF LYNDEN

________________________________________
Mayor Korthuis

STATE OF WASHINGTON )
) ss

COUNTY OF WHATCOM )

On this _____ day of _________________, 20___, before me personally appeared Mayor Scott Korthuis, to me known to be the Mayor of the City of Lynden, 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 ________________.

ATTEST:

________________________________________
Finance Director

Approved as to form:

________________________________________
Office of the City Attorney

Departmental Approval: ____________________________
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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**CLEARANCES**

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<tr>
<th>Originator:</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
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<td>06.28.16</td>
<td>Finance/Council</td>
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**Division Head:**

**Dept. Head:**

**Prosecutor:** 6/17/16

**Purchasing/Budget:** 6/20/16

**Executive:** 6.21.16

**TITLE OF DOCUMENT:** Jail Facility Use Agreement

---

**ATTACHMENTS:**

Memo and Jail Facility Use Agreement

---

**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 enter into a new Jail Facility Use Agreement between Whatcom County and the City of Bellingham effective July 1, 2016.

---

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

---

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

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

**Originating Department:** County Executive  
**Contract or Grant Administrator:** Deputy Executive  
**Contractor’s / Agency Name:** City of Bellingham

**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.
- 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)

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

- $ _________ fee for service

**This Amendment Amount:** $ _________________

**Total Amended Amount:** $ _________________

**Summary of Scope:** The purpose and intent of this agreement is for the County and the City to work together in order that the County may provide the City with corrections services.

**Term of Contract:** 2 years  
**Expiration Date:** June 30, 2018

**Contract Routing:**

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

**Date:** 06.16.16  
**Date:** 06/16/14  
**Date:** 06/14/14  
Last Edited 060414
MEMORANDUM

TO: Jack Louws, County Executive
FROM: Tyler Schroeder, Deputy Executive
RE: Jail Facility Use Agreement
DATE: June 16, 2016

Enclosed are two (2) originals of a contract between Whatcom County and the City of Bellingham.

▪ Background and Purpose
This new agreement allows the County to continue providing jail services to the City of Bellingham on July 1, 2016 as the current agreement expires on June 30, 2016. The County agrees to provide inmate services for gross misdemeanor and misdemeanor cases initiated by the City and referred to the County for those offenses alleged to have been committed by adults within the City.

▪ Funding Amount and Source
This is a fee for service contract for Whatcom County. The City of Bellingham pays Whatcom County for jail services through booking and other fees.

▪ Differences from Previous Contract
Booking fees have increased to more effectively cover the cost of service.

Please contact Tyler Schroeder at extension 5207, if you have any questions or concerns regarding the terms of this agreement.

Encl.
INTERLOCAL JAIL FACILITY USE
AGREEMENT FOR CORRECTIONS SERVICES
BETWEEN WHATCOM COUNTY AND THE CITY
OF BELLINGHAM

This INTERLOCAL AGREEMENT FOR CORRECTIONS SERVICES BETWEEN WHATCOM COUNTY and the CITY OF BELLINGHAM (this "Agreement"), is made and entered into this ___ day of __________, 2016, by and between WHATCOM COUNTY, a political subdivision of the State of Washington (the "County"), and the CITY OF BELLINGHAM, a municipal corporation of the State of Washington (the "City") pursuant to Chapter 39.34 RCW and Chapter 70.48 RCW. The County Executive, or designee, will serve as the administrator of the Agreement pursuant to RCW 39.34.

RECNIALS

A. The County currently maintains and operates correctional facilities known as the Whatcom County Correctional facility ("Jail") and the Whatcom County Jail Work Center ("JWC"). In order to assist other jurisdictions, the County from time to time will enter into interlocal agreements to confine in its corrections facilities persons from other jurisdictions.

B. The County and City each have the statutory power and authority to maintain and operate correctional facilities and to confine inmates therein.

C. The City from time to time desires to confine persons who have been arrested, detained or convicted by the City of criminal offenses (the "City Inmates"), and the County is willing to furnish its corrections facilities and personnel in exchange for payment from the City of fees and costs, all as more fully described in this Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the respective agreements set forth below and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the County and the City agree as follows:

1.0 Purpose of Agreement. This Agreement is authorized by and entered into pursuant to Chapter 39.34 RCW and Chapter 70.48 RCW. The purpose and intent of this Agreement is for the County and the City to work together efficiently and effectively in order that the County may provide the City with corrections services (the "Services"), as defined in Section 4 below, based on the rules and conditions set forth in the applicable Sheriff's Office and County policies, procedures, rules and regulations and in this Agreement and any attachments hereto.

2.0 Effective Date and Duration. This Agreement shall be effective July 1, 2016
regardless the date of signature. This Agreement shall begin on July 1, 2016 and remain in effect through June 30, 2018, unless earlier terminated pursuant to other provisions in this Agreement or by written mutual agreement, PROVIDED HOWEVER, that the term of this Agreement may be extended or renewed for up to three (3) additional two (2) year terms by written notice from the County to the City, PROVIDED FURTHER that each Party's obligations at the end of each contract period, are contingent upon local legislative appropriation of necessary funds for this specific purpose in accordance with applicable law.

3.0 Administrators. Each party to this Agreement shall designate an individual (an "Administrator"), who may be designated by title or position, to oversee and administer such party's participation in this Agreement. The parties' initial Administrators shall be the following individuals:

**County's Administrator:**

Jack Louws, County Executive  
311 Grand Ave, Courthouse  
Bellingham, WA 98225  
360-778-5200

Bill Elfo, Sheriff (or designee)  
311 Grand Ave/Public Safety Building  
Bellingham, Washington 98225  
360-778-6600

**City's Administrator:**

Clifford Cook, Chief of Police  
Bellingham Police Department  
505 Grand Avenue  
Bellingham, WA 98225

3.1 Change of Administrator. Either party may change its Administrator at any time by delivering written notice of such party's new Administrator to the other party.

4.0 Scope of Services. As described in this Section 4 and subject to the terms or conditions set forth elsewhere in this Agreement, the County agrees to provide inmate services for gross misdemeanor and misdemeanor cases initiated by the City and referred to the County for those offenses alleged to have been committed by adults within the City. The County will hold such City Inmates until such time as they are lawfully discharged from custody pursuant to law, the terms of a judicial Order of Commitment, transferred to another (non-Whatcom) correctional facility and/or returned to the custody of the City

4.1 Assignment. The County shall provide at least 30 days' prior notice to the parties of its intent to assign or delegate duties under this Agreement, specifying which duties it intends to assign or delegate and the name and address of the party to whom it intends to assign or delegate.

4.2 Basic Services. The County shall provide Services to the City subject to the conditions set forth in this Agreement. The City shall select from one of the two options listed below. Regardless of which option selected, should the County, in its sole discretion, decline to accept or retain custody of a City Inmate for any of the reasons identified in this Agreement, the County shall notify the arresting officer in person or the City's judicial or law enforcement agency of the non-acceptance and the reason for the non-acceptance. Acceptance of a City Inmate into the Jail shall be conditioned upon either Option 1 or Option 2 as set forth below. The Option selected by the City shall be marked in Section 11 of this Agreement.
OPTION 1

a) The County agrees to provide inmate services for adult arrestees/inmates in misdemeanor and gross misdemeanor cases initiated by the City, subject to availability of space within the correctional facilities operated by the County. The County shall provide inmate services consistent with the standards contained in this Agreement. If circumstances require the County to reduce services, such reductions shall be made at the sole discretion of the Sheriff in light of his assessment of potential overcrowding; challenges in maintaining critical infrastructure, life-safety, and security systems; increasing behavioral and security concerns regarding the inmate population; and other factors judged by the Sheriff to be relevant. Reductions shall be made by first prioritizing the housing of inmates the County is legally responsible for detaining and housing. The County shall provide reasonable notice to the City of its intention to reduce service levels in any correction program.

b) The City shall contract for inmate housing services and the transportation of inmates to a jail facility or facilities other than Whatcom County to include a jail facility that will accept inmates following arrest by City officers in the event it becomes necessary for the Sheriff to reduce jail population. If the Sheriff determines that space is not available or a need exists to reduce the correctional facility population, notice of the same shall be given to the City, and the County will continue to accept and book inmates for the City and detain the inmate until the time of the inmate’s first court appearance or first review by a judicial officer. It shall be the City’s responsibility to ensure that such hearings or reviews are held within 48 hours of booking. If the inmate is not released on personal recognizance or bail within six (6) hours of the first court appearance or review by a judicial officer, the City will accept the return of the inmate or arrange to have the inmate transferred out of the correctional facility within 4 hours, or at a later time agreed to by the Sheriff. The City will provide the County a point of contact available 24 hours a day for receiving the required notifications. The County may also notify the City that persons already sentenced need to be removed from the correctional facility in order to maintain appropriate correctional facility population levels. In case such notification is given, the City shall retrieve the inmate from the correctional facility within 24 hours of such notice.

c) Under the terms of this Agreement, once an inmate is released from County custody, regardless of court or probation conditions placed on an inmate by the City and regardless of where the inmate is released, transported or housed by the City, the County shall bear no responsibility or liability whatsoever for the inmate, including but not limited to, the inmate’s mental, physical, or health care, the inmate’s conduct or behavior, or the inmate’s court obligations. If the inmate is subsequently re-booked back into the Whatcom County Jail on the City matter, the County’s duties and responsibilities per the contract terms go back into effect during the time the inmate is in County custody.

OPTION 2

a) The County agrees to provide inmate services for adult arrestees/inmates in misdemeanor and gross misdemeanor cases initiated by the City, subject to availability of space within the jail facilities operated by the County. The County shall provide inmate services consistent with the standards contained in this Agreement. If circumstances require the County to reduce services, such reductions shall be made at the sole discretion of the Sheriff in light of his assessment of potential overcrowding; challenges in maintaining critical infrastructure, life-safety, and security systems; increasing behavioral and security concerns regarding the inmate population; and other factors judged by the Sheriff to be relevant. Reductions shall be made by first prioritizing the
housing of inmates the County is legally responsible for detaining and housing. The County shall provide reasonable notice to the City of its intention to reduce service levels in any correction program.

b) The City shall contract for inmate housing services and the transportation of inmates to a jail facility or facilities other than Whatcom County to include a jail facility that will accept inmates following arrest by City officers in the event it becomes necessary for the Sheriff to implement booking restrictions. On an ongoing basis, the City shall arrange for a minimum of one weekly transport of eligible inmates, to be identified by the City, on a day that is mutually agreed upon by the County and the City. The City will make arrangements for additional transports if necessary to meet County needs to reduce the jail population.

c) Eligible Inmates for reduction of jail population by transport:

1. Have been convicted of a City misdemeanor charge;
2. Have 7 or more days left to serve on the sentence on the day of transport; and
3. Are not held on any other charges by a Whatcom County jurisdiction.

d) The Parties agree that the following conditions need to exist in order for an inmate who is in pretrial status to also be considered an eligible inmate:

1. The County agrees to allow City inmates who have been transferred to another facility to be returned to the County Jail for rebooking in order to be present for pre-trial hearings, trials and/or guilty pleas provided the City will make arrangements to have the inmate transferred back to the alternate facility or released from custody as soon as is practicable if the Whatcom County Jail population is still over the population cap.

2. The City will work diligently to establish the necessary process and technology to hold remote pretrial hearings. At the request of the County, the City shall provide a report regarding its progress in achieving this goal.

e) Additional Population Reduction

1. If the Sheriff determines that a need exists to reduce the jail population beyond the transport identified above, notice of the same shall be given to the City of additional number of inmates held or sentenced on City only charges that need to be transferred from the jail. The City will use its best efforts and all available tools to reduce the population by at least the amount identified by the County and will do so as soon as feasible.

2. Notwithstanding the above provisions, the Sheriff retains the right and discretion to take more immediate action to reduce the jail population if the Sheriff determines such actions are required. Such action may include, but is not limited to, advising the City that in order to maintain security, health and safety in the jail, the time period for transfer after first appearance may be shortened and/or booking restrictions implemented. The City specifically recognizes the potential need to implement booking restrictions in the event of overcrowding and/or the failure or unreliability of facility systems or infrastructure; combined with an inability to swiftly remove a sufficient number of inmates, whether or not the inmates are in pretrial status or post-conviction. When implementing booking restrictions, the Sheriff will consider, while
 retaining full discretion, exceptions to booking restrictions to allow booking of DUI, domestic violence, and assault inmates.

3. The Sheriff will work closely with all in-county users of the jail when providing notice of the need to reduce the jail population and when seeking the swift removal of inmates from the jail. Prior to implementing booking restrictions with respect to the City, the County will make a good faith effort to seek the removal of all other non-county inmates consistent with its Agreements with other jurisdictions and applicable law.

4. For those City inmates that have been identified by the City for removal or transport, the County will allow law enforcement officers to enter the booking area inside the jail to receive custody of the inmate(s) for transport or removal. A City employee or contractor, who has received individual clearance to enter inside the jail pursuant to Whatcom County Policy, will be allowed entry into the jail. All other non-law enforcement employees or contractors will be allowed entry onto the jail premises in a designated area to facilitate the release of the inmate(s) to City custody. Clearances granted for the purpose described above may be cancelled or suspended by the Sheriff at any time due to emergency or other security-related circumstance deemed necessary by the Sheriff.

5. Under the terms of this Agreement, once an inmate is released from County custody, regardless of court or probation conditions placed on an inmate by the City and regardless of where the inmate is released, transported or housed by the City, the County shall bear no responsibility or liability whatsoever for the inmate, including but not limited to, the inmate’s mental, physical, or health care, the inmate’s conduct or behavior, or the inmate’s court obligations. If the inmate is subsequently rebooked back into the Whatcom County Jail on the City matter, the County’s duties and responsibilities per the contract terms go back into effect during the time the inmate is in County custody.

4.3 Control of Correctional Facilities and Effect of Ordinance, Policies, Procedures, Rules and Regulations. County correctional facilities will be administered by the County in accordance with the ordinances, policies, procedures, rules and regulations of the Sheriff’s Office and in accordance with the rules and regulations of any agency of the State of Washington empowered to make rules governing the administration of County correctional facilities. The City and City Inmates shall be subject to the County’s ordinances, policies, procedures, rules and regulations relating to correctional facility operations, including any emergency security rules imposed by the Sheriff and/or County Administrator, PROVIDED, HOWEVER, that nothing in this Agreement shall be construed as creating, modifying, or expanding any duty on the part of the County except as specifically provided herein. Nothing in this Agreement shall be interpreted as a delegation by the City, its judicial and law enforcement agencies, to the County of the duty to oversee City Inmates except as provided by this agreement.

a) Obligation to Abide by Policies and Procedures. The City, its officers, employees and agents shall follow all applicable Correctional facility policies and procedures.

b) Operational Control. Each City acknowledges the County’s operational control of the jail and alternate jail programs, and each agrees that City inmates committed to the Whatcom County Jail and alternative jail programs will be subject to the same lawful rules and regulations required of other inmates incarcerated therein.
c) **Equal Treatment.** Except where provided elsewhere in this Agreement, the County agrees to furnish its facilities and personnel for confinement of City inmates and other services described in this Agreement in the same manner and to the same extent as the County furnishes for the confinement of its own gross misdemeanor or misdemeanor inmates, provided that the County shall meet or exceed all legal requirements.

### 4.4 Inmates Defined:

a. **City Inmate.** As used herein, "City Inmate" shall mean those inmates charged in municipal courts of the Cities, those inmates arrested by a city law enforcement officer while held prior to being charged with a misdemeanor or gross misdemeanor, or to release without charges, or those inmates who are originally arrested for felony offenses and are referred to the appropriate City Attorney for filing in Municipal Court as described above.

b. **County Inmate.** As used herein, "County Inmate" shall mean those inmates originally charged in Whatcom County District Court on gross misdemeanor and misdemeanor offenses, those inmates arrested by the County Sheriff while held prior to charging or to release without charges, and persons arrested for, or charged with, any felony offense charged in Whatcom County Superior Court or are held by magistrate warrant. A County Inmate includes those inmates which the Sheriff is legally required to book and hold in custody.

c. **Third Party Inmate.** For the purposes of this Agreement, County Inmates and City Inmates shall not include those inmates who are committed to the Correctional facility by entities that are not a party to this Agreement, or other inmates arrested by state and federal agencies.

d. **Material Witnesses Held in Correctional facility.** Inmate days arising from a material witness warrant shall be allocated to the jurisdiction issuing the material witness warrant.

e. **Tribal Inmate.** As used herein, “Tribal Inmate” shall mean a person arrested by Tribal police and held and confined in the County Jail, or otherwise held in detention as provided in this Agreement, pursuant to a violation of a Tribal ordinance, law, court order, or held for any purpose related to tribal charging, adjudication or jurisdiction. The term “Tribal Inmate” shall not include a person arrested on a warrant issued by another jurisdiction or for charges initiated by a non-Tribal officer or non-Tribal Court, or for charges initiated by Tribal police from Tribes located outside of the physical confines of Whatcom County.

### 4.5 City Access to City Inmates. All City law enforcement officers and defense attorneys shall have the right to interview confined City Inmates at any time subject to Correctional facility security rules, emergency declarations, orders and regulations. Available interview rooms and appropriate communication technology may be used by City law enforcement officers and defense attorneys.

### 4.6 Transport of City Inmates. The City shall provide or arrange for transportation and security of its inmates to and from the Correctional facility for initial booking and to all court appearances held in its municipal court. Cities may contract with the County to provide custody and/or transportation services for outside court appearances, except when (a) the County determines, in its sole discretion, that emergency transportation is necessary in order to secure medical or health care and/or psychiatric evaluation or treatment, or (b) the County determines, in its sole discretion, that
transportation is required to support the orderly operation of the corrections facility.

4.7 Access to Court. The County shall provide the City Court access to the Jail in-house courtroom for hearings involving incarcerated inmates. The County will provide internal escort within the facility and security within the Courtroom. The City may access the County video court system provided that:

a) The City’s system is compatible with the existing County system.

b) Any interfaces, either hardware or software, necessary for the City to access the system will conform with County security protocols and be paid for by the City.

c) Times of access will be coordinated with County Jail personnel and cannot interfere with use by either District or Superior Courts.

d) The City shall have no claim if any County or Jail Video or Audio Court System becomes inoperable or temporarily dysfunctional.

4.8 Booking an Inmate.

a) Documentation of Legal Basis for Confinement. Absent proper documentation providing a legal basis for confining the City Inmate, the County will have no obligation to receive the City Inmate into custody. Proper documentation for purposes of this section means an arrest warrant, judicial Order of Commitment, other order of a court of competent jurisdiction, or a properly completed Probable Cause Affidavit, in a format prescribed by the Sheriff.

b) Administrative Booking. Upon request by the arresting officer, City Prosecutor or the City Court, and when not otherwise prohibited by statute, court rule or court order, the County shall administratively book, and as soon as practicable, release the City Inmate. The County further reserves the right to administratively book and as soon as practicable release a City Inmate when, in the sole discretion of the Sheriff or designee, the County is unable to accept the City's Inmate for housing and when such action is not otherwise prohibited by statute, court rule or court order. The County will make a good faith effort to notify the arresting officer prior to booking of the County’s decision that it will release an inmate immediately after booking so the arresting officer may maintain the ability to pursue an option other than booking in the County’s correctional facility.

c) Health Care Clearance. The County shall have the right to refuse to accept any inmate from the City who, in the judgment of the County, has a current medical, mental health or dental condition, which may adversely affect the safety of the individual, the safety of other inmates, the safe operations of the County Jail, or is beyond the operational or physical plant limitations of the Facility. The County may require written clearance from the local hospital prior to booking, the cost of which will not be the responsibility of the County. Additionally, the County will have no obligation to receive into custody or retain custody of a City Inmate when, in the opinion of Corrections or Community medical or mental health staff the City Inmate is not medically and/or psychiatrically able to be housed in the Correctional facility, and/or needs medical and/or psychiatric attention that would require treatment at a hospital or other type of health care facility. The County will notify the City in these instances so that the City can arrange other housing. At all times, the Sheriff or designee shall have final authority to determine whether a City Inmate is medically and/or psychiatrically fit for the County's Correctional facility.
4.9 Determination of Case Status. The Prosecuting Attorney shall have the sole authority to
determine which felony arrest cases submitted by the City shall be charged as felonies and which
cases are referred back to the City for a determination as to filing gross misdemeanor or misdemeanor
charges. The City shall not be responsible for any case charged as a felony, pursuant to determination
of case status by the Prosecuting Attorney, except the City will be responsible for the cost of non-routine
services provided by outside medical providers administered prior to sentencing for felony inmates arrested by City
law enforcement officers as provided in RCW 70.48.130, following the efforts by the County to reduce
medical costs as set forth in this Agreement. If the determination is made by the Prosecuting
Attorney that a case should be referred to a municipality for review and possible charging as a gross
misdemeanor or misdemeanor, such cases shall be referred to the appropriate City Attorney for filing
in the Municipal Court with all inmate services charged to the City from the point of booking. Any
case originally charged by the Prosecutor as a felony and later adjudicated to a gross misdemeanor
or misdemeanor shall not require compensation by the Cities. If a determination is made by the
Prosecuting Attorney that a City case originally charged as a gross misdemeanor or misdemeanor
will be charged as a felony, then all inmate services will be charged to the County.

4.10 Jail Alternative Programs. Inmates judged to be eligible for Jail Alternative Programs by the
sentencing Judge may be permitted to participate in those programs at the discretion of the Sheriff or
designee. Such programs may include but will not be limited to, In Custody and Out of Custody Work
Crews, Work or School Release and Electronic Home Monitoring/Detention. The County will make jail
alternative programs available to City inmates to the same extent they are made available to County
inmates.

A City Inmate may be terminated from a Jail Alternative Program if: (a) the City municipal
court or other judicial agency order the City Inmate terminated from the Program or otherwise
amends its earlier order; (b) the County determines, in its sole discretion, that the City Inmate is no
longer eligible for the Program.

Upon termination from a Program, a City Inmate already in the custody of the County shall be
confined in the Correctional facility to serve the remainder of his or her term of confinement,
however, the inmate’s status remains subject to the other provisions of this Agreement, including
Section 4.2. If the City Inmate is not yet in the County's custody at termination, he or she will be the
immediate responsibility of the City for all purposes, including, but not limited to, the duty to
apprehend.

4.11 Release of Inmates. The County will facilitate the release of City Inmates who have
completed their sentences, posted bond or bail, or who have been released by the City Court. The
County will make all reasonable attempts notify the City when their inmates are released from
custody via one of the following:

a) Notice of Time Served: Used when an inmate has completed a sentence by the City Court.

b) Posting of Bail/Bond: The County agrees to act as agent for Cities with respect to
processing bail and/or bail bonds posted by inmates. The County will deliver bail bonds or
money posted for inmates to the Municipal Court in a timely manner. Performance bonds
will not be accepted by the County, but must be posted directly with the Court of Jurisdiction.

c) Personal Recognizance (PR): In the event a PR form is not completed in the City Court,
the County will route a copy of the County PR form to the Municipal Court in a timely
manner.

4.12 Earned Early Release. The County will grant early release credits to City Inmates in accordance with Chapter 9.94A RCW and County Sheriff's Office policies and procedures.

4.13 Record Keeping. In order to facilitate the management of the jail population, the County will provide the City with real-time access to the Sheriff's Office records management system so that the City can determine the following:

1. The names and detailed booking data of those inmates that are held at the Main Jail on City-only charges or sentences, including the amount of accrued credit for time served on the current charge(s);

2. The names and detailed booking data of those inmates that are held at the Division Street facility on City-only charges or sentences, including the amount of accrued credit for time served on the current charges (along with which inmates are participating in each jail alternative program). This information will be attached to individual inmate records, accessible by the City; and

3. The total inmate population(s) and location.

4.14 Form of Records. The County agrees to maintain a system of record keeping relative to the booking and confinement of each City Inmate in such style and manner as equivalent to County records pertaining to County Inmates.

4.15 City Access to Records. Records of services provided to City Inmates shall be available for review by the applicable City, unless their release is expressly prohibited by applicable law concerning the confidentiality of medical records (including the federal Health Insurance Portability and Accountability Act, "HIPAA"). The parties may enter business associate agreements under the HIPAA as necessary to implement the intent of this Agreement.

4.16 Correctional Facility Bed-Day Utilization Reporting. At least quarterly the County shall report to the City the actual number of inmate days utilized by each party in the previous quarter, and the total number of actual inmate days. This report may take the form of a master quarterly report, with all contract agency use figures being included on the same report.

5. Per Diem, Costs and Billing.

5.1 Notification and Basis of Rates. As set forth in this Agreement, the City will be notified by the County by August 15 of each year of the estimated booking fee, per diem, rates and fees to be charged in the next year. This estimate is not binding on the County but will be the best estimate that can be provided based on the information available by that date. The final booking fee, per diem, rates and fees will be determined following adoption of the County Budget by the County Council, as established through the Whatcom County Unified Fee Schedule, and will be provided to the parties with the first monthly statement in the New Year. Per Diem rates and fees will be for In Custody jail per diem (bed day charges), Out of Custody Work Crew, Electronic Home Detention, and may
include a capital replacement charge to fund the replacement of component systems of the Jail. On August 15 of each year, the County shall provide the best estimate of the breakdown of costs that support the adjustments in charges. The County shall provide the actual basis for adjustments in charges during the Whatcom County Budget for the biennium or supplemental budget process in November of each year and as reflected in the County Unified Fee Schedule.

5.2 In-Custody Jail Per Diem. A In Custody Jail Per Diem cost shall be charged to the City, for each City Inmate. Cities will be charged pursuant to the following policies:

a) The City will be charged per diem in 1/3rd day increments for persons incarcerated in the jail on City gross misdemeanor, misdemeanor charges, warrants, or for any other City inmate incarceration purposes. Persons incarcerated on felony charges will be the responsibility of the County, except nothing in this contract prevents the County from seeking reimbursement for felony medical costs prior to sentencing as provided in RCW 70.48.130.

b) Persons originally incarcerated for a felony level violation that is declined by the County Prosecutor and returned to the City Attorney will be the City's responsibility from the date/time of booking. Any case originally charged by the Prosecutor as a felony and later plea-bargained or adjudicated to a gross misdemeanor or misdemeanor, shall not require compensation by the City.

c) If a City charge or hold is concurrent to another jurisdiction’s charge or hold, each entity will equally share the per diem for the shared incarceration period. The City shall not be responsible for per diem costs related to inmates on which the City has no hold.

d) The County will allocate all operating costs, including maintenance, utility, and operating costs of facilities shared between the Jail and other county divisions, bureaus, or departments on a rational and systematic basis open to audit and public inspection in a manner that recognizes that the city parties are not responsible for costs associated with non-jail activities or services. The costs of shared facilities allocated to any non-jail divisions, bureaus, or departments will be funded by non-jail revenues. Additionally, the County will allocate all operating costs, including site maintenance, utility, and site operating costs related to non-jail facilities in a manner that recognizes that the city parties are not responsible for costs associated with non-jail maintenance and operations. The site costs allocated to non-jail facilities will be funded by non-jail revenues.

5.3 Booking Charge:

a) A booking fee shall be charged to the City, for each person booked into the jail on the City's charges and/or warrants. Persons booked into the jail and released within 8 hours will only incur the booking fee. Persons who are booked into the jail and held in the facility will incur both the booking charge and a per diem charge accruing in 1/3 day increments. If an inmate is booked on charges from multiple local entities, the booking fee will be split evenly between those jurisdictions.

b) In those instances when the City Court requests that an inmate be brought to the in-
house courtroom on a charge that is not on the inmate’s current booking record, the inmate will be escorted to Court and the City charge(s) will be added to the inmate’s current booking record, along with the Court’s instructions. The City charge will be added to the inmate’s current booking record, regardless if the inmate was transported on a new City charge, a pending City charge, or a post-conviction City charge.

If the inmate was already being held on a charge from the City, there will be no change to the per diem and no additional booking fee will be charged. If the inmate is not currently being held on any other City charge, a booking fee for the above described in-house courtroom appearance will be charged to the City and the fee will be apportioned as described in section 5.3(a). If the inmate was not being held on a City’s charge, per diem will start being charged as of the date the defendant is booked and held on those charge(s). Per diems and booking fees will be apportioned as described above.

5.4 Alternative Jail Programs/Per Diem: Jail Per Diem costs for In Custody Work Release and Work Crew, Electronic Home Detention and Out of Custody Work Crew shall also be charged to the City, for each City Inmate. The City will be charged for Alternative Jail Programs as follows:

a) In Custody Work Release: If an inmate participating in Whatcom County’s Work Release Program the parties will be charged the In Custody per diem rate per bed day for work release inmates. Any funds collected from the inmate will be credited to the cost to the City.

b) In Custody Work Crew: If an inmate is participating in the In Custody Work Crew Program, billing to the City for these participants will be based on the In Custody per diem rate per bed day for work crew inmates. If the County bills the inmates for participating in this program, the funds collected from the inmate will be credited to the City.

c) Electronic Home Detention: If an inmate qualifies for Electronic Home Detention, billing to the City for these participating inmates will be based on the Electronic Home Detention per diem rate. Any funds collected from the inmate will be credited to the City.

d) Out of Custody Work Crew: If an inmate is participating in the Out of Custody Work Crew Program, billing to the City for these participants will be based on the Out of Custody Work Crew per diem rate. If the County bills the inmates for participating in this program, the funds collected from the inmate will be credited to the City.

All participants must first be authorized by the sentencing judge to apply for alternative jail programs, and the Sheriff or designee must approve the terms and conditions of the program participation.

If a City charge or hold is concurrent to another jurisdiction’s charge or hold, the City shall be billed the proportionate percentage share of the current year per diem for the shared incarceration period.
5.5 Health Care Costs. All inmates shall receive medical, mental health, and dental treatment when medically necessary to safeguard their health while in custody as required by law. Medical costs shall be allocated per state law or by agreement between the City and the County. If there is a difference between state law allocation of such costs and an agreement between the City and the County, the Agreement shall control. The County shall be responsible for providing routine health care. Such health care will include those health care services routinely delivered at normal cost by County staff, contracted practitioners, or nursing staff, and delivered within the facility.

a) The County is not responsible for the cost of services delivered to City inmates outside of the facility, or for non-routine services provided by outside medical practitioners within the facility. The City shall be responsible for the costs of any and all emergent or necessary medical or health care, dental and psychiatric treatment provided outside of the County Correctional Facilities or non-routine services or medication provided to the inmate inside the jail. Payment for emergency, exceptional or non-routine necessary medical or health care for City gross misdemeanor or misdemeanor inmates shall be made by the City upon written invoice by the County or upon such other terms as City and the County may agree in writing. The County will additionally bill the City for pre-sentence felony inmates, held on the City's case, who incur emergency, exceptional or non-routine necessary medical or health care costs, as set forth in RCW 70.48.130. The County shall notify the City within a reasonable period of time, when the County becomes aware that an inmate being held on the City's charges or awaiting sentencing on a City felony charge is in need of emergency, exceptional, or non-routine necessary medical or health care or when the inmate has been transported for emergency care. Any decision to release a pretrial City felon, City pre-trial detainee, or City inmate, will rest with the City, the Prosecuting Attorney and/or City Attorney, and/or the Court. Included in the cost of extraordinary medical costs will be the costs to transport and/or provide a guard detail if the inmate is not released by the Court.

b) The County agrees to utilize all existing agreements with medical practitioners and organizations to mitigate any medical costs, to make its best efforts to negotiate additional favorable agreements, and seek out any and all eligible third party reimbursement for medical costs (including health or auto insurance, DSHS/Medicaid, and/or the State of Washington), in the same manner and to the same extent at the County does for inmates held on its own charges and prior to billing the City. No third party beneficiary contract or contract of insurance is intended by this contract. Non-routine necessary medical or health care shall include all practitioner-ordered health care or medical services delivered to City inmates outside of the facility, specialized care provided by non-contract health care providers in or out of the facility, and emergency treatment, including EMS and the local Hospital Emergency Department.

c) Any failure or error by the County to provide the City with proper notification of extraordinary, non-routine necessary medical or health care, emergency care, dental and/or mental health services described under Section 5, delivered to a City Inmate shall in no way excuse full, complete and timely payment by the City under this Agreement.

5.6 Invoicing for Extraordinary, Non-Routine, Necessary Medical or Health Care, Emergency Care, Mental Health and Dental Services. The County shall invoice the City for all costs
incurred for extraordinary or non-routine necessary medical, health, or emergency care, dental, or mental health services to City Inmates, including, but not limited to, durable medical equipment, ambulance fees, medical, dental, and mental health services provided outside the Correctional facility specialized equipment or extraordinary medications essential to the inmates health such as chemotherapy, anti-viral or biologic medications. Extraordinary Medical Costs do not include routine medical examinations, tests, procedures performed at the Correctional facility by Correctional facility staff or contractors or routine medications. The County will facilitate use of a City inmate's 3rd party medical insurance whenever possible. If there is coverage, the County will credit amounts received from the City Inmate's own health insurance and applicable public assistance to the City's bill. Credit amounts may show up on billings subsequent to the time of service, due to processing timelines by both the provider and the 3rd party payer.

5.7 Payment: The City shall remain liable for complete and timely payment of all amounts invoiced. Invoices may be sent monthly, quarterly or on any other schedule that is mutually convenient to the parties. Where complete payment is not tendered within thirty (30) days of the invoice date, the County may charge interest on the outstanding balance at a rate equal to the interest rate on the monthly County investment earnings. Should the City wish to dispute the amount of a particular invoice, it will (a) make complete and timely payment on the outstanding balance, and (b) deliver written notice of the dispute to the County within thirty (30) days of the invoice date. Failure to properly notify the County of any disputed amounts within thirty (30) days of the invoice shall constitute an acceptance by the City of all charges contained therein. Within fifteen (15) days of timely receipt of payment and the City's written notice of dispute, the County shall review the disputed invoice. Should the County resolve the dispute in favor of the City, the disputed amounts will be credited towards the City's next billing cycle, PROVIDED, HOWEVER, that upon termination of this Agreement, the County shall pay out to the City any such credited amounts. Withholding payment of any amount billed, regardless of whether the City has provided timely written notice of a disputed invoice, will constitute a default under this Agreement.

5.8 Review and maintenance of records: Each party may examine the other party's books and records to verify charges and to audit the amounts charged under this Agreement. If the City elects to conduct an audit, the audit may be conducted under the supervision by the County IT Department or Jail Administration for purposes of record retrieval, protecting confidentiality and expediency. The County shall maintain accurate time and accounting records related to the Services for a period of three (3) years following final payment.

6. Indemnification/Hold Harmless.

6.1 City Held Harmless. The County shall indemnify and hold harmless the City and its officers, agents, and employees, or any of them from any and all claims, actions, suits, liability, loss, costs, expenses, and damages of any nature whatsoever, by any reason of or arising out of any negligent act or omission of the County, its officers, agents, and employees, or any of them relating to or arising out of performing services pursuant to this agreement. In the event that any such suit based upon such a claim, action, loss, or damages is brought against the City, the County shall defend the same at its sole cost and expense; provided that the City reserves the right to participate in said suit if any principle of governmental or public law is involved; and if final judgment in said suit be rendered against the City, and its officers, agents, and employees, or any of them, or jointly against the City and the County and their respective officers, agents, and employees, or any of them, the County shall satisfy the same.

6.2 County Held Harmless. The City shall indemnify and hold harmless the County and its officers, agents, and employees, or any of them from any and all claims, actions, suits,
liability, loss, costs, expenses, and damages of any nature whatsoever, by any reason of or arising out of any negligent act or omission of the City, its officers, agents, and employees, or any of them relating to or arising out of performing services pursuant to this agreement. In the event that any suit based upon such a claim, action, loss, or damages is brought against the County, the City shall defend the same at its sole cost and expense; provided that the County reserves the right to participate in said suit if any principle of governmental or public law is involved; and if final judgment be rendered against the County, and its officers, agents, and employees, or any of them, or jointly against the County and the City and their respective officers, agents, and employees, or any of them, the City shall satisfy the same.

The Parties' obligations to indemnify defend and hold harmless for injuries, sickness, death or damage caused by or resulting from the concurrent negligence or willful misconduct of the Parties or of the Parties and a third party other than an officer, agent or employee of the Parties, shall apply only to the extent of the negligence or willful misconduct of each Party.

6.3 Waiver under Washington Industrial Insurance Act. The foregoing indemnity is specifically intended to constitute a waiver of each party's immunity under Washington's Industrial Insurance Act, Chapter 51 RCW, as respects the other party only, and only to the extent necessary to provide the indemnified party with a full and complete indemnity of claims made by the indemnitor's employees. The parties acknowledge that these provisions were specifically negotiated and agreed upon by them. The terms of the Indemnification provisions shall survive the termination or expiration of this Agreement.


In executing this Agreement, the County does not assume liability or responsibility for or in any way release the City from any liability or responsibility which arises in whole or in part from the existence or effect of City ordinances, policies, rules or regulations. Nor shall the County be liable or responsible for any claims of conduct or actions by the City, City Courts, or law enforcement, including, but not limited to claims of unlawful arrest, excessive force, unlawful imprisonment, unconstitutional deprivation, negligence, errors, omissions or misconduct. If any cause, claim, suit, action or administrative proceeding is commenced in which the enforceability and/or validity of any such City ordinance, policy, rule or regulation is at issue, or in which there is an allegation of City Court, City Prosecutor or Law Enforcement action as described above, the City shall defend the same at its sole expense and, if judgment is entered or damages are awarded against the City, the County, or both, the City shall satisfy the same, including all chargeable costs and reasonable attorney's fees.

In executing this Agreement, the City does not assume liability or responsibility for or in any way release the County from any liability or responsibility which arises in whole or in part from the existence or effect of County ordinances, policies, rules or regulations. Nor shall the City be liable or responsible for any claims of conduct or actions by the County, County Courts, or law enforcement, including, but not limited to claims of unlawful arrest, excessive force, unlawful imprisonment, unconstitutional deprivation, negligence, errors, omissions or misconduct. If any cause, claim, suit, action or administrative proceeding is commenced in which the enforceability and/or validity of any such County ordinance, policy, rule or regulation is at issue, or in which there is an allegation of County Court, County Prosecutor or Law Enforcement action as described above, the County shall defend the same at its sole expense and, if judgment is entered or damages are awarded against the County, the City, or both, the County shall satisfy the same, including all chargeable costs and reasonable attorney's fees.
7.1 Insurance. Each Party shall maintain its own insurance and/or self-insurance for its liabilities from damage to property and/or injuries to persons arising out of its activities associated with this Agreement as it deems reasonably appropriate and prudent. The maintenance of, or lack thereof of insurance and/or self-insurance shall not limit the liability of the indemnifying party to the indemnified party(s). Each Party shall provide the other with a certificate of insurance or letter of self-insurance annually as the case may be.

7.2 Compliance with Laws. In the performance of its obligations under this Agreement, each party shall comply with all applicable federal, state, local laws, all State and local rules and regulations.

7.3 Default and Remedies.

Default. If either the County or the City fails to perform any act or obligation required to be performed by it hereunder, the other party shall deliver written notice of such failure to the non-performing party. The non-performing party shall have fifteen (30) days after its receipt of such notice in which to correct its failure to perform the act or obligation at issue, after which time, if non-performance continues, it shall be in default ("Default") under this Agreement; provided, however, that if the non-performance is of a type that could not reasonably be cured within said fifteen (30) day period, then the non-performing party shall not be in Default if it commences cure within said fifteen (15) day period and thereafter diligently pursues cure to completion.

Remedies. In the event of a party's Default under this Agreement, then after giving notice and an opportunity to cure pursuant to this Agreement, the County and City will attempt to progressively resolve the dispute in the following manner:

1. Through negotiations between the City and County's respective Administrators or their designees.
2. Through non-binding mediation.
3. Seeking resolution in the Courts of law and equity.

In addition, if the City fails to make payment on an outstanding invoice within the time to cure and the City has not disputed the invoice as provided in this Agreement, the City shall have no further right under this Agreement to deliver custody to or otherwise house City Inmates at the Correctional facility and shall, at the County's request, remove all City Inmates from the Correctional facility within fourteen (14) days of notice to do so. Thereafter, the County may, in its sole discretion, accept City Inmates to the Correctional facility if all outstanding invoices are paid.

8. Early Termination

8.1 Termination by the County. Except as provided in Section 8.3 below, the County may terminate this Agreement at any time, with or without cause, upon not less than ninety (90) days advance written notice to the City and the Washington State Office of Financial Management. The Notice shall state the grounds for termination and the specific plans for accommodating the affected jail population.
8.2 Termination by the City. The City may terminate this Agreement at any time, with or without cause, upon not less than ninety (90) days advance written notice to the County and the Washington State Office of Financial Management. The Notice shall state the grounds for termination and the specific plans for accommodating the affected jail population.

8.3 Lack of Funding. This Agreement is contingent upon governmental funding and local legislative appropriations. In the event that funding from any source is withdrawn, reduced, limited, or not appropriated after the effective date of this Agreement, this Agreement may be terminated by the County immediately by delivering written notice to the City. The termination notice shall specify the date on which the Agreement shall terminate.

8.4 Calculation of Costs Due Upon Early Termination. Upon early termination of this Agreement as provided in this Section 8, the City shall pay the County for all Services performed up to the date of termination. The County shall notify the City within thirty (30) days of the date of termination of all remaining costs. No payment shall be made by the City for any expense incurred or Services performed following the effective date of termination unless authorized in writing by the City.

8.5 Dispute Resolution. Other than that specified in Section 7, should a dispute arise under this Agreement between the City and the County, such dispute shall be progressively resolved in the following manner:

1. Through negotiations between the City and the County’s respective contacts.
2. Through negotiations between the Mayor and the County Executive; or
3. In the event that the City and the County do not reach agreement within 90 days of commencing negotiations, the matter will be submitted to binding arbitration.

Nothing in this section shall deny any rights established elsewhere in this Agreement.

8.6 Extension of Negotiations. The City and the County may mutually agree to extend the negotiation period. If the City and the County cannot agree upon the selection of an impartial arbitrator within fourteen days of a written request for arbitration by either the City or the County, the arbitrator shall be selected as provided in the Superior Court Mandatory Arbitration Rules by a judge of the Superior Court of Skagit County. The arbitration shall be conducted pursuant to the Superior Court Mandatory Arbitration Rules.

9. Notices. All notices required to be given by any party to the other party under this Agreement shall be in writing and shall be delivered either in person, by United States mail, or by electronic mail (email) to the applicable Administrator or the Administrator's designee. Notice delivered in person shall be deemed given when accepted by the recipient. Notice by United States mail shall be deemed given as of the date the same is deposited in the United States mail, postage prepaid, and addressed to the Administrator, or their designee, at the addresses set forth in Section 3 of this Agreement. Notice delivered by email shall be deemed given as of the date and time received by the recipient.

10. Miscellaneous.

10.1 Entire Agreement. This Agreement constitutes the entire agreement between the parties regarding the subject matter hereof, and supersedes any and all prior oral or written agreements.
between the parties regarding the subject matter contained herein. This Agreement may not be modified or amended in any manner except by a written document executed with the same formalities as required for this Agreement and signed by the party against whom such modification is sought to be enforced.

10.2 Conflicts between Attachments and Text. Should any conflicts exist between any attached exhibit or schedule, and the text or main body of this Agreement, the text or main body of this Agreement shall prevail.

10.3 Governing Law and Venue. This Agreement shall be governed by and enforced in accordance with the laws of the State of Washington. The venue of any action arising out of this Agreement shall be in the Superior Court of the State of Washington, in and for Skagit County.

10.4 Interpretation. This Agreement and each of the terms and provisions of it are deemed to have been explicitly negotiated by the parties, and the language in all parts of this Agreement shall, in all cases, be construed according to its fair meaning and not strictly for or against either of the parties hereto. The captions and headings in this Agreement are used only for convenience and are not intended to affect the interpretation of the provisions of this Agreement. This Agreement shall be construed so that wherever applicable the use of the singular number shall include the plural number, and vice versa, and the use of any gender shall be applicable to all genders.

10.5 Severability. If any provision of this Agreement or the application thereof to any person or circumstance shall, for any reason and to any extent, be found invalid or unenforceable, the remainder of this Agreement and the application of that provision to other persons or circumstances shall not be affected thereby, but shall instead continue in full force and effect, to the extent permitted by law.

10.6 Savings. Nothing in this Agreement shall be construed so as to require the commission of any act contrary to law, and wherever there is any conflict between any provisions of this Agreement and any statute, law, public regulation or ordinance, the latter shall prevail, but in such event, the provisions of this Agreement affected shall be curtailed and limited only the extent necessary to bring it within legal requirements.

10.7 No Waiver. A party's forbearance or delay in exercising any right or remedy with respect to a Default by the other party under this Agreement shall not constitute a waiver of the Default at issue. Nor shall a waiver by either party of any particular Default constitute a waiver of any other Default or any similar future Default.

10.8 No Assignment. This Agreement shall not be assigned, either in whole or in part, by either party without the express written consent of the other party, which may be granted or withheld in such party's sole discretion. Any attempt to assign this Agreement in violation of the preceding sentence shall be null and void and shall constitute a Default under this Agreement.

10.9 Warranty of Authority. Each of the signatories hereto warrants and represents that he or she is competent and authorized to enter into this Agreement on behalf of the party for whom he or she purports to sign this Agreement.

10.10 Independent Contractor. The County will perform all Services under this Agreement as an independent contractor and not as an agent, employee, or servant of the City. The County shall
be solely responsible for control, supervision, direction and discipline of its personnel, who shall be employees and agents of the County and not the City. The County has the express right to direct and control the County's activities in providing the Services in accordance with the specifications set out in this Agreement. The City shall only have the right to ensure performance.

10.11 _No Joint Venture._ Nothing contained in this Agreement shall be construed as creating any type or manner of partnership, joint venture or other joint enterprise between the parties.

10.12 _No Separate Entity Necessary._ The parties agree that no separate legal or administrative entities are necessary to carry out this Agreement.

10.13 _Ownership of Property._ Except as expressly provided to the contrary in this Agreement, any real or personal property used or acquired by either party in connection with its performance under this Agreement will remain the sole property of such party, and the other party shall have no interest therein.

10.14 _No Third Party Beneficiaries._ This Agreement and each and every provision hereof is for the sole benefit of the City and the County. No other persons or parties shall be deemed to have any rights in, under or to this Agreement.

10.15 _Force Majeure._ In the event either party's performance of any of the provisions of this Agreement become impossible due to circumstances beyond that party's control, including without limitation, force majeure, strikes, embargoes, shortages of labor or materials, governmental regulations, acts of God, war or other strife, that party will be excused from performing such obligations until such time as the Force Majeure event has ended and all facilities and operations have been repaired and/or restored.

10.16 _This is an Integrated Agreement._ Neither party has relied on any representation other than those expressly set forth herein in entering this Agreement.

10.17 _Neutral Authorship._ Each of the terms and conditions of this Agreement have been reviewed and negotiated with respect to legal counsel, and represents the combined work product of the parties hereto, and this Agreement shall not be interpreted for or against any Party hereto based upon authorship. The Parties represent that they have had a full and fair opportunity to seek legal advice with respect to the terms of this Agreement, and have either done so or have voluntarily chosen not to do so. The Parties represent and warrant that they and their authorized representatives executing this Agreement have fully read this Agreement, that they understand its meaning and effect, and that they enter into this Agreement with full knowledge of its terms. This Agreement contains terms and conditions agreed upon by the Parties. The Parties agree that there are no other understandings, oral or otherwise, regarding the subject matter of this Agreement. No change or addition to this Agreement shall be valid or binding upon the Parties unless such change or addition is in writing, executed by all the Parties.

10.18 The Parties agree that during the performance of this Agreement they shall abide by all Federal, State and local laws, provided, the prohibition against discrimination in employment because of handicap shall not apply if the particular disability, with reasonable accommodation, prevents the proper performance of the work involved.
10.19 The Parties agree to aid and assist the other in accomplishing the objectives of this Agreement.

10.20 This Agreement shall be binding upon the Parties, and their successors and assigns.

10.21 **Further Acts.** The Parties agree to take such further actions and to execute documents as in their reasonable judgment may be necessary or desirable in order to carry out the terms of, and complete the transactions contemplated by, this Agreement.

10.22 **Agreement Contact.** The County's initial contact for this Agreement shall be the County Executive. The Cities' initial contact shall be the Mayor of each respective city. The Parties to this Agreement may designate new contacts by providing written notice to all the other Parties.

11. City Election of Option 1 or Option 2 under Section 4, Basic Services.
The City has elected the following Option of Basic Services outlined in Section 4.2 and checked below:

[  ] Option 1.

OR -

[  ] Option 2.
IN WITNESS WHEREOF, Whatcom County and the City of Bellingham have executed this Amendment on the date and year below written.

DATED this __________ day of _______________, 20___.

WHATCOM COUNTY:

Approved as to form:

[Signature] 4/14/16
Prosecuting Attorney Date

Approved:
Accepted for Whatcom County:

By: _______________________________
    Jack Louws, Whatcom County Executive

STATE OF WASHINGTON )
) ss
COUNTY OF WHATCOM )

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

______________________________
NOTARY PUBLIC in and for the State of Washington, residing at ____________________. My commission expires ____________________.
CITY OF BELLINGHAM:

EXECUTED this _____ day of ______________, 201_. For the CITY OF BELLINGHAM

Mayor Linville

STATE OF WASHINGTON )
) ss

COUNTY OF WHATCOM )

On this _____ day of ______________, 20___, before me personally appeared Mayor Kelli Linville, to me known to be the Mayor of the City of Bellingham, 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 ______________.

ATTEST:

________________________________
Finance Director

Approved as to form:

________________________________
Office of the City Attorney

Departmental Approval: ________________________________
Jail Facility Use Agreement

**ATTACHMENTS:**
Memo and Jail Facility Use Agreement

**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 enter into a new Jail Facility Use Agreement between Whatcom County and the City of Blaine effective July 1, 2016.
<table>
<thead>
<tr>
<th><strong>Whatcom County Contract Information Sheet</strong></th>
</tr>
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</table>

<table>
<thead>
<tr>
<th><strong>Originating Department:</strong></th>
<th>County Executive</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Contract or Grant Administrator:</strong></td>
<td>Deputy Executive</td>
</tr>
<tr>
<td><strong>Contractor’s / Agency Name:</strong></td>
<td>City of Blaine</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Is this a New Contract?</strong></th>
<th>Yes ✗ No ☐</th>
<th><strong>If not, is this an Amendment or Renewal to an Existing Contract?</strong></th>
<th>Yes ☐ No ☐</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>If Amendment or Renewal, (per WCC 3.08.100 (a)) Original Contract #:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
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<tr>
<th><strong>Does contract require Council Approval?</strong></th>
<th>Yes ✗ No ☐</th>
<th><strong>If No, include WCC:</strong></th>
<th>See Whatcom County Codes 3.06.010, 3.08.090 and 3.08.100</th>
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<table>
<thead>
<tr>
<th><strong>Is this a grant agreement?</strong></th>
<th>Yes ☐ No ✗</th>
<th><strong>If yes, grantor agency contract number(s):</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CFDA #:</strong></td>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Is this contract grant funded?</strong></th>
<th>Yes ☐ No ✗</th>
<th><strong>If yes, Whatcom County grant contract number(s):</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Contract #:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Cost Center:</strong></td>
<td></td>
<td></td>
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</table>

<table>
<thead>
<tr>
<th><strong>Is this contract the result of a RFP or Bid process?</strong></th>
<th>Yes ✗ No ☐</th>
<th><strong>If yes, RFP and Bid number(s):</strong></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Contract Amount:(sum of original contract amount and any prior amendments):</strong></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>$ ______________________ fee for service</td>
<td></td>
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</table>

| **This Amendment Amount:** | | | |
| $ _______________________ | | | |

| **Total Amended Amount:** | | | |
| $ ______________________ | | | |

<table>
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<tr>
<th><strong>Summary of Scope:</strong></th>
<th>The purpose and intent of this agreement is for the County and the City to work together in order that the county may provide the City with corrections services.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th><strong>Term of Contract:</strong></th>
<th>2 years</th>
<th><strong>Expiration Date:</strong></th>
<th>June 30, 2018</th>
</tr>
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<table>
<thead>
<tr>
<th><strong>Contract Routing:</strong></th>
<th><strong>Prepared by:</strong> Tyler Schroeder and legal</th>
<th><strong>Date:</strong> 06.16.16</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Attorney signoff:</strong></td>
<td></td>
<td><strong>Date:</strong> 06/13/16</td>
</tr>
<tr>
<td><strong>AS Finance reviewed:</strong></td>
<td></td>
<td><strong>Date:</strong> 06/28/16</td>
</tr>
<tr>
<td><strong>IT reviewed (if IT related):</strong></td>
<td></td>
<td><strong>Date:</strong></td>
</tr>
<tr>
<td><strong>Contractor signed:</strong></td>
<td></td>
<td><strong>Date:</strong></td>
</tr>
<tr>
<td><strong>Submitted to Exec.:</strong></td>
<td></td>
<td><strong>Date:</strong></td>
</tr>
<tr>
<td><strong>Council approved (if necessary):</strong></td>
<td></td>
<td><strong>Date:</strong></td>
</tr>
<tr>
<td><strong>Executive signed:</strong></td>
<td></td>
<td><strong>Date:</strong></td>
</tr>
<tr>
<td><strong>Original to Council:</strong></td>
<td></td>
<td><strong>Date:</strong></td>
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</table>

**Last Edited 060414**
MEMORANDUM

TO: Jack Louws, County Executive

FROM: Tyler Schroeder, Deputy Executive

RE: Jail Facility Use Agreement

DATE: June 16, 2016

Enclosed are two (2) originals of a contract between Whatcom County and the City of Blaine.

▪ Background and Purpose
This new agreement allows the County to continue providing jail services to the City of Blaine on July 1, 2016 as the current agreement expires on June 30, 2016. The County agrees to provide inmate services for gross misdemeanor and misdemeanor cases initiated by the City and referred to the County for those offenses alleged to have been committed by adults within the City.

▪ Funding Amount and Source
This is a fee for service contract for Whatcom County. The City of Blaine pays Whatcom County for jail services through booking and other fees.

▪ Differences from Previous Contract
Booking fees have increased to more effectively cover the cost of service.

Please contact Tyler Schroeder at extension 5207, if you have any questions or concerns regarding the terms of this agreement.

Encl.
INTERLOCAL JAIL FACILITY USE AGREEMENT FOR CORRECTIONS SERVICES BETWEEN WHATCOM COUNTY AND THE CITY OF BLAINE

This INTERLOCAL AGREEMENT FOR CORRECTIONS SERVICES BETWEEN WHATCOM COUNTY and the CITY OF BLAINE (this "Agreement"), is made and entered into this ______ day of ______, 2016, by and between WHATCOM COUNTY, a political subdivision of the State of Washington (the "County"), and the CITY OF BLAINE, a municipal corporation of the State of Washington (the "City") pursuant to Chapter 39.34 RCW and Chapter 70.48 RCW. The County Executive, or designee, will serve as the administrator of the Agreement pursuant to RCW 39.34.

RE bâtals

A. The County currently maintains and operates correctional facilities known as the Whatcom County Correctional facility ("Jail") and the Whatcom County Jail Work Center ("JWC"). In order to assist other jurisdictions, the County from time to time will enter into interlocal agreements to confine in its corrections facilities persons from other jurisdictions.

B. The County and City each have the statutory power and authority to maintain and operate correctional facilities and to confine inmates therein.

C. The City from time to time desires to confine persons who have been arrested, detained or convicted by the City of criminal offenses (the "City Inmates"), and the County is willing to furnish its corrections facilities and personnel in exchange for payment from the City of fees and costs, all as more fully described in this Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the respective agreements set forth below and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the County and the City agree as follows:

1.0 Purpose of Agreement. This Agreement is authorized by and entered into pursuant to Chapter 39.34 RCW and Chapter 70.48 RCW. The purpose and intent of this Agreement is for the County and the City to work together efficiently and effectively in order that the County may provide the City with corrections services (the "Services"), as defined in Section 4 below, based on the rules and conditions set forth in the applicable Sheriff's Office and County policies, procedures, rules and regulations and in this Agreement and any attachments hereto.

2.0 Effective Date and Duration. This Agreement shall be effective July 1, 2016.
regardless the date of signature. This Agreement shall begin on July 1, 2016 and remain in effect through June 30, 2018, unless earlier terminated pursuant to other provisions in this Agreement or by written mutual agreement, PROVIDED HOWEVER, that the term of this Agreement may be extended or renewed for up to three (3) additional two (2) year terms by written notice from the County to the City, PROVIDED FURTHER that each Party's obligations at the end of each contract period, are contingent upon local legislative appropriation of necessary funds for this specific purpose in accordance with applicable law.

3.0 Administrators. Each party to this Agreement shall designate an individual (an "Administrator"), who may be designated by title or position, to oversee and administer such party's participation in this Agreement. The parties' initial Administrators shall be the following individuals:

**County's Administrator:**

- Jack Louws, County Executive
- 311 Grand Ave, Courthouse
- Bellingham, WA 98225
- 360-778-5200

- Bill Elfo, Sheriff (or designee)
- 311 Grand Ave/Public Safety Building
- Bellingham, Washington 98225
- 360-778-6600

**City's Administrator:**

- David Wilbrecht, City Administrator
- 435 Martin Street
- Blaine, WA 98230
- 360-332-8330

3.1 Change of Administrator. Either party may change its Administrator at any time by delivering written notice of such party's new Administrator to the other party.

4.0 Scope of Services. As described in this Section 4 and subject to the terms or conditions set forth elsewhere in this Agreement, the County agrees to provide inmate services for gross misdemeanor and misdemeanor cases initiated by the City and referred to the County for those offenses alleged to have been committed by adults within the City. The County will hold such City Inmates until such time as they are lawfully discharged from custody pursuant to law, the terms of a judicial Order of Commitment, transferred to another (non-Whatcom) correctional facility and/or returned to the custody of the City.

4.1 Assignment. The County shall provide at least 30 days' prior notice to the parties of its intent to assign or delegate duties under this Agreement, specifying which duties it intends to assign or delegate and the name and address of the party to whom it intends to assign or delegate.

4.2 Basic Services. The County shall provide Services to the City subject to the conditions set forth in this Agreement. The City shall select from one of the two options listed below. Regardless of which option selected, should the County, in its sole discretion, decline to accept or retain custody of a City Inmate for any of the reasons identified in this Agreement, the County shall notify the arresting officer in person or the City's judicial or law enforcement agency of the non-acceptance and the reason for the non-acceptance. Acceptance of a City Inmate into the Jail shall be conditioned upon either Option 1 or Option 2 as set forth below. The Option selected by the City shall be marked in Section 11 of this Agreement.
OPTION 1

a) The County agrees to provide inmate services for adult arrestees/inmates in misdemeanor and gross misdemeanor cases initiated by the City, subject to availability of space within the correctional facilities operated by the County. The County shall provide inmate services consistent with the standards contained in this Agreement. If circumstances require the County to reduce services, such reductions shall be made at the sole discretion of the Sheriff in light of his assessment of potential overcrowding; challenges in maintaining critical infrastructure, life-safety, and security systems; increasing behavioral and security concerns regarding the inmate population; and other factors judged by the Sheriff to be relevant. Reductions shall be made by first prioritizing the housing of inmates the County is legally responsible for detaining and housing. The County shall provide reasonable notice to the City of its intention to reduce service levels in any correction program.

b) The City shall contract for inmate housing services and the transportation of inmates to a jail facility or facilities other than Whatcom County to include a jail facility that will accept inmates following arrest by City officers in the event it becomes necessary for the Sheriff to reduce jail population. If the Sheriff determines that space is not available or a need exists to reduce the correctional facility population, notice of the same shall be given to the City, and the County will continue to accept and book inmates for the City and detain the inmate until the time of the inmate’s first court appearance or first review by a judicial officer. It shall be the City’s responsibility to ensure that such hearings or reviews are held within 48 hours of booking. If the inmate is not released on personal recognizance or bail within six (6) hours of the first court appearance or review by a judicial officer, the City will accept the return of the inmate or arrange to have the inmate transferred out of the correctional facility within 4 hours, or at a later time agreed to by the Sheriff. The City will provide the County a point of contact available 24 hours a day for receiving the required notifications. The County may also notify the City that persons already sentenced need to be removed from the correctional facility in order to maintain appropriate correctional facility population levels. In case such notification is given, the City shall retrieve the inmate from the correctional facility within 24 hours of such notice.

c) Under the terms of this Agreement, once an inmate is released from County custody, regardless of court or probation conditions placed on an inmate by the City and regardless of where the inmate is released, transported or housed by the City, the County shall bear no responsibility or liability whatsoever for the inmate, including but not limited to, the inmate’s mental, physical, or health care, the inmate’s conduct or behavior, or the inmate’s court obligations. If the inmate is subsequently re-booked back into the Whatcom County Jail on the City matter, the County’s duties and responsibilities per the contract terms go back into effect during the time the inmate is in County custody.

OPTION 2

a) The County agrees to provide inmate services for adult arrestees/inmates in misdemeanor and gross misdemeanor cases initiated by the City, subject to availability of space within the jail facilities operated by the County. The County shall provide inmate services consistent with the standards contained in this Agreement. If circumstances require the County to reduce services, such reductions shall be made at the sole discretion of the Sheriff in light of his assessment of potential overcrowding; challenges in maintaining critical infrastructure, life-safety, and security systems; increasing behavioral and security concerns regarding the inmate population; and other factors judged by the Sheriff to be relevant. Reductions shall be made by first prioritizing the
housing of inmates the County is legally responsible for detaining and housing. The County shall provide reasonable notice to the City of its intention to reduce service levels in any correction program.

b) The City shall contract for inmate housing services and the transportation of inmates to a jail facility or facilities other than Whatcom County to include a jail facility that will accept inmates following arrest by City officers in the event it becomes necessary for the Sheriff to implement booking restrictions. On an ongoing basis, the City shall arrange for a minimum of one weekly transport of eligible inmates, to be identified by the City, on a day that is mutually agreed upon by the County and the City. The City will make arrangements for additional transports if necessary to meet County needs to reduce the jail population.

c) Eligible Inmates for reduction of jail population by transport:

1. Have been convicted of a City misdemeanor charge;
2. Have 7 or more days left to serve on the sentence on the day of transport; and
3. Are not held on any other charges by a Whatcom County jurisdiction.

d) The Parties agree that the following conditions need to exist in order for an inmate who is in pretrial status to also be considered an eligible inmate:

1. The County agrees to allow City inmates who have been transferred to another facility to be returned to the County Jail for rebooking in order to be present for pre-trial hearings, trials and/or guilty pleas provided the City will make arrangements to have the inmate transferred back to the alternate facility or released from custody as soon as is practicable if the Whatcom County Jail population is still over the population cap.

2. The City will work diligently to establish the necessary process and technology to hold remote pretrial hearings. At the request of the County, the City shall provide a report regarding its progress in achieving this goal.

e) Additional Population Reduction

1. If the Sheriff determines that a need exists to reduce the jail population beyond the transport identified above, notice of the same shall be given to the City of additional number of inmates held or sentenced on City only charges that need to be transferred from the jail. The City will use its best efforts and all available tools to reduce the population by at least the amount identified by the County and will do so as soon as feasible.

2. Notwithstanding the above provisions, the Sheriff retains the right and discretion to take more immediate action to reduce the jail population if the Sheriff determines such actions are required. Such action may include, but is not limited to, advising the City that in order to maintain security, health and safety in the jail, the time period for transfer after first appearance may be shortened and/or booking restrictions implemented. The City specifically recognizes the potential need to implement booking restrictions in the event of overcrowding and/or the failure or unreliability of facility systems or infrastructure; combined with an inability to swiftly remove a sufficient number of inmates, whether or not the inmates are in pretrial status or post-conviction. When implementing booking restrictions, the Sheriff will consider, while
retaining full discretion, exceptions to booking restrictions to allow booking of DUI, domestic violence, and assault inmates.

3. The Sheriff will work closely with all in-county users of the jail when providing notice of the need to reduce the jail population and when seeking the swift removal of inmates from the jail. Prior to implementing booking restrictions with respect to the City, the County will make a good faith effort to seek the removal of all other non-county inmates consistent with its Agreements with other jurisdictions and applicable law.

4. For those City inmates that have been identified by the City for removal or transport, the County will allow law enforcement officers to enter the booking area inside the jail to receive custody of the inmate(s) for transport or removal. A City employee or contractor, who has received individual clearance to enter inside the jail pursuant to Whatcom County Policy, will be allowed entry into the jail. All other non-law enforcement employees or contractors will be allowed entry onto the jail premises in a designated area to facilitate the release of the inmate(s) to City custody. Clearances granted for the purpose described above may be cancelled or suspended by the Sheriff at any time due to emergency or other security-related circumstance deemed necessary by the Sheriff.

5. Under the terms of this Agreement, once an inmate is released from County custody, regardless of court or probation conditions placed on an inmate by the City and regardless of where the inmate is released, transported or housed by the City, the County shall bear no responsibility or liability whatsoever for the inmate, including but not limited to, the inmate’s mental, physical, or health care, the inmate’s conduct or behavior, or the inmate’s court obligations. If the inmate is subsequently re-booked back into the Whatcom County Jail on the City matter, the County’s duties and responsibilities per the contract terms go back into effect during the time the inmate is in County custody.

4.3 Control of Correctional Facilities and Effect of Ordinance, Policies, Procedures, Rules and Regulations. County correctional facilities will be administered by the County in accordance with the ordinances, policies, procedures, rules and regulations of the Sheriff’s Office and in accordance with the rules and regulations of any agency of the State of Washington empowered to make rules governing the administration of County correctional facilities. The City and City Inmates shall be subject to the County’s ordinances, policies, procedures, rules and regulations relating to correctional facility operations, including any emergency security rules imposed by the Sheriff and/or County Administrator, PROVIDED, HOWEVER, that nothing in this Agreement shall be construed as creating, modifying, or expanding any duty on the part of the County except as specifically provided herein. Nothing in this Agreement shall be interpreted as a delegation by the City, its judicial and law enforcement agencies, to the County of the duty to oversee City Inmates except as provided by this agreement.

a) Obligation to Abide by Policies and Procedures. The City, its officers, employees and agents shall follow all applicable Correctional facility policies and procedures.

b) Operational Control. Each City acknowledges the County’s operational control of the jail and alternate jail programs, and each agrees that City inmates committed to the Whatcom County Jail and alternative jail programs will be subject to the same lawful rules and regulations required of other inmates incarcerated therein.
c) **Equal Treatment.** Except where provided elsewhere in this Agreement, the County agrees to furnish its facilities and personnel for confinement of City inmates and other services described in this Agreement in the same manner and to the same extent as the County furnishes for the confinement of its own gross misdemeanor or misdemeanor inmates, provided that the County shall meet or exceed all legal requirements.

### 4.4 Inmates Defined:

a. **City Inmate.** As used herein, "City Inmate" shall mean those inmates charged in municipal courts of the Cities, those inmates arrested by a city law enforcement officer while held prior to being charged with a misdemeanor or gross misdemeanor, or to release without charges, or those inmates who are originally arrested for felony offenses and are referred to the appropriate City Attorney for filing in Municipal Court as described above.

b. **County Inmate.** As used herein, "County Inmate" shall mean those inmates originally charged in Whatcom County District Court on gross misdemeanor and misdemeanor offenses, those inmates arrested by the County Sheriff while held prior to charging or to release without charges, and persons arrested for, or charged with, any felony offense charged in Whatcom County Superior Court or are held by magistrate warrant. A County Inmate includes those inmates which the Sheriff is legally required to book and hold in custody.

c. **Third Party Inmate.** For the purposes of this Agreement, County Inmates and City Inmates shall not include those inmates who are committed to the Correctional facility by entities that are not a party to this Agreement, or other inmates arrested by state and federal agencies.

d. **Material Witnesses Held in Correctional facility.** Inmate days arising from a material witness warrant shall be allocated to the jurisdiction issuing the material witness warrant.

e. **Tribal Inmate.** As used herein, “Tribal Inmate” shall mean a person arrested by Tribal police and held and confined in the County Jail, or otherwise held in detention as provided in this Agreement, pursuant to a violation of a Tribal ordinance, law, court order, or held for any purpose related to tribal charging, adjudication or jurisdiction. The term “Tribal Inmate” shall not include a person arrested on a warrant issued by another jurisdiction or for charges initiated by a non-Tribal officer or non-Tribal Court, or for charges initiated by Tribal police from Tribes located outside of the physical confines of Whatcom County.

### 4.5 City Access to City Inmates.** All City law enforcement officers and defense attorneys shall have the right to interview confined City Inmates at any time subject to Correctional facility security rules, emergency declarations, orders and regulations. Available interview rooms and appropriate communication technology may be used by City law enforcement officers and defense attorneys.

### 4.6 Transport of City Inmates.** The City shall provide or arrange for transportation and security of its inmates to and from the Correctional facility for initial booking and to all court appearances held in its municipal court. Cities may contract with the County to provide custody and/or transportation services for outside court appearances, except when (a) the County determines, in its sole discretion, that emergency transportation is necessary in order to secure medical or health care and/or psychiatric evaluation or treatment, or (b) the County determines, in its sole discretion, that
transportation is required to support the orderly operation of the corrections facility.

4.7 Access to Court. The County shall provide the City Court access to the Jail in-house courtroom for hearings involving incarcerated inmates. The County will provide internal escort within the facility and security within the Courtroom. The City may access the County video court system provided that:

- a) The City’s system is compatible with the existing County system.
- b) Any interfaces, either hardware or software, necessary for the City to access the system will conform with County security protocols and be paid for by the City.
- c) Times of access will be coordinated with County Jail personnel and cannot interfere with use by either District or Superior Courts.
- d) The City shall have no claim if any County or Jail Video or Audio Court System becomes inoperable or temporarily dysfunctional.

4.8 Booking an inmate.

- a) Documentation of Legal Basis for Confinement. Absent proper documentation providing a legal basis for confining the City Inmate, the County will have no obligation to receive the City Inmate into custody. Proper documentation for purposes of this section means an arrest warrant, judicial Order of Commitment, other order of a court of competent jurisdiction, or a properly completed Probable Cause Affidavit, in a format prescribed by the Sheriff.

- b) Administrative Booking. Upon request by the arresting officer, City Prosecutor or the City Court, and when not otherwise prohibited by statute, court rule or court order, the County shall administratively book, and as soon as practicable, release the City Inmate. The County further reserves the right to administratively book and as soon as practicable release a City Inmate when, in the sole discretion of the Sheriff or designee, the County is unable to accept the City's Inmate for housing and when such action is not otherwise prohibited by statute, court rule or court order. The County will make a good faith effort to notify the arresting officer prior to booking of the County’s decision that it will release an inmate immediately after booking so the arresting officer may maintain the ability to pursue an option other than booking in the County’s correctional facility.

- c) Health Care Clearance. The County shall have the right to refuse to accept any inmate from the City who, in the judgment of the County, has a current medical, mental health or dental condition, which may adversely affect the safety of the individual, the safety of other inmates, the safe operations of the County Jail, or is beyond the operational or physical plant limitations of the Facility. The County may require written clearance from the local hospital prior to booking, the cost of which will not be the responsibility of the County. Additionally, the County will have no obligation to receive into custody or retain custody of a City Inmate when, in the opinion of Corrections or Community medical or mental health staff the City Inmate is not medically and/or psychiatrically able to be housed in the Correctional facility, and/or needs medical and/or psychiatric attention that would require treatment at a hospital or other type of health care facility. The County will notify the City in these instances so that the City can arrange other housing. At all times, the Sheriff or designee shall have final authority to determine whether a City Inmate is medically and/or psychiatrically fit for the County’s Correctional facility.
4.9 Determination of Case Status. The Prosecuting Attorney shall have the sole authority to determine which felony arrest cases submitted by the City shall be charged as felonies and which cases are referred back to the City for a determination as to filing gross misdemeanor or misdemeanor charges. The City shall not be responsible for any case charged as a felony, pursuant to determination of case status by the Prosecuting Attorney, except the City will be responsible for the cost of non-routine services provided by outside medical providers administered prior to sentencing for felony inmates arrested by City law enforcement officers as provided in RCW 70.48.130, following the efforts by the County to reduce medical costs as set forth in this Agreement. If the determination is made by the Prosecuting Attorney that a case should be referred to a municipality for review and possible charging as a gross misdemeanor or misdemeanor, such cases shall be referred to the appropriate City Attorney for filing in the Municipal Court with all inmate services charged to the City from the point of booking. Any case originally charged by the Prosecutor as a felony and later adjudicated to a gross misdemeanor or misdemeanor shall not require compensation by the Cities. If a determination is made by the Prosecuting Attorney that a City case originally charged as a gross misdemeanor or misdemeanor will be charged as a felony, then all inmate services will be charged to the County.

4.10 Jail Alternative Programs. Inmates judged to be eligible for Jail Alternative Programs by the sentencing Judge may be permitted to participate in those programs at the discretion of the Sheriff or designee. Such programs may include but will not be limited to, In Custody and Out of Custody Work Crews, Work or School Release and Electronic Home Monitoring/Detention. The County will make jail alternative programs available to City inmates to the same extent they are made available to County inmates.

A City Inmate may be terminated from a Jail Alternative Program if: (a) the City municipal court or other judicial agency order the City Inmate terminated from the Program or otherwise amends its earlier order; (b) the County determines, in its sole discretion, that the City Inmate is no longer eligible for the Program.

Upon termination from a Program, a City Inmate already in the custody of the County shall be confined in the Correctional facility to serve the remainder of his or her term of confinement, however, the inmate’s status remains subject to the other provisions of this Agreement, including Section 4.2. If the City Inmate is not yet in the County’s custody at termination, he or she will be the immediate responsibility of the City for all purposes, including, but not limited to, the duty to apprehend.

4.11 Release of Inmates. The County will facilitate the release of City Inmates who have completed their sentences, posted bond or bail, or who have been released by the City Court. The County will make all reasonable attempts notify the City when their inmates are released from custody via one of the following:

a) Notice of Time Served: Used when an inmate has completed a sentence by the City Court.

b) Posting of Bail/Bond: The County agrees to act as agent for Cities with respect to processing bail and/or bail bonds posted by inmates. The County will deliver bail bonds or money posted for inmates to the Municipal Court in a timely manner. Performance bonds will not be accepted by the County, but must be posted directly with the Court of Jurisdiction.

c) Personal Recognizance (PR): In the event a PR form is not completed in the City Court, the County will route a copy of the County PR form to the Municipal Court in a timely
manner.

4.12 Earned Early Release. The County will grant early release credits to City Inmates in accordance with Chapter 9.94A RCW and County Sheriff’s Office policies and procedures.

4.13 Record Keeping. In order to facilitate the management of the jail population, the County will provide the City with real-time access to the Sheriff’s Office records management system so that the City can determine the following:

1. The names and detailed booking data of those inmates that are held at the Main Jail on City-only charges or sentences, including the amount of accrued credit for time served on the current charge(s);

2. The names and detailed booking data of those inmates that are held at the Division Street facility on City-only charges or sentences, including the amount of accrued credit for time served on the current charges (along with which inmates are participating in each jail alternative program). This information will be attached to individual inmate records, accessible by the City; and

3. The total inmate population(s) and location.

4.14 Form of Records. The County agrees to maintain a system of record keeping relative to the booking and confinement of each City Inmate in such style and manner as equivalent to County records pertaining to County Inmates.

4.15 City Access to Records. Records of services provided to City Inmates shall be available for review by the applicable City, unless their release is expressly prohibited by applicable law concerning the confidentiality of medical records (including the federal Health Insurance Portability and Accountability Act, "HIPAA"). The parties may enter business associate agreements under the HIPAA as necessary to implement the intent of this Agreement.

4.16 Correctional Facility Bed-Day Utilization Reporting. At least quarterly the County shall report to the City the actual number of inmate days utilized by each party in the previous quarter, and the total number of actual inmate days. This report may take the form of a master quarterly report, with all contract agency use figures being included on the same report.

5. Per Diem, Costs and Billing.

5.1 Notification and Basis of Rates. As set forth in this Agreement, the City will be notified by the County by August 15 of each year of the estimated booking fee, per diem, rates and fees to be charged in the next year. This estimate is not binding on the County but will be the best estimate that can be provided based on the information available by that date. The final booking fee, per diem, rates and fees will be determined following adoption of the County Budget by the County Council, as established through the Whatcom County Unified Fee Schedule, and will be provided to the parties with the first monthly statement in the New Year. Per Diem rates and fees will be for In Custody jail per diem (bed day charges), Out of Custody Work Crew, Electronic Home Detention, and may
include a capital replacement charge to fund the replacement of component systems of the Jail. On August 15 of each year, the County shall provide the best estimate of the breakdown of costs that support the adjustments in charges. The County shall provide the actual basis for adjustments in charges during the Whatcom County Budget for the biennium or supplemental budget process in November of each year and as reflected in the County Unified Fee Schedule.

5.2 In-Custody Jail Per Diem. A In Custody Jail Per Diem cost shall be charged to the City, for each City Inmate. Cities will be charged pursuant to the following policies:

a) The City will be charged per diem in 1/3rd day increments for persons incarcerated in the jail on City gross misdemeanor, misdemeanor charges, warrants, or for any other City inmate incarceration purposes. Persons incarcerated on felony charges will be the responsibility of the County, except nothing in this contract prevents the County from seeking reimbursement for felony medical costs prior to sentencing as provided in RCW 70.48.130.

b) Persons originally incarcerated for a felony level violation that is declined by the County Prosecutor and returned to the City Attorney will be the City's responsibility from the date/time of booking. Any case originally charged by the Prosecutor as a felony and later plea-bargained or adjudicated to a gross misdemeanor or misdemeanor, shall not require compensation by the City.

c) If a City charge or hold is concurrent to another jurisdiction's charge or hold, each entity will equally share the per diem for the shared incarceration period. The City shall not be responsible for per diem costs related to inmates on which the City has no hold.

d) The County will allocate all operating costs, including maintenance, utility, and operating costs of facilities shared between the Jail and other county divisions, bureaus, or departments on a rational and systematic basis open to audit and public inspection in a manner that recognizes that the city parties are not responsible for costs associated with non-jail activities or services. The costs of shared facilities allocated to any non-jail divisions, bureaus, or departments will be funded by non-jail revenues. Additionally, the County will allocate all operating costs, including site maintenance, utility, and site operating costs related to non-jail facilities in a manner that recognizes that the city parties are not responsible for costs associated with non-jail maintenance and operations. The site costs allocated to non-jail facilities will be funded by non-jail revenues.

5.3 Booking Charge:

a) A booking fee shall be charged to the City, for each person booked into the jail on the City’s charges and/or warrants. Persons booked into the jail and released within 8 hours will only incur the booking fee. Persons who are booked into the jail and held in the facility will incur both the booking charge and a per diem charge accruing in 1/3 day increments. If an inmate is booked on charges from multiple local entities, the booking fee will be split evenly between those jurisdictions.

b) In those instances when the City Court requests that an inmate be brought to the in-
house courtroom on a charge that is not on the inmate’s current booking record, the
inmate will be escorted to Court and the City charge(s) will be added to the inmate’s
current booking record, along with the Court’s instructions. The City charge will be
added to the inmate’s current booking record, regardless if the inmate was transported
on a new City charge, a pending City charge, or a post-conviction City charge.

If the inmate was already being held on a charge from the City, there will be no change to
the per diem and no additional booking fee will be charged. If the inmate is not currently
being held on any other City charge, a booking fee for the above described in-house
courtroom appearance will be charged to the City and the fee will be apportioned as
described in section 5.3(a). If the inmate was not being held on a City’s charge, per diem
will start being charged as of the date the defendant is booked and held on those charge(s).
Per diems and booking fees will be apportioned as described above.

5.4 **Alternative Jail Programs/Per Diem:** Jail Per Diem costs for In Custody Work Release and
Work Crew, Electronic Home Detention and Out of Custody Work Crew shall also be charged to
the City, for each City Inmate. The City will be charged for Alternative Jail Programs as follows:

a) **In Custody Work Release:** If an inmate participating in Whatcom County's Work
Release Program the parties will be charged the In Custody per diem rate per bed
day for work release inmates. Any funds collected from the inmate will be credited
to the cost to the City.

b) **In Custody Work Crew:** If an inmate is participating in the In Custody Work Crew
Program, billing to the City for these participants will be based on the In Custody per
diem rate per bed day for work crew inmates. If the County bills the inmates for
participating in this program, the funds collected from the inmate will be credited
to the City.

c) **Electronic Home Detention:** If an inmate qualifies for Electronic Home Detention,
billing to the City for these participating inmates will be based on the Electronic Home
Detention per diem rate. Any funds collected from the inmate will be credited to the
City.

d) **Out of Custody Work Crew:** If an inmate is participating in the Out of Custody
Work Crew Program, billing to the City for these participants will be based on the
Out of Custody Work Crew per diem rate. If the County bills the inmates for
participating in this program, the funds collected from the inmate will be credited
to the City.

All participants must first be authorized by the sentencing judge to apply for alternative
jail programs, and the Sheriff or designee must approve the terms and conditions of the
program participation.

If a City charge or hold is concurrent to another jurisdiction’s charge or hold, the City shall
be billed the proportionate percentage share of the current year per diem for the shared
incarceration period.
5.5 Health Care Costs. All inmates shall receive medical, mental health, and dental treatment when medically necessary to safeguard their health while in custody as required by law. Medical costs shall be allocated per state law or by agreement between the City and the County. If there is a difference between state law allocation of such costs and an agreement between the City and the County, the Agreement shall control. The County shall be responsible for providing routine health care. Such health care will include those health care services routinely delivered at normal cost by County staff, contracted practitioners, or nursing staff, and delivered within the facility.

a) The County is not responsible for the cost of services delivered to City inmates outside of the facility, or for non-routine services provided by outside medical practitioners within the facility. The City shall be responsible for the costs of any and all emergent or necessary medical or health care, dental and psychiatric treatment provided outside of the County Correctional Facilities or non-routine services or medication provided to the inmate inside the jail. Payment for emergency, exceptional or non-routine necessary medical or health care for City gross misdemeanor or misdemeanor inmates shall be made by the City upon written invoice by the County or upon such other terms as City and the County may agree in writing. The County will additionally bill the City for pre-sentence felony inmates, held on the City's case, who incur emergency, exceptional or non-routine necessary medical or health care costs, as set forth in RCW 70.48.130. The County shall notify the City within a reasonable period of time, when the County becomes aware that an inmate being held on the City's charges or awaiting sentencing on a City felony charge is in need of emergency, exceptional, or non-routine necessary medical or health care or when the inmate has been transported for emergency care. Any decision to release a pretrial City felon, City pre-trial detainee, or City inmate, will rest with the City, the Prosecuting Attorney and/or City Attorney, and/or the Court. Included in the cost of extraordinary medical costs will be the costs to transport and/or provide a guard detail if the inmate is not released by the Court.

b) The County agrees to utilize all existing agreements with medical practitioners and organizations to mitigate any medical costs, to make its best efforts to negotiate additional favorable agreements, and seek out any and all eligible third party reimbursement for medical costs (including health or auto insurance, DSHS/Medicaid, and/or the State of Washington), in the same manner and to the same extent at the County does for inmates held on its own charges and prior to billing the City. No third party beneficiary contract or contract of insurance is intended by this contract. Non-routine necessary medical or health care shall include all practitioner-ordered health care or medical services delivered to City inmates outside of the facility, specialized care provided by non-contract health care providers in or out of the facility, and emergency treatment, including EMS and the local Hospital Emergency Department.

c) Any failure or error by the County to provide the City with proper notification of extraordinary, non-routine necessary medical or health care, emergency care, dental and/or mental health services described under Section 5, delivered to a City Inmate shall in no way excuse full, complete and timely payment by the City under this Agreement.

5.6 Invoicing for Extraordinary, Non-Routine, Necessary Medical or Health Care, Emergency Care, Mental Health and Dental Services. The County shall invoice the City for all costs
incurred for extraordinary or non-routine necessary medical, health, or emergency care, dental, or mental health services to City Inmates, including, but not limited to, durable medical equipment, ambulance fees, medical, dental, and mental health services provided outside the Correctional facility specialized equipment or extraordinary medications essential to the inmates health such as chemotherapy, anti-viral or biologic medications. Extraordinary Medical Costs do not include routine medical examinations, tests, procedures performed at the Correctional facility by Correctional facility staff or contractors or routine medications. The County will facilitate use of a City inmate’s 3rd party medical insurance whenever possible. If there is coverage, the County will credit amounts received from the City Inmate’s own health insurance and applicable public assistance to the City’s bill. Credit amounts may show up on billings subsequent to the time of service, due to processing timelines by both the provider and the 3rd party payer.

5.7 Payment: The City shall remain liable for complete and timely payment of all amounts invoiced. Invoices may be sent monthly, quarterly or on any other schedule that is mutually convenient to the parties. Where complete payment is not tendered within thirty (30) days of the invoice date, the County may charge interest on the outstanding balance at a rate equal to the interest rate on the monthly County investment earnings. Should the City wish to dispute the amount of a particular invoice, it will (a) make complete and timely payment on the outstanding balance, and (b) deliver written notice of the dispute to the County within thirty (30) days of the invoice date. Failure to properly notify the County of any disputed amounts within thirty (30) days of the invoice shall constitute an acceptance by the City of all charges contained therein. Within fifteen (15) days of timely receipt of payment and the City's written notice of dispute, the County shall review the disputed invoice. Should the County resolve the dispute in favor of the City, the disputed amounts will be credited towards the City's next billing cycle, PROVIDED, HOWEVER, that upon termination of this Agreement, the County shall pay out to the City any such credited amounts. Withholding payment of any amount billed, regardless of whether the City has provided timely written notice of a disputed invoice, will constitute a default under this Agreement.

5.8 Review and maintenance of records: Each party may examine the other party's books and records to verify charges and to audit the amounts charged under this Agreement. If the City elects to conduct an audit, the audit may be conducted under the supervision by the County IT Department or Jail Administration for purposes of record retrieval, protecting confidentiality and expediency. The County shall maintain accurate time and accounting records related to the Services for a period of three (3) years following final payment.

6. Indemnification/Hold Harmless.

6.1 City Held Harmless. The County shall indemnify and hold harmless the City and its officers, agents, and employees, or any of them from any and all claims, actions, suits, liability, loss, costs, expenses, and damages of any nature whatsoever, by any reason of or arising out of any negligent act or omission of the County, its officers, agents, and employees, or any of them relating to or arising out of performing services pursuant to this agreement. In the event that any such suit based upon such a claim, action, loss, or damages is brought against the City, the County shall defend the same at its sole cost and expense; provided that the City reserves the right to participate in said suit if any principle of governmental or public law is involved; and if final judgment in said suit be rendered against the City, and its officers, agents, and employees, or any of them, or jointly against the City and the County and their respective officers, agents, and employees, or any of them, the County shall satisfy the same.

6.2 County Held Harmless. The City shall indemnify and hold harmless the County and its officers, agents, and employees, or any of them from any and all claims, actions, suits,
liability, loss, costs, expenses, and damages of any nature whatsoever, by any reason of or arising out of any negligent act or omission of the City, its officers, agents, and employees, or any of them relating to or arising out of performing services pursuant to this agreement. In the event that any suit based upon such a claim, action, loss, or damages is brought against the County, the City shall defend the same at its sole cost and expense; provided that the County reserves the right to participate in said suit if any principle of governmental or public law is involved; and if final judgment be rendered against the County, and its officers, agents, and employees, or any of them, or jointly against the County and the City and their respective officers, agents, and employees, or any of them, the City shall satisfy the same.

The Parties' obligations to indemnify defend and hold harmless for injuries, sickness, death or damage caused by or resulting from the concurrent negligence or willful misconduct of the Parties or of the Parties and a third party other than an officer, agent or employee of the Parties, shall apply only to the extent of the negligence or willful misconduct of each Party.

6.3 Waiver under Washington Industrial Insurance Act. The foregoing indemnity is specifically intended to constitute a waiver of each party's immunity under Washington's Industrial Insurance Act, Chapter 51 RCW, as respects the other party only, and only to the extent necessary to provide the indemnified party with a full and complete indemnity of claims made by the indemnitor's employees. The parties acknowledge that these provisions were specifically negotiated and agreed upon by them. The terms of the Indemnification provisions shall survive the termination or expiration of this Agreement.


In executing this Agreement, the County does not assume liability or responsibility for or in any way release the City from any liability or responsibility which arises in whole or in part from the existence or effect of City ordinances, policies, rules or regulations. Nor shall the County be liable or responsible for any claims of conduct or actions by the City, City Courts, or law enforcement, including, but not limited to claims of unlawful arrest, excessive force, unlawful imprisonment, unconstitutional deprivation, negligence, errors, omissions or misconduct. If any cause, claim, suit, action or administrative proceeding is commenced in which the enforceability and/or validity of any such City ordinance, policy, rule or regulation is at issue, or in which there is an allegation of City Court, City Prosecutor or Law Enforcement action as described above, the City shall defend the same at its sole expense and, if judgment is entered or damages are awarded against the City, the County, or both, the City shall satisfy the same, including all chargeable costs and reasonable attorney's fees.

In executing this Agreement, the City does not assume liability or responsibility for or in any way release the County from any liability or responsibility which arises in whole or in part from the existence or effect of County ordinances, policies, rules or regulations. Nor shall the City be liable or responsible for any claims of conduct or actions by the County, County Courts, or law enforcement, including, but not limited to claims of unlawful arrest, excessive force, unlawful imprisonment, unconstitutional deprivation, negligence, errors, omissions or misconduct. If any cause, claim, suit, action or administrative proceeding is commenced in which the enforceability and/or validity of any such County ordinance, policy, rule or regulation is at issue, or in which there is an allegation of County Court, County Prosecutor or Law Enforcement action as described above, the County shall defend the same at its sole expense and, if judgment is entered or damages are awarded against the County, the City, or both, the County shall satisfy the same, including all chargeable costs and reasonable attorney's fees.
7.1 **Insurance.** Each Party shall maintain its own insurance and/or self-insurance for its liabilities from damage to property and/or injuries to persons arising out of its activities associated with this Agreement as it deems reasonably appropriate and prudent. The maintenance of, or lack thereof of insurance and/or self-insurance shall not limit the liability of the indemnifying party to the indemnified party(s). Each Party shall provide the other with a certificate of insurance or letter of self-insurance annually as the case may be.

7.2 **Compliance with Laws.** In the performance of its obligations under this Agreement, each party shall comply with all applicable federal, state, local laws, all State and local rules and regulations.

7.3 **Default and Remedies.**

**Default.** If either the County or the City fails to perform any act or obligation required to be performed by it hereunder, the other party shall deliver written notice of such failure to the non-performing party. The non-performing party shall have fifteen (30) days after its receipt of such notice in which to correct its failure to perform the act or obligation at issue, after which time, if non-performance continues, it shall be in default ("Default") under this Agreement; provided, however, that if the non-performance is of a type that could not reasonably be cured within said fifteen (30) day period, then the non-performing party shall not be in Default if it commences cure within said fifteen (15) day period and thereafter diligently pursues cure to completion.

**Remedies.** In the event of a party’s Default under this Agreement, then after giving notice and an opportunity to cure pursuant to this Agreement, the County and City will attempt to progressively resolve the dispute in the following manner:

1. Through negotiations between the City and County’s respective Administrators or their designees.
2. Through non-binding mediation.
3. Seeking resolution in the Courts of law and equity.

In addition, if the City fails to make payment on an outstanding invoice within the time to cure and the City has not disputed the invoice as provided in this Agreement, the City shall have no further right under this Agreement to deliver custody to or otherwise house City Inmates at the Correctional facility and shall, at the County's request, remove all City Inmates from the Correctional facility within fourteen (14) days of notice to do so. Thereafter, the County may, in its sole discretion, accept City Inmates to the Correctional facility if all outstanding invoices are paid.

8. **Early Termination**

8.1 **Termination by the County.** Except as provided in Section 8.3 below, the County may terminate this Agreement at any time, with or without cause, upon not less than ninety (90) days advance written notice to the City and the Washington State Office of Financial Management. The Notice shall state the grounds for termination and the specific plans for accommodating the affected jail population.
8.2 Termination by the City. The City may terminate this Agreement at any time, with or without cause, upon not less than ninety (90) days advance written notice to the County and the Washington State Office of Financial Management. The Notice shall state the grounds for termination and the specific plans for accommodating the affected jail population.

8.3 Lack of Funding. This Agreement is contingent upon governmental funding and local legislative appropriations. In the event that funding from any source is withdrawn, reduced, limited, or not appropriated after the effective date of this Agreement, this Agreement may be terminated by the County immediately by delivering written notice to the City. The termination notice shall specify the date on which the Agreement shall terminate.

8.4 Calculation of Costs Due Upon Early Termination. Upon early termination of this Agreement as provided in this Section 8, the City shall pay the County for all Services performed up to the date of termination. The County shall notify the City within thirty (30) days of the date of termination of all remaining costs. No payment shall be made by the City for any expense incurred or Services performed following the effective date of termination unless authorized in writing by the City.

8.5 Dispute Resolution. Other than that specified in Section 7, should a dispute arise under this Agreement between the City and the County, such dispute shall be progressively resolved in the following manner:

1. Through negotiations between the City and the County’s respective contacts.
2. Through negotiations between the Mayor and the County Executive; or
3. In the event that the City and the County do not reach agreement within 90 days of commencing negotiations, the matter will be submitted to binding arbitration.

Nothing in this section shall deny any rights established elsewhere in this Agreement.

8.6 Extension of Negotiations. The City and the County may mutually agree to extend the negotiation period. If the City and the County cannot agree upon the selection of an impartial arbitrator within fourteen days of a written request for arbitration by either the City or the County, the arbitrator shall be selected as provided in the Superior Court Mandatory Arbitration Rules by a judge of the Superior Court of Skagit County. The arbitration shall be conducted pursuant to the Superior Court Mandatory Arbitration Rules.

9. Notices. All notices required to be given by any party to the other party under this Agreement shall be in writing and shall be delivered either in person, by United States mail, or by electronic mail (email) to the applicable Administrator or the Administrator's designee. Notice delivered in person shall be deemed given when accepted by the recipient. Notice by United States mail shall be deemed given as of the date the same is deposited in the United States mail, postage prepaid, and addressed to the Administrator, or their designee, at the addresses set forth in Section 3 of this Agreement. Notice delivered by email shall be deemed given as of the date and time received by the recipient.

10. Miscellaneous.

10.1 Entire Agreement. This Agreement constitutes the entire agreement between the parties regarding the subject matter hereof, and supersedes any and all prior oral or written agreements
between the parties regarding the subject matter contained herein. This Agreement may not be modified or amended in any manner except by a written document executed with the same formalities as required for this Agreement and signed by the party against whom such modification is sought to be enforced.

10.2 Conflicts between Attachments and Text. Should any conflicts exist between any attached exhibit or schedule, and the text or main body of this Agreement, the text or main body of this Agreement shall prevail.

10.3 Governing Law and Venue. This Agreement shall be governed by and enforced in accordance with the laws of the State of Washington. The venue of any action arising out of this Agreement shall be in the Superior Court of the State of Washington, in and for Skagit County.

10.4 Interpretation. This Agreement and each of the terms and provisions of it are deemed to have been explicitly negotiated by the parties, and the language in all parts of this Agreement shall, in all cases, be construed according to its fair meaning and not strictly for or against either of the parties hereto. The captions and headings in this Agreement are used only for convenience and are not intended to affect the interpretation of the provisions of this Agreement. This Agreement shall be construed so that wherever applicable the use of the singular number shall include the plural number, and vice versa, and the use of any gender shall be applicable to all genders.

10.5 Severability. If any provision of this Agreement or the application thereof to any person or circumstance shall, for any reason and to any extent, be found invalid or unenforceable, the remainder of this Agreement and the application of that provision to other persons or circumstances shall not be affected thereby, but shall instead continue in full force and effect, to the extent permitted by law.

10.6 Savings. Nothing in this Agreement shall be construed so as to require the commission of any act contrary to law, and wherever there is any conflict between any provisions of this Agreement and any statute, law, public regulation or ordinance, the latter shall prevail, but in such event, the provisions of this Agreement affected shall be curtailed and limited only the extent necessary to bring it within legal requirements.

10.7 No Waiver. A party's forbearance or delay in exercising any right or remedy with respect to a Default by the other party under this Agreement shall not constitute a waiver of the Default at issue. Nor shall a waiver by either party of any particular Default constitute a waiver of any other Default or any similar future Default.

10.8 No Assignment. This Agreement shall not be assigned, either in whole or in part, by either party without the express written consent of the other party, which may be granted or withheld in such party's sole discretion. Any attempt to assign this Agreement in violation of the preceding sentence shall be null and void and shall constitute a Default under this Agreement.

10.9 Warranty of Authority. Each of the signatories hereto warrants and represents that he or she is competent and authorized to enter into this Agreement on behalf of the party for whom he or she purports to sign this Agreement.

10.10 Independent Contractor. The County will perform all Services under this Agreement as an independent contractor and not as an agent, employee, or servant of the City. The County shall
be solely responsible for control, supervision, direction and discipline of its personnel, who shall be employees and agents of the County and not the City. The County has the express right to direct and control the County's activities in providing the Services in accordance with the specifications set out in this Agreement. The City shall only have the right to ensure performance.

10.11 No Joint Venture. Nothing contained in this Agreement shall be construed as creating any type or manner of partnership, joint venture or other joint enterprise between the parties.

10.12 No Separate Entity Necessary. The parties agree that no separate legal or administrative entities are necessary to carry out this Agreement.

10.13 Ownership of Property. Except as expressly provided to the contrary in this Agreement, any real or personal property used or acquired by either party in connection with its performance under this Agreement will remain the sole property of such party, and the other party shall have no interest therein.

10.14 No Third Party Beneficiaries. This Agreement and each and every provision hereof is for the sole benefit of the City and the County. No other persons or parties shall be deemed to have any rights in, under or to this Agreement.

10.15 Force Majeure. In the event either party's performance of any of the provisions of this Agreement become impossible due to circumstances beyond that party's control, including without limitation, force majeure, strikes, embargoes, shortages of labor or materials, governmental regulations, acts of God, war or other strife, that party will be excused from performing such obligations until such time as the Force Majeure event has ended and all facilities and operations have been repaired and/or restored.

10.16 This is an Integrated Agreement. Neither party has relied on any representation other than those expressly set forth herein in entering this Agreement.

10.17 Neutral Authorship. Each of the terms and conditions of this Agreement have been reviewed and negotiated with resort to legal counsel, and represents the combined work product of the parties hereto, and this Agreement shall not be interpreted for or against any Party hereto based upon authorship. The Parties represent that they have had a full and fair opportunity to seek legal advice with respect to the terms of this Agreement, and have either done so or have voluntarily chosen not to do so. The Parties represent and warrant that they and their authorized representatives executing this Agreement have fully read this Agreement, that they understand its meaning and effect, and that they enter into this Agreement with full knowledge of its terms. This Agreement contains terms and conditions agreed upon by the Parties. The Parties agree that there are no other understandings, oral or otherwise, regarding the subject matter of this Agreement. No change or addition to this Agreement shall be valid or binding upon the Parties unless such change or addition is in writing, executed by all the Parties.

10.18 The Parties agree that during the performance of this Agreement they shall abide by all Federal, State and local laws, provided, the prohibition against discrimination in employment because of handicap shall not apply if the particular disability, with reasonable accommodation, prevents the proper performance of the work involved.
10.19 The Parties agree to aid and assist the other in accomplishing the objectives of this Agreement.

10.20. This Agreement shall be binding upon the Parties, and their successors and assigns.

10.21 Further Acts. The Parties agree to take such further actions and to execute documents as in their reasonable judgment may be necessary or desirable in order to carry out the terms of, and complete the transactions contemplated by, this Agreement.

10.22 Agreement Contact. The County's initial contact for this Agreement shall be the County Executive. The Cities' initial contact shall be the Mayor of each respective city. The Parties to this Agreement may designate new contacts by providing written notice to all the other Parties.

11. City Election of Option 1 or Option 2 under Section 4, Basic Services. The City has elected the following Option of Basic Services outlined in Section 4.2 and checked below:

[ ] Option 1.

OR -

[ ] Option 2.
IN WITNESS WHEREOF, Whatcom County and the City of Blaine have executed this Amendment on the date and year below written.

DATED this ______________ day of ________________, 20__.

WHATCOM COUNTY:

Approved as to form:

[Signature]  
Prosecuting Attorney  Date

Approved:
Accepted for Whatcom County:

By: ________________________
    Jack Louws, Whatcom County Executive

STATE OF WASHINGTON )
   ) ss
COUNTY OF WHATCOM )

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

__________________________________________
NOTARY PUBLIC in and for the State of Washington, residing at
__________________________________________
expires ____________________.
CITY OF BLAINE:

EXECUTED this _____ day of ________________, 201_. For the CITY OF BLAINE

Mayor  Harry Robinson

STATE OF WASHINGTON )
 ) ss

COUNTY OF WHATCOM )

On this _____ day of ________________, 20___, before me personally appeared  Mayor Harry Robinson, to me known to be the Mayor of the City of Blaine, 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 ________________.

ATTEST:

________________________________________
Finance Director

Approved as to form:

________________________________________
Office of the City Attorney

Departmental Approval: ____________________________
### WHATCOM COUNTY COUNCIL AGENDA BILL

<table>
<thead>
<tr>
<th>CLEARANCES</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
<th>Assigned to:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Originator: twh</td>
<td>06.16.16</td>
<td></td>
<td></td>
<td>06.28.16</td>
<td>Finance/Council</td>
</tr>
</tbody>
</table>

#### RECEIVED

**JUN 21 2016**

WHATCOM COUNTY COUNCIL

**TITLE OF DOCUMENT:** Jail Facility Use Agreement

#### ATTACHMENTS:

Memo and Jail Facility Use Agreement

---

<table>
<thead>
<tr>
<th>SEPA review required?</th>
<th>( ) Yes</th>
<th>( ) NO</th>
<th>Should Clerk schedule a hearing?</th>
<th>( ) Yes</th>
<th>( ) NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>SEPA review completed?</td>
<td>( ) Yes</td>
<td>( ) NO</td>
<td>Requested Date:</td>
<td></td>
<td></td>
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</tbody>
</table>

#### SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

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

Request authorization for the County Executive to enter into a new Jail Facility Use Agreement between Whatcom County and the City of Everson effective July 1, 2016.

---

#### COMMITTEE ACTION:

COUNCIL ACTION:

---

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

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

**Originating Department:** County Executive  
**Contract or Grant Administrator:** Deputy Executive  
**Contractor's / Agency Name:** City of Everson  

<table>
<thead>
<tr>
<th>Is this a New Contract?</th>
<th>If not, is this an Amendment or Renewal to an Existing Contract?</th>
<th>Yes □ No □</th>
<th>If Amendment or Renewal, (per WCC 3.08.100 (a)) Original Contract #:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Does contract require Council Approval?</th>
<th>Yes □ No □</th>
<th>If No, include WCC:</th>
<th>(see Whatcom County Codes 3.06.010, 3.08.090 and 3.08.100)</th>
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</thead>
</table>

<table>
<thead>
<tr>
<th>Is this a grant agreement?</th>
<th>Yes □ No □</th>
<th>If yes, grantor agency contract number(s):</th>
<th>CFDA#:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Is this contract grant funded?</th>
<th>Yes □ No □</th>
<th>If yes, Whatcom County grant contract number(s):</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Is this contract the result of a RFP or Bid process?</th>
<th>Contract</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Yes □ No □</th>
<th>If yes, RFP and Bid number(s):</th>
<th>Cost Center:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Is this agreement excluded from E-Verify?</th>
<th>No □ Yes □</th>
<th>If no, include Attachment D Contractor Declaration form.</th>
</tr>
</thead>
</table>

If YES, indicate exclusion(s) below:  
- Professional services agreement for certified/licensed professional.  
- Contract work is for less than $100,000.  
- Contract work is for less than 120 days.  
- Interlocal Agreement (between Governments).  
- Contract for Commercial off the shelf items (COTS).  
- Work related subcontract less than $25,000.  
- Public Works - Local Agency/Federally Funded FHWA.  
- Contracts that require Council Approval (incl. agenda bill & memo)  
  - Professional Services Agreement above $20,000.  
  - Bid is more than $50,000.  
  - Amendments that have either an increase greater than 10% or provide a $10,000 increase in amount (whichever is greater)  
  - RENEWALS: Council approval is not required when exercising an option to renew that is provided in the original contract.  

**Contract Amount:** (sum of original contract amount and any prior amendments):  
$ fee for service  

<table>
<thead>
<tr>
<th>This Amendment Amount:</th>
<th>Total Amended Amount:</th>
</tr>
</thead>
</table>

**Summary of Scope:** The purpose and intent of this agreement is for the County and the City to work together in order that the county may provide the City with corrections services.

**Term of Contract:** 2 years  
**Expiration Date:** June 30, 2018

**Contract Routing:**  
1. Prepared by: Tyler Schroeder and legal  
2. Attorney signoff:  
3. AS Finance reviewed:  
4. IT reviewed (if IT related):  
5. Contractor signed:  
6. Submitted to Exec.:  
7. Council approved (if necessary):  
8. Executive signed:  
9. Original to Council:  

**Date:** 06.16.16  
**Date:** 06/17/16  
**Date:** 06/20/16  
**Last Edited**: 060414
MEMORANDUM

TO:       Jack Louws, County Executive
FROM:     Tyler Schroeder, Deputy Executive
RE:       Jail Facility Use Agreement
DATE:     June 16, 2016

Enclosed are two (2) originals of a contract between Whatcom County and the City of Everson.

- **Background and Purpose**
  This new agreement allows the County to continue providing jail services to the City of Everson on July 1, 2016 as the current agreement expires on June 30, 2016. The County agrees to provide inmate services for gross misdemeanor and misdemeanor cases initiated by the City and referred to the County for those offenses alleged to have been committed by adults within the City.

- **Funding Amount and Source**
  This is a fee for service contract for Whatcom County. The City pays Whatcom County for jail services through booking and other fees.

- **Differences from Previous Contract**
  Booking fees have increased to more effectively cover the cost of service.

Please contact Tyler Schroeder at extension 5207, if you have any questions or concerns regarding the terms of this agreement,

Encl.
INTERLOCAL JAIL FACILITY USE
AGREEMENT FOR CORRECTIONS SERVICES
BETWEEN WHATCOM COUNTY AND THE CITY
OF EVERSON

This INTERLOCAL AGREEMENT FOR CORRECTIONS SERVICES BETWEEN WHATCOM COUNTY and the CITY OF EVERSON (this "Agreement"), is made and entered into this ___ day of ___, 2016, by and between WHATCOM COUNTY, a political subdivision of the State of Washington (the "County"), and the CITY OF EVERSON, a municipal corporation of the State of Washington (the "City") pursuant to Chapter 39.34 RCW and Chapter 70.48 RCW. The County Executive, or designee, will serve as the administrator of the Agreement pursuant to RCW 39.34.

RECATIALS

A. The County currently maintains and operates correctional facilities known as the Whatcom County Correctional facility ("Jail") and the Whatcom County Jail Work Center ("JWC"). In order to assist other jurisdictions, the County from time to time will enter into interlocal agreements to confine in its corrections facilities persons from other jurisdictions.

B. The County and City each have the statutory power and authority to maintain and operate correctional facilities and to confine inmates therein.

C. The City from time to time desires to confine persons who have been arrested, detained or convicted by the City of criminal offenses (the "City Inmates"), and the County is willing to furnish its corrections facilities and personnel in exchange for payment from the City of fees and costs, all as more fully described in this Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the respective agreements set forth below and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the County and the City agree as follows:

1.0 Purpose of Agreement. This Agreement is authorized by and entered into pursuant to Chapter 39.34 RCW and Chapter 70.48 RCW. The purpose and intent of this Agreement is for the County and the City to work together efficiently and effectively in order that the County may provide the City with corrections services (the "Services"), as defined in Section 4 below, based on the rules and conditions set forth in the applicable Sheriff's Office and County policies, procedures, rules and regulations and in this Agreement and any attachments hereto.

2.0 Effective Date and Duration. This Agreement shall be effective July 1, 2016...
regardless the date of signature. This Agreement shall begin on July 1, 2016 and remain in
effect through June 30, 2018, unless earlier terminated pursuant to other provisions in this Agreement or
by written mutual agreement, PROVIDED HOWEVER, that the term of this Agreement may be extended
or renewed for up to three (3) additional two (2) year terms by written notice from the County to the
City, PROVIDED FURTHER that each Party's obligations at the end of each contract period, are
contingent upon local legislative appropriation of necessary funds for this specific purpose in
accordance with applicable law.

3.0 Administrators. Each party to this Agreement shall designate an individual (an
"Administrator"), who may be designated by title or position, to oversee and administer such party's
participation in this Agreement. The parties' initial Administrators shall be the following individuals:

**County's Administrator:**

Jack Louws, County Executive  
311 Grand Ave, Courthouse  
Bellingham, WA 98225  
360-778-5200

Bill Elfo, Sheriff (or designee)  
311 Grand Ave/Public Safety Building  
Bellingham, Washington 98225  
360-778-6600

**City's Administrator:**

Mayor John Perry  
P.O. Box 315  
Everson, WA 98247  
360-966-3411

3.1 Change of Administrator. Either party may change its Administrator at any time by
delivering written notice of such party's new Administrator to the other party.

4.0 Scope of Services. As described in this Section 4 and subject to the terms or conditions set
forth elsewhere in this Agreement, the County agrees to provide inmate services for gross
misdemeanor and misdemeanor cases initiated by the City and referred to the County for those offenses
alleged to have been committed by adults within the City. The County will hold such City
Inmates until such time as they are lawfully discharged from custody pursuant to law, the terms of a
judicial Order of Commitment, transferred to another (non-Whatcom) correctional facility and/or
returned to the custody of the City

4.1 Assignment. The County shall provide at least 30 days' prior notice to the parties of its intent to
assign or delegate duties under this Agreement, specifying which duties it intends to assign or
delegate and the name and address of the party to whom it intends to assign or delegate.

4.2 Basic Services. The County shall provide Services to the City subject to the conditions set forth
in this Agreement. The City shall select from one of the two options listed below. Regardless of which
option selected, should the County, in its sole discretion, decline to accept or retain custody of a City
Inmate for any of the reasons identified in this Agreement, the County shall notify the arresting
officer in person or the City's judicial or law enforcement agency of the non-acceptance and the
reason for the non-acceptance. Acceptance of a City Inmate into the Jail shall be conditioned upon
either Option 1 or Option 2 as set forth below. The Option selected by the City shall be marked in Section
11 of this Agreement.
OPTION 1

a) The County agrees to provide inmate services for adult arrestees/inmates in misdemeanor and gross misdemeanor cases initiated by the City, subject to availability of space within the correctional facilities operated by the County. The County shall provide inmate services consistent with the standards contained in this Agreement. If circumstances require the County to reduce services, such reductions shall be made at the sole discretion of the Sheriff in light of his assessment of potential overcrowding; challenges in maintaining critical infrastructure, life-safety, and security systems; increasing behavioral and security concerns regarding the inmate population; and other factors judged by the Sheriff to be relevant. Reductions shall be made by first prioritizing the housing of inmates the County is legally responsible for detaining and housing. The County shall provide reasonable notice to the City of its intention to reduce service levels in any correction program.

b) The City shall contract for inmate housing services and the transportation of inmates to a jail facility or facilities other than Whatcom County to include a jail facility that will accept inmates following arrest by City officers in the event it becomes necessary for the Sheriff to reduce jail population. If the Sheriff determines that space is not available or a need exists to reduce the correctional facility population, notice of the same shall be given to the City, and the County will continue to accept and book inmates for the City and detain the inmate until the time of the inmate’s first court appearance or first review by a judicial officer. It shall be the City’s responsibility to ensure that such hearings or reviews are held within 48 hours of booking. If the inmate is not released on personal recognizance or bail within six (6) hours of the first court appearance or review by a judicial officer, the City will accept the return of the inmate or arrange to have the inmate transferred out of the correctional facility within 4 hours, or at a later time agreed to by the Sheriff. The City will provide the County a point of contact available 24 hours a day for receiving the required notifications. The County may also notify the City that persons already sentenced need to be removed from the correctional facility in order to maintain appropriate correctional facility population levels. In case such notification is given, the City shall retrieve the inmate from the correctional facility within 24 hours of such notice.

c) Under the terms of this Agreement, once an inmate is released from County custody, regardless of court or probation conditions placed on an inmate by the City and regardless of where the inmate is released, transported or housed by the City, the County shall bear no responsibility or liability whatsoever for the inmate, including but not limited to, the inmate’s mental, physical, or health care, the inmate’s conduct or behavior, or the inmate’s court obligations. If the inmate is subsequently re-booked back into the Whatcom County Jail on the City matter, the County’s duties and responsibilities per the contract terms go back into effect during the time the inmate is in County custody.

OPTION 2

a) The County agrees to provide inmate services for adult arrestees/inmates in misdemeanor and gross misdemeanor cases initiated by the City, subject to availability of space within the jail facilities operated by the County. The County shall provide inmate services consistent with the standards contained in this Agreement. If circumstances require the County to reduce services, such reductions shall be made at the sole discretion of the Sheriff in light of his assessment of potential overcrowding; challenges in maintaining critical infrastructure, life-safety, and security systems; increasing behavioral and security concerns regarding the inmate population; and other factors judged by the Sheriff to be relevant. Reductions shall be made by first prioritizing the
housing of inmates the County is legally responsible for detaining and housing. The County shall provide reasonable notice to the City of its intention to reduce service levels in any correction program.

b) The City shall contract for inmate housing services and the transportation of inmates to a jail facility or facilities other than Whatcom County to include a jail facility that will accept inmates following arrest by City officers in the event it becomes necessary for the Sheriff to implement booking restrictions. On an ongoing basis, the City shall arrange for a minimum of one weekly transport of eligible inmates, to be identified by the City, on a day that is mutually agreed upon by the County and the City. The City will make arrangements for additional transports if necessary to meet County needs to reduce the jail population.

c) Eligible Inmates for reduction of jail population by transport:

1. Have been convicted of a City misdemeanor charge;
2. Have 7 or more days left to serve on the sentence on the day of transport; and
3. Are not held on any other charges by a Whatcom County jurisdiction.

d) The Parties agree that the following conditions need to exist in order for an inmate who is in pretrial status to also be considered an eligible inmate:

1. The County agrees to allow City inmates who have been transferred to another facility to be returned to the County Jail for rebooking in order to be present for pre-trial hearings, trials and/or guilty pleas provided the City will make arrangements to have the inmate transferred back to the alternate facility or released from custody as soon as is practicable if the Whatcom County Jail population is still over the population cap.

2. The City will work diligently to establish the necessary process and technology to hold remote pretrial hearings. At the request of the County, the City shall provide a report regarding its progress in achieving this goal.

e) Additional Population Reduction

1. If the Sheriff determines that a need exists to reduce the jail population beyond the transport identified above, notice of the same shall be given to the City of additional number of inmates held or sentenced on City only charges that need to be transferred from the jail. The City will use its best efforts and all available tools to reduce the population by at least the amount identified by the County and will do so as soon as feasible.

2. Notwithstanding the above provisions, the Sheriff retains the right and discretion to take more immediate action to reduce the jail population if the Sheriff determines such actions are required. Such action may include, but is not limited to, advising the City that in order to maintain security, health and safety in the jail, the time period for transfer after first appearance may be shortened and/or booking restrictions implemented. The City specifically recognizes the potential need to implement booking restrictions in the event of overcrowding and/or the failure or unreliability of facility systems or infrastructure; combined with an inability to swiftly remove a sufficient number of inmates, whether or not the inmates are in pretrial status or post-conviction. When implementing booking restrictions, the Sheriff will consider, while
retaining full discretion, exceptions to booking restrictions to allow booking of DUI, domestic violence, and assault inmates.

3. The Sheriff will work closely with all in-county users of the jail when providing notice of the need to reduce the jail population and when seeking the swift removal of inmates from the jail. Prior to implementing booking restrictions with respect to the City, the County will make a good faith effort to seek the removal of all other non-county inmates consistent with its Agreements with other jurisdictions and applicable law.

4. For those City inmates that have been identified by the City for removal or transport, the County will allow law enforcement officers to enter the booking area inside the jail to receive custody of the inmate(s) for transport or removal. A City employee or contractor, who has received individual clearance to enter inside the jail pursuant to Whatcom County Policy, will be allowed entry into the jail. All other non-law enforcement employees or contractors will be allowed entry onto the jail premises in a designated area to facilitate the release of the inmate(s) to City custody. Clearances granted for the purpose described above may be cancelled or suspended by the Sheriff at any time due to emergency or other security-related circumstance deemed necessary by the Sheriff.

5. Under the terms of this Agreement, once an inmate is released from County custody, regardless of court or probation conditions placed on an inmate by the City and regardless of where the inmate is released, transported or housed by the City, the County shall bear no responsibility or liability whatsoever for the inmate, including but not limited to, the inmate’s mental, physical, or health care, the inmate’s conduct or behavior, or the inmate’s court obligations. If the inmate is subsequently re-booked back into the Whatcom County Jail on the City matter, the County’s duties and responsibilities per the contract terms go back into effect during the time the inmate is in County custody.

4.3 Control of Correctional Facilities and Effect of Ordinance, Policies, Procedures, Rules and Regulations. County correctional facilities will be administered by the County in accordance with the ordinances, policies, procedures, rules and regulations of the Sheriff’s Office and in accordance with the rules and regulations of any agency of the State of Washington empowered to make rules governing the administration of County correctional facilities. The City and City Inmates shall be subject to the County's ordinances, policies, procedures, rules and regulations relating to correctional facility operations, including any emergency security rules imposed by the Sheriff and/or County Administrator, PROVIDED, HOWEVER, that nothing in this Agreement shall be construed as creating, modifying, or expanding any duty on the part of the County except as specifically provided herein. Nothing in this Agreement shall be interpreted as a delegation by the City, its judicial and law enforcement agencies, to the County of the duty to oversee City Inmates except as provided by this agreement.

a) Obligation to Abide by Policies and Procedures. The City, its officers, employees and agents shall follow all applicable Correctional facility policies and procedures.

b) Operational Control. Each City acknowledges the County's operational control of the jail and alternate jail programs, and each agrees that City inmates committed to the Whatcom County Jail and alternative jail programs will be subject to the same lawful rules and regulations required of other inmates incarcerated therein.
c) **Equal Treatment.** Except where provided elsewhere in this Agreement, the County agrees to furnish its facilities and personnel for confinement of City inmates and other services described in this Agreement in the same manner and to the same extent as the County furnishes for the confinement of its own gross misdemeanor or misdemeanor inmates, provided that the County shall meet or exceed all legal requirements.

4.4 **Inmates Defined:**

a. **City Inmate.** As used herein, "City Inmate" shall mean those inmates charged in municipal courts of the Cities, those inmates arrested by a city law enforcement officer while held prior to being charged with a misdemeanor or gross misdemeanor, or to release without charges, or those inmates who are originally arrested for felony offenses and are referred to the appropriate City Attorney for filing in Municipal Court as described above.

b. **County Inmate.** As used herein, "County Inmate" shall mean those inmates originally charged in Whatcom County District Court on gross misdemeanor and misdemeanor offenses, those inmates arrested by the County Sheriff while held prior to charging or to release without charges, and persons arrested for, or charged with, any felony offense charged in Whatcom County Superior Court or are held by magistrate warrant. A County Inmate includes those inmates which the Sheriff is legally required to book and hold in custody.

c. **Third Party Inmate.** For the purposes of this Agreement, County Inmates and City Inmates shall not include those inmates who are committed to the Correctional facility by entities that are not a party to this Agreement, or other inmates arrested by state and federal agencies.

d. **Material Witnesses Held in Correctional facility.** Inmate days arising from a material witness warrant shall be allocated to the jurisdiction issuing the material witness warrant.

e. **Tribal Inmate.** As used herein, “Tribal Inmate” shall mean a person arrested by Tribal police and held and confined in the County Jail, or otherwise held in detention as provided in this Agreement, pursuant to a violation of a Tribal ordinance, law, court order, or held for any purpose related to tribal charging, adjudication or jurisdiction. The term “Tribal Inmate” shall not include a person arrested on a warrant issued by another jurisdiction or for charges initiated by a non-Tribal officer or non-Tribal Court, or for charges initiated by Tribal police from Tribes located outside of the physical confines of Whatcom County.

4.5 **City Access to City Inmates.** All City law enforcement officers and defense attorneys shall have the right to interview confined City Inmates at any time subject to Correctional facility security rules, emergency declarations, orders and regulations. Available interview rooms and appropriate communication technology may be used by City law enforcement officers and defense attorneys.

4.6 **Transport of City Inmates.** The City shall provide or arrange for transportation and security of its inmates to and from the Correctional facility for initial booking and to all court appearances held in its municipal court. Cities may contract with the County to provide custody and/or transportation services for outside court appearances, except when (a) the County determines, in its sole discretion, that emergency transportation is necessary in order to secure medical or health care and/or psychiatric evaluation or treatment, or (b) the County determines, in its sole discretion, that
transportation is required to support the orderly operation of the corrections facility.

4.7 Access to Court. The County shall provide the City Court access to the Jail in-house courtroom for hearings involving incarcerated inmates. The County will provide internal escort within the facility and security within the Courtroom. The City may access the County video court system provided that:

a) The City’s system is compatible with the existing County system.
b) Any interfaces, either hardware or software, necessary for the City to access the system will conform with County security protocols and be paid for by the City.
c) Times of access will be coordinated with County Jail personnel and cannot interfere with use by either District or Superior Courts.
d) The City shall have no claim if any County or Jail Video or Audio Court System becomes inoperable or temporarily dysfunctional.

4.8 Booking an Inmate.

a) Documentation of Legal Basis for Confinement. Absent proper documentation providing a legal basis for confining the City Inmate, the County will have no obligation to receive the City Inmate into custody. Proper documentation for purposes of this section means an arrest warrant, judicial Order of Commitment, other order of a court of competent jurisdiction, or a properly completed Probable Cause Affidavit, in a format prescribed by the Sheriff.

b) Administrative Booking. Upon request by the arresting officer, City Prosecutor or the City Court, and when not otherwise prohibited by statute, court rule or court order, the County shall administratively book, and as soon as practicable, release the City Inmate. The County further reserves the right to administratively book and as soon as practicable release a City Inmate when, in the sole discretion of the Sheriff or designee, the County is unable to accept the City's Inmate for housing and when such action is not otherwise prohibited by statute, court rule or court order. The County will make a good faith effort to notify the arresting officer prior to booking of the County’s decision that it will release an inmate immediately after booking so the arresting officer may maintain the ability to pursue an option other than booking in the County’s correctional facility.

c) Health Care Clearance. The County shall have the right to refuse to accept any inmate from the City who, in the judgment of the County, has a current medical, mental health or dental condition, which may adversely affect the safety of the individual, the safety of other inmates, the safe operations of the County Jail, or is beyond the operational or physical plant limitations of the Facility. The County may require written clearance from the local hospital prior to booking, the cost of which will not be the responsibility of the County. Additionally, the County will have no obligation to receive into custody or retain custody of a City Inmate when, in the opinion of Corrections or Community medical or mental health staff the City Inmate is not medically and/or psychiatrically able to be housed in the Correctional facility, and/or needs medical and/or psychiatric attention that would require treatment at a hospital or other type of health care facility. The County will notify the City in these instances so that the City can arrange other housing. At all times, the Sheriff or designee shall have final authority to determine whether a City Inmate is medically and/or psychiatrically fit for the County’s Correctional facility.
4.9 Determination of Case Status. The Prosecuting Attorney shall have the sole authority to
determine which felony arrest cases submitted by the City shall be charged as felonies and which
cases are referred back to the City for a determination as to filing gross misdemeanor or misdemeanor
charges. The City shall not be responsible for any case charged as a felony, pursuant to determination
of case status by the Prosecuting Attorney, except the City will be responsible for the cost of non-routine
services provided by outside medical providers administered prior to sentencing for felony inmates arrested by City
law enforcement officers as provided in RCW 70.48.130, following the efforts by the County to reduce
medical costs as set forth in this Agreement. If the determination is made by the Prosecuting
Attorney that a case should be referred to a municipality for review and possible charging as a gross
misdemeanor or misdemeanor, such cases shall be referred to the appropriate City Attorney for filing
in the Municipal Court with all inmate services charged to the City from the point of booking. Any
case originally charged by the Prosecutor as a felony and later adjudicated to a gross misdemeanor
or misdemeanor shall not require compensation by the Cities. If a determination is made by the
Prosecuting Attorney that a City case originally charged as a gross misdemeanor or misdemeanor
will be charged as a felony, then all inmate services will be charged to the County.

4.10 Jail Alternative Programs. Inmates judged to be eligible for Jail Alternative Programs by the
sentencing Judge may be permitted to participate in those programs at the discretion of the Sheriff or
designee. Such programs may include but will not be limited to, In Custody and Out of Custody Work
Crews, Work or School Release and Electronic Home Monitoring/Detention. The County will make jail
alternative programs available to City inmates to the same extent they are made available to County
inmates.

A City Inmate may be terminated from a Jail Alternative Program if: (a) the City municipal
court or other judicial agency order the City Inmate terminated from the Program or otherwise
amends its earlier order; (b) the County determines, in its sole discretion, that the City Inmate is no
longer eligible for the Program.

Upon termination from a Program, a City Inmate already in the custody of the County shall be
confined in the Correctional facility to serve the remainder of his or her term of confinement,
however, the inmate’s status remains subject to the other provisions of this Agreement, including
Section 4.2. If the City Inmate is not yet in the County's custody at termination, he or she will be the
immediate responsibility of the City for all purposes, including, but not limited to, the duty to
apprehend.

4.11 Release of Inmates. The County will facilitate the release of City Inmates who have
completed their sentences, posted bond or bail, or who have been released by the City Court. The
County will make all reasonable attempts notify the City when their inmates are released from
custody via one of the following:

a) Notice of Time Served: Used when an inmate has completed a sentence by the City Court.

b) Posting of Bail/Bond: The County agrees to act as agent for Cities with respect to
processing bail and/or bail bonds posted by inmates. The County will deliver bail bonds or
money posted for inmates to the Municipal Court in a timely manner. Performance bonds
will not be accepted by the County, but must be posted directly with the Court of Jurisdiction.

c) Personal Recognizance (PR): In the event a PR form is not completed in the City Court,
the County will route a copy of the County PR form to the Municipal Court in a timely
manner.

4.12 Earned Early Release. The County will grant early release credits to City Inmates in accordance with Chapter 9.94A RCW and County Sheriff’s Office policies and procedures.

4.13 Record Keeping. In order to facilitate the management of the jail population, the County will provide the City with real-time access to the Sheriff’s Office records management system so that the City can determine the following:

1. The names and detailed booking data of those inmates that are held at the Main Jail on City-only charges or sentences, including the amount of accrued credit for time served on the current charge(s);

2. The names and detailed booking data of those inmates that are held at the Division Street facility on City-only charges or sentences, including the amount of accrued credit for time served on the current charges (along with which inmates are participating in each jail alternative program). This information will be attached to individual inmate records, accessible by the City; and

3. The total inmate population(s) and location.

4.14 Form of Records. The County agrees to maintain a system of record keeping relative to the booking and confinement of each City Inmate in such style and manner as equivalent to County records pertaining to County Inmates.

4.15 City Access to Records. Records of services provided to City Inmates shall be available for review by the applicable City, unless their release is expressly prohibited by applicable law concerning the confidentiality of medical records (including the federal Health Insurance Portability and Accountability Act, "HIPAA"). The parties may enter business associate agreements under the HIPAA as necessary to implement the intent of this Agreement.

4.16 Correctional Facility Bed-Day Utilization Reporting. At least quarterly the County shall report to the City the actual number of inmate days utilized by each party in the previous quarter, and the total number of actual inmate days. This report may take the form of a master quarterly report, with all contract agency use figures being included on the same report.

5. Per Diem, Costs and Billing.

5.1 Notification and Basis of Rates. As set forth in this Agreement, the City will be notified by the County by August 15 of each year of the estimated booking fee, per diem, rates and fees to be charged in the next year. This estimate is not binding on the County but will be the best estimate that can be provided based on the information available by that date. The final booking fee, per diem, rates and fees will be determined following adoption of the County Budget by the County Council, as established through the Whatcom County Unified Fee Schedule, and will be provided to the parties with the first monthly statement in the New Year. Per Diem rates and fees will be for In Custody jail per diem (bed day charges), Out of Custody Work Crew, Electronic Home Detention, and may
include a capital replacement charge to fund the replacement of component systems of the Jail. On
August 15 of each year, the County shall provide the best estimate of the breakdown of costs that
support the adjustments in charges. The County shall provide the actual basis for adjustments in
charges during the Whatcom County Budget for the biennium or supplemental budget process in
November of each year and as reflected in the County Unified Fee Schedule.

5.2 In-Custody Jail Per Diem. A In Custody Jail Per Diem cost shall be charged to the City, for
each City Inmate. Cities will be charged pursuant to the following policies:

a) The City will be charged per diem in 1/3rd day increments for persons incarcerated in
   the jail on City gross misdemeanor, misdemeanor charges, warrants, or for any other
   City inmate incarceration purposes. Persons incarcerated on felony charges will be the
   responsibility of the County, except nothing in this contract prevents the County from
   seeking reimbursement for felony medical costs prior to sentencing as provided in
   RCW 70.48.130.

b) Persons originally incarcerated for a felony level violation that is declined by the
   County Prosecutor and returned to the City Attorney will be the City's responsibility
   from the date/time of booking. Any case originally charged by the Prosecutor as a
   felony and later plea-bargained or adjudicated to a gross misdemeanor or
   misdemeanor, shall not require compensation by the City.

c) If a City charge or hold is concurrent to another jurisdiction's charge or hold, each
   entity will equally share the per diem for the shared incarceration period. The City
   shall not be responsible for per diem costs related to inmates on which the City has no
   hold.

d) The County will allocate all operating costs, including maintenance, utility, and operating
   costs of facilities shared between the Jail and other county divisions, bureaus, or
   departments on a rational and systematic basis open to audit and public inspection in a
   manner that recognizes that the city parties are not responsible for costs associated with
   non-jail activities or services. The costs of shared facilities allocated to any non-jail
   divisions, bureaus, or departments will be funded by non-jail revenues. Additionally, the
   County will allocate all operating costs, including site maintenance, utility, and site
   operating costs related to non-jail facilities in a manner that recognizes that the city parties
   are not responsible for costs associated with non-jail maintenance and operations. The site
   costs allocated to non-jail facilities will be funded by non-jail revenues.

5.3 Booking Charge:

a) A booking fee shall be charged to the City, for each person booked into the jail on
   the City's charges and/or warrants. Persons booked into the jail and released
   within 8 hours will only incur the booking fee. Persons who are booked into the jail
   and held in the facility will incur both the booking charge and a per diem charge
   accruing in 1/3 day increments. If an inmate is booked on charges from multiple local
   entities, the booking fee will be split evenly between those jurisdictions.

b) In those instances when the City Court requests that an inmate be brought to the in-
house courtroom on a charge that is not on the inmate’s current booking record, the inmate will be escorted to Court and the City charge(s) will be added to the inmate’s current booking record, along with the Court’s instructions. The City charge will be added to the inmate’s current booking record, regardless if the inmate was transported on a new City charge, a pending City charge, or a post-conviction City charge.

If the inmate was already being held on a charge from the City, there will be no change to the per diem and no additional booking fee will be charged. If the inmate is not currently being held on any other City charge, a booking fee for the above described in-house courtroom appearance will be charged to the City and the fee will be apportioned as described in section 5.3(a). If the inmate was not being held on a City’s charge, per diem will start being charged as of the date the defendant is booked and held on those charge(s). Per diems and booking fees will be apportioned as described above.

5.4 Alternative Jail Programs/Per Diem: Jail Per Diem costs for In Custody Work Release and Work Crew, Electronic Home Detention and Out of Custody Work Crew shall also be charged to the City, for each City Inmate. The City will be charged for Alternative Jail Programs as follows:

a) In Custody Work Release: If an inmate participating in Whatcom County’s Work Release Program the parties will be charged the In Custody per diem rate per bed day for work release inmates. Any funds collected from the inmate will be credited to the cost to the City.

b) In Custody Work Crew: If an inmate is participating in the In Custody Work Crew Program, billing to the City for these participants will be based on the In Custody per diem rate per bed day for work crew inmates. If the County bills the inmates for participating in this program, the funds collected from the inmate will be credited to the City.

c) Electronic Home Detention: If an inmate qualifies for Electronic Home Detention, billing to the City for these participating inmates will be based on the Electronic Home Detention per diem rate. Any funds collected from the inmate will be credited to the City.

d) Out of Custody Work Crew: If an inmate is participating in the Out of Custody Work Crew Program, billing to the City for these participants will be based on the Out of Custody Work Crew per diem rate. If the County bills the inmates for participating in this program, the funds collected from the inmate will be credited to the City.

All participants must first be authorized by the sentencing judge to apply for alternative jail programs, and the Sheriff or designee must approve the terms and conditions of the program participation.

If a City charge or hold is concurrent to another jurisdiction’s charge or hold, the City shall be billed the proportionate percentage share of the current year per diem for the shared incarceration period.
5.5 Health Care Costs. All inmates shall receive medical, mental health, and dental treatment when medically necessary to safeguard their health while in custody as required by law. Medical costs shall be allocated per state law or by agreement between the City and the County. If there is a difference between state law allocation of such costs and an agreement between the City and the County, the Agreement shall control. The County shall be responsible for providing routine health care. Such health care will include those health care services routinely delivered at normal cost by County staff, contracted practitioners, or nursing staff, and delivered within the facility.

a) The County is not responsible for the cost of services delivered to City inmates outside of the facility, or for non-routine services provided by outside medical practitioners within the facility. The City shall be responsible for the costs of any and all emergent or necessary medical or health care, dental and psychiatric treatment provided outside of the County Correctional Facilities or non-routine services or medication provided to the inmate inside the jail. Payment for emergency, exceptional or non-routine necessary medical or health care for City gross misdemeanor or misdemeanor inmates shall be made by the City upon written invoice by the County or upon such other terms as City and the County may agree in writing. The County will additionally bill the City for pre-sentence felony inmates, held on the City's case, who incur emergency, exceptional or non-routine necessary medical or health care costs, as set forth in RCW 70.48.130. The County shall notify the City within a reasonable period of time, when the County becomes aware that an inmate being held on the City's charges or awaiting sentencing on a City felony charge is in need of emergency, exceptional, or non-routine necessary medical or health care or when the inmate has been transported for emergency care. Any decision to release a pretrial City felon, City pre-trial detainee, or City inmate, will rest with the City, the Prosecuting Attorney and/or City Attorney, and/or the Court. Included in the cost of extraordinary medical costs will be the costs to transport and/or provide a guard detail if the inmate is not released by the Court.

b) The County agrees to utilize all existing agreements with medical practitioners and organizations to mitigate any medical costs, to make its best efforts to negotiate additional favorable agreements, and seek out any and all eligible third party reimbursement for medical costs (including health or auto insurance, DSHS/Medicaid, and/or the State of Washington), in the same manner and to the same extent at the County does for inmates held on its own charges and prior to billing the City. No third party beneficiary contract or contract of insurance is intended by this contract. Non-routine necessary medical or health care shall include all practitioner-ordered health care or medical services delivered to City inmates outside of the facility, specialized care provided by non-contract health care providers in or out of the facility, and emergency treatment, including EMS and the local Hospital Emergency Department.

c) Any failure or error by the County to provide the City with proper notification of extraordinary, non-routine necessary medical or health care, emergency care, dental and/or mental health services described under Section 5, delivered to a City Inmate shall in no way excuse full, complete and timely payment by the City under this Agreement.

5.6 Invoicing for Extraordinary, Non-Routine, Necessary Medical or Health Care, Emergency Care, Mental Health and Dental Services. The County shall invoice the City for all costs
incurred for extraordinary or non-routine necessary medical, health, or emergency care, dental, or mental health services to City Inmates, including, but not limited to, durable medical equipment, ambulance fees, medical, dental, and mental health services provided outside the Correctional facility specialized equipment or extraordinary medications essential to the inmates health such as chemotherapy, anti-viral or biologic medications. Extraordinary Medical Costs do not include routine medical examinations, tests, procedures performed at the Correctional facility by Correctional facility staff or contractors or routine medications. The County will facilitate use of a City inmate’s 3rd party medical insurance whenever possible. If there is coverage, the County will credit amounts received from the City Inmate's own health insurance and applicable public assistance to the City’s bill. Credit amounts may show up on billings subsequent to the time of service, due to processing timelines by both the provider and the 3rd party payer.

5.7 Payment: The City shall remain liable for complete and timely payment of all amounts invoiced. Invoices may be sent monthly, quarterly or on any other schedule that is mutually convenient to the parties. Where complete payment is not tendered within thirty (30) days of the invoice date, the County may charge interest on the outstanding balance at a rate equal to the interest rate on the monthly County investment earnings. Should the City wish to dispute the amount of a particular invoice, it will (a) make complete and timely payment on the outstanding balance, and (b) deliver written notice of the dispute to the County within thirty (30) days of the invoice date. Failure to properly notify the County of any disputed amounts within thirty (30) days of the invoice shall constitute an acceptance by the County of all charges contained therein. Within fifteen (15) days of timely receipt of payment and the City’s written notice of dispute, the County shall review the disputed invoice. Should the County resolve the dispute in favor of the City, the disputed amounts will be credited towards the City’s next billing cycle, PROVIDED, HOWEVER, that upon termination of this Agreement, the County shall pay out to the City any such credited amounts. Withholding payment of any amount billed, regardless of whether the City has provided timely written notice of a disputed invoice, will constitute a default under this Agreement.

5.8 Review and maintenance of records: Each party may examine the other party's books and records to verify charges and to audit the amounts charged under this Agreement. If the City elects to conduct an audit, the audit may be conducted under the supervision by the County IT Department or Jail Administration for purposes of record retrieval, protecting confidentiality and expediency. The County shall maintain accurate time and accounting records related to the Services for a period of three (3) years following final payment.

6. Indemnification/Hold Harmless.

6.1 City Held Harmless. The County shall indemnify and hold harmless the City and its officers, agents, and employees, or any of them from any and all claims, actions, suits, liability, loss, costs, expenses, and damages of any nature whatsoever, by any reason of or arising out of any negligent act or omission of the County, its officers, agents, and employees, or any of them relating to or arising out of performing services pursuant to this agreement. In the event that any such suit based upon such a claim, action, loss, or damages is brought against the City, the County shall defend the same at its sole cost and expense; provided that the City reserves the right to participate in said suit if any principle of governmental or public law is involved; and if final judgment in said suit be rendered against the City, and its officers, agents, and employees, or any of them, or jointly against the City and the County and their respective officers, agents, and employees, or any of them, the County shall satisfy the same.

6.2 County Held Harmless. The City shall indemnify and hold harmless the County and its officers, agents, and employees, or any of them from any and all claims, actions, suits,
liability, loss, costs, expenses, and damages of any nature whatsoever, by any reason of or arising out of any negligent act or omission of the City, its officers, agents, and employees, or any of them relating to or arising out of performing services pursuant to this agreement. In the event that any suit based upon such a claim, action, loss, or damages is brought against the County, the City shall defend the same at its sole cost and expense; provided that the County reserves the right to participate in said suit if any principle of governmental or public law is involved; and if final judgment be rendered against the County, and its officers, agents, and employees, or any of them, or jointly against the County and the City and their respective officers, agents, and employees, or any of them, the City shall satisfy the same.

The Parties' obligations to indemnify defend and hold harmless for injuries, sickness, death or damage caused by or resulting from the concurrent negligence or willful misconduct of the Parties or of the Parties and a third party other than an officer, agent or employee of the Parties, shall apply only to the extent of the negligence or willful misconduct of each Party.

6.3 Waiver under Washington Industrial Insurance Act. The foregoing indemnity is specifically intended to constitute a waiver of each party's immunity under Washington's Industrial Insurance Act, Chapter 51 RCW, as respects the other party only, and only to the extent necessary to provide the indemnified party with a full and complete indemnity of claims made by the indemnitor's employees. The parties acknowledge that these provisions were specifically negotiated and agreed upon by them. The terms of the Indemnification provisions shall survive the termination or expiration of this Agreement.


In executing this Agreement, the County does not assume liability or responsibility for or in any way release the City from any liability or responsibility which arises in whole or in part from the existence or effect of City ordinances, policies, rules or regulations. Nor shall the County be liable or responsible for any claims of conduct or actions by the City, City Courts, or law enforcement, including, but not limited to claims of unlawful arrest, excessive force, unlawful imprisonment, unconstitutional deprivation, negligence, errors, omissions or misconduct. If any cause, claim, suit, action or administrative proceeding is commenced in which the enforceability and/or validity of any such City ordinance, policy, rule or regulation is at issue, or in which there is an allegation of City Court, City Prosecutor or Law Enforcement action as described above, the City shall defend the same at its sole expense and, if judgment is entered or damages are awarded against the City, the County, or both, the City shall satisfy the same, including all chargeable costs and reasonable attorney's fees.

In executing this Agreement, the City does not assume liability or responsibility for or in any way release the County from any liability or responsibility which arises in whole or in part from the existence or effect of County ordinances, policies, rules or regulations. Nor shall the City be liable or responsible for any claims of conduct or actions by the County, County Courts, or law enforcement, including, but not limited to claims of unlawful arrest, excessive force, unlawful imprisonment, unconstitutional deprivation, negligence, errors, omissions or misconduct. If any cause, claim, suit, action or administrative proceeding is commenced in which the enforceability and/or validity of any such County ordinance, policy, rule or regulation is at issue, or in which there is an allegation of County Court, County Prosecutor or Law Enforcement action as described above, the County shall defend the same at its sole expense and, if judgment is entered or damages are awarded against the County, the City, or both, the County shall satisfy the same, including all chargeable costs and reasonable attorney's fees.
7.1 **Insurance.** Each Party shall maintain its own insurance and/or self-insurance for its liabilities from damage to property and/or injuries to persons arising out of its activities associated with this Agreement as it deems reasonably appropriate and prudent. The maintenance of, or lack thereof of insurance and/or self-insurance shall not limit the liability of the indemnifying party(s) to the indemnified party(s). Each Party shall provide the other with a certificate of insurance or letter of self-insurance annually as the case may be.

7.2 **Compliance with Laws.** In the performance of its obligations under this Agreement, each party shall comply with all applicable federal, state, local laws, all State and local rules and regulations.

7.3 **Default and Remedies.**

**Default.** If either the County or the City fails to perform any act or obligation required to be performed by it hereunder, the other party shall deliver written notice of such failure to the non-performing party. The non-performing party shall have fifteen (30) days after its receipt of such notice in which to correct its failure to perform the act or obligation at issue, after which time, if non-performance continues, it shall be in default ("Default") under this Agreement; provided, however, that if the non-performance is of a type that could not reasonably be cured within said fifteen (30) day period, then the non-performing party shall not be in Default if it commences cure within said fifteen (15) day period and thereafter diligently pursues cure to completion.

**Remedies.** In the event of a party's Default under this Agreement, then after giving notice and an opportunity to cure pursuant to this Agreement, the County and City will attempt to progressively resolve the dispute in the following manner:

1. Through negotiations between the City and County’s respective Administrators or their designees.
2. Through non-binding mediation.
3. Seeking resolution in the Courts of law and equity.

In addition, if the City fails to make payment on an outstanding invoice within the time to cure and the City has not disputed the invoice as provided in this Agreement, the City shall have no further right under this Agreement to deliver custody to or otherwise house City Inmates at the Correctional facility and shall, at the County's request, remove all City Inmates from the Correctional facility within fourteen (14) days of notice to do so. Thereafter, the County may, in its sole discretion, accept City Inmates to the Correctional facility if all outstanding invoices are paid.

8. **Early Termination**

8.1 **Termination by the County.** Except as provided in Section 8.3 below, the County may terminate this Agreement at any time, with or without cause, upon not less than ninety (90) days advance written notice to the City and the Washington State Office of Financial Management. The Notice shall state the grounds for termination and the specific plans for accommodating the affected jail population.
8.2 Termination by the City. The City may terminate this Agreement at any time, with or without cause, upon not less than ninety (90) days advance written notice to the County and the Washington State Office of Financial Management. The Notice shall state the grounds for termination and the specific plans for accommodating the affected jail population.

8.3 Lack of Funding. This Agreement is contingent upon governmental funding and local legislative appropriations. In the event that funding from any source is withdrawn, reduced, limited, or not appropriated after the effective date of this Agreement, this Agreement may be terminated by the County immediately by delivering written notice to the City. The termination notice shall specify the date on which the Agreement shall terminate.

8.4 Calculation of Costs Due Upon Early Termination. Upon early termination of this Agreement as provided in this Section 8, the City shall pay the County for all Services performed up to the date of termination. The County shall notify the City within thirty (30) days of the date of termination of all remaining costs. No payment shall be made by the City for any expense incurred or Services performed following the effective date of termination unless authorized in writing by the City.

8.5 Dispute Resolution. Other than that specified in Section 7, should a dispute arise under this Agreement between the City and the County, such dispute shall be progressively resolved in the following manner:

1. Through negotiations between the City and the County’s respective contacts.
2. Through negotiations between the Mayor and the County Executive; or
3. In the event that the City and the County do not reach agreement within 90 days of commencing negotiations, the matter will be submitted to binding arbitration.

Nothing in this section shall deny any rights established elsewhere in this Agreement.

8.6 Extension of Negotiations. The City and the County may mutually agree to extend the negotiation period. If the City and the County cannot agree upon the selection of an impartial arbitrator within fourteen days of a written request for arbitration by either the City or the County, the arbitrator shall be selected as provided in the Superior Court Mandatory Arbitration Rules by a judge of the Superior Court of Skagit County. The arbitration shall be conducted pursuant to the Superior Court Mandatory Arbitration Rules.

9. Notices. All notices required to be given by any party to the other party under this Agreement shall be in writing and shall be delivered either in person, by United States mail, or by electronic mail (email) to the applicable Administrator or the Administrator’s designee. Notice delivered in person shall be deemed given when accepted by the recipient. Notice by United States mail shall be deemed given as of the date the same is deposited in the United States mail, postage prepaid, and addressed to the Administrator, or their designee, at the addresses set forth in Section 3 of this Agreement. Notice delivered by email shall be deemed given as of the date and time received by the recipient.

10. Miscellaneous.

10.1 Entire Agreement. This Agreement constitutes the entire agreement between the parties regarding the subject matter hereof, and supersedes any and all prior oral or written agreements.
between the parties regarding the subject matter contained herein. This Agreement may not be modified or amended in any manner except by a written document executed with the same formalities as required for this Agreement and signed by the party against whom such modification is sought to be enforced.

10.2 Conflicts between Attachments and Text. Should any conflicts exist between any attached exhibit or schedule, and the text or main body of this Agreement, the text or main body of this Agreement shall prevail.

10.3 Governing Law and Venue. This Agreement shall be governed by and enforced in accordance with the laws of the State of Washington. The venue of any action arising out of this Agreement shall be in the Superior Court of the State of Washington, in and for Skagit County.

10.4 Interpretation. This Agreement and each of the terms and provisions of it are deemed to have been explicitly negotiated by the parties, and the language in all parts of this Agreement shall, in all cases, be construed according to its fair meaning and not strictly for or against either of the parties hereto. The captions and headings in this Agreement are used only for convenience and are not intended to affect the interpretation of the provisions of this Agreement. This Agreement shall be construed so that wherever applicable the use of the singular number shall include the plural number, and vice versa, and the use of any gender shall be applicable to all genders.

10.5 Severability. If any provision of this Agreement or the application thereof to any person or circumstance shall, for any reason and to any extent, be found invalid or unenforceable, the remainder of this Agreement and the application of that provision to other persons or circumstances shall not be affected thereby, but shall instead continue in full force and effect, to the extent permitted by law.

10.6 Savings. Nothing in this Agreement shall be construed so as to require the commission of any act contrary to law, and wherever there is any conflict between any provisions of this Agreement and any statute, law, public regulation or ordinance, the latter shall prevail, but in such event, the provisions of this Agreement affected shall be curtailed and limited only the extent necessary to bring it within legal requirements.

10.7 No Waiver. A party's forbearance or delay in exercising any right or remedy with respect to a Default by the other party under this Agreement shall not constitute a waiver of the Default at issue. Nor shall a waiver by either party of any particular Default constitute a waiver of any other Default or any similar future Default.

10.8 No Assignment. This Agreement shall not be assigned, either in whole or in part, by either party without the express written consent of the other party, which may be granted or withheld in such party's sole discretion. Any attempt to assign this Agreement in violation of the preceding sentence shall be null and void and shall constitute a Default under this Agreement.

10.9 Warranty of Authority. Each of the signatories hereto warrants and represents that he or she is competent and authorized to enter into this Agreement on behalf of the party for whom he or she purports to sign this Agreement.

10.10 Independent Contractor. The County will perform all Services under this Agreement as an independent contractor and not as an agent, employee, or servant of the City. The County shall
be solely responsible for control, supervision, direction and discipline of its personnel, who shall be employees and agents of the County and not the City. The County has the express right to direct and control the County's activities in providing the Services in accordance with the specifications set out in this Agreement. The City shall only have the right to ensure performance.

10.11 No Joint Venture. Nothing contained in this Agreement shall be construed as creating any type or manner of partnership, joint venture or other joint enterprise between the parties.

10.12 No Separate Entity Necessary. The parties agree that no separate legal or administrative entities are necessary to carry out this Agreement.

10.13 Ownership of Property. Except as expressly provided to the contrary in this Agreement, any real or personal property used or acquired by either party in connection with its performance under this Agreement will remain the sole property of such party, and the other party shall have no interest therein.

10.14 No Third Party Beneficiaries. This Agreement and each and every provision hereof is for the sole benefit of the City and the County. No other persons or parties shall be deemed to have any rights in, under or to this Agreement.

10.15 Force Majeure. In the event either party's performance of any of the provisions of this Agreement become impossible due to circumstances beyond that party's control, including without limitation, force majeure, strikes, embargoes, shortages of labor or materials, governmental regulations, acts of God, war or other strife, that party will be excused from performing such obligations until such time as the Force Majeure event has ended and all facilities and operations have been repaired and/or restored.

10.16 This is an Integrated Agreement. Neither party has relied on any representation other than those expressly set forth herein in entering this Agreement.

10.17 Neutral Authorship. Each of the terms and conditions of this Agreement have been reviewed and negotiated with resort to legal counsel, and represents the combined work product of the parties hereto, and this Agreement shall not be interpreted for or against any Party hereto based upon authorship. The Parties represent that they have had a full and fair opportunity to seek legal advice with respect to the terms of this Agreement, and have either done so or have voluntarily chosen not to do so. The Parties represent and warrant that they and their authorized representatives executing this Agreement have fully read this Agreement, that they understand its meaning and effect, and that they enter into this Agreement with full knowledge of its terms. This Agreement contains terms and conditions agreed upon by the Parties. The Parties agree that there are no other understandings, oral or otherwise, regarding the subject matter of this Agreement. No change or addition to this Agreement shall be valid or binding upon the Parties unless such change or addition is in writing, executed by all the Parties.

10.18 The Parties agree that during the performance of this Agreement they shall abide by all Federal, State and local laws, provided, the prohibition against discrimination in employment because of handicap shall not apply if the particular disability, with reasonable accommodation, prevents the proper performance of the work involved.
10.19 The Parties agree to aid and assist the other in accomplishing the objectives of this Agreement.

10.20 This Agreement shall be binding upon the Parties, and their successors and assigns.

10.21 Further Acts. The Parties agree to take such further actions and to execute documents as in their reasonable judgment may be necessary or desirable in order to carry out the terms of, and complete the transactions contemplated by, this Agreement.

10.22 Agreement Contact. The County's initial contact for this Agreement shall be the County Executive. The Cities' initial contact shall be the Mayor of each respective city. The Parties to this Agreement may designate new contacts by providing written notice to all the other Parties.

11. City Election of Option 1 or Option 2 under Section 4. Basic Services.
The City has elected the following Option of Basic Services outlined in Section 4.2 and checked below:

[ ] Option 1.

OR -

[ ] Option 2.
IN WITNESS WHEREOF, Whatcom County and the City of Everson have executed this Amendment on the date and year below written.

DATED this ___________ day of ________________, 20 __.

WHATCOM COUNTY:

Approved as to form:

[Signature] 6/14/16
Prosecuting Attorney Date

Approved:
Accepted for Whatcom County:

By: ________________________________
    Jack Louws, Whatcom County Executive

STATE OF WASHINGTON )
 ) ss
COUNTY OF WHATCOM )

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

______________________________
NOTARY PUBLIC in and for the State of Washington, residing at
________________________________. My commission expires ____________________.
CITY OF EVERSON:

EXECUTED this _____ day of _____________, 201_. For the CITY OF EVERSON

__________________________
Mayor Perry

STATE OF WASHINGTON )
) ss

COUNTY OF WHATCOM )

On this _____ day of _____________, 20___, before me personally appeared Mayor John Perry, to me known to be the Mayor of the City of Everson, 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 ________________.

ATTEST:

________________________________
Finance Director

Approved as to form:

________________________________
Office of the City Attorney

Departmental Approval: __________________________
<table>
<thead>
<tr>
<th>CLEARANCES</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
<th>Assigned to:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Originator</td>
<td>twh</td>
<td>06.16.16</td>
<td></td>
<td>06.28.16</td>
<td>Finance/Council</td>
</tr>
<tr>
<td>Division Head:</td>
<td></td>
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<tr>
<td>Dept. Head:</td>
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<tr>
<td>Prosecutor:</td>
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</tr>
<tr>
<td>Purchasing/Budget:</td>
<td>6/14/16</td>
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<tr>
<td>Executive:</td>
<td>6/21/16</td>
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</tbody>
</table>

**TITLE OF DOCUMENT**: Jail Facility Use Agreement

**ATTACHMENTS**: Memo and Jail Facility Use Agreement

<table>
<thead>
<tr>
<th>SEPA review required?</th>
<th>( ) Yes</th>
<th>( ) NO</th>
<th>Should Clerk schedule a hearing?</th>
<th>( ) Yes</th>
<th>( ) NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>SEPA review completed?</td>
<td>( ) Yes</td>
<td>( ) NO</td>
<td>Requested Date:</td>
<td></td>
<td></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.)

Request authorization for the County Executive to enter into a new Jail Facility Use Agreement between Whatcom County and the City of Ferndale effective July 1, 2016.

**COMMITTEE ACTION**: 

**COUNCIL ACTION**: 

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

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

<table>
<thead>
<tr>
<th>Originating Department:</th>
<th>County Executive</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract or Grant Administrator:</td>
<td>Deputy Executive</td>
</tr>
<tr>
<td>Contractor’s / Agency Name:</td>
<td>City of Ferndale</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): __________

**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):
$ __________ fee for service

**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 purpose and intent of this agreement is for the County and the City to work together in order that the county may provide the City with corrections services.

**Term of Contract:** 2 years
**Expiration Date:** June 30, 2018
**Date:** 06.16.16
**Date:** 06.16.16
**Date:** 06.16.16
**Date:** 06.16.16
**Date:** 06.16.16
**Date:** 06.16.16
**Date:** 06.16.16
**Date:** 06.16.16
**Date:** 06.16.16
**Date:** 06.16.16

Last Edited: 060414
MEMORANDUM

TO: Jack Louws, County Executive
FROM: Tyler Schroeder, Deputy Executive
RE: Jail Facility Use Agreement
DATE: June 16, 2016

Enclosed are two (2) originals of a contract between Whatcom County and the City of Ferndale.

- **Background and Purpose**
  This new agreement allows the County to continue providing jail services to the City of Ferndale on July 1, 2016 as the current agreement expires on June 30, 2016. The County agrees to provide inmate services for gross misdemeanor and misdemeanor cases initiated by the City and referred to the County for those offenses alleged to have been committed by adults within the City.

- **Funding Amount and Source**
  This is a fee for service contract for Whatcom County. The City of Ferndale pays Whatcom County for jail services through booking and other fees.

- **Differences from Previous Contract**
  Booking fees have increased to more effectively cover the cost of service.

Please contact Tyler Schroeder at extension 5207, if you have any questions or concerns regarding the terms of this agreement.

Encl.
INTERLOCAL JAIL FACILITY USE AGREEMENT FOR CORRECTIONS SERVICES BETWEEN WHATCOM COUNTY AND THE CITY OF FERNDALE

This INTERLOCAL AGREEMENT FOR CORRECTIONS SERVICES BETWEEN WHATCOM COUNTY and the CITY OF FERNDALE (this "Agreement"), is made and entered into this ___ day of __________ 2016, by and between WHATCOM COUNTY, a political subdivision of the State of Washington (the "County"), and the CITY OF FERNDALE, a municipal corporation of the State of Washington (the "City") pursuant to Chapter 39.34 RCW and Chapter 70.48 RCW. The County Executive, or designee, will serve as the administrator of the Agreement pursuant to RCW 39.34.

RECITALS

A. The County currently maintains and operates correctional facilities known as the Whatcom County Correctional facility ("Jail") and the Whatcom County Jail Work Center ("JWC"). In order to assist other jurisdictions, the County from time to time will enter into interlocal agreements to confine in its corrections facilities persons from other jurisdictions.

B. The County and City each have the statutory power and authority to maintain and operate correctional facilities and to confine inmates therein.

C. The City from time to time desires to confine persons who have been arrested, detained or convicted by the City of criminal offenses (the "City Inmates"), and the County is willing to furnish its corrections facilities and personnel in exchange for payment from the City of fees and costs, all as more fully described in this Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the respective agreements set forth below and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the County and the City agree as follows:

1.0 Purpose of Agreement. This Agreement is authorized by and entered into pursuant to Chapter 39.34 RCW and Chapter 70.48 RCW. The purpose and intent of this Agreement is for the County and the City to work together efficiently and effectively in order that the County may provide the City with corrections services (the "Services"), as defined in Section 4 below, based on the rules and conditions set forth in the applicable Sheriff's Office and County policies, procedures, rules and regulations and in this Agreement and any attachments hereto.

2.0 Effective Date and Duration. This Agreement shall be effective July 1, 2016
regardless the date of signature. This Agreement shall begin on July 1, 2016 and remain in effect through June 30, 2018, unless earlier terminated pursuant to other provisions in this Agreement or by written mutual agreement, PROVIDED HOWEVER, that the term of this Agreement may be extended or renewed for up to three (3) additional two (2) year terms by written notice from the County to the City, PROVIDED FURTHER that each Party's obligations at the end of each contract period, are contingent upon local legislative appropriation of necessary funds for this specific purpose in accordance with applicable law.

3.0 Administrators. Each party to this Agreement shall designate an individual (an "Administrator"), who may be designated by title or position, to oversee and administer such party's participation in this Agreement. The parties' initial Administrators shall be the following individuals:

<table>
<thead>
<tr>
<th>County's Administrator:</th>
<th>City's Administrator:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jack Louws, County Executive</td>
<td>Greg Young, City Administrator</td>
</tr>
<tr>
<td>311 Grand Ave, Courthouse</td>
<td>2095 Main Street</td>
</tr>
<tr>
<td>Bellingham, WA 98225</td>
<td>Ferndale, WA 98248</td>
</tr>
<tr>
<td>360-778-5200</td>
<td>360-685-2351</td>
</tr>
<tr>
<td>Bill Elfo, Sheriff (or designee)</td>
<td></td>
</tr>
<tr>
<td>311 Grand Ave/Public Safety Building</td>
<td></td>
</tr>
<tr>
<td>Bellingham, Washington 98225</td>
<td></td>
</tr>
<tr>
<td>360-778-6600</td>
<td></td>
</tr>
</tbody>
</table>

3.1 Change of Administrator. Either party may change its Administrator at any time by delivering written notice of such party's new Administrator to the other party.

4.0 Scope of Services. As described in this Section 4 and subject to the terms or conditions set forth elsewhere in this Agreement, the County agrees to provide inmate services for gross misdemeanor and misdemeanor cases initiated by the City and referred to the County for those offenses alleged to have been committed by adults within the City. The County will hold such City Inmates until such time as they are lawfully discharged from custody pursuant to law, the terms of a judicial Order of Commitment, transferred to another (non-Whatcom) correctional facility and/or returned to the custody of the City.

4.1 Assignment. The County shall provide at least 30 days' prior notice to the parties of its intent to assign or delegate duties under this Agreement, specifying which duties it intends to assign or delegate and the name and address of the party to whom it intends to assign or delegate.

4.2 Basic Services. The County shall provide Services to the City subject to the conditions set forth in this Agreement. The City shall select from one of the two options listed below. Regardless of which option selected, should the County, in its sole discretion, decline to accept or retain custody of a City Inmate for any of the reasons identified in this Agreement, the County shall notify the arresting officer in person or the City's judicial or law enforcement agency of the non-acceptance and the reason for the non-acceptance. Acceptance of a City Inmate into the Jail shall be conditioned upon either Option 1 or Option 2 as set forth below. The Option selected by the City shall be marked in Section 11 of this Agreement.
OPTION 1

a) The County agrees to provide inmate services for adult arrestees/inmates in misdemeanor and gross misdemeanor cases initiated by the City, subject to availability of space within the correctional facilities operated by the County. The County shall provide inmate services consistent with the standards contained in this Agreement. If circumstances require the County to reduce services, such reductions shall be made at the sole discretion of the Sheriff in light of his assessment of potential overcrowding; challenges in maintaining critical infrastructure, life-safety, and security systems; increasing behavioral and security concerns regarding the inmate population; and other factors judged by the Sheriff to be relevant. Reductions shall be made by first prioritizing the housing of inmates the County is legally responsible for detaining and housing. The County shall provide reasonable notice to the City of its intention to reduce service levels in any correction program.

b) The City shall contract for inmate housing services and the transportation of inmates to a jail facility or facilities other than Whatcom County to include a jail facility that will accept inmates following arrest by City officers in the event it becomes necessary for the Sheriff to reduce jail population. If the Sheriff determines that space is not available or a need exists to reduce the correctional facility population, notice of the same shall be given to the City, and the County will continue to accept and book inmates for the City and detain the inmate until the time of the inmate’s first court appearance or first review by a judicial officer. It shall be the City’s responsibility to ensure that such hearings or reviews are held within 48 hours of booking. If the inmate is not released on personal recognizance or bail within six (6) hours of the first court appearance or review by a judicial officer, the City will accept the return of the inmate or arrange to have the inmate transferred out of the correctional facility within 4 hours, or at a later time agreed to by the Sheriff. The City will provide the County a point of contact available 24 hours a day for receiving the required notifications. The County may also notify the City that persons already sentenced need to be removed from the correctional facility in order to maintain appropriate correctional facility population levels. In case such notification is given, the City shall retrieve the inmate from the correctional facility within 24 hours of such notice.

c) Under the terms of this Agreement, once an inmate is released from County custody, regardless of court or probation conditions placed on an inmate by the City and regardless of where the inmate is released, transported or housed by the City, the County shall bear no responsibility or liability whatsoever for the inmate, including but not limited to, the inmate’s mental, physical, or health care, the inmate’s conduct or behavior, or the inmate’s court obligations. If the inmate is subsequently re-booked back into the Whatcom County Jail on the City matter, the County’s duties and responsibilities per the contract terms go back into effect during the time the inmate is in County custody.

OPTION 2

a) The County agrees to provide inmate services for adult arrestees/inmates in misdemeanor and gross misdemeanor cases initiated by the City, subject to availability of space within the jail facilities operated by the County. The County shall provide inmate services consistent with the standards contained in this Agreement. If circumstances require the County to reduce services, such reductions shall be made at the sole discretion of the Sheriff in light of his assessment of potential overcrowding; challenges in maintaining critical infrastructure, life-safety, and security systems; increasing behavioral and security concerns regarding the inmate population; and other factors judged by the Sheriff to be relevant. Reductions shall be made by first prioritizing the...
housing of inmates the County is legally responsible for detaining and housing. The County shall provide reasonable notice to the City of its intention to reduce service levels in any correction program.

b) The City shall contract for inmate housing services and the transportation of inmates to a jail facility or facilities other than Whatcom County to include a jail facility that will accept inmates following arrest by City officers in the event it becomes necessary for the Sheriff to implement booking restrictions. On an ongoing basis, the City shall arrange for a minimum of one weekly transport of eligible inmates, to be identified by the City, on a day that is mutually agreed upon by the County and the City. The City will make arrangements for additional transports if necessary to meet County needs to reduce the jail population.

c) Eligible Inmates for reduction of jail population by transport:

1. Have been convicted of a City misdemeanor charge;
2. Have 7 or more days left to serve on the sentence on the day of transport; and
3. Are not held on any other charges by a Whatcom County jurisdiction.

d) The Parties agree that the following conditions need to exist in order for an inmate who is in pretrial status to also be considered an eligible inmate:

1. The County agrees to allow City inmates who have been transferred to another facility to be returned to the County Jail for rebooking in order to be present for pre-trial hearings, trials and/or guilty pleas provided the City will make arrangements to have the inmate transferred back to the alternate facility or released from custody as soon as is practicable if the Whatcom County Jail population is still over the population cap.

2. The City will work diligently to establish the necessary process and technology to hold remote pretrial hearings. At the request of the County, the City shall provide a report regarding its progress in achieving this goal.

e) Additional Population Reduction

1. If the Sheriff determines that a need exists to reduce the jail population beyond the transport identified above, notice of the same shall be given to the City of additional number of inmates held or sentenced on City only charges that need to be transferred from the jail. The City will use its best efforts and all available tools to reduce the population by at least the amount identified by the County and will do so as soon as feasible.

2. Notwithstanding the above provisions, the Sheriff retains the right and discretion to take more immediate action to reduce the jail population if the Sheriff determines such actions are required. Such action may include, but is not limited to, advising the City that in order to maintain security, health and safety in the jail, the time period for transfer after first appearance may be shortened and/or booking restrictions implemented. The City specifically recognizes the potential need to implement booking restrictions in the event of overcrowding and/or the failure or unreliability of facility systems or infrastructure; combined with an inability to swiftly remove a sufficient number of inmates, whether or not the inmates are in pretrial status or post-conviction. When implementing booking restrictions, the Sheriff will consider, while
retaining full discretion, exceptions to booking restrictions to allow booking of DUI, domestic violence, and assault inmates.

3. The Sheriff will work closely with all in-county users of the jail when providing notice of the need to reduce the jail population and when seeking the swift removal of inmates from the jail. Prior to implementing booking restrictions with respect to the City, the County will make a good faith effort to seek the removal of all other non-county inmates consistent with its Agreements with other jurisdictions and applicable law.

4. For those City inmates that have been identified by the City for removal or transport, the County will allow law enforcement officers to enter the booking area inside the jail to receive custody of the inmate(s) for transport or removal. A City employee or contractor, who has received individual clearance to enter inside the jail pursuant to Whatcom County Policy, will be allowed entry into the jail. All other non-law enforcement employees or contractors will be allowed entry onto the jail premises in a designated area to facilitate the release of the inmate(s) to City custody. Clearances granted for the purpose described above may be cancelled or suspended by the Sheriff at any time due to emergency or other security-related circumstance deemed necessary by the Sheriff.

5. Under the terms of this Agreement, once an inmate is released from County custody, regardless of court or probation conditions placed on an inmate by the City and regardless of where the inmate is released, transported or housed by the City, the County shall bear no responsibility or liability whatsoever for the inmate, including but not limited to, the inmate’s mental, physical, or health care, the inmate’s conduct or behavior, or the inmate’s court obligations. If the inmate is subsequently re-booked back into the Whatcom County Jail on the City matter, the County’s duties and responsibilities per the contract terms go back into effect during the time the inmate is in County custody.

4.3 Control of Correctional Facilities and Effect of Ordinance, Policies, Procedures, Rules and Regulations. County correctional facilities will be administered by the County in accordance with the ordinances, policies, procedures, rules and regulations of the Sheriff’s Office and in accordance with the rules and regulations of any agency of the State of Washington empowered to make rules governing the administration of County correctional facilities. The City and City Inmates shall be subject to the County’s ordinances, policies, procedures, rules and regulations relating to correctional facility operations, including any emergency security rules imposed by the Sheriff and/or County Administrator, PROVIDED, HOWEVER, that nothing in this Agreement shall be construed as creating, modifying, or expanding any duty on the part of the County except as specifically provided herein. Nothing in this Agreement shall be interpreted as a delegation by the City, its judicial and law enforcement agencies, to the County of the duty to oversee City Inmates except as provided by this agreement.

a) Obligation to Abide by Policies and Procedures. The City, its officers, employees and agents shall follow all applicable Correctional facility policies and procedures.

b) Operational Control. Each City acknowledges the County's operational control of the jail and alternate jail programs, and each agrees that City inmates committed to the Whatcom County Jail and alternative jail programs will be subject to the same lawful rules and regulations required of other inmates incarcerated therein.
c) **Equal Treatment.** Except where provided elsewhere in this Agreement, the County agrees to furnish its facilities and personnel for confinement of City inmates and other services described in this Agreement in the same manner and to the same extent as the County furnishes for the confinement of its own gross misdemeanor or misdemeanor inmates, provided that the County shall meet or exceed all legal requirements.

### 4.4 Inmates Defined:

a. **City Inmate.** As used herein, "City Inmate" shall mean those inmates charged in municipal courts of the Cities, those inmates arrested by a city law enforcement officer while held prior to being charged with a misdemeanor or gross misdemeanor, or to release without charges, or those inmates who are originally arrested for felony offenses and are referred to the appropriate City Attorney for filing in Municipal Court as described above.

b. **County Inmate.** As used herein, "County Inmate" shall mean those inmates originally charged in Whatcom County District Court on gross misdemeanor and misdemeanor offenses, those inmates arrested by the County Sheriff while held prior to charging or to release without charges, and persons arrested for, or charged with, any felony offense charged in Whatcom County Superior Court or are held by magistrate warrant. A County Inmate includes those inmates which the Sheriff is legally required to book and hold in custody.

c. **Third Party Inmate.** For the purposes of this Agreement, County Inmates and City Inmates shall not include those inmates who are committed to the Correctional facility by entities that are not a party to this Agreement, or other inmates arrested by state and federal agencies.

d. **Material Witnesses Held in Correctional facility.** Inmate days arising from a material witness warrant shall be allocated to the jurisdiction issuing the material witness warrant.

e. **Tribal Inmate.** As used herein, “Tribal Inmate” shall mean a person arrested by Tribal police and held and confined in the County Jail, or otherwise held in detention as provided in this Agreement, pursuant to a violation of a Tribal ordinance, law, court order, or held for any purpose related to tribal charging, adjudication or jurisdiction. The term “Tribal Inmate” shall not include a person arrested on a warrant issued by another jurisdiction or for charges initiated by a non-Tribal officer or non-Tribal Court, or for charges initiated by Tribal police from Tribes located outside of the physical confines of Whatcom County.

### 4.5 City Access to City Inmates.

All City law enforcement officers and defense attorneys shall have the right to interview confined City Inmates at any time subject to Correctional facility security rules, emergency declarations, orders and regulations. Available interview rooms and appropriate communication technology may be used by City law enforcement officers and defense attorneys.

### 4.6 Transport of City Inmates.

The City shall provide or arrange for transportation and security of its inmates to and from the Correctional facility for initial booking and to all court appearances held in its municipal court. Cities may contract with the County to provide custody and/or transportation services for outside court appearances, except when (a) the County determines, in its sole discretion, that emergency transportation is necessary in order to secure medical or health care and/or psychiatric evaluation or treatment, or (b) the County determines, in its sole discretion, that
transportation is required to support the orderly operation of the corrections facility.

4.7 Access to Court. The County shall provide the City Court access to the Jail in-house courtroom for hearings involving incarcerated inmates. The County will provide internal escort within the facility and security within the Courtroom. The City may access the County video court system provided that:

a) The City’s system is compatible with the existing County system.
b) Any interfaces, either hardware or software, necessary for the City to access the system will conform with County security protocols and be paid for by the City.
c) Times of access will be coordinated with County Jail personnel and cannot interfere with use by either District or Superior Courts.
d) The City shall have no claim if any County or Jail Video or Audio Court System becomes inoperable or temporarily dysfunctional.

4.8 Booking an Inmate.

a) Documentation of Legal Basis for Confinement. Absent proper documentation providing a legal basis for confining the City Inmate, the County will have no obligation to receive the City Inmate into custody. Proper documentation for purposes of this section means an arrest warrant, judicial Order of Commitment, other order of a court of competent jurisdiction, or a properly completed Probable Cause Affidavit, in a format prescribed by the Sheriff.

b) Administrative Booking. Upon request by the arresting officer, City Prosecutor or the City Court, and when not otherwise prohibited by statute, court rule or court order, the County shall administratively book, and as soon as practicable, release the City Inmate. The County further reserves the right to administratively book and as soon as practicable release a City Inmate when, in the sole discretion of the Sheriff or designee, the County is unable to accept the City’s Inmate for housing and when such action is not otherwise prohibited by statute, court rule or court order. The County will make a good faith effort to notify the arresting officer prior to booking of the County’s decision that it will release an inmate immediately after booking so the arresting officer may maintain the ability to pursue an option other than booking in the County’s correctional facility.

c) Health Care Clearance. The County shall have the right to refuse to accept any inmate from the City who, in the judgment of the County, has a current medical, mental health or dental condition, which may adversely affect the safety of the individual, the safety of other inmates, the safe operations of the County Jail, or is beyond the operational or physical plant limitations of the Facility. The County may require written clearance from the local hospital prior to booking, the cost of which will not be the responsibility of the County. Additionally, the County will have no obligation to receive into custody or retain custody of a City Inmate when, in the opinion of Corrections or Community medical or mental health staff the City Inmate is not medically and/or psychiatrically able to be housed in the Correctional facility, and/or needs medical and/or psychiatric attention that would require treatment at a hospital or other type of health care facility. The County will notify the City in these instances so that the City can arrange other housing. At all times, the Sheriff or designee shall have final authority to determine whether a City Inmate is medically and/or psychiatrically fit for the County’s Correctional facility.
4.9 Determination of Case Status. The Prosecuting Attorney shall have the sole authority to determine which felony arrest cases submitted by the City shall be charged as felonies and which cases are referred back to the City for a determination as to filing gross misdemeanor or misdemeanor charges. The City shall not be responsible for any case charged as a felony, pursuant to determination of case status by the Prosecuting Attorney, except the City will be responsible for the cost of non-routine services provided by outside medical providers administered prior to sentencing for felony inmates arrested by City law enforcement officers as provided in RCW 70.48.130, following the efforts by the County to reduce medical costs as set forth in this Agreement. If the determination is made by the Prosecuting Attorney that a case should be referred to a municipality for review and possible charging as a gross misdemeanor or misdemeanor, such cases shall be referred to the appropriate City Attorney for filing in the Municipal Court with all inmate services charged to the City from the point of booking. Any case originally charged by the Prosecutor as a felony and later adjudicated to a gross misdemeanor or misdemeanor shall not require compensation by the Cities. If a determination is made by the Prosecuting Attorney that a City case originally charged as a gross misdemeanor or misdemeanor will be charged as a felony, then all inmate services will be charged to the County.

4.10 Jail Alternative Programs. Inmates judged to be eligible for Jail Alternative Programs by the sentencing Judge may be permitted to participate in those programs at the discretion of the Sheriff or designee. Such programs may include but will not be limited to, In Custody and Out of Custody Work Crews, Work or School Release and Electronic Home Monitoring/Detention. The County will make jail alternative programs available to City inmates to the same extent they are made available to County inmates.

A City Inmate may be terminated from a Jail Alternative Program if: (a) the City municipal court or other judicial agency order the City Inmate terminated from the Program or otherwise amends its earlier order; (b) the County determines, in its sole discretion, that the City Inmate is no longer eligible for the Program.

Upon termination from a Program, a City Inmate already in the custody of the County shall be confined in the Correctional facility to serve the remainder of his or her term of confinement, however, the inmate’s status remains subject to the other provisions of this Agreement, including Section 4.2. If the City Inmate is not yet in the County’s custody at termination, he or she will be the immediate responsibility of the City for all purposes, including, but not limited to, the duty to apprehend.

4.11 Release of Inmates. The County will facilitate the release of City Inmates who have completed their sentences, posted bond or bail, or who have been released by the City Court. The County will make all reasonable attempts notify the City when their inmates are released from custody via one of the following:

a) Notice of Time Served: Used when an inmate has completed a sentence by the City Court.

b) Posting of Bail/Bond: The County agrees to act as agent for Cities with respect to processing bail and/or bail bonds posted by inmates. The County will deliver bail bonds or money posted for inmates to the Municipal Court in a timely manner. Performance bonds will not be accepted by the County, but must be posted directly with the Court of Jurisdiction.

c) Personal Recognizance (PR): In the event a PR form is not completed in the City Court, the County will route a copy of the County PR form to the Municipal Court in a timely
manner.

4.12 **Earned Early Release.** The County will grant early release credits to City Inmates in accordance with Chapter 9.94A RCW and County Sheriff’s Office policies and procedures.

4.13 **Record Keeping.** In order to facilitate the management of the jail population, the County will provide the City with real-time access to the Sheriff’s Office records management system so that the City can determine the following:

1. The names and detailed booking data of those inmates that are held at the Main Jail on City-only charges or sentences, including the amount of accrued credit for time served on the current charge(s);

2. The names and detailed booking data of those inmates that are held at the Division Street facility on City-only charges or sentences, including the amount of accrued credit for time served on the current charges (along with which inmates are participating in each jail alternative program). This information will be attached to individual inmate records, accessible by the City; and

3. The total inmate population(s) and location.

4.14 **Form of Records.** The County agrees to maintain a system of record keeping relative to the booking and confinement of each City Inmate in such style and manner as equivalent to County records pertaining to County Inmates.

4.15 **City Access to Records.** Records of services provided to City Inmates shall be available for review by the applicable City, unless their release is expressly prohibited by applicable law concerning the confidentiality of medical records (including the federal Health Insurance Portability and Accountability Act, "HIPAA"). The parties may enter business associate agreements under the HIPAA as necessary to implement the intent of this Agreement.

4.16 **Correctional Facility Bed-Day Utilization Reporting.** At least quarterly the County shall report to the City the actual number of inmate days utilized by each party in the previous quarter, and the total number of actual inmate days. This report may take the form of a master quarterly report, with all contract agency use figures being included on the same report.

5. **Per Diem, Costs and Billing.**

5.1 **Notification and Basis of Rates.** As set forth in this Agreement, the City will be notified by the County by August 15 of each year of the estimated booking fee, per diem, rates and fees to be charged in the next year. This estimate is not binding on the County but will be the best estimate that can be provided based on the information available by that date. The final booking fee, per diem, rates and fees will be determined following adoption of the County Budget by the County Council, as established through the Whatcom County Unified Fee Schedule, and will be provided to the parties with the first monthly statement in the New Year. Per Diem rates and fees will be for In Custody jail per diem (bed day charges), Out of Custody Work Crew, Electronic Home Detention, and may
include a capital replacement charge to fund the replacement of component systems of the Jail. On August 15 of each year, the County shall provide the best estimate of the breakdown of costs that support the adjustments in charges. The County shall provide the actual basis for adjustments in charges during the Whatcom County Budget for the biennium or supplemental budget process in November of each year and as reflected in the County Unified Fee Schedule.

5.2 In-Custody Jail Per Diem. A In Custody Jail Per Diem cost shall be charged to the City, for each City Inmate. Cities will be charged pursuant to the following policies:

a) The City will be charged per diem in 1/3\textsuperscript{rd} day increments for persons incarcerated in the jail on City gross misdemeanor, misdemeanor charges, warrants, or for any other City inmate incarceration purposes. Persons incarcerated on felony charges will be the responsibility of the County, except nothing in this contract prevents the County from seeking reimbursement for felony medical costs prior to sentencing as provided in RCW 70.48.130.

b) Persons originally incarcerated for a felony level violation that is declined by the County Prosecutor and returned to the City Attorney will be the City's responsibility from the date/time of booking. Any case originally charged by the Prosecutor as a felony and later plea-bargained or adjudicated to a gross misdemeanor or misdemeanor, shall not require compensation by the City.

c) If a City charge or hold is concurrent to another jurisdiction's charge or hold, each entity will equally share the per diem for the shared incarceration period. The City shall not be responsible for per diem costs related to inmates on which the City has no hold.

d) The County will allocate all operating costs, including maintenance, utility, and operating costs of facilities shared between the Jail and other county divisions, bureaus, or departments on a rational and systematic basis open to audit and public inspection in a manner that recognizes that the city parties are not responsible for costs associated with non-jail activities or services. The costs of shared facilities allocated to any non-jail divisions, bureaus, or departments will be funded by non-jail revenues. Additionally, the County will allocate all operating costs, including site maintenance, utility, and site operating costs related to non-jail facilities in a manner that recognizes that the city parties are not responsible for costs associated with non-jail maintenance and operations. The site costs allocated to non-jail facilities will be funded by non-jail revenues.

5.3 Booking Charge:

a) A booking fee shall be charged to the City, for each person booked into the jail on the City's charges and/or warrants. Persons booked into the jail and released within 8 hours will only incur the booking fee. Persons who are booked into the jail and held in the facility will incur both the booking charge and a per diem charge accruing in 1/3 day increments. If an inmate is booked on charges from multiple local entities, the booking fee will be split evenly between those jurisdictions.

b) In those instances when the City Court requests that an inmate be brought to the in-
house courtroom on a charge that is not on the inmate’s current booking record, the inmate will be escorted to Court and the City charge(s) will be added to the inmate’s current booking record, along with the Court’s instructions. The City charge will be added to the inmate’s current booking record, regardless if the inmate was transported on a new City charge, a pending City charge, or a post-conviction City charge.

If the inmate was already being held on a charge from the City, there will be no change to the per diem and no additional booking fee will be charged. If the inmate is not currently being held on any other City charge, a booking fee for the above described in-house courtroom appearance will be charged to the City and the fee will be apportioned as described in section 5.3(a). If the inmate was not being held on a City’s charge, per diem will start being charged as of the date the defendant is booked and held on those charge(s). Per diems and booking fees will be apportioned as described above.

5.4 Alternative Jail Programs/Per Diem: Jail Per Diem costs for In Custody Work Release and Work Crew, Electronic Home Detention and Out of Custody Work Crew shall also be charged to the City, for each City Inmate. The City will be charged for Alternative Jail Programs as follows:

a) In Custody Work Release: If an inmate participating in Whatcom County’s Work Release Program the parties will be charged the In Custody per diem rate per bed day for work release inmates. Any funds collected from the inmate will be credited to the cost to the City.

b) In Custody Work Crew: If an inmate is participating in the In Custody Work Crew Program, billing to the City for these participants will be based on the In Custody per diem rate per bed day for work crew inmates. If the County bills the inmates for participating in this program, the funds collected from the inmate will be credited to the City.

c) Electronic Home Detention: If an inmate qualifies for Electronic Home Detention, billing to the City for these participating inmates will be based on the Electronic Home Detention per diem rate. Any funds collected from the inmate will be credited to the City.

d) Out of Custody Work Crew: If an inmate is participating in the Out of Custody Work Crew Program, billing to the City for these participants will be based on the Out of Custody Work Crew per diem rate. If the County bills the inmates for participating in this program, the funds collected from the inmate will be credited to the City.

All participants must first be authorized by the sentencing judge to apply for alternative jail programs, and the Sheriff or designee must approve the terms and conditions of the program participation.

If a City charge or hold is concurrent to another jurisdiction's charge or hold, the City shall be billed the proportionate percentage share of the current year per diem for the shared incarceration period.
5.5 **Health Care Costs.** All inmates shall receive medical, mental health, and dental treatment when medically necessary to safeguard their health while in custody as required by law. Medical costs shall be allocated per state law or by agreement between the City and the County. If there is a difference between state law allocation of such costs and an agreement between the City and the County, the Agreement shall control. The County shall be responsible for providing routine health care. Such health care will include those health care services routinely delivered at normal cost by County staff, contracted practitioners, or nursing staff, and delivered within the facility.

a) The County is not responsible for the cost of services delivered to City inmates outside of the facility, or for non-routine services provided by outside medical practitioners within the facility. The City shall be responsible for the costs of any and all emergent or necessary medical or health care, dental and psychiatric treatment provided outside of the County Correctional Facilities or non-routine services or medication provided to the inmate inside the jail. Payment for emergency, exceptional or non-routine necessary medical or health care for City gross misdemeanor or misdemeanor inmates shall be made by the City upon written invoice by the County or upon such other terms as City and the County may agree in writing. The County will additionally bill the City for pre-sentence felony inmates, held on the City's case, who incur emergency, exceptional or non-routine necessary medical or health care costs, as set forth in RCW 70.48.130. The County shall notify the City within a reasonable period of time, when the County becomes aware that an inmate being held on the City's charges or awaiting sentencing on a City felony charge is in need of emergency, exceptional, or non-routine necessary medical or health care or when the inmate has been transported for emergency care. Any decision to release a pretrial City felon, City pre-trial detainee, or City inmate, will rest with the City, the Prosecuting Attorney and/or City Attorney, and/or the Court. Included in the cost of extraordinary medical costs will be the costs to transport and/or provide a guard detail if the inmate is not released by the Court.

b) The County agrees to utilize all existing agreements with medical practitioners and organizations to mitigate any medical costs, to make its best efforts to negotiate additional favorable agreements, and seek out any and all eligible third party reimbursement for medical costs (including health or auto insurance, DSHS/Medicaid, and/or the State of Washington), in the same manner and to the same extent at the County does for inmates held on its own charges and prior to billing the City. No third party beneficiary contract or contract of insurance is intended by this contract. Non-routine necessary medical or health care shall include all practitioner-ordered health care or medical services delivered to City inmates outside of the facility, specialized care provided by non-contract health care providers in or out of the facility, and emergency treatment, including EMS and the local Hospital Emergency Department.

c) Any failure or error by the County to provide the City with proper notification of extraordinary, non-routine necessary medical or health care, emergency care, dental and/or mental health services described under Section 5, delivered to a City Inmate shall in no way excuse full, complete and timely payment by the City under this Agreement.

5.6 **Invoicing for Extraordinary, Non-Routine, Necessary Medical or Health Care, Emergency Care, Mental Health and Dental Services.** The County shall invoice the City for all costs
incurred for extraordinary or non-routine necessary medical, health, or emergency care, dental, or mental health services to City Inmates, including, but not limited to, durable medical equipment, ambulance fees, medical, dental, and mental health services provided outside the Correctional facility specialized equipment or extraordinary medications essential to the inmates health such as chemotherapy, anti-viral or biologic medications. Extraordinary Medical Costs do not include routine medical examinations, tests, procedures performed at the Correctional facility by Correctional facility staff or contractors or routine medications. The County will facilitate use of a City inmate’s 3rd party medical insurance whenever possible. If there is coverage, the County will credit amounts received from the City Inmate’s own health insurance and applicable public assistance to the City’s bill. Credit amounts may show up on billings subsequent to the time of service, due to processing timelines by both the provider and the 3rd party payer.

5.7 Payment: The City shall remain liable for complete and timely payment of all amounts invoiced. Invoices may be sent monthly, quarterly or on any other schedule that is mutually convenient to the parties. Where complete payment is not tendered within thirty (30) days of the invoice date, the County may charge interest on the outstanding balance at a rate equal to the interest rate on the monthly County investment earnings. Should the City wish to dispute the amount of a particular invoice, it will (a) make complete and timely payment on the outstanding balance, and (b) deliver written notice of the dispute to the County within thirty (30) days of the invoice date. Failure to properly notify the County of any disputed amounts within thirty (30) days of the invoice shall constitute an acceptance by the City of all charges contained therein. Within fifteen (15) days of timely receipt of payment and the City's written notice of dispute, the County shall review the disputed invoice. Should the County resolve the dispute in favor of the City, the disputed amounts will be credited towards the City's next billing cycle, PROVIDED, HOWEVER, that upon termination of this Agreement, the County shall pay out to the City any such credited amounts. Withholding payment of any amount billed, regardless of whether the City has provided timely written notice of a disputed invoice, will constitute a default under this Agreement.

5.8 Review and maintenance of records: Each party may examine the other party's books and records to verify charges and to audit the amounts charged under this Agreement. If the City elects to conduct an audit, the audit may be conducted under the supervision by the County IT Department or Jail Administration for purposes of record retrieval, protecting confidentiality and expediency. The County shall maintain accurate time and accounting records related to the Services for a period of three (3) years following final payment.

6. Indemnification/Hold Harmless.

6.1 City Held Harmless. The County shall indemnify and hold harmless the City and its officers, agents, and employees, or any of them from any and all claims, actions, suits, liability, loss, costs, expenses, and damages of any nature whatsoever, by any reason of or arising out of any negligent act or omission of the County, its officers, agents, and employees, or any of them relating to or arising out of performing services pursuant to this agreement. In the event that any such suit based upon such a claim, action, loss, or damages is brought against the City, the County shall defend the same at its sole cost and expense; provided that the City reserves the right to participate in said suit if any principle of governmental or public law is involved; and if final judgment in said suit be rendered against the City, and its officers, agents, and employees, or any of them, or jointly against the City and the County and their respective officers, agents, and employees, or any of them, the County shall satisfy the same.

6.2 County Held Harmless. The City shall indemnify and hold harmless the County and its officers, agents, and employees, or any of them from any and all claims, actions, suits,
liability, loss, costs, expenses, and damages of any nature whatsoever, by any reason of or arising out of any negligent act or omission of the City, its officers, agents, and employees, or any of them relating to or arising out of performing services pursuant to this agreement. In the event that any suit based upon such a claim, action, loss, or damages is brought against the County, the City shall defend the same at its sole cost and expense; provided that the County reserves the right to participate in said suit if any principle of governmental or public law is involved; and if final judgment be rendered against the County, and its officers, agents, and employees, or any of them, or jointly against the County and the City and their respective officers, agents, and employees, or any of them, the City shall satisfy the same.

The Parties’ obligations to indemnify defend and hold harmless for injuries, sickness, death or damage caused by or resulting from the concurrent negligence or willful misconduct of the Parties or of the Parties and a third party other than an officer, agent or employee of the Parties, shall apply only to the extent of the negligence or willful misconduct of each Party.

6.3 Waiver under Washington Industrial Insurance Act. The foregoing indemnity is specifically intended to constitute a waiver of each party's immunity under Washington's Industrial Insurance Act, Chapter 51 RCW, as respects the other party only, and only to the extent necessary to provide the indemnified party with a full and complete indemnity of claims made by the indemnitor's employees. The parties acknowledge that these provisions were specifically negotiated and agreed upon by them. The terms of the Indemnification provisions shall survive the termination or expiration of this Agreement.


In executing this Agreement, the County does not assume liability or responsibility for or in any way release the City from any liability or responsibility which arises in whole or in part from the existence or effect of City ordinances, policies, rules or regulations. Nor shall the County be liable or responsible for any claims of conduct or actions by the City, City Courts, or law enforcement, including, but not limited to claims of unlawful arrest, excessive force, unlawful imprisonment, unconstitutional deprivation, negligence, errors, omissions or misconduct. If any cause, claim, suit, action or administrative proceeding is commenced in which the enforceability and/or validity of any such City ordinance, policy, rule or regulation is at issue, or in which there is an allegation of City Court, City Prosecutor or Law Enforcement action as described above, the City shall defend the same at its sole expense and, if judgment is entered or damages are awarded against the City, the County, or both, the City shall satisfy the same, including all chargeable costs and reasonable attorney's fees.

In executing this Agreement, the City does not assume liability or responsibility for or in any way release the County from any liability or responsibility which arises in whole or in part from the existence or effect of County ordinances, policies, rules or regulations. Nor shall the City be liable or responsible for any claims of conduct or actions by the County, County Courts, or law enforcement, including, but not limited to claims of unlawful arrest, excessive force, unlawful imprisonment, unconstitutional deprivation, negligence, errors, omissions or misconduct. If any cause, claim, suit, action or administrative proceeding is commenced in which the enforceability and/or validity of any such County ordinance, policy, rule or regulation is at issue, or in which there is an allegation of County Court, County Prosecutor or Law Enforcement action as described above, the County shall defend the same at its sole expense and, if judgment is entered or damages are awarded against the County, the City, or both, the County shall satisfy the same, including all chargeable costs and reasonable attorney's fees.
7.1 Insurance. Each Party shall maintain its own insurance and/or self-insurance for its liabilities from damage to property and/or injuries to persons arising out of its activities associated with this Agreement as it deems reasonably appropriate and prudent. The maintenance of, or lack thereof of insurance and/or self-insurance shall not limit the liability of the indemnifying part to the indemnified party(s). Each Party shall provide the other with a certificate of insurance or letter of self-insurance annually as the case may be.

7.2 Compliance with Laws. In the performance of its obligations under this Agreement, each party shall comply with all applicable federal, state, local laws, all State and local rules and regulations.

7.3 Default and Remedies.

Default. If either the County or the City fails to perform any act or obligation required to be performed by it hereunder, the other party shall deliver written notice of such failure to the non-performing party. The non-performing party shall have fifteen (30) days after its receipt of such notice in which to correct its failure to perform the act or obligation at issue, after which time, if non-performance continues, it shall be in default ("Default") under this Agreement; provided, however, that if the non-performance is of a type that could not reasonably be cured within said fifteen (30) day period, then the non-performing party shall not be in Default if it commences cure within said fifteen (15) day period and thereafter diligently pursues cure to completion.

Remedies. In the event of a party's Default under this Agreement, then after giving notice and an opportunity to cure pursuant to this Agreement, the County and City will attempt to progressively resolve the dispute in the following manner:

1. Through negotiations between the City and County's respective Administrators or their designees.
2. Through non-binding mediation.
3. Seeking resolution in the Courts of law and equity.

In addition, if the City fails to make payment on an outstanding invoice within the time to cure and the City has not disputed the invoice as provided in this Agreement, the City shall have no further right under this Agreement to deliver custody to or otherwise house City Inmates at the Correctional facility and shall, at the County's request, remove all City Inmates from the Correctional facility within fourteen (14) days of notice to do so. Thereafter, the County may, in its sole discretion, accept City Inmates to the Correctional facility if all outstanding invoices are paid.

8. Early Termination

8.1 Termination by the County. Except as provided in Section 8.3 below, the County may terminate this Agreement at any time, with or without cause, upon not less than ninety (90) days advance written notice to the City and the Washington State Office of Financial Management. The Notice shall state the grounds for termination and the specific plans for accommodating the affected jail population.
8.2 Termination by the City. The City may terminate this Agreement at any time, with or without cause, upon not less than ninety (90) days advance written notice to the County and the Washington State Office of Financial Management. The Notice shall state the grounds for termination and the specific plans for accommodating the affected jail population.

8.3 Lack of Funding. This Agreement is contingent upon governmental funding and local legislative appropriations. In the event that funding from any source is withdrawn, reduced, limited, or not appropriated after the effective date of this Agreement, this Agreement may be terminated by the County immediately by delivering written notice to the City. The termination notice shall specify the date on which the Agreement shall terminate.

8.4 Calculation of Costs Due Upon Early Termination. Upon early termination of this Agreement as provided in this Section 8, the City shall pay the County for all Services performed up to the date of termination. The County shall notify the City within thirty (30) days of the date of termination of all remaining costs. No payment shall be made by the City for any expense incurred or Services performed following the effective date of termination unless authorized in writing by the City.

8.5 Dispute Resolution. Other than that specified in Section 7, should a dispute arise under this Agreement between the City and the County, such dispute shall be progressively resolved in the following manner:

1. Through negotiations between the City and the County's respective contacts.
2. Through negotiations between the Mayor and the County Executive; or
3. In the event that the City and the County do not reach agreement within 90 days of commencing negotiations, the matter will be submitted to binding arbitration.

Nothing in this section shall deny any rights established elsewhere in this Agreement.

8.6 Extension of Negotiations. The City and the County may mutually agree to extend the negotiation period. If the City and the County cannot agree upon the selection of an impartial arbitrator within fourteen days of a written request for arbitration by either the City or the County, the arbitrator shall be selected as provided in the Superior Court Mandatory Arbitration Rules by a judge of the Superior Court of Skagit County. The arbitration shall be conducted pursuant to the Superior Court Mandatory Arbitration Rules.

9. Notices. All notices required to be given by any party to the other party under this Agreement shall be in writing and shall be delivered either in person, by United States mail, or by electronic mail (email) to the applicable Administrator or the Administrator's designee. Notice delivered in person shall be deemed given when accepted by the recipient. Notice by United States mail shall be deemed given as of the date the same is deposited in the United States mail, postage prepaid, and addressed to the Administrator, or their designee, at the addresses set forth in Section 3 of this Agreement. Notice delivered by email shall be deemed given as of the date and time received by the recipient.

10. Miscellaneous.

10.1 Entire Agreement. This Agreement constitutes the entire agreement between the parties regarding the subject matter hereof, and supersedes any and all prior oral or written agreements.
between the parties regarding the subject matter contained herein. This Agreement may not be modified or amended in any manner except by a written document executed with the same formalities as required for this Agreement and signed by the party against whom such modification is sought to be enforced.

10.2 Conflicts between Attachments and Text. Should any conflicts exist between any attached exhibit or schedule, and the text or main body of this Agreement, the text or main body of this Agreement shall prevail.

10.3 Governing Law and Venue. This Agreement shall be governed by and enforced in accordance with the laws of the State of Washington. The venue of any action arising out of this Agreement shall be in the Superior Court of the State of Washington, in and for Skagit County.

10.4 Interpretation. This Agreement and each of the terms and provisions of it are deemed to have been explicitly negotiated by the parties, and the language in all parts of this Agreement shall, in all cases, be construed according to its fair meaning and not strictly for or against either of the parties hereto. The captions and headings in this Agreement are used only for convenience and are not intended to affect the interpretation of the provisions of this Agreement. This Agreement shall be construed so that wherever applicable the use of the singular number shall include the plural number, and vice versa, and the use of any gender shall be applicable to all genders.

10.5 Severability. If any provision of this Agreement or the application thereof to any person or circumstance shall, for any reason and to any extent, be found invalid or unenforceable, the remainder of this Agreement and the application of that provision to other persons or circumstances shall not be affected thereby, but shall instead continue in full force and effect, to the extent permitted by law.

10.6 Savings. Nothing in this Agreement shall be construed so as to require the commission of any act contrary to law, and wherever there is any conflict between any provisions of this Agreement and any statute, law, public regulation or ordinance, the latter shall prevail, but in such event, the provisions of this Agreement affected shall be curtailed and limited only the extent necessary to bring it within legal requirements.

10.7 No Waiver. A party's forbearance or delay in exercising any right or remedy with respect to a Default by the other party under this Agreement shall not constitute a waiver of the Default at issue. Nor shall a waiver by either party of any particular Default constitute a waiver of any other Default or any similar future Default.

10.8 No Assignment. This Agreement shall not be assigned, either in whole or in part, by either party without the express written consent of the other party, which may be granted or withheld in such party's sole discretion. Any attempt to assign this Agreement in violation of the preceding sentence shall be null and void and shall constitute a Default under this Agreement.

10.9 Warranty of Authority. Each of the signatories hereto warrants and represents that he or she is competent and authorized to enter into this Agreement on behalf of the party for whom he or she purports to sign this Agreement.

10.10 Independent Contractor. The County will perform all Services under this Agreement as an independent contractor and not as an agent, employee, or servant of the City. The County shall
be solely responsible for control, supervision, direction and discipline of its personnel, who shall be employees and agents of the County and not the City. The County has the express right to direct and control the County's activities in providing the Services in accordance with the specifications set out in this Agreement. The City shall only have the right to ensure performance.

10.11 No Joint Venture. Nothing contained in this Agreement shall be construed as creating any type or manner of partnership, joint venture or other joint enterprise between the parties.

10.12 No Separate Entity Necessary. The parties agree that no separate legal or administrative entities are necessary to carry out this Agreement.

10.13 Ownership of Property. Except as expressly provided to the contrary in this Agreement, any real or personal property used or acquired by either party in connection with its performance under this Agreement will remain the sole property of such party, and the other party shall have no interest therein.

10.14 No Third Party Beneficiaries. This Agreement and each and every provision hereof is for the sole benefit of the City and the County. No other persons or parties shall be deemed to have any rights in, under or to this Agreement.

10.15 Force Majeure. In the event either party's performance of any of the provisions of this Agreement become impossible due to circumstances beyond that party's control, including without limitation, force majeure, strikes, embargoes, shortages of labor or materials, governmental regulations, acts of God, war or other strife, that party will be excused from performing such obligations until such time as the Force Majeure event has ended and all facilities and operations have been repaired and/or restored.

10.16 This is an Integrated Agreement. Neither party has relied on any representation other than those expressly set forth herein in entering this Agreement.

10.17 Neutral Authorship. Each of the terms and conditions of this Agreement have been reviewed and negotiated with resort to legal counsel, and represents the combined work product of the parties hereto, and this Agreement shall not be interpreted for or against any Party hereto based upon authorship. The Parties represent that they have had a full and fair opportunity to seek legal advice with respect to the terms of this Agreement, and have either done so or have voluntarily chosen not to do so. The Parties represent and warrant that they and their authorized representatives executing this Agreement have fully read this Agreement, that they understand its meaning and effect, and that they enter into this Agreement with full knowledge of its terms. This Agreement contains terms and conditions agreed upon by the Parties. The Parties agree that there are no other understandings, oral or otherwise, regarding the subject matter of this Agreement. No change or addition to this Agreement shall be valid or binding upon the Parties unless such change or addition is in writing, executed by all the Parties.

10.18 The Parties agree that during the performance of this Agreement they shall abide by all Federal, State and local laws, provided, the prohibition against discrimination in employment because of handicap shall not apply if the particular disability, with reasonable accommodation, prevents the proper performance of the work involved.
10.19 The Parties agree to aid and assist the other in accomplishing the objectives of this Agreement.

10.20. This Agreement shall be binding upon the Parties, and their successors and assigns.

10.21 **Further Acts.** The Parties agree to take such further actions and to execute documents as in their reasonable judgment may be necessary or desirable in order to carry out the terms of, and complete the transactions contemplated by, this Agreement.

10.22 **Agreement Contact.** The County's initial contact for this Agreement shall be the County Executive. The Cities' initial contact shall be the Mayor of each respective city. The Parties to this Agreement may designate new contacts by providing written notice to all the other Parties.

11. **City Election of Option 1 or Option 2 under Section 4, Basic Services.** The City has elected the following Option of Basic Services outlined in Section 4.2 and checked below:

[ ] Option 1.

OR -

[ ] Option 2.
IN WITNESS WHEREOF, Whatcom County and the City of Ferndale have executed this Amendment on the date and year below written.

DATED this _____________ day of ________________, 20__.  

WHATCOM COUNTY:

Approved as to form:

[Signature]  4/13/16  
Prosecuting Attorney  Date

Approved: 
Accepted for Whatcom County:

By:  
Jack Louws, Whatcom County Executive

STATE OF WASHINGTON )
 ) ss
COUNTY OF WHATCOM  )

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

______________________________  
NOTARY PUBLIC in and for the State of Washington, residing at  
______________________________. My commission expires ________________.
CITY OF Ferndale:

EXECUTED this _____ day of ______________, 201_. For the CITY OF FERNDALE

_________________________________________________
Mayor Jon Mutchler

STATE OF WASHINGTON )
 ) ss

COUNTY OF WHATCOM )

On this _____ day of ________________, 20___, before me personally appeared Mayor Jon Mutchler, to me known to be the Mayor of the City of Ferndale, 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 ________________.

ATTEST:

________________________________________________
Finance Director

Approved as to form:

________________________________________________
Office of the City Attorney

Departmental Approval: ________________________________
Whatcom County Council Agenda Bill

WHATCOM COUNTY COUNCIL AGENDA BILL

CLEARANCES

<table>
<thead>
<tr>
<th>Originator:</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
<th>Assigned to:</th>
</tr>
</thead>
<tbody>
<tr>
<td>twh</td>
<td></td>
<td>06.16.16</td>
<td></td>
<td>06.28.16</td>
<td>Finance/Council</td>
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Division Head:

Dept. Head:

Prosecutor:

Purchasing/Budget:

Executive:

TITLE OF DOCUMENT:

Jail Facility Use Agreement

ATTACHMENTS:

Memo and Jail Facility Use Agreement

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 enter into a new Jail Facility Use Agreement between Whatcom County and the City of Sumas effective July 1, 2016.

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.
<table>
<thead>
<tr>
<th>Originating Department:</th>
<th>County Executive</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract or Grant Administrator:</td>
<td>Deputy Executive</td>
</tr>
<tr>
<td>Contractor's / Agency Name:</td>
<td>City of Sumas</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.
- ☐ Contract work is for less than $100,000.
- ☐ Contract work is for less than 120 days.
- ☒ Interlocal Agreement (between Governments).
- ☐ Contract for Commercial off the shelf items (COTS).
- ☐ Work related subcontract less than $25,000.
- ☐ Public Works - Local Agency/Federally Funded FHWA.
- ☐ Contracts that require Council Approval (incl. agenda bill & memo)
  - Professional Services Agreement above $20,000.
  - Bid is more than $50,000.
  - Amendments that have either an increase greater than 10% or provide a $10,000 increase in amount (whichever is greater)

**Summary of Scope:** The purpose and intent of this agreement is for the County and the City to work together in order that the county may provide the City with corrections services.

<table>
<thead>
<tr>
<th>Term of Contract: 2 years</th>
<th>Expiration Date: June 30, 2018</th>
</tr>
</thead>
</table>

**Contract Routing:**

1. Prepared by: Tyler Schroeder and legal Date: 06.16.16
2. Attorney signoff: 01/17/16
3. AS Finance reviewed: 01/17/16
4. IT reviewed (if IT related): 01/17/16
5. Contractor signed: 01/17/16
6. Submitted to Exec.: 01/17/16
7. Council approved (if necessary): 01/17/16
8. Executive signed: 01/17/16
9. Original to Council: 01/17/16

Last Edited 060414
MEMORANDUM

TO: Jack Louws, County Executive
FROM: Tyler Schroeder, Deputy Executive
RE: Jail Facility Use Agreement
DATE: June 16, 2016

Enclosed are two (2) originals of a contract between Whatcom County and the City of Sumas.

▪ Background and Purpose
This new agreement allows the County to continue providing jail services to the City of Sumas on July 1, 2016 as the current agreement expires on June 30, 2016. The County agrees to provide inmate services for gross misdemeanor and misdemeanor cases initiated by the City and referred to the County for those offenses alleged to have been committed by adults within the City.

▪ Funding Amount and Source
This is a fee for service contract for Whatcom County. The City pays Whatcom County for jail services through booking and other fees.

▪ Differences from Previous Contract
Booking fees have increased to more effectively cover the cost of service.

Please contact Tyler Schroeder at extension 5207, if you have any questions or concerns regarding the terms of this agreement,

Encl.
INTERLOCAL JAIL FACILITY USE AGREEMENT FOR CORRECTIONS SERVICES BETWEEN WHATCOM COUNTY AND THE CITY OF SUMAS

This INTERLOCAL AGREEMENT FOR CORRECTIONS SERVICES BETWEEN WHATCOM COUNTY and the CITY OF SUMAS (this "Agreement"), is made and entered into this ___ day of ____, 2016, by and between WHATCOM COUNTY, a political subdivision of the State of Washington (the "County"), and the CITY OF SUMAS, a municipal corporation of the State of Washington (the "City") pursuant to Chapter 39.34 RCW and Chapter 70.48 RCW. The County Executive, or designee, will serve as the administrator of the Agreement pursuant to RCW 39.34.

RECITALS

A. The County currently maintains and operates correctional facilities known as the Whatcom County Correctional facility ("Jail") and the Whatcom County Jail Work Center ("JWC"). In order to assist other jurisdictions, the County from time to time will enter into interlocal agreements to confine in its corrections facilities persons from other jurisdictions.

B. The County and City each have the statutory power and authority to maintain and operate correctional facilities and to confine inmates therein.

C. The City from time to time desires to confine persons who have been arrested, detained or convicted by the City of criminal offenses (the "City Inmates"), and the County is willing to furnish its corrections facilities and personnel in exchange for payment from the City of fees and costs, all as more fully described in this Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the respective agreements set forth below and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the County and the City agree as follows:

1.0 Purpose of Agreement. This Agreement is authorized by and entered into pursuant to Chapter 39.34 RCW and Chapter 70.48 RCW. The purpose and intent of this Agreement is for the County and the City to work together efficiently and effectively in order that the County may provide the City with corrections services (the "Services"), as defined in Section 4 below, based on the rules and conditions set forth in the applicable Sheriff's Office and County policies, procedures, rules and regulations and in this Agreement and any attachments hereto.

2.0 Effective Date and Duration. This Agreement shall be effective July 1, 2016
regardless the date of signature. This Agreement shall begin on July 1, 2016 and remain in effect through June 30, 2018, unless earlier terminated pursuant to other provisions in this Agreement or by written mutual agreement, PROVIDED HOWEVER, that the term of this Agreement may be extended or renewed for up to three (3) additional two (2) year terms by written notice from the County to the City, PROVIDED FURTHER that each Party's obligations at the end of each contract period, are contingent upon local legislative appropriation of necessary funds for this specific purpose in accordance with applicable law.

3.0 Administrators. Each party to this Agreement shall designate an individual (an "Administrator"), who may be designated by title or position, to oversee and administer such party's participation in this Agreement. The parties' initial Administrators shall be the following individuals:

**County's Administrator:**
Jack Louws, County Executive  
311 Grand Ave, Courthouse  
Bellingham, WA 98225
360-778-5200

**City's Administrator:**
Mayor Bob Bromley  
P.O. Box 9  
Sumas, WA 98295
360-988-0229

Bill Elfo, Sheriff (or designee)  
311 Grand Ave/Public Safety Building  
Bellingham, Washington 98225
360-778-6600

3.1 Change of Administrator. Either party may change its Administrator at any time by delivering written notice of such party's new Administrator to the other party.

4.0 Scope of Services. As described in this Section 4 and subject to the terms or conditions set forth elsewhere in this Agreement, the County agrees to provide inmate services for gross misdemeanor and misdemeanor cases initiated by the City and referred to the County for those offenses alleged to have been committed by adults within the City. The County will hold such City Inmates until such time as they are lawfully discharged from custody pursuant to law, the terms of a judicial Order of Commitment, transferred to another (non-Whatcom) correctional facility and/or returned to the custody of the City.

4.1 Assignment. The County shall provide at least 30 days' prior notice to the parties of its intent to assign or delegate duties under this Agreement, specifying which duties it intends to assign or delegate and the name and address of the party to whom it intends to assign or delegate.

4.2 Basic Services. The County shall provide Services to the City subject to the conditions set forth in this Agreement. The City shall select from one of the two options listed below. Regardless of which option selected, should the County, in its sole discretion, decline to accept or retain custody of a City Inmate for any of the reasons identified in this Agreement, the County shall notify the arresting officer in person or the City's judicial or law enforcement agency of the non-acceptance and the reason for the non-acceptance. Acceptance of a City Inmate into the Jail shall be conditioned upon either Option 1 or Option 2 as set forth below. The Option selected by the City shall be marked in Section 11 of this Agreement.
OPTION 1

a) The County agrees to provide inmate services for adult arrestees/inmates in misdemeanor and gross misdemeanor cases initiated by the City, subject to availability of space within the correctional facilities operated by the County. The County shall provide inmate services consistent with the standards contained in this Agreement. If circumstances require the County to reduce services, such reductions shall be made at the sole discretion of the Sheriff in light of his assessment of potential overcrowding; challenges in maintaining critical infrastructure, life-safety, and security systems; increasing behavioral and security concerns regarding the inmate population; and other factors judged by the Sheriff to be relevant. Reductions shall be made by first prioritizing the housing of inmates the County is legally responsible for detaining and housing. The County shall provide reasonable notice to the City of its intention to reduce service levels in any correction program.

b) The City shall contract for inmate housing services and the transportation of inmates to a jail facility or facilities other than Whatcom County to include a jail facility that will accept inmates following arrest by City officers in the event it becomes necessary for the Sheriff to reduce jail population. If the Sheriff determines that space is not available or a need exists to reduce the correctional facility population, notice of the same shall be given to the City, and the County will continue to accept and book inmates for the City and detain the inmate until the time of the inmate’s first court appearance or first review by a judicial officer. It shall be the City’s responsibility to ensure that such hearings or reviews are held within 48 hours of booking. If the inmate is not released on personal recognizance or bail within six (6) hours of the first court appearance or review by a judicial officer, the City will accept the return of the inmate or arrange to have the inmate transferred out of the correctional facility within 4 hours, or at a later time agreed to by the Sheriff. The City will provide the County a point of contact available 24 hours a day for receiving the required notifications. The County may also notify the City that persons already sentenced need to be removed from the correctional facility in order to maintain appropriate correctional facility population levels. In case such notification is given, the City shall retrieve the inmate from the correctional facility within 24 hours of such notice.

c) Under the terms of this Agreement, once an inmate is released from County custody, regardless of court or probation conditions placed on an inmate by the City and regardless of where the inmate is released, transported or housed by the City, the County shall bear no responsibility or liability whatsoever for the inmate, including but not limited to, the inmate’s mental, physical, or health care, the inmate’s conduct or behavior, or the inmate’s court obligations. If the inmate is subsequently re-booked back into the Whatcom County Jail on the City matter, the County’s duties and responsibilities per the contract terms go back into effect during the time the inmate is in County custody.

OPTION 2

a) The County agrees to provide inmate services for adult arrestees/inmates in misdemeanor and gross misdemeanor cases initiated by the City, subject to availability of space within the jail facilities operated by the County. The County shall provide inmate services consistent with the standards contained in this Agreement. If circumstances require the County to reduce services, such reductions shall be made at the sole discretion of the Sheriff in light of his assessment of potential overcrowding; challenges in maintaining critical infrastructure, life-safety, and security systems; increasing behavioral and security concerns regarding the inmate population; and other factors judged by the Sheriff to be relevant. Reductions shall be made by first prioritizing the
housing of inmates the County is legally responsible for detaining and housing. The County shall provide reasonable notice to the City of its intention to reduce service levels in any correction program.

b) The City shall contract for inmate housing services and the transportation of inmates to a jail facility or facilities other than Whatcom County to include a jail facility that will accept inmates following arrest by City officers in the event it becomes necessary for the Sheriff to implement booking restrictions. On an ongoing basis, the City shall arrange for a minimum of one weekly transport of eligible inmates, to be identified by the City, on a day that is mutually agreed upon by the County and the City. The City will make arrangements for additional transports if necessary to meet County needs to reduce the jail population.

c) Eligible Inmates for reduction of jail population by transport:

1. Have been convicted of a City misdemeanor charge;
2. Have 7 or more days left to serve on the sentence on the day of transport; and
3. Are not held on any other charges by a Whatcom County jurisdiction.

d) The Parties agree that the following conditions need to exist in order for an inmate who is in pretrial status to also be considered an eligible inmate:

1. The County agrees to allow City inmates who have been transferred to another facility to be returned to the County Jail for rebooking in order to be present for pre-trial hearings, trials and/or guilty pleas provided the City will make arrangements to have the inmate transferred back to the alternate facility or released from custody as soon as is practicable if the Whatcom County Jail population is still over the population cap.

2. The City will work diligently to establish the necessary process and technology to hold remote pretrial hearings. At the request of the County, the City shall provide a report regarding its progress in achieving this goal.

e) Additional Population Reduction

1. If the Sheriff determines that a need exists to reduce the jail population beyond the transport identified above, notice of the same shall be given to the City of additional number of inmates held or sentenced on City only charges that need to be transferred from the jail. The City will use its best efforts and all available tools to reduce the population by at least the amount identified by the County and will do so as soon as feasible.

2. Notwithstanding the above provisions, the Sheriff retains the right and discretion to take more immediate action to reduce the jail population if the Sheriff determines such actions are required. Such action may include, but is not limited to, advising the City that in order to maintain security, health and safety in the jail, the time period for transfer after first appearance may be shortened and/or booking restrictions implemented. The City specifically recognizes the potential need to implement booking restrictions in the event of overcrowding and/or the failure or unreliability of facility systems or infrastructure; combined with an inability to swiftly remove a sufficient number of inmates, whether or not the inmates are in pretrial status or post-conviction. When implementing booking restrictions, the Sheriff will consider, while
retaining full discretion, exceptions to booking restrictions to allow booking of DUI, domestic violence, and assault inmates.

3. The Sheriff will work closely with all in-county users of the jail when providing notice of the need to reduce the jail population and when seeking the swift removal of inmates from the jail. Prior to implementing booking restrictions with respect to the City, the County will make a good faith effort to seek the removal of all other non-county inmates consistent with its Agreements with other jurisdictions and applicable law.

4. For those City inmates that have been identified by the City for removal or transport, the County will allow law enforcement officers to enter the booking area inside the jail to receive custody of the inmate(s) for transport or removal. A City employee or contractor, who has received individual clearance to enter inside the jail pursuant to Whatcom County Policy, will be allowed entry into the jail. All other non-law enforcement employees or contractors will be allowed entry onto the jail premises in a designated area to facilitate the release of the inmate(s) to City custody. Clearances granted for the purpose described above may be cancelled or suspended by the Sheriff at any time due to emergency or other security-related circumstance deemed necessary by the Sheriff.

5. Under the terms of this Agreement, once an inmate is released from County custody, regardless of court or probation conditions placed on an inmate by the City and regardless of where the inmate is released, transported or housed by the City, the County shall bear no responsibility or liability whatsoever for the inmate, including but not limited to, the inmate’s mental, physical, or health care, the inmate’s conduct or behavior, or the inmate’s court obligations. If the inmate is subsequently rebooked back into the Whatcom County Jail on the City matter, the County’s duties and responsibilities per the contract terms go back into effect during the time the inmate is in County custody.

4.3 Control of Correctional Facilities and Effect of Ordinance, Policies, Procedures, Rules and Regulations. County correctional facilities will be administered by the County in accordance with the ordinances, policies, procedures, rules and regulations of the Sheriff’s Office and in accordance with the rules and regulations of any agency of the State of Washington empowered to make rules governing the administration of County correctional facilities. The City and City Inmates shall be subject to the County’s ordinances, policies, procedures, rules and regulations relating to correctional facility operations, including any emergency security rules imposed by the Sheriff and/or County Administrator, PROVIDED, HOWEVER, that nothing in this Agreement shall be construed as creating, modifying, or expanding any duty on the part of the County except as specifically provided herein. Nothing in this Agreement shall be interpreted as a delegation by the City, its judicial and law enforcement agencies, to the County of the duty to oversee City Inmates except as provided by this agreement.

a) Obligation to Abide by Policies and Procedures. The City, its officers, employees and agents shall follow all applicable Correctional facility policies and procedures.

b) Operational Control. Each City acknowledges the County’s operational control of the jail and alternate jail programs, and each agrees that City inmates committed to the Whatcom County Jail and alternative jail programs will be subject to the same lawful rules and regulations required of other inmates incarcerated therein.
c) **Equal Treatment.** Except where provided elsewhere in this Agreement, the County agrees to furnish its facilities and personnel for confinement of City inmates and other services described in this Agreement in the same manner and to the same extent as the County furnishes for the confinement of its own gross misdemeanor or misdemeanor inmates, provided that the County shall meet or exceed all legal requirements.

### 4.4 Inmates Defined:

a. **City Inmate.** As used herein, "City Inmate" shall mean those inmates charged in municipal courts of the Cities, those inmates arrested by a city law enforcement officer while held prior to being charged with a misdemeanor or gross misdemeanor, or to release without charges, or those inmates who are originally arrested for felony offenses and are referred to the appropriate City Attorney for filing in Municipal Court as described above.

b. **County Inmate.** As used herein, "County Inmate" shall mean those inmates originally charged in Whatcom County District Court on gross misdemeanor and misdemeanor offenses, those inmates arrested by the County Sheriff while held prior to charging or to release without charges, and persons arrested for, or charged with, any felony offense charged in Whatcom County Superior Court or are held by magistrate warrant. A County Inmate includes those inmates which the Sheriff is legally required to book and hold in custody.

c. **Third Party Inmate.** For the purposes of this Agreement, County Inmates and City Inmates shall not include those inmates who are committed to the Correctional facility by entities that are not a party to this Agreement, or other inmates arrested by state and federal agencies.

d. **Material Witnesses Held in Correctional Facility.** Inmate days arising from a material witness warrant shall be allocated to the jurisdiction issuing the material witness warrant.

e. **Tribal Inmate.** As used herein, “Tribal Inmate” shall mean a person arrested by Tribal police and held and confined in the County Jail, or otherwise held in detention as provided in this Agreement, pursuant to a violation of a Tribal ordinance, law, court order, or held for any purpose related to tribal charging, adjudication or jurisdiction. The term “Tribal Inmate” shall not include a person arrested on a warrant issued by another jurisdiction or for charges initiated by a non-Tribal officer or non-Tribal Court, or for charges initiated by Tribal police from Tribes located outside of the physical confines of Whatcom County.

### 4.5 City Access to City Inmates.

All City law enforcement officers and defense attorneys shall have the right to interview confined City Inmates at any time subject to Correctional facility security rules, emergency declarations, orders and regulations. Available interview rooms and appropriate communication technology may be used by City law enforcement officers and defense attorneys.

### 4.6 Transport of City Inmates.

The City shall provide or arrange for transportation and security of its inmates to and from the Correctional facility for initial booking and to all court appearances held in its municipal court. Cities may contract with the County to provide custody and/or transportation services for outside court appearances, except when (a) the County determines, in its sole discretion, that emergency transportation is necessary in order to secure medical or health care and/or psychiatric evaluation or treatment, or (b) the County determines, in its sole discretion, that
transportation is required to support the orderly operation of the corrections facility.

4.7 Access to Court. The County shall provide the City Court access to the Jail in-house courtroom for hearings involving incarcerated inmates. The County will provide internal escort within the facility and security within the Courtroom. The City may access the County video court system provided that:

a) The City’s system is compatible with the existing County system.
b) Any interfaces, either hardware or software, necessary for the City to access the system will conform with County security protocols and be paid for by the City.
c) Times of access will be coordinated with County Jail personnel and cannot interfere with use by either District or Superior Courts.
d) The City shall have no claim if any County or Jail Video or Audio Court System becomes inoperable or temporarily dysfunctional.

4.8 Booking an inmate.

a) Documentation of Legal Basis for Confinement. Absent proper documentation providing a legal basis for confining the City Inmate, the County will have no obligation to receive the City Inmate into custody. Proper documentation for purposes of this section means an arrest warrant, judicial Order of Commitment, other order of a court of competent jurisdiction, or a properly completed Probable Cause Affidavit, in a format prescribed by the Sheriff.

b) Administrative Booking. Upon request by the arresting officer, City Prosecutor or the City Court, and when not otherwise prohibited by statute, court rule or court order, the County shall administratively book, and as soon as practicable, release the City Inmate. The County further reserves the right to administratively book and as soon as practicable release a City Inmate when, in the sole discretion of the Sheriff or designee, the County is unable to accept the City's Inmate for housing and when such action is not otherwise prohibited by statute, court rule or court order. The County will make a good faith effort to notify the arresting officer prior to booking of the County’s decision that it will release an inmate immediately after booking so the arresting officer may maintain the ability to pursue an option other than booking in the County’s correctional facility.

c) Health Care Clearance. The County shall have the right to refuse to accept any inmate from the City who, in the judgment of the County, has a current medical, mental health or dental condition, which may adversely affect the safety of the individual, the safety of other inmates, the safe operations of the County Jail, or is beyond the operational or physical plant limitations of the Facility. The County may require written clearance from the local hospital prior to booking, the cost of which will not be the responsibility of the County. Additionally, the County will have no obligation to receive into custody or retain custody of a City Inmate when, in the opinion of Corrections or Community medical or mental health staff the City Inmate is not medically and/or psychiatrically able to be housed in the Correctional facility, and/or needs medical and/or psychiatric attention that would require treatment at a hospital or other type of health care facility. The County will notify the City in these instances so that the City can arrange other housing. At all times, the Sheriff or designee shall have final authority to determine whether a City Inmate is medically and/or psychiatrically fit for the County’s Correctional facility.
4.9 Determination of Case Status. The Prosecuting Attorney shall have the sole authority to determine which felony arrest cases submitted by the City shall be charged as felonies and which cases are referred back to the City for a determination as to filing gross misdemeanor or misdemeanor charges. The City shall not be responsible for any case charged as a felony, pursuant to determination of case status by the Prosecuting Attorney, except the City will be responsible for the cost of non-routine services provided by outside medical providers administered prior to sentencing for felony inmates arrested by City law enforcement officers as provided in RCW 70.48.130, following the efforts by the County to reduce medical costs as set forth in this Agreement. If the determination is made by the Prosecuting Attorney that a case should be referred to a municipality for review and possible charging as a gross misdemeanor or misdemeanor, such cases shall be referred to the appropriate City Attorney for filing in the Municipal Court with all inmate services charged to the City from the point of booking. Any case originally charged by the Prosecutor as a felony and later adjudicated to a gross misdemeanor or misdemeanor shall not require compensation by the Cities. If a determination is made by the Prosecuting Attorney that a City case originally charged as a gross misdemeanor or misdemeanor will be charged as a felony, then all inmate services will be charged to the County.

4.10 Jail Alternative Programs. Inmates judged to be eligible for Jail Alternative Programs by the sentencing Judge may be permitted to participate in those programs at the discretion of the Sheriff or designee. Such programs may include but will not be limited to, In Custody and Out of Custody Work Crews, Work or School Release and Electronic Home Monitoring/Detention. The County will make jail alternative programs available to City inmates to the same extent they are made available to County inmates.

A City Inmate may be terminated from a Jail Alternative Program if: (a) the City municipal court or other judicial agency order the City Inmate terminated from the Program or otherwise amends its earlier order; (b) the County determines, in its sole discretion, that the City Inmate is no longer eligible for the Program.

Upon termination from a Program, a City Inmate already in the custody of the County shall be confined in the Correctional facility to serve the remainder of his or her term of confinement, however, the inmate’s status remains subject to the other provisions of this Agreement, including Section 4.2. If the City Inmate is not yet in the County’s custody at termination, he or she will be the immediate responsibility of the City for all purposes, including, but not limited to, the duty to apprehend.

4.11 Release of Inmates. The County will facilitate the release of City Inmates who have completed their sentences, posted bond or bail, or who have been released by the City Court. The County will make all reasonable attempts notify the City when their inmates are released from custody via one of the following:

a) Notice of Time Served: Used when an inmate has completed a sentence by the City Court.

b) Posting of Bail/Bond: The County agrees to act as agent for Cities with respect to processing bail and/or bail bonds posted by inmates. The County will deliver bail bonds or money posted for inmates to the Municipal Court in a timely manner. Performance bonds will not be accepted by the County, but must be posted directly with the Court of Jurisdiction.

c) Personal Recognizance (PR): In the event a PR form is not completed in the City Court, the County will route a copy of the County PR form to the Municipal Court in a timely
manner.

4.12 Earned Early Release. The County will grant early release credits to City Inmates in accordance with Chapter 9.94A RCW and County Sheriff’s Office policies and procedures.

4.13 Record Keeping. In order to facilitate the management of the jail population, the County will provide the City with real-time access to the Sheriff’s Office records management system so that the City can determine the following:

1. The names and detailed booking data of those inmates that are held at the Main Jail on City-only charges or sentences, including the amount of accrued credit for time served on the current charge(s);

2. The names and detailed booking data of those inmates that are held at the Division Street facility on City-only charges or sentences, including the amount of accrued credit for time served on the current charges (along with which inmates are participating in each jail alternative program). This information will be attached to individual inmate records, accessible by the City; and

3. The total inmate population(s) and location.

4.14 Form of Records. The County agrees to maintain a system of record keeping relative to the booking and confinement of each City Inmate in such style and manner as equivalent to County records pertaining to County Inmates.

4.15 City Access to Records. Records of services provided to City Inmates shall be available for review by the applicable City, unless their release is expressly prohibited by applicable law concerning the confidentiality of medical records (including the federal Health Insurance Portability and Accountability Act, "HIPAA"). The parties may enter business associate agreements under the HIPAA as necessary to implement the intent of this Agreement.

4.16 Correctional Facility Bed-Day Utilization Reporting. At least quarterly the County shall report to the City the actual number of inmate days utilized by each party in the previous quarter, and the total number of actual inmate days. This report may take the form of a master quarterly report, with all contract agency use figures being included on the same report.

5. Per Diem, Costs and Billing.

5.1 Notification and Basis of Rates. As set forth in this Agreement, the City will be notified by the County by August 15 of each year of the estimated booking fee, per diem, rates and fees to be charged in the next year. This estimate is not binding on the County but will be the best estimate that can be provided based on the information available by that date. The final booking fee, per diem, rates and fees will be determined following adoption of the County Budget by the County Council, as established through the Whatcom County Unified Fee Schedule, and will be provided to the parties with the first monthly statement in the New Year. Per Diem rates and fees will be for In Custody jail per diem (bed day charges), Out of Custody Work Crew, Electronic Home Detention, and may
include a capital replacement charge to fund the replacement of component systems of the Jail. On August 15 of each year, the County shall provide the best estimate of the breakdown of costs that support the adjustments in charges. The County shall provide the actual basis for adjustments in charges during the Whatcom County Budget for the biennium or supplemental budget process in November of each year and as reflected in the County Unified Fee Schedule.

5.2 In-Custody Jail Per Diem. A In Custody Jail Per Diem cost shall be charged to the City, for each City Inmate. Cities will be charged pursuant to the following policies:

a) The City will be charged per diem in 1/3rd day increments for persons incarcerated in the jail on City gross misdemeanor, misdemeanor charges, warrants, or for any other City inmate incarceration purposes. Persons incarcerated on felony charges will be the responsibility of the County, except nothing in this contract prevents the County from seeking reimbursement for felony medical costs prior to sentencing as provided in RCW 70.48.130.

b) Persons originally incarcerated for a felony level violation that is declined by the County Prosecutor and returned to the City Attorney will be the City's responsibility from the date/time of booking. Any case originally charged by the Prosecutor as a felony and later plea-bargained or adjudicated to a gross misdemeanor or misdemeanor, shall not require compensation by the City.

c) If a City charge or hold is concurrent to another jurisdiction's charge or hold, each entity will equally share the per diem for the shared incarceration period. The City shall not be responsible for per diem costs related to inmates on which the City has no hold.

d) The County will allocate all operating costs, including maintenance, utility, and operating costs of facilities shared between the Jail and other county divisions, bureaus, or departments on a rational and systematic basis open to audit and public inspection in a manner that recognizes that the city parties are not responsible for costs associated with non-jail activities or services. The costs of shared facilities allocated to any non-jail divisions, bureaus, or departments will be funded by non-jail revenues. Additionally, the County will allocate all operating costs, including site maintenance, utility, and site operating costs related to non-jail facilities in a manner that recognizes that the city parties are not responsible for costs associated with non-jail maintenance and operations. The site costs allocated to non-jail facilities will be funded by non-jail revenues.

5.3 Booking Charge:

a) A booking fee shall be charged to the City, for each person booked into the jail on the City’s charges and/or warrants. Persons booked into the jail and released within 8 hours will only incur the booking fee. Persons who are booked into the jail and held in the facility will incur both the booking charge and a per diem charge accruing in 1/3 day increments. If an inmate is booked on charges from multiple local entities, the booking fee will be split evenly between those jurisdictions.

b) In those instances when the City Court requests that an inmate be brought to the in-
house courtroom on a charge that is not on the inmate’s current booking record, the inmate will be escorted to Court and the City charge(s) will be added to the inmate’s current booking record, along with the Court’s instructions. The City charge will be added to the inmate’s current booking record, regardless if the inmate was transported on a new City charge, a pending City charge, or a post-conviction City charge.

If the inmate was already being held on a charge from the City, there will be no change to the per diem and no additional booking fee will be charged. If the inmate is not currently being held on any other City charge, a booking fee for the above described in-house courtroom appearance will be charged to the City and the fee will be apportioned as described in section 5.3(a). If the inmate was not being held on a City’s charge, per diem will start being charged as of the date the defendant is booked and held on those charge(s). Per diems and booking fees will be apportioned as described above.

5.4 Alternative Jail Programs/Per Diem: Jail Per Diem costs for In Custody Work Release and Work Crew, Electronic Home Detention and Out of Custody Work Crew shall also be charged to the City, for each City Inmate. The City will be charged for Alternative Jail Programs as follows:

a) **In Custody Work Release:** If an inmate participating in Whatcom County’s Work Release Program the parties will be charged the In Custody per diem rate per bed day for work release inmates. Any funds collected from the inmate will be credited to the cost to the City.

b) **In Custody Work Crew:** If an inmate is participating in the In Custody Work Crew Program, billing to the City for these participants will be based on the In Custody per diem rate per bed day for work crew inmates. If the County bills the inmates for participating in this program, the funds collected from the inmate will be credited to the City.

c) **Electronic Home Detention:** If an inmate qualifies for Electronic Home Detention, billing to the City for these participating inmates will be based on the Electronic Home Detention per diem rate. Any funds collected from the inmate will be credited to the City.

d) **Out of Custody Work Crew:** If an inmate is participating in the Out of Custody Work Crew Program, billing to the City for these participants will be based on the Out of Custody Work Crew per diem rate. If the County bills the inmates for participating in this program, the funds collected from the inmate will be credited to the City.

All participants must first be authorized by the sentencing judge to apply for alternative jail programs, and the Sheriff or designee must approve the terms and conditions of the program participation.

If a City charge or hold is concurrent to another jurisdiction’s charge or hold, the City shall be billed the proportionate percentage share of the current year per diem for the shared incarceration period.
5.5 Health Care Costs. All inmates shall receive medical, mental health, and dental treatment when medically necessary to safeguard their health while in custody as required by law. Medical costs shall be allocated per state law or by agreement between the City and the County. If there is a difference between state law allocation of such costs and an agreement between the City and the County, the Agreement shall control. The County shall be responsible for providing routine health care. Such health care will include those health care services routinely delivered at normal cost by County staff, contracted practitioners, or nursing staff, and delivered within the facility.

a) The County is not responsible for the cost of services delivered to City inmates outside of the facility, or for non-routine services provided by outside medical practitioners within the facility. The City shall be responsible for the costs of any and all emergent or necessary medical or health care, dental and psychiatric treatment provided outside of the County Correctional Facilities or non-routine services or medication provided to the inmate inside the jail. Payment for emergency, exceptional or non-routine necessary medical or health care for City gross misdemeanor or misdemeanor inmates shall be made by the City upon written invoice by the County or upon such other terms as City and the County may agree in writing. The County will additionally bill the City for pre-sentence felony inmates, held on the City's case, who incur emergency, exceptional or non-routine necessary medical or health care costs, as set forth in RCW 70.48.130. The County shall notify the City within a reasonable period of time, when the County becomes aware that an inmate being held on the City's charges or awaiting sentencing on a City felony charge is in need of emergency, exceptional, or non-routine necessary medical or health care or when the inmate has been transported for emergency care. Any decision to release a pretrial City felon, City pre-trial detainee, or City inmate, will rest with the City, the Prosecuting Attorney and/or City Attorney, and/or the Court. Included in the cost of extraordinary medical costs will be the costs to transport and/or provide a guard detail if the inmate is not released by the Court.

b) The County agrees to utilize all existing agreements with medical practitioners and organizations to mitigate any medical costs, to make its best efforts to negotiate additional favorable agreements, and seek out any and all eligible third party reimbursement for medical costs (including health or auto insurance, DSHS/Medicaid, and/or the State of Washington), in the same manner and to the same extent at the County does for inmates held on its own charges and prior to billing the City. No third party beneficiary contract or contract of insurance is intended by this contract. Non-routine necessary medical or health care shall include all practitioner-ordered health care or medical services delivered to City inmates outside of the facility, specialized care provided by non-contract health care providers in or out of the facility, and emergency treatment, including EMS and the local Hospital Emergency Department.

c) Any failure or error by the County to provide the City with proper notification of extraordinary, non-routine necessary medical or health care, emergency care, dental and/or mental health services described under Section 5, delivered to a City Inmate shall in no way excuse full, complete and timely payment by the City under this Agreement.

5.6 Invoicing for Extraordinary, Non-Routine, Necessary Medical or Health Care, Emergency Care, Mental Health and Dental Services. The County shall invoice the City for all costs
incurred for extraordinary or non-routine necessary medical, health, or emergency care, dental, or mental health services to City Inmates, including, but not limited to, durable medical equipment, ambulance fees, medical, dental, and mental health services provided outside the Correctional facility specialized equipment or extraordinary medications essential to the inmates health such as chemotherapy, anti-viral or biologic medications. Extraordinary Medical Costs do not include routine medical examinations, tests, procedures performed at the Correctional facility by Correctional facility staff or contractors or routine medications. The County will facilitate use of a City inmate’s 3rd party medical insurance whenever possible. If there is coverage, the County will credit amounts received from the City Inmate's own health insurance and applicable public assistance to the City’s bill. Credit amounts may show up on billings subsequent to the time of service, due to processing timelines by both the provider and the 3rd party payer.

5.7 Payment: The City shall remain liable for complete and timely payment of all amounts invoiced. Invoices may be sent monthly, quarterly or on any other schedule that is mutually convenient to the parties. Where complete payment is not tendered within thirty (30) days of the invoice date, the County may charge interest on the outstanding balance at a rate equal to the interest rate on the monthly County investment earnings. Should the City wish to dispute the amount of a particular invoice, it will (a) make complete and timely payment on the outstanding balance, and (b) deliver written notice of the dispute to the County within thirty (30) days of the invoice date. Failure to properly notify the County of any disputed amounts within thirty (30) days of the invoice shall constitute an acceptance by the City of all charges contained therein. Within fifteen (15) days of timely receipt of payment and the City's written notice of dispute, the County shall review the disputed invoice. Should the County resolve the dispute in favor of the City, the disputed amounts will be credited towards the City's next billing cycle, PROVIDED, HOWEVER, that upon termination of this Agreement, the County shall pay out to the City any such credited amounts. Withholding payment of any amount billed, regardless of whether the City has provided timely written notice of a disputed invoice, will constitute a default under this Agreement.

5.8 Review and maintenance of records: Each party may examine the other party's books and records to verify charges and to audit the amounts charged under this Agreement. If the City elects to conduct an audit, the audit may be conducted under the supervision by the County IT Department or Jail Administration for purposes of record retrieval, protecting confidentiality and expediency. The County shall maintain accurate time and accounting records related to the Services for a period of three (3) years following final payment.

6. Indemnification/Hold Harmless.

6.1 City Held Harmless. The County shall indemnify and hold harmless the City and its officers, agents, and employees, or any of them from any and all claims, actions, suits, liability, loss, costs, expenses, and damages of any nature whatsoever, by any reason of or arising out of any negligent act or omission of the County, its officers, agents, and employees, or any of them relating to or arising out of performing services pursuant to this agreement. In the event that any such suit based upon such a claim, action, loss, or damages is brought against the City, the County shall defend the same at its sole cost and expense; provided that the City reserves the right to participate in said suit if any principle of governmental or public law is involved; and if final judgment in said suit be rendered against the City, and its officers, agents, and employees, or any of them, or jointly against the City and the County and their respective officers, agents, and employees, or any of them, the County shall satisfy the same.

6.2 County Held Harmless. The City shall indemnify and hold harmless the County and its officers, agents, and employees, or any of them from any and all claims, actions, suits,
liability, loss, costs, expenses, and damages of any nature whatsoever, by any reason of or arising out of any negligent act or omission of the City, its officers, agents, and employees, or any of them relating to or arising out of performing services pursuant to this agreement. In the event that any suit based upon such a claim, action, loss, or damages is brought against the County, the City shall defend the same at its sole cost and expense; provided that the County reserves the right to participate in said suit if any principle of governmental or public law is involved; and if final judgment be rendered against the County, and its officers, agents, and employees, or any of them, or jointly against the County and the City and their respective officers, agents, and employees, or any of them, the City shall satisfy the same.

The Parties' obligations to indemnify defend and hold harmless for injuries, sickness, death or damage caused by or resulting from the concurrent negligence or willful misconduct of the Parties or of the Parties and a third party other than an officer, agent or employee of the Parties, shall apply only to the extent of the negligence or willful misconduct of each Party.

6.3 Waiver under Washington Industrial Insurance Act. The foregoing indemnity is specifically intended to constitute a waiver of each party's immunity under Washington's Industrial Insurance Act, Chapter 51 RCW, as respects the other party only, and only to the extent necessary to provide the indemnified party with a full and complete indemnity of claims made by the indemnitor's employees. The parties acknowledge that these provisions were specifically negotiated and agreed upon by them. The terms of the Indemnification provisions shall survive the termination or expiration of this Agreement.


In executing this Agreement, the County does not assume liability or responsibility for or in any way release the City from any liability or responsibility which arises in whole or in part from the existence or effect of City ordinances, policies, rules or regulations. Nor shall the County be liable or responsible for any claims of conduct or actions by the City, City Courts, or law enforcement, including, but not limited to claims of unlawful arrest, excessive force, unlawful imprisonment, unconstitutional deprivation, negligence, errors, omissions or misconduct. If any cause, claim, suit, action or administrative proceeding is commenced in which the enforceability and/or validity of any such City ordinance, policy, rule or regulation is at issue, or in which there is an allegation of City Court, City Prosecutor or Law Enforcement action as described above, the City shall defend the same at its sole expense and, if judgment is entered or damages are awarded against the City, the County, or both, the City shall satisfy the same, including all chargeable costs and reasonable attorney's fees.

In executing this Agreement, the City does not assume liability or responsibility for or in any way release the County from any liability or responsibility which arises in whole or in part from the existence or effect of County ordinances, policies, rules or regulations. Nor shall the City be liable or responsible for any claims of conduct or actions by the County, County Courts, or law enforcement, including, but not limited to claims of unlawful arrest, excessive force, unlawful imprisonment, unconstitutional deprivation, negligence, errors, omissions or misconduct. If any cause, claim, suit, action or administrative proceeding is commenced in which the enforceability and/or validity of any such County ordinance, policy, rule or regulation is at issue, or in which there is an allegation of County Court, County Prosecutor or Law Enforcement action as described above, the County shall defend the same at its sole expense and, if judgment is entered or damages are awarded against the County, the City, or both, the County shall satisfy the same, including all chargeable costs and reasonable attorney's fees.
7.1 Insurance. Each Party shall maintain its own insurance and/or self-insurance for its liabilities from damage to property and/or injuries to persons arising out of its activities associated with this Agreement as it deems reasonably appropriate and prudent. The maintenance of, or lack thereof of insurance and/or self-insurance shall not limit the liability of the indemnifying party(s) to the indemnified party(s). Each Party shall provide the other with a certificate of insurance or letter of self-insurance annually as the case may be.

7.2 Compliance with Laws. In the performance of its obligations under this Agreement, each party shall comply with all applicable federal, state, local laws, all State and local rules and regulations.

7.3 Default and Remedies.

Default. If either the County or the City fails to perform any act or obligation required to be performed by it hereunder, the other party shall deliver written notice of such failure to the non-performing party. The non-performing party shall have fifteen (30) days after its receipt of such notice in which to correct its failure to perform the act or obligation at issue, after which time, if non-performance continues, it shall be in default ("Default") under this Agreement; provided, however, that if the non-performance is of a type that could not reasonably be cured within said fifteen (30) day period, then the non-performing party shall not be in Default if it commences cure within said fifteen (15) day period and thereafter diligently pursues cure to completion.

Remedies. In the event of a party's Default under this Agreement, then after giving notice and an opportunity to cure pursuant to this Agreement, the County and City will attempt to progressively resolve the dispute in the following manner:

1. Through negotiations between the City and County’s respective Administrators or their designees.
2. Through non-binding mediation.
3. Seeking resolution in the Courts of law and equity.

In addition, if the City fails to make payment on an outstanding invoice within the time to cure and the City has not disputed the invoice as provided in this Agreement, the City shall have no further right under this Agreement to deliver custody to or otherwise house City Inmates at the Correctional facility and shall, at the County's request, remove all City Inmates from the Correctional facility within fourteen (14) days of notice to do so. Thereafter, the County may, in its sole discretion, accept City Inmates to the Correctional facility if all outstanding invoices are paid.

8. Early Termination

8.1 Termination by the County. Except as provided in Section 8.3 below, the County may terminate this Agreement at any time, with or without cause, upon not less than ninety (90) days advance written notice to the City and the Washington State Office of Financial Management. The Notice shall state the grounds for termination and the specific plans for accommodating the affected jail population.
8.2 Termination by the City. The City may terminate this Agreement at any time, with or without cause, upon not less than ninety (90) days advance written notice to the County and the Washington State Office of Financial Management. The Notice shall state the grounds for termination and the specific plans for accommodating the affected jail population.

8.3 Lack of Funding. This Agreement is contingent upon governmental funding and local legislative appropriations. In the event that funding from any source is withdrawn, reduced, limited, or not appropriated after the effective date of this Agreement, this Agreement may be terminated by the County immediately by delivering written notice to the City. The termination notice shall specify the date on which the Agreement shall terminate.

8.4 Calculation of Costs Due Upon Early Termination. Upon early termination of this Agreement as provided in this Section 8, the City shall pay the County for all Services performed up to the date of termination. The County shall notify the City within thirty (30) days of the date of termination of all remaining costs. No payment shall be made by the City for any expense incurred or Services performed following the effective date of termination unless authorized in writing by the City.

8.5 Dispute Resolution. Other than that specified in Section 7, should a dispute arise under this Agreement between the City and the County, such dispute shall be progressively resolved in the following manner:

1. Through negotiations between the City and the County’s respective contacts.
2. Through negotiations between the Mayor and the County Executive; or
3. In the event that the City and the County do not reach agreement within 90 days of commencing negotiations, the matter will be submitted to binding arbitration.

Nothing in this section shall deny any rights established elsewhere in this Agreement.

8.6 Extension of Negotiations. The City and the County may mutually agree to extend the negotiation period. If the City and the County cannot agree upon the selection of an impartial arbitrator within fourteen days of a written request for arbitration by either the City or the County, the arbitrator shall be selected as provided in the Superior Court Mandatory Arbitration Rules by a judge of the Superior Court of Skagit County. The arbitration shall be conducted pursuant to the Superior Court Mandatory Arbitration Rules.

9. Notices. All notices required to be given by any party to the other party under this Agreement shall be in writing and shall be delivered either in person, by United States mail, or by electronic mail (email) to the applicable Administrator or the Administrator’s designee. Notice delivered in person shall be deemed given when accepted by the recipient. Notice by United States mail shall be deemed given as of the date the same is deposited in the United States mail, postage prepaid, and addressed to the Administrator, or their designee, at the addresses set forth in Section 3 of this Agreement. Notice delivered by email shall be deemed given as of the date and time received by the recipient.

10. Miscellaneous.

10.1 Entire Agreement. This Agreement constitutes the entire agreement between the parties regarding the subject matter hereof, and supersedes any and all prior oral or written agreements
between the parties regarding the subject matter contained herein. This Agreement may not be modified or amended in any manner except by a written document executed with the same formalities as required for this Agreement and signed by the party against whom such modification is sought to be enforced.

10.2 Conflicts between Attachments and Text. Should any conflicts exist between any attached exhibit or schedule, and the text or main body of this Agreement, the text or main body of this Agreement shall prevail.

10.3 Governing Law and Venue. This Agreement shall be governed by and enforced in accordance with the laws of the State of Washington. The venue of any action arising out of this Agreement shall be in the Superior Court of the State of Washington, in and for Skagit County.

10.4 Interpretation. This Agreement and each of the terms and provisions of it are deemed to have been explicitly negotiated by the parties, and the language in all parts of this Agreement shall, in all cases, be construed according to its fair meaning and not strictly for or against either of the parties hereto. The captions and headings in this Agreement are used only for convenience and are not intended to affect the interpretation of the provisions of this Agreement. This Agreement shall be construed so that wherever applicable the use of the singular number shall include the plural number, and vice versa, and the use of any gender shall be applicable to all genders.

10.5 Severability. If any provision of this Agreement or the application thereof to any person or circumstance shall, for any reason and to any extent, be found invalid or unenforceable, the remainder of this Agreement and the application of that provision to other persons or circumstances shall not be affected thereby, but shall instead continue in full force and effect, to the extent permitted by law.

10.6 Savings. Nothing in this Agreement shall be construed so as to require the commission of any act contrary to law, and wherever there is any conflict between any provisions of this Agreement and any statute, law, public regulation or ordinance, the latter shall prevail, but in such event, the provisions of this Agreement affected shall be curtailed and limited only the extent necessary to bring it within legal requirements.

10.7 No Waiver. A party's forbearance or delay in exercising any right or remedy with respect to a Default by the other party under this Agreement shall not constitute a waiver of the Default at issue. Nor shall a waiver by either party of any particular Default constitute a waiver of any other Default or any similar future Default.

10.8 No Assignment. This Agreement shall not be assigned, either in whole or in part, by either party without the express written consent of the other party, which may be granted or withheld in such party's sole discretion. Any attempt to assign this Agreement in violation of the preceding sentence shall be null and void and shall constitute a Default under this Agreement.

10.9 Warranty of Authority. Each of the signatories hereto warrants and represents that he or she is competent and authorized to enter into this Agreement on behalf of the party for whom he or she purports to sign this Agreement.

10.10 Independent Contractor. The County will perform all Services under this Agreement as an independent contractor and not as an agent, employee, or servant of the City. The County shall
be solely responsible for control, supervision, direction and discipline of its personnel, who shall be employees and agents of the County and not the City. The County has the express right to direct and control the County’s activities in providing the Services in accordance with the specifications set out in this Agreement. The City shall only have the right to ensure performance.

**10.11 No Joint Venture.** Nothing contained in this Agreement shall be construed as creating any type or manner of partnership, joint venture or other joint enterprise between the parties.

**10.12 No Separate Entity Necessary.** The parties agree that no separate legal or administrative entities are necessary to carry out this Agreement.

**10.13 Ownership of Property.** Except as expressly provided to the contrary in this Agreement, any real or personal property used or acquired by either party in connection with its performance under this Agreement will remain the sole property of such party, and the other party shall have no interest therein.

**10.14 No Third Party Beneficiaries.** This Agreement and each and every provision hereof is for the sole benefit of the City and the County. No other persons or parties shall be deemed to have any rights in, under or to this Agreement.

**10.15 Force Majeure.** In the event either party’s performance of any of the provisions of this Agreement become impossible due to circumstances beyond that party’s control, including without limitation, force majeure, strikes, embargoes, shortages of labor or materials, governmental regulations, acts of God, war or other strife, that party will be excused from performing such obligations until such time as the Force Majeure event has ended and all facilities and operations have been repaired and/or restored.

**10.16 This is an Integrated Agreement.** Neither party has relied on any representation other than those expressly set forth herein in entering this Agreement.

**10.17 Neutral Authorship.** Each of the terms and conditions of this Agreement have been reviewed and negotiated with resort to legal counsel, and represents the combined work product of the parties hereto, and this Agreement shall not be interpreted for or against any Party hereto based upon authorship. The Parties represent that they have had a full and fair opportunity to seek legal advice with respect to the terms of this Agreement, and have either done so or have voluntarily chosen not to do so. The Parties represent and warrant that they and their authorized representatives executing this Agreement have fully read this Agreement, that they understand its meaning and effect, and that they enter into this Agreement with full knowledge of its terms. This Agreement contains terms and conditions agreed upon by the Parties. The Parties agree that there are no other understandings, oral or otherwise, regarding the subject matter of this Agreement. No change or addition to this Agreement shall be valid or binding upon the Parties unless such change or addition is in writing, executed by all the Parties.

**10.18 The Parties agree that during the performance of this Agreement they shall abide by all Federal, State and local laws, provided, the prohibition against discrimination in employment because of handicap shall not apply if the particular disability, with reasonable accommodation, prevents the proper performance of the work involved.**
10.19 The Parties agree to aid and assist the other in accomplishing the objectives of this Agreement.

10.20 This Agreement shall be binding upon the Parties, and their successors and assigns.

10.21 Further Acts. The Parties agree to take such further actions and to execute documents as in their reasonable judgment may be necessary or desirable in order to carry out the terms of, and complete the transactions contemplated by, this Agreement.

10.22 Agreement Contact. The County's initial contact for this Agreement shall be the County Executive. The Cities' initial contact shall be the Mayor of each respective city. The Parties to this Agreement may designate new contacts by providing written notice to all the other Parties.

11. City Election of Option 1 or Option 2 under Section 4, Basic Services.
The City has elected the following Option of Basic Services outlined in Section 4.2 and checked below:

[ ] Option 1.

OR -

[ ] Option 2.
IN WITNESS WHEREOF, Whatcom County and the City of Sumas have executed this Amendment on the date and year below written.

DATED this _____________ day of ________________, 20__.

WHATCOM COUNTY:

Approved as to form:

Prosecuting Attorney ______________ 6/14/16

Approved:
Accepted for Whatcom County:

By: __________________________________________
Jack Louws, Whatcom County Executive

STATE OF WASHINGTON )
) ss
COUNTY OF WHATCOM )

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

________________________________________
NOTARY PUBLIC in and for the State of Washington, residing at __________________________. My commission expires ____________________ .
CITY OF SUMAS:

EXECUTED this _____ day of ______________, 20___. For the CITY OF SUMAS

____________________________________
Mayor  Bromley

STATE OF WASHINGTON )
 ) ss

COUNTY OF WHATCOM )

On this _____ day of ______________, 20___, before me personally appeared Mayor Bob Bromley, to me known to be the Mayor of the City of Sumas, 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 ________________

ATTEST:

____________________________________
Finance Director

Approved as to form:

____________________________________
Office of the City Attorney

Departmental Approval: ___________________________
Title of Document: In the Matter of Considering a Vacation of an Unnamed Alley Within the Whispering Pines Plat

Attachments: 1. Cover Memo  
2. Resolution  
3. Neighboring Land Owner’s Petition  
4. Map of Site

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

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

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

The attached Resolution, in the Matter of Considering a Vacation of an Unnamed Alley Within the Whispering Pines Plat is submitted per RCW 36.87 and WCC 12-20.

Adoption of this resolution will trigger the County Engineer to report on the proposed vacation at a future Council meeting. Once the County Engineer’s report is submitted the road vacation will be considered by Council under a separate resolution and a public hearing will need to be scheduled.

Committee Action:  
Council Action:

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

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

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

Through: Jon Hutchings, Director

From: Andrew Hester, Real Estate Coordinator

Date: June 13, 2016

Re: In the Matter of Considering a Vacation of an Unnamed Alley Within the Whispering Pines Plat

The attached petition asks for vacation of an unnamed alley within the Whispering Pines Plat.

**Recommended Action**
The attached petition for vacation meets all statutory requirements. It is recommended that the County Council direct the County Engineer to investigate and report his findings to the County Council.

Please contact me at extension 6216 if you have any questions regarding this action.

Encl.
RESOLUTION NO. __________

IN THE MATTER OF CONSIDERING A VACATION OF AN UNNAMED ALLEY WITHIN THE WHISPERING PINES PLAT

WHEREAS, on April 6, 2016, Linda Doroshenko, Trustee of the Exemption Equivalent Trust under the will of George T. Swan Jr., and Michael and Noreen Taylor submitted a petition for the vacation of an unnamed alley within the Whispering Pines plat lying within the unincorporated area of Whatcom County, accompanied by the penal sum of $790.00; and,

WHEREAS, as described in RCW 36.87.010, when a county road or any part thereof is considered useless the Whatcom County Council may declare its intention to formally consider vacation, by resolution; and

WHEREAS, without pre-judging the result of its future consideration of this matter, the Whatcom County Council has received sufficient information to warrant consideration of vacation of the right-of-way identified in the above-referenced petition and described more fully below;

NOW, THEREFORE, BE IT RESOLVED that it is the intention of the Whatcom County Council to consider vacation of the following described right-of-way:

All that portion of an unnamed alley abutting Lots 1 and 4, Block 1 “Plat of Whispering Pines” according to the plat thereof, recorded in Volume 7 of Plats, Page 9 records of Whatcom County, Washington.

Subject to and/or together with all easements, covenants, restrictions and/or agreements of record or otherwise, and further subject to Whatcom County retaining an easement in respect to the portion of right-of-way proposed for vacation, for the construction, repair, and maintenance of any and all public utilities and services now located on or in the portion that may be vacated.

AND BE IT FURTHER RESOLVED that the County Engineer investigate and report to the County Council on the matter of the proposed vacation so that the Council may set a public hearing on the matter.

APPROVED this _____ day of ____________, 2016

ATTEST: ____________________________________________

Dana Brown-Davis, County Clerk

____________________________

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

____________________________

Barry Buchanan, Council Chair

APPROVED AS TO FORM:

Daniel L. Gibson

Chief Civil Deputy Prosecutor
BEFORE THE WHATCOM COUNTY COUNCIL

IN THE MATTER OF VACATION OF
THE COUNTY ROAD KNOWN AS
Unnamed alley off Birch-Bay br
south of (parallel to Piney ln

Petitioned for by: Linda Doroshenko, as Trustee
of the Exemption Equivalent Trust under the will of George T. Swan, Jr.
et.al. Michael and Noreen Taylor

PETITION FOR VACATION OF PLATTED ROAD

(RCW 58.17 AND 36.87)

Pursuant to Whatcom County Ordinance No. 1-72, dated February 14, 1972, the undersigned and those signing attached petition, which bears signatures and property descriptions of five land owners residing in the vicinity of said road, request vacation of the county road hereinafter described, and agree with the statements below:

1. Petitioners are residents of Whatcom County and owners of real property in the vicinity of the road sought to be vacated.

2. The road sought to be vacated is legally described as follows:
   
   Unnamed alley abutting Lots 1 and 4, Block 1 Plat of Whispering Pines, Page 9 of Volume 7 of Plats, Whatcom County, Washington

3. The pertinent facts in support of this petition are: see attached

4. The road to be vacated is useless as a part of the County road system and the public will benefit by its vacation and abandonment. see attached

5. Petitioners will pay all costs and expenses incurred by the Count in examination, report, notice and proceedings pertaining to this petition.

6. A bond in the penal sum of $790.00, payable to Whatcom County Treasurer, accompanies this petition.

7. The application fee accompanies this petition.

WHEREFORE, petitioners request the County Road Engineer to report upon this petition, that a hearing take place on this report, and that an order be entered vacating and abandoning said road.

CONTACT PERSON:

Linda Doroshenko
860-246-3738

Signed this 4 day of 6, 2016.

Page 1 of 2
WHEREFORE, petitioners request the County Road Engineer to report upon this petition, that a hearing take place on this report, and an order be entered vacating and abandoning said road. (NOTE: A minimum of five signatures is required by law; see statement near the beginning of page 1).

**PETITIONERS’ NAMES:** Property owned by petitioner (part of sec. or name of plat, see (lot), TWP, (Blk) Range):

**Lot 1** Blk1 7680 Birch Bay Dr  
**Lot 2** Blk1 7686 Birch Bay Dr  
**Lot 3** Blk1 4813 Piney Ln  
**Lot 1** Blk2 7688 Birch Bay Dr  
**Lot 4** Blk4 Piney Ln  
**Lot 4** Blk1 7680 Frances Lane  
**29-11** 7904 Birch Bay Dr.

7806 Birch Bay Drive #308  
**Page 2 of 2**
George T Swan Jr Estate Trust  
Linda Doroshenko, Trustee  
1471 Humboldt St., Bellingham Wa 98225  
360-296-3738   email: lidoroshenko@gmail.com  
Property:7680 Birch Bay Dr, Blaine, WA

Michael & Noreen Taylor  
39-4340 Steveston Hwy  
Richmond, BC V7E 4MS  
778-386-1363 email: m.taylor2@yahoo.com  
Property:7681 Frances Ln, Blaine, WA

To: Whatcom County Council and Land Services Division

Re: Unnamed alley off Birch Bay Drive south of/parallel to Piney Lane
“The alley abutting Lots 1 and 4 Block 1 as dedicated and shown on the Plat of Whispering Pines
recorded on July 20, 1926, Page 9 of Volume 7 of Plats, Whatcom County”

I Linda Doroshenko, trustee applied for a trail permit in 2015 while George Swan Estate owned both
properties. The trail permit 2015-00002 was granted and recorded on May 26, 2015. 7681 Frances
Lane sold on 7/6/15 to Michael & Noreen Taylor.

We jointly are requesting to vacate the above alley. It has been used for decades as the main access
(driveway) off of Birch Bay Drive for both 7680 Birch Bay Dr and 7681 Frances Lane. Please review
Whatcom County Division of Engineering in regards to documentation & photos for the trail permit
2015-00002.

Pertinent information:

(1) The alleyway is technically an “unopened” non-County maintained public right-of-way and has
been serving as a shared driveway for decades.

(2) The alleyway is the only access to 7680 Birch Bay Dr as well as the garage located on the back
side of the property. This house was build in 1937.

(3) Owners of properties eastward of the subdivision, routinely use Frances Lane, Piney Lane, and
Lora lane for access to Birch Bay Drive as well as pedestrian use for closer beach access. There
is no direct beach access from the unnamed alley.

(4) Undeveloped property to the south has not been live on or developed in over 40 years.

(5) In approximately 2005-2006 when the property to the south was to be developed there was a 20'
buffer that was to be put in place next to the alley as well as a proposed turn lane on Birch Bay
Drive to provide access. Unfortunately because of the real estate drop that project never was
started or completed.
Specific Terms and Conditions:
(1) This alleyway will serve as a dedicated driveway for both residences for personal and emergency services.
(2) An easement from 7680 Birch Bay Drive to 7681 Frances Lane for continued access to their property.
(3) The owner of 7680 Birch Bay Drive shall not leave any part of said alleyway impassable without notification and agreement of the owner of 7681 Frances Lane.
(4) The owners of said parcels shall jointly maintain the driveway.

Thank you for your consideration of our request.

Sincerely:

Linda Doroshenko, Trustee
George T Swan Estate Trust

Michael and Noreen Taylor
PLAT OF
WHISPERING PINES
Scale 1" = 40'

DEDICATION
State of Washington
County of Whatcom

Lora Batson and Frances Gischer, husband and wife
herein named, do hereby dedicate and dedicate this
plot of Whispering Pines, Whatcom County, Washington,
for public use for streets and alleys shown therein.

ACKNOWLEDGMENT
State of Washington
County of Whatcom

On this 12th day of June, 1928, before me,
the undersigned, a Notary Public in and for the
State of Washington, duly commissioned and thereto
sworn, Lora Gischer and Frances Gischer, husband and
wife, known to me to be the individuals who signed and
who executed the foregoing dedication, and acknowledged
to me that they signed and executed the same as their
individual free and voluntary acts and deed for frauds
and purposes therein mentioned.

Witnes my Signatures and seal the day and year in this certificate above
written.

Notary Public in and for the State of
Washington, residing at Bellingham, Wash.

This is the true copy of the original plat
as filed in the office of the Auditor of
Whatcom County.

3/12/1928

Approved by the Board of County Commissioners

Whatcom County, Wash.

ED. BEALS
Chairman

Recording Fee $0.25
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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<th>Date Received in Council Office</th>
<th>Agenda Date</th>
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**TITLE OF DOCUMENT:**

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

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

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

Under the Growth Management Act, Whatcom County and the seven cities within the County must complete the periodic update of their comprehensive plans and review urban growth areas by June 30, 2016 (RCW 36.70A.130). The Planning and Development Services Department would like to 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  
6/14/2016: Comments received and Prelim. direction given

**COUNCIL ACTION:**

5/31/2016: SCotw: Not discussed  
6/14/2016: Public Testimony Received

**Related County Contract #:**

**Related File Numbers:**

AB2016-047

**Ordinance or Resolution Number:**

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

Introduction

Purpose

Economic vitality is the measure of the economic health of the County—its 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 on economic 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 require an economic development element to 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>3,110</td>
<td>3,071</td>
<td>3,196</td>
<td>3,097</td>
<td>3,115</td>
<td>3,362</td>
<td>3,336</td>
<td>3,376</td>
<td>3,645</td>
<td>3,710</td>
<td>3,672</td>
<td>20.28%</td>
</tr>
<tr>
<td>Construction</td>
<td>5,471</td>
<td>5,679</td>
<td>6,030</td>
<td>6,006</td>
<td>7,216</td>
<td>6,928</td>
<td>6,979</td>
<td>5,652</td>
<td>4,861</td>
<td>4,845</td>
<td>5,078</td>
<td>5,002</td>
<td>-8.57%</td>
</tr>
<tr>
<td>Manufacturing</td>
<td>7,932</td>
<td>7,991</td>
<td>8,054</td>
<td>8,324</td>
<td>8,630</td>
<td>9,027</td>
<td>8,695</td>
<td>7,727</td>
<td>7,617</td>
<td>8,242</td>
<td>8,703</td>
<td>8,923</td>
<td>12.49%</td>
</tr>
<tr>
<td>Wholesale Trade</td>
<td>2,465</td>
<td>2,629</td>
<td>2,919</td>
<td>3,127</td>
<td>3,075</td>
<td>2,994</td>
<td>2,971</td>
<td>2,677</td>
<td>2,648</td>
<td>2,552</td>
<td>2,535</td>
<td>2,514</td>
<td>1.39%</td>
</tr>
<tr>
<td>Retail Trade</td>
<td>8,817</td>
<td>9,211</td>
<td>9,487</td>
<td>10,012</td>
<td>10,063</td>
<td>10,253</td>
<td>10,295</td>
<td>9,855</td>
<td>9,703</td>
<td>10,029</td>
<td>10,370</td>
<td>10,834</td>
<td>22.05%</td>
</tr>
<tr>
<td>Transportation and Warehousing</td>
<td>1,562</td>
<td>1,506</td>
<td>1,634</td>
<td>1,707</td>
<td>1,751</td>
<td>1,782</td>
<td>1,827</td>
<td>1,862</td>
<td>1,856</td>
<td>1,950</td>
<td>2,047</td>
<td>2,102</td>
<td>34.57%</td>
</tr>
<tr>
<td>Health Care Services</td>
<td>7,139</td>
<td>7,507</td>
<td>8,086</td>
<td>8,384</td>
<td>8,644</td>
<td>9,015</td>
<td>9,332</td>
<td>9,445</td>
<td>9,625</td>
<td>9,794</td>
<td>9,781</td>
<td>9,861</td>
<td>38.13%</td>
</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>7,633</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>16,975</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>
<td>11.87%</td>
</tr>
<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>79,270</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

Whatcom County Comprehensive Plan
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.

Whatcom County Comprehensive Plan 7-10
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 an interest of supporting the development of an educated work force as a key factor for economic success. Such partnerships should include Western Washington University, Whatcom Community College, Bellingham Technical College, Northwest Indian College, NW Northwest Workforce Development Council, and businesses and industries.

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.
Coordination/Cooperation and Public/Private Partnerships

In the mid-1980s, it was recognized that 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. 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.

Whatcom County Comprehensive Plan 7-12
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 CouncilEDC, Chambers of Commerce, business, labor, education, and other social and community interests, continue to cooperate on updating, preparing 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), -- 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. Caucesus: 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 InfiNET 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 InfiNET network facilities. Facilities include a backbone of fiber optic infrastructure, both existing and future, as InfiNET'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-a 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 conduct 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 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 thean Internet
web sites so the publiccomputer-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 sitting
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 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 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 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 fore 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
decreasing. 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—the 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 graph](source: Washington State Employment Security Department (2014))
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 an 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, are 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:
  
  o Increase of the median household income of the county;
  o Reduction of the county unemployment rate;
  o Improve turn-around time on development permit processing;
  o Increase the percentage of "owner-occupied" dwellings in the county;
  o Increased worker access to affordable housing;
  o Increase citizen satisfaction of county government including permit processing;
  o Increased access to healthcare;
  o 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
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 Amot, 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 in 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](https://www.nwic.edu), 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.”¹ Additionally, a review of public health literature conducted by staff in 2014 indicated that policies that promote local food production show some evidence of improving access to healthy foods, as well as improvements to other determinants of health, such as economic status and environmental health.²

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.
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<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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<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>Goal/Policy</td>
<td>2008 Comp Plan Goal Language</td>
<td>Recommendation</td>
<td>Priority Ranking (High-Medium-Low)</td>
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<td>Associated Health Impacts</td>
<td>2014 Notes to PDS:</td>
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<td>7K2</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>
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<td>Associated Health Impacts</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>
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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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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://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. 7-17; 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;
- The Whatcom Museum, Mount Baker Theater, other historic and cultural centers, and community revitalization efforts;
- Parks and open spaces;
- The Bellingham Festival of Music;
- The Mount Baker outdoor recreation area;
- Farmers markets and other natural resource based activities; and
- Projects, events, and activities of unincorporated areas such as Point Roberts, Birch Bay and East County. (Brenner)

2) 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)

3) p. 7-19; lines 8-9: The fishing and shellfishing industries are particularly dependent on water, good water quality, and habitat. (Brenner)

4) 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)

5) 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.
• 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 that protect public health and safety, as discussed in Policy 5H-5. (Brenner, Mann)

6) 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)

7) 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)

8) 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)

9) 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)

10) 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)

11) 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)

12) 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)

13) 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)

14a) 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)

14b) New Goal 7L: Strengthen the local food system and take steps to improve conditions for a healthy, resilient, and prosperous food economy. (Weimer)

14c) New Policy 7L-1: Encourage government, institutions, and local businesses to purchase food produced within Whatcom County when available. (Weimer)

14d) New Policy 7L-2: Encourage local farmers and producers to sell their products to local markets. (Weimer)

14e) New Policy 7L-3: Support development plans and zoning changes that increase access to healthy and locally grown food products. (Weimer)

14f) 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)

14g) Move and edit Policy 7K-7 as 7L-5: Support efforts and/or organizations seeking to achieve economic agricultural diversity within the food system such as:

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

(Waimea)

14h) 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)

14i) 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)

14j) New Policy 7L-8: Support establishment of community-wide food system development plans. (Weimer)

14k) New Policy 7L-9: Support healthy and safe working conditions as well as healthy and safe living conditions for farmworkers. (Weimer)

14l) New Policy 7L-10: Work towards a fair and equitable food system that honors and supports the people working within it. (Weimer)

14m) 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)

14n) New Policy 7L-12: Consider food waste systems that reduce food waste and capture food waste nutrients. (Weimer)

Tabled Items

15) 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 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)

16) 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)

17) p. 7-12, line 4 (inserted after previously passed new language): 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)

18) 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)

19) p. 7-12; New Policy 7B-7: Provide these leads to organizations such as the Port, non-profiles, 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)

20) p. 7-12; New Policy 7B-8 – Neither staff notes nor the recording could clarify Council intent when passing this amendment on June 14: 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)

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; and
• Whatcom County and its constituent communities have vibrant and dynamic economies where the region’s abundant natural resources are cherished and protected;
• Whatcom County has an outstanding quality of life where all residents have opportunities to thrive and the support they need to seize those opportunities.

The CEDS also identifies infrastructure and other projects that support economic development and includes economic data. (Brenner)

4) p. 7-9; lines 33-36: A fundamental aspect of “quality of life” characteristics is a strong and diversified economy that remains resilient through business cycles, and that can provide family-wage employment, affordable housing, discretionary income, tax base, and sponsors for worthy causes. (Brenner)

5) p. 7-11; Policy 7A-4: In addition to stimulating family-wage jobs and jobs in diverse sectors, plan for service-related jobs such as those necessary to support tourism, recreation, and retailing, as well as those that relate to industry. (Brenner)

6) p. 7-11; Policy 7A-8: Enhance the environment for resource-based industries and the growing service industry with an emphasis on the communities in eastern Whatcom County. (Brenner)

7) p. 7-11; Policy 7A-10: Establish a competitiveness review of policies, taxes/fees, processes, and other influences that impact county businesses. (Brenner)

8) p. 7-11; lines 37-39: Cooperation and coordination by businesses, jurisdictions, and other entities are essential components to achieve a strong economy. The CEDS states that one of its purposes is communication and outreach that encourages local goal setting, public engagement, and a commitment to cooperation among the different levels of government, the business community, and the not-for-profit sector. (Brenner)

9) p. 7-11; line 46 - p. 7-12 line 3: The Port of Bellingham was designated as the Associate Development Organization (ADO) in Whatcom County by the County Executive in 2012. An ADO is intended to serve as a point of contact for local economic development activities, by supporting business retention, expansion of existing businesses, and new business development. (Brenner)

10) p. 7-12; Policy 7B-1: The Port of Bellingham, serving as the ADO, will work with the cities, the County, Chambers of Commerce, educational institutions, and other groups to assist retention and expansion of existing local businesses and to attract appropriate businesses to Whatcom County. (Brenner)
11) p. 7-13; Policy 7B-5: Encourage utilization of current technology and efficient communications tools to disseminate information. (Brenner)

12) p. 7-14; Policy 7C-2: Encourage the provision of adequate transportation infrastructure, including roads to all industrial sites. (Brenner)

13) p. 7-14; Policy 7C-4: Encourage location of industrial areas, especially where sewer and water service and all weather access can be readily provided when necessary. (Brenner)

14) p. 7-14; Policy 7C-5: Support the efforts of the PUD #1 and area communication and cable companies to get a fiber optic network throughout Whatcom County. (Brenner)

15) p. 7-14; Policy 7C-6: Participate in the ongoing implementation and operation of the countywide water resources management body (WRIA #1) for Whatcom County. (Brenner)

16) p. 7-15; lines 8-11: Ample land is needed with proper zoning to ensure a wide range of choices and preclude excessive land prices. Such lands should be located in areas suitable for development, thus minimizing the need for regulatory controls. (Brenner)

17) p. 7-15; lines 16-20: One step toward addressing this issue is a land capacity analysis, which includes an inventory of the supply and availability of industrial and commercial properties in the county and a forecast of future demands. (Brenner)

18) p. 7-15; Goal 7D: Consistent with other goals of the county, strive for balanced, clear, and predictable overall policies, practices and regulations which do not unnecessarily or inadvertently prevent, confuse, delay, or create costly hurdles restricting effective and desirable economic development. (Brenner)

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

20) p. 7-16; lines 28-30: The large Canadian consumer population has created a large retail sector in Whatcom County, increasing jobs, retail sales, taxes, and traffic. Over time, the impacts of Canadian consumer activity 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 partner 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 wellpaying 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 it creates additional need for more income for travel costs. (Brenner)

43) p. 7-23; lines 19-21: These and other area-specific issues have spurred three communities to focus efforts on economic development: Point Roberts, Birch Bay, and East County. Each has successfully developed an area Economic Development Plan and has a 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. (Brenner)

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

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

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

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

48) p. 7-2; lines 15-23: This chapter specifically addresses Goal #5 of the Growth Management Act, which encourages economic development and economic opportunity for all citizens of the state. The County-Wide Planning Policies also have a section on economic development, which this chapter specifically addresses. Examples include recognition of the need for a healthy economy; the emphasis on coordination and cooperation among jurisdictions and public/private partnering; coordination with environmental quality; and the desire to maintain the resource based industries and recreation as we move toward a more diversified economy. This chapter 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. (Browne)

49) p. 7-8; line 20, new subheadings: Community Wide Strategic Planning Efforts

Whatcom County Comprehensive Economic Development Strategy (Browne)

50) p. 7-8; lines 21-25: The Whatcom County Comprehensive Economic Development Strategy (CEDS) was 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. (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)

Passed June 14

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 create the Whatcom Futures report. 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**

Whatcom County 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”. (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.

**Retain 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 the improving the Whatcom County economy and Whatcom County has much to offer prospective employers as indicated by our latest informational resource www.ChooseWhatcom.com. (Browne)

6) p. 7-11; Policy 7A-4: 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)

9) p. 7-12, line 4: 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 headquartered 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.

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 an ADO contract renewal, 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 in informal meetings of informally meeting with staff from all the entities and jurisdictions involved with economic development to discuss issues of interest on a periodic basis. (Brenner)

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)

16) p. 7-13; lines 24-26: The Planning Unit is designated to address, through local government, 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 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 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)
## TITLE OF DOCUMENT:

Afternoon COTW, June 28: Discussion and preliminary Council direction on Comprehensive Plan Appendices.

Evening Council Meeting, June 28: Public hearing on 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 ( ) 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:

6/14/2016: Briefed and discussed
6/21/2016: Comments received; did not discuss

### 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.
Call To Order: The meeting was called to order, by Whatcom County Planning Commission Chair, Nicole Oliver, in the Whatcom County Northwest Annex at 6:30 p.m.

Roll Call
Present: Natalie McClendon, Jerry Vekved, Gary Honcoop, Nicole Oliver, David Hunter, Kelvin Barton, Andy Rowlson, Atul Deshmune
Absent: Michael Knapp

Staff Present: Mark Personius, Matt Aamot, Gary Davis, Tyler Schroeder-Executive's Office, Mike McFarlane-Parks Department, Becky Boxx

Department Update
Mark updated the commission on their upcoming schedule.

Open Session for Public Comment
Max Perry, Whatcom County: Stated that when the Comprehensive Plan update process started staff stated the plan would be streamlined, but it has actually become larger.

Commissioner Comments
There were no commissioner comments.

Approval of Minutes
Commissioner Vekved corrected page 3, line 25 to read: Mr. Boggs stated reasons may be the associated costs and time to do the plans. Whatcom County has interpreted that new agricultural activities require a farm plan.

Commissioner Rowlson moved to approve the minutes as corrected. Commissioner McClendon seconded. The motion carried.

Public Hearing
Amendments to Whatcom County Comprehensive Plan (WCCP) Appendices, which 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.

Matt Aamot presented an overview of the staff report.
Appendix A – Glossary

A number of the definitions have been updated for consistency with the Growth Management Act (GMA), the state administrative codes, the zoning code and the Critical Areas Ordinance (CAO).

Appendix B – Acronyms

Some new ones were added and some were deleted.

Appendix C – Countywide Planning Policies

The current Comprehensive Plan contains the GMA Planning Goals, the Countywide Planning Policies and the Visioning Value Statements.

The Planning Commission recommended adding the GMA Planning Goals to Chapter 1 so they are being removed from this appendix.

There are no changes to the Countywide Planning Policies. The county and the cities will probably get together in the next several years to review them.

This appendix also contains the community value statements from 1994. Staff recommends removing them from the plan.

Appendix D – Bibliography

Staff is proposing to add a number of reference documents that are relevant to the Comprehensive Plan.

Appendix E & F – Capital Facilities

The GMA requires Comprehensive Plans to contain certain information relating to capital planning. These include an inventory of existing facilities, such as trails, schools, etc. It must also include a forecast of future needs. One way to forecast future needs is to utilize a level of service (LOS). The GMA requires a LOS for transportation. In the Comprehensive Plan, chapter 4, we also have LOS standards for parks, trails and fire protection. The GMA also requires that new and expanded facilities be shown, including their location and capacity, a financing plan and the land use plan and capital plan consistency.

Appendix E covers both county facilities and non-county facilities. For county facilities it references the Six Year CIP (Appendix F) and provides more generalized information for years 7-20. For non-county facilities it summarizes water, sewer, fire and school plans. The concept is to provide for adequate facilities to keep pace with growth as it occurs through the 20 year planning period. The 20 year CFP also includes a county revenue analysis that projects the potential county funding available for capital projects over the 20 year planning period.
Appendix F is the more detailed capital plan for county facilities only. It provides an inventory of existing facilities, a list of planned projects, projected costs and funding sources.

Appendix G – Transportation Impact Fees

The state law says that only projects that are set forth in the Comprehensive Plan are eligible for impact fees. The county put a list of transportation projects in the plan that would be eligible for impact fees if they were ever adopted. Impact fees have not been adopted so staff recommends deleting this appendix. Appendix G is proposed to be replaced with Water Resource and Salmon Recovery Programs, which is part of Chapter 11.

Appendix H – Bellingham International Airport Overlay Zones

There are six zones, each with different policies.

Appendix I – Bellingham International Airport Imaginary Surfaces

The federal governments rules establish imaginary surfaces around airports to preserve the navigable airspace. They are concerned about tall buildings or antennas creating a hazard for aircraft. There is a provision in the county zoning code prohibiting tall structures from protruding into these imaginary surfaces. The current map also shows the Blaine airport which was shut down so it is proposed to be deleted.

Staff recommended the Planning Commission approve the amendments.

The hearing was opened to the public.

There was no public testimony.

The hearing was closed.

Commissioner Barton addressed the list of parks in Appendix F. There are beach accesses in Birch Bay that are not included in the list.

Mike McFarlane stated those are not county park facilities but rather road ends, maintained by Public Works, which is why they do not show up on the list. Parks does not oversee or maintain them.

Commissioner Barton stated some of them are a requirement and they function and are signed the same as the other beach accesses. How can they be listed?

Mr. Aamot suggested adding a footnote stating there are road end public access areas.
Mr. McFarlane stated Public Works has been reluctant to list those as parks or public access because they are basically transportation routes. He had no problem with adding a footnote.

Commissioner Barton stated the community prefers they not be called road ends because there are no roads around most of them. They are just walkways to the beach from Birch Bay Drive.

Mr. McFarlane stated it is an issue in other parts of the county such as Lummi Island, Nooksack River, Lake Whatcom, etc. Another suggestion may be a paragraph that lists all of these types of accesses.

Mr. Aamot suggested Public Works could create an inventory which would not necessarily have to be in this document but available for the public.

Commissioner Oliver asked if they are referenced in the Parks and Open Space Plan.

Mr. McFarlane stated they are not because they are treated as roads.

Commissioner McClendon stated these sites are very valuable so they should not go away.

Mr. Aamot suggested a note that there are public access properties on right of way ends that intersect the shoreline. The RCW stating these areas can't be abandoned could also be cited.

Commissioner Rowlson liked that idea because he did not want to see another list.

The commission agreed to the verbiage: Pursuant to RCW 36.87.130, there are also public access properties on right of way ends that intersect shorelines.

Commissioner Rowlson asked why the placeholder for impact fees (Appendix G) is being taken away.

Mr. Aamot stated that it has been over a decade since it was added and the county still has not adopted impact fees. As such the appendix is not serving any purpose. If the county does adopt impact fees in the future a new appendix could be added.

Commissioner Rowlson asked why there was no mention of the Lynden Airport.

Mr. Aamot stated they did not receive any maps from Lynden.

Commissioner Vekved addressed the definition of "Distribution Pipeline". The language was changed from as amended to if amended. What is the intent?

Mr. Schroeder stated it is referring to the federal code, which if amended, this would then revert to the federal code which is referenced.
Regular Meeting

Commissioner Hunter addressed Appendix E, page 70, regarding County Road Property Tax Levy. It seems we are not spending what we could be spending because we are banking the ability to tax an additional 1% per year.

Mr. Aamot stated current councils have chosen not to draw on that banked capacity but future councils could.

Mr. Schroeder explained the taxing process and how banking works.

Commissioner Vekved addressed "Groundwaters". What is artificially stored ground water?

Mr. Aamot stated the definition is: Water that is made available in underground storage artificially. Either intentionally or incidentally to irrigation.

Commissioner Rowlson asked where the budget figures come from.

Mr. Schroeder stated the Executive’s Office meets with the Finance Department along with other county departments to determine the budget numbers.

Commissioner Rowlson moved to recommend approval of the Comprehensive Plan Appendices as amended and the Findings of Fact and Reasons for Action. Commissioner Hunter seconded. Roll Call Vote: Ayes – Barton, Honcoop, Hunter, McClendon, Oliver, Rowlson, Vekved; Nays – 0; Abstain – Deshmame; Absent – Knapp. The motion carried.

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 Chapter 20.72, 20.80 and 20.97 and the Point Roberts Character Plan involving sign regulations 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.

Gary Davis presented an overview of the staff report.

Title 20 – Zoning Code
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.
APPENDIX A

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 thise 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 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 I 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.
Proposed Council Changes to Comprehensive Plan

Appendix A - Glossary

*Page and line numbers reflect Planning Commission Recommended Draft (http://wa-whatcomcounty.civicplus.com/DocumentCenter/View/18677). To improve clarity of Councilmember requested changes, previous edits (i.e. staff and Planning Commission) are included, but not show as edits.*

1) p. A-1: **Aquatic: ...[definition needed]** (Brenner)

2) p. A-1: 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 creates an undeveloped tract, while maintaining the same overall density.* As a result, an undeveloped tract is created, while maintaining the same overall density. *(Brenner)*

3) p. A-5: 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 365-196-210)* 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. *(Brenner)*

4) p. A-7: **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 and located in the agricultural protection zone.* 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 I 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. *(Brenner)*

5) p. A-6: **Natural Resource Lands:** *Natural Resource Lands includeing* 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 or* that have long-term significance for the extraction of minerals. *(Brenner)*
6) p. A-7: Private Utilities: Water and/or sewer service owned and operated by an entity other than a political subdivision of the federal, state, local or tribal governments. (Brenner)

7) p. A-7: Public Utilities: Water and/or sewer services owned and operated by a political subdivision of federal, state, local or tribal governments (includes water and sewer districts and public utility districts). (Brenner)

8) p. A-11: 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 size, placement, and other development standards. (Brenner)

Items 9 through 37 concern comma use, capitalization, and other grammatical changes and may be considered in a single motion.

9) p. A-1 – A-11: Capitalize all words in defined terms (e.x., Affordable Housing, Agricultural Land) (Brenner)

10) p. A-1: Compensation: Something given or received as an equivalent for services, debt, loss, injury, etc. (Brenner)

11) p. A-2: 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, which meets all of the criteria in Whatcom County Code 20.80.980. (Brenner)

12) p. A-2: 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 it is a framework intended to guide the development of comprehensive plans for each jurisdiction in the county. (Brenner)

13) p. A-2: 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). (Brenner)

14) p. A-3: 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. (Brenner)
15) p. A-4: Gathering Pipeline: Means a pipeline that transports gas from a current production facility to a transmission or main or as defined at 49 CFR 192.3, as amended. (Brenner)

16) p. A-4: General aAviation aAirport: 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, hangars, 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. (Brenner)

17) p. A-4: 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. (Brenner)

18) p. A-4: 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. (Brenner)

19) p. A-5: Growth Management Act (GMA): State law requiring jurisdictions with certain projected growth rates to prepare a comprehensive land use plan (RCW 36.70A). (Brenner)

20) p. A-5: 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. (Brenner)

21) p. A-5: 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) (Brenner)

22) p. A-6: 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. (Brenner)

23) p. A-6: 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. (Brenner)

24) p. A-6: 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. (Brenner)

25) p. A-6: 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. (Brenner)

26) p. A-6 Mitigation: Measures taken to avoid, minimize, or compensate for adverse environmental impacts associated with a (project or non-project) land use action. (Brenner)

27) p. A-6: 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 365-196-210) 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. (Brenner)

28) p. A-7: One-number locator service (one-call): Means a service through which a person can notify utilities and request field marking of underground facilities. (Brenner)

29) p. A-7: Potable: Describes water that is suitable for drinking by the public. (WAC 246-290) (Brenner)

30) p. A-7: Productive: Capable of economically producing wood, fiber, or food products. (Brenner)

31) p. A-8: 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. (Brenner)
32) p. A-9: 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) (Brenner)

33) p. A-9: Sustainable: Sustainability is aAn 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) (Brenner)

34) p. A-9: Urban Fringe Subarea Plan: A plan pertaining to the Bellingham Urban Growth Area and a portion of Whatcom County surrounding Bellingham, and 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. (Brenner)

35) p. A-10: 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. (Brenner)

36) p. A-10: 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. (Brenner)

37) p. A-10: Watershed: A geographic region within which water drains into a particular river, stream, or body of water. (Brenner)
APPENDIX B
# 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.

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
</tr>
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<tbody>
<tr>
<td>AAC</td>
<td>Agricultural Advisory Committee</td>
</tr>
<tr>
<td>ADO</td>
<td>Associate Development Organization</td>
</tr>
<tr>
<td>ADU</td>
<td>Accessory Dwelling Unit (1x)</td>
</tr>
<tr>
<td>AG</td>
<td>Agricultural zone (0x)</td>
</tr>
<tr>
<td>APO</td>
<td>Agriculture Protection Overlay</td>
</tr>
<tr>
<td>ARCO</td>
<td>Atlantic Richfield Oil Company (0x)</td>
</tr>
<tr>
<td>BMP</td>
<td>Best Management Practices</td>
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<tr>
<td>CDBG</td>
<td>Community Development Block Grant (1x)</td>
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<tr>
<td>CEDS</td>
<td>Comprehensive Economic Development Strategy</td>
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<tr>
<td>CERB</td>
<td>Community Economic Revitalization Board (1x)</td>
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<tr>
<td>CF</td>
<td>Commercial Forestry zone (0x)</td>
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<tr>
<td>CFHMP</td>
<td>Comprehensive Flood Hazard Management Plan</td>
</tr>
<tr>
<td>CFR</td>
<td>Code of Federal Regulations</td>
</tr>
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<td>CIG</td>
<td>Climate Impacts Group</td>
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<tr>
<td>CIP</td>
<td>Capital Improvement Plan Program</td>
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<td>CPORS</td>
<td>Comprehensive Parks, Recreation and Open Space Plan</td>
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<td>Citizens' Transportation Advisory Committee (0x)</td>
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<td>CTR</td>
<td>Community Trip Reduction (0x)</td>
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<td>CWPP</td>
<td>County-Wide Planning Policies</td>
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<td>CWSP</td>
<td>Whatcom County Coordinated Water System Plan</td>
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<td>CZM</td>
<td>Coastal Zone Management (0x)</td>
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<tr>
<td>DLI</td>
<td>Washington State Department of Labor and Industries (1x)</td>
</tr>
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<td>DNL</td>
<td>Day Night Average Sound Level</td>
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<td>DNR</td>
<td>Washington State Department of Natural Resources</td>
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<td>DOC</td>
<td>Department of Corrections (0x)</td>
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<tr>
<td>DOE</td>
<td>Washington State Department of Ecology or US Department of Energy</td>
</tr>
<tr>
<td>DUI</td>
<td>Driving under the influence (0x)</td>
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<tr>
<td>ECA</td>
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<td>EDA</td>
<td>Economic Development Administration (1x)</td>
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<td>Economic Development Task Force (0x)</td>
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<td>Energy Facility Site Evaluation Committee (1x)</td>
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<td>Environmental Impact Statement (0x)</td>
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<tr>
<td>EMF</td>
<td>Electromagnetic field</td>
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<td>Essential Public Facility Advisory Committee (0x)</td>
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<td>ESA</td>
<td>Endangered Species Act</td>
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<td>Federal Energy Regulatory Commission</td>
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<td>GC</td>
<td>General Commercial zone (0x)</td>
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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)
LI  Light Impact Industrial-zone (0x)
LMI  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  Megavoltamperes (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)
<table>
<thead>
<tr>
<th>Acronym</th>
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<tbody>
<tr>
<td>RV</td>
<td>Recreational vehicle</td>
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<tr>
<td>R2A</td>
<td>Rural zone (1 dwelling per 2 acres) (0x)</td>
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<td>R5A</td>
<td>Rural zone (1 dwelling per 5 acres) (0x)</td>
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<tr>
<td>R10A</td>
<td>Rural zone (1 dwelling per 10 acres)</td>
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<tr>
<td>SCFF</td>
<td>Secure community Transit Facilities (0x)</td>
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<td>SEPA</td>
<td>State Environmental Protection Act</td>
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<td>Surface Mining Advisory Committee (0x)</td>
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<td>Shoreline Management Program</td>
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<tr>
<td>TTAGC</td>
<td>Technical Transportation Advisory Committee (0x)</td>
</tr>
<tr>
<td>UGA</td>
<td>Urban growth area</td>
</tr>
<tr>
<td>UPAC</td>
<td>Utilities Planning and Advisory Committee (0x)</td>
</tr>
<tr>
<td>UR</td>
<td>Urban Residential zone (0x)</td>
</tr>
<tr>
<td>UR4</td>
<td>Urban Residential zone (4 dwellings per acre) (0x)</td>
</tr>
<tr>
<td>USDA</td>
<td>United States Department of Agriculture</td>
</tr>
<tr>
<td>VOC</td>
<td>Volatile Organic Compound</td>
</tr>
<tr>
<td>WAC</td>
<td>Washington Administrative Code</td>
</tr>
<tr>
<td>WA-CERT</td>
<td>Washington State Community Economic Revitalization Team (0x)</td>
</tr>
<tr>
<td>WCC</td>
<td>Whatcom County Code</td>
</tr>
<tr>
<td>WCCCP</td>
<td>Whatcom County Comprehensive Plan</td>
</tr>
<tr>
<td>WCGOG</td>
<td>Whatcom County Council of Governments</td>
</tr>
<tr>
<td>WDFW</td>
<td>Washington State Department of Fish and Wildlife</td>
</tr>
<tr>
<td>WRIA#1</td>
<td>Water Resource Inventory Area #1</td>
</tr>
<tr>
<td>WSDOT</td>
<td>Washington State Department of Transportation</td>
</tr>
<tr>
<td>WSRB</td>
<td>Washington Surveying and Rating Bureau</td>
</tr>
<tr>
<td>WTA</td>
<td>Whatcom Transportation Authority</td>
</tr>
<tr>
<td>WUTC</td>
<td>Washington Utilities and Transportation Commission</td>
</tr>
<tr>
<td>WWU</td>
<td>Western Washington-University (0x)</td>
</tr>
</tbody>
</table>
APPENDIX I
Proposed Council Changes to Comprehensive Plan

Appendix B – List of Acronyms

Page and line numbers reflect Planning Commission Recommended Draft (http://wawhatcomcounty.civicplus.com/DocumentCenter/View/18677). To improve clarity of Councilmember requested changes, previous edits (i.e. staff and Planning Commission) are included, but not show as edits.

1) ADU _______ Accessory Dwelling Unit (Brenner)

2) AG _______ Agricultural Zone (Brenner)

3) CF _______ Commercial Forestry zone (Brenner)

4) CTAC _______ Citizens' Transportation Advisory Committee (Brenner)

5) L&I _______ Washington State Department of Labor and Industries (Brenner)

6) DOC _______ Department of Corrections (Brenner)

7) DUI _______ Driving Under the Influence (Brenner)

8) EIS _______ Environmental Impact Statement (Brenner)

9) GC _______ General Commercial Zoning (Brenner)

10) GM _______ General Manufacturing Zoning (Brenner)

11) HII _______ Heavy Impact Industrial Zoning (Brenner)

12) HUD _______ United States Department of Housing and Urban Development (Brenner)

13) LID _______ Local Improvement District (Brenner)

14) LII _______ Light Impact Industrial Zoning (Brenner)
15) MW  Megawatt (Brenner)

16) NC  Neighborhood Commercial Zoning (Brenner)

17) R  Rural Zoning (Brenner)

18) RC  Rural Commercial Zoning (Brenner)

19) RF  Rural Forestry Zoning (Brenner)

20) RR-I  Rural Residential – Island Zoning (Brenner)

21) RR  Rural Residential Zoning (Brenner)

22) R2A  Rural Zoning; 1 Unit / 2 Acres (Brenner)

23) R5A  Rural Zoning; 1 Unit / 5 Acres (Brenner)

24) SMAC  Surface Mining Advisory Committee (Brenner)

25) SR9  State Route 9 (Brenner)

26) SR547  State Route 547 (Brenner)

27) SVCA  Sudden Valley Community Association (Brenner)

28) TC  Tourist Commercial Zoning (Brenner)

29) TDR  Transfer of Development Rights (Brenner)

30) UR  Urban Residential Zoning (Brenner)

31) WCC  Whatcom Community College (Brenner)

32) WCCP  Whatcom County Comprehensive Plan (Brenner)

33) WWU  Western Washington University (Brenner)
APPENDIX F
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]
# Table of Contents

Chapter 1 - Introduction ........................................................................... 3  
Growth Management Act Requirements ................................................. 3  
Charter Provisions and the County Budget ............................................. 4  
Contracting for Services ......................................................................... 4  

Chapter 2 - Parks, Trails, and Activity Centers ....................................... 4  
Parks ........................................................................................................ 4  
Existing Parks and Open Space Areas ..................................................... 4  
Future Parks Level of Service ................................................................. 5  
Proposed Park Improvement Projects .................................................... 5  
Financing for Park Improvement Projects ............................................. 5  
Trails ........................................................................................................ 6  
Existing Trails ......................................................................................... 6  
Future Trail Needs .................................................................................. 7  
Trail Improvement Projects ..................................................................... 7  
Financing for Trail Improvement Projects ............................................ 8  
Activity Centers ..................................................................................... 8  
Existing Activity Centers ....................................................................... 8  
Future Activity Center Needs ................................................................. 9  
Proposed Activity Center Improvement Projects .................................. 9  
Financing for Activity Center Improvement Projects ........................... 9  
Other Park and Recreation Projects ....................................................... 9  

Chapter 3 - Maintenance and Operations .............................................. 12  
Existing Maintenance and Operations Space ......................................... 12  
Proposed Maintenance and Operations Improvement Projects ............ 12  
Financing Maintenance and Operations Improvement Projects ............ 12  

Chapter 4 - Government Office Space ................................................... 12  
Existing Office Space ............................................................................ 12  
Proposed New Office Building Projects ............................................... 13  
Financing Maintenance and Operations Improvement Projects ............ 13  

Chapter 5 - Sheriff's Office .................................................................... 13  
Existing Sheriff's Office Space ............................................................... 13  
Future Sheriff's Office Needs ................................................................. 13  

*Whatcom County Comprehensive Plan*  
F- 2
Appendix F—Six-Year CIP 2013-2018

Proposed Sheriff's Office Improvement Projects ................................................................. 14
Financing Maintenance and Operations Improvement Projects ........................................... 14
Chapter 6—Emergency Management/Emergency Operations Center (EOC) ...................... 14
Existing Emergency Management/EOC Space ................................................................... 14
Future Emergency Management/EOC Needs ...................................................................... 14
Proposed Emergency Management/EOC Projects ............................................................... 15
Financing Maintenance and Operations Improvement Projects ......................................... 15

Chapter 7—Jails ...................................................................................................................... 15
Existing Jail Facilities .......................................................................................................... 15
Future Jail Needs ................................................................................................................ 15
Proposed Jail Improvement Projects ................................................................................... 15
Financing for Jail Improvement Projects ............................................................................. 16

Chapter 8—Juvenile Detention ............................................................................................ 16
Existing Juvenile Detention Facilities .................................................................................. 16
Future Juvenile Detention Needs ......................................................................................... 16
Proposed Juvenile Detention Projects ............................................................................... 16
Financing for Juvenile Detention Improvement Projects .................................................... 17

Chapter 9—Transportation ................................................................................................... 17
Roads ................................................................................................................................... 17
Existing Roads ..................................................................................................................... 17
Future Road Needs ............................................................................................................. 17

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 ................................................................................................................................. 17
Proposed Improvement Projects ......................................................................................... 17
Financing for Improvement Projects .................................................................................... 17

Lummi Ferry ......................................................................................................................... 18
Existing Ferry Facilities ....................................................................................................... 18
Future Ferry Needs ............................................................................................................... 18
Proposed Ferry Improvement Projects ............................................................................... 18
Financing for Ferry Improvement Projects ......................................................................... 18

Chapter 10—Stormwater and Flood Protection Facilities ...................................................... 18
Stormwater ........................................................................................................................... 18
Existing Stormwater Management Facilities ..................................................................... 18
Financing for Stormwater Projects ...................................................................................... 19
Flood Protection .................................................................................................................. 22

Whatcom County Comprehensive Plan

F- 3
Existing Flood Protection Facilities ........................................... 22
Financing for Flood Protection Projects ..................................... 22
Chapter 11—Improvements to Existing Buildings ......................... 23
Chapter 12—Costs by Project Category ........................................ 24

Tables
Table 1. Existing Parks .......................................................... 7
Table 2. Park Improvement Projects, 2013–2018 ............................ 9
Table 3. Inventory of Existing Trails ........................................... 10
Table 4. Trail-Improvement Projects, 2013–2018 .......................... 11
Table 5. Inventory of Existing Activity Centers ............................ 12
Table 6. Inventory of Existing Maintenance and Operations Space ...... 15
Table 7. Inventory of Government Office Space ............................. 15
Table 8. Inventory of Existing Sheriff’s Office Space ...................... 16
Table 9. Existing Emergency Management/EOC Space ................... 17
Table 10. Inventory of Existing Jail Beds ..................................... 18
Table 11. Jail Improvement Projects to Serve County Wide, 2013–2018 19
Table 12. Inventory of Existing Juvenile Detention Facilities ............. 19
Table 13. Stormwater projects constructed since 2005 ................. 22
Table 14. Lake Whatcom Stormwater Projects 2013–2018 ................ 23
Table 15. Birch Bay Stormwater Projects 2013–2018 ..................... 24
Table 16. Lake Samish Stormwater Projects 2013–2018 ................. 24
Table 17. Significant flood projects constructed since 2000 ............. 25
Table 18. Flood Protection Projects 2013–2018 ............................. 25
Table 19. Improvement to Existing Buildings, 2013–2018 ............... 26
Table 20. Cost by Project Category, 2013–2018 ............................ 27
Chapter 1—Introduction

The Growth Management Act requires that the County’s Comprehensive Plan include a “capital facilities plan element” (RCW 36.70A.070(3)). The Whatcom County Comprehensive Plan calls for the County to develop and update the Six-Year Capital Improvement Program for County projects. The main purpose of this Capital Improvement Program is to plan County facilities to serve the people of Whatcom County over the next six years.

Growth Management Act Requirements

According to the Growth Management Act, a county’s capital facilities plan must include five items, which are shown below:

A.—An inventory of existing capital facilities owned by public entities, showing the locations and capacities of the capital facilities;

Current inventories of existing County capital facilities, based upon information provided by various County departments, are included in each chapter of this document.

B.—A forecast of the future needs for such capital facilities;

Chapters 4 and 6 of the Whatcom County Comprehensive Plan establish “level of service” standards for County parks, administrative facilities (i.e., Sheriff’s office space), correction facilities, and transportation. Level of service standards are expressed in acres of parkland needed for every 1,000 people in the County, square feet of Sheriff’s office space needed to serve each person in the County, etc. Forecasts of future needs for capital facilities over the six-year planning period are determined by applying the adopted level of service for a given facility to the expected population in the year 2018.

C.—Proposed locations and capacities of expanded or new capital facilities.

General locations and capacities (acres of parkland, jail beds, etc.) of proposed new County facilities are indicated in this document.

D.—At least a six-year plan that will finance such capital facilities within projected funding capacities and clearly identifies sources of public money for such purposes.

This Six-Year Capital Improvement Program presents costs and funding sources for proposed County capital facilities (all figures are in 2012 dollars). There are a variety of funding sources that the County utilizes to pay for capital facilities, including real estate excise tax, conservation futures, the public utilities improvement fund, the jail fund and grants. One other potential source is the County’s General Fund. The Finance Manager for Whatcom County indicated that over the six-year planning period, there would be little revenue in the County’s General Fund to finance capital facilities. However, the capital facilities proposed in this Six-Year Capital Improvement Program are within the County’s funding capacity. Specifically, Whatcom County’s unused limited tax general obligation
bond long-term debt capacity at the end of 2011 was $337,885,810, which far exceeds the expenditures proposed by this Six-Year Capital Improvement Program. Therefore, it would be possible to issue bonds to pay for capital facilities if revenue is increased, expenses decreased, or programs reprioritized to make debt service payments.

Revenue and expenditure projections for roads and related non-motorized facilities are set forth in the six-year transportation improvement program.

E. A requirement to reassess the land-use element if probable funding falls short of meeting existing needs and to ensure that the land-use element, capital facilities plan element, and financing plan within the capital facilities plan element are coordinated and consistent.

Finally, in accordance with the Growth Management Act, a requirement to reassess the land-use element of the Comprehensive Plan if probable funding falls short of meeting existing needs and to ensure consistency between plans already exists in the Comprehensive Plan (Policy 4A-4).

Charter Provisions and the County Budget
In addition to Growth Management Act provisions relating to capital facilities, Section 6.30 of the County Charter also requires the County to include a six-year capital improvement program as part of the budget. Appropriation for 2013–2014 capital projects may be included in the biennial budget or may be adopted through the supplemental budget process. Ultimate funding for capital improvement projects is subject to County Council authorization in the adopted budget. Costs identified for 2015–2018 are included for planning purposes and review of potential future needs, but not for budget authorization at this time.

Contracting for Services
Whatcom County may contract with other entities, such as the Council of Governments and the Northwest Regional Council, for vital community services. These contracts represent County participation in providing essential services, alongside other partners, without the need to construct County-owned capital facilities, which can be very costly.

Chapter 2—Parks, Trails, and Activity Centers

Parks
Existing Parks and Open Space Areas
The 2012 inventory of County-owned parks and open space areas 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>33.99</td>
</tr>
<tr>
<td>3</td>
<td>Hovander Homestead Park and Tennant Lake, 5299 Nielsen Rd.</td>
<td>333.42</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>150,000</td>
<td>150,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>300,000</td>
<td>1 and 2</td>
</tr>
<tr>
<td>5. Riverplace Park Ferndale</td>
<td>50</td>
<td>100,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>100,000</td>
<td>1, 2, 4 and 5</td>
</tr>
<tr>
<td>6. South Fork Regional Park, Mosquito Lake Rd.</td>
<td>0</td>
<td>0</td>
<td>250,000</td>
<td>400,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>650,000</td>
<td>1, 2 and 3</td>
</tr>
<tr>
<td>32. Sunnyside Landing Park, North Shore Rd.</td>
<td>6</td>
<td>0</td>
<td>0</td>
<td>50,000</td>
<td>50,000</td>
<td>0</td>
<td>100,000</td>
<td>1 and 2</td>
<td></td>
</tr>
</tbody>
</table>

| Total | 271 | 100,000 | 400,000 | 730,000 | 430,000 | 530,000 | 280,000 | 2,470,000 |

**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-Glacier</td>
<td>4.00</td>
</tr>
<tr>
<td>4</td>
<td>Canyon Lake, off Canyon Lake Rd.</td>
<td>4.50</td>
</tr>
<tr>
<td>5</td>
<td>Chuckanut Ridge</td>
<td>0.36</td>
</tr>
<tr>
<td>6</td>
<td>Deming Homestead Eagle Park, Truck Rd.</td>
<td>0.30</td>
</tr>
<tr>
<td>7</td>
<td>Hemlock, Chuckanut area</td>
<td>3.53</td>
</tr>
<tr>
<td>8</td>
<td>Hovander Marrietta Coast Millennium Trail</td>
<td>4.90</td>
</tr>
<tr>
<td>9</td>
<td>Huckleberry, Chuckanut area</td>
<td>0.43</td>
</tr>
<tr>
<td>10</td>
<td>Interurban, Chuckanut area</td>
<td>2.80</td>
</tr>
<tr>
<td>11</td>
<td>Jensen, Stein Rd. and Birch Bay Lynden Rd.</td>
<td>0.61</td>
</tr>
<tr>
<td>12</td>
<td>Lake Samish, 673 N. Lake Samish Dr.</td>
<td>1.30</td>
</tr>
<tr>
<td>13</td>
<td>Lake Whatcom Park</td>
<td>4.02</td>
</tr>
<tr>
<td>14</td>
<td>Lily Point, Point Roberts</td>
<td>4.17</td>
</tr>
<tr>
<td>15</td>
<td>Lost Lake, Chuckanut area</td>
<td>3.07</td>
</tr>
<tr>
<td>16</td>
<td>Lower Salal, Chuckanut area</td>
<td>1.30</td>
</tr>
<tr>
<td>17</td>
<td>Madrona, Chuckanut area</td>
<td>0.78</td>
</tr>
<tr>
<td>18</td>
<td>Maple Creek, off Silver Lake Rd. in Maple Falls</td>
<td>1.50</td>
</tr>
<tr>
<td>19</td>
<td>Monument Park, Marine Dr. and Roosevelt in Point Roberts</td>
<td>0.18</td>
</tr>
<tr>
<td>20</td>
<td>Olsen Property Trail, Lake Whatcom Watershed</td>
<td>4.00</td>
</tr>
<tr>
<td>21</td>
<td>Ostrom Property, 4304 South Pass Rd.</td>
<td>0.66</td>
</tr>
<tr>
<td>22</td>
<td>Pine and Cedar Lakes, Chuckanut area</td>
<td>3.87</td>
</tr>
<tr>
<td>23</td>
<td>Point Whitehorn, Birch Bay area</td>
<td>0.75</td>
</tr>
<tr>
<td>24</td>
<td>Raptor Ridge, Chuckanut area</td>
<td>0.40</td>
</tr>
<tr>
<td>25</td>
<td>Salal, Chuckanut area</td>
<td>1.18</td>
</tr>
<tr>
<td>26</td>
<td>Semiahmoo East Paved</td>
<td>0.63</td>
</tr>
<tr>
<td>27</td>
<td>Semiahmoo West Footpath</td>
<td>0.45</td>
</tr>
<tr>
<td>28</td>
<td>Silver Lake Park, 9187 Silver Lake Rd.</td>
<td>3.10</td>
</tr>
<tr>
<td>29</td>
<td>Soccer Trail, Smith Rd. and Northwest Dr.</td>
<td>0.30</td>
</tr>
<tr>
<td>30</td>
<td>Squires Lake, 135 Old Highway 99 North Rd.</td>
<td>2.14</td>
</tr>
<tr>
<td>31</td>
<td>Stimson Reserve, Lake Louise Rd.</td>
<td>4.04</td>
</tr>
<tr>
<td>32</td>
<td>Sunset, 7989 Blaine Rd.</td>
<td>0.57</td>
</tr>
<tr>
<td>33</td>
<td>Teddy Bear Cove, Chuckanut area</td>
<td>0.33</td>
</tr>
<tr>
<td></td>
<td>TOTAL</td>
<td>60.63</td>
</tr>
</tbody>
</table>

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>
</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>
</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>
</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>
</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>
</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>
</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>
</tr>
</tbody>
</table>

Funding Source Key
1. Grants
2. REET
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, 7498 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**
  - Play fields
  - Park trails

- **Birch Bay**
  - Restrooms, parking improvements, open space improvements and access

- **Canyon Lake**
  - Access road repairs

- **Coast Millennium Trail**
  - Trail construction
- **East Whatcom Regional Resource Center**
  - Play fields
  - Covered play area

- **Hovander Park—Tennant Lake**
  - Improve accessibility, exhibits and function in animal contact area
  - Improve vehicle access, entrance and non-motorized accessibility
  - Construct new restroom building(s)
  - Evaluate & rectify sinking building foundation Hovander Home
  - Reconstruct / replace Tennant Lake boardwalk
  - Surface / improve parking areas and access roads
  - Construct group camp area and sites
  - Construct special event group picnic area and shelters
  - Construct bike / pedestrian facility over 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**

*Whatcom County Comprehensive Plan*
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 striping
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
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. (Facilities Management Storage)</td>
<td>3,660</td>
</tr>
<tr>
<td></td>
<td><strong>TOTAL</strong></td>
<td><strong>44,411</strong></td>
</tr>
</tbody>
</table>

Proposed Maintenance and Operations Improvement Projects
No improvement projects that would add usable space are proposed within the six-year planning period. Only maintenance projects may be undertaken.

Financing Maintenance and Operations Improvement Projects
Not applicable.

Chapter 4 – Government Office Space

Existing Office Space
The 2012 inventory of County government office space is 180,769 square feet at eight locations. This inventory is shown below.

Table 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>500 Girard St.</td>
<td>13,189</td>
</tr>
<tr>
<td>7</td>
<td>3373 Mt. Baker Highway</td>
<td>2,110</td>
</tr>
<tr>
<td>8</td>
<td>1500 N. State St.</td>
<td>12,281</td>
</tr>
<tr>
<td>9</td>
<td>Northwest Annex (5280 and 5256 Northwest Dr.)</td>
<td>21,438</td>
</tr>
<tr>
<td></td>
<td><strong>Total</strong></td>
<td><strong>180,769</strong></td>
</tr>
</tbody>
</table>

Whatcom County Comprehensive Plan
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>
</tbody>
</table>

Total 23,962

Notes:
1. The Sheriff’s Office also has storage facilities at various locations in Whatcom County.
2. The County has two mobile homes and an old detention facility in Point Roberts. The resident deputies operate out of their homes or utilize space at the U.S. Customs office at the border.

Existing Sheriff’s Office facilities locations and square footage include shared space at local fire districts that is available depending on Fire District needs and is generally subject to change with short notice or no notice, and rented or leased space not solely dedicated to Sheriff’s Office use.

Future Sheriff’s Office Needs
A level of service of 0.26 square feet of Sheriff’s Office space per capita was adopted in the Comprehensive Plan. With projected population growth in unincorporated Whatcom County over the next six years, a small amount of additional Sheriff’s Office space (approximately 81 square feet) would be needed in 2018 to meet the adopted level of service. A plan has not been formulated at the present time to increase the Sheriff’s Office space. Therefore, either the LOS will need to be re-evaluated at the next comprehensive plan update or a plan will need to be formulated to provide additional office space in the future. Most Sheriff’s Office functions are based in the Public Safety Building adjacent to the Courthouse and are remote to the vast majority of Sheriff’s Office Bureau of Law Enforcement and Investigative Services functions that take place in unincorporated Whatcom County. This results in inefficiencies and delays. Space and design factors in
current facilities preclude consolidating various functions performed throughout the agency (reception, finance, etc.) and result in redundancies. When fiscally feasible, existing Sheriff's Office facilities and associated functions should be consolidated (except for "Resident Deputy" program facilities).

**Proposed Sheriff's Office Improvement Projects**
At the current time, no improvement projects that would add usable space are proposed within the six-year planning period.

**Financing Maintenance and Operations Improvement Projects**
Not applicable.

Chapter 6—Emergency Management/Emergency Operations Center (EOC)

**Existing Emergency Management/EOC Space**
The 2012 inventory of Division of Emergency Management office space is 1,821 square feet, located in the Civic Center Annex as shown below. The active Emergency 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 and an additional 578 square feet, over and above the existing 1,821 square feet of office space, would be needed by the year 2018 to meet the adopted level of service. However, during an emergency when a location for an EOC is needed, there is access to the portable building at the Central Shop (approximately 3,600 square feet). This is a designated "cold site" that will require 45 minutes to 1 ½ hours to set-up.

The Division of Emergency Management may need to move out of the Civic Center Annex within the next year, as other County functions may move into this space. The County is working to develop a comprehensive and coordinated plan to re-

*Whatcom County Comprehensive Plan*  
F-16
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>
<tr>
<td></td>
<td><strong>TOTAL</strong></td>
<td><strong>433</strong></td>
</tr>
</tbody>
</table>

**Future Jail Needs**
A level of service of 1.42 beds for every 1,000 people in the County was adopted in 1997 in the Whatcom County Comprehensive Plan. Based on the actual average daily populations of the two County jail facilities, the County plans to review this level of service. Average daily populations documented by the Corrections Bureau since 2006 have been well above the minimum number of beds required by the current level of service standard. The County needs to review and update the existing level of service standard. This review will begin in 2013.

**Proposed Jail Improvement Projects**
There are serious concerns among law and justice officials relating to jail facility needs in the community. This need has been documented by recommendations from the Whatcom County Law and Justice Plan Phase II Report (June 2000), in a report entitled Operational Review of the Whatcom County, Washington Jail (March 2004), and in the Whatcom County Jail Planning Task Force Recommendations (Dec. 2011 and March 2012). In an effort to meet the community need, the County will be siting and constructing a Sheriff's Office New Main Jail Facility, tentatively...
scheduled to open with 600 beds. At the time the Sheriff's Office New Main Jail Facility is open, the offenders at the minimum-security corrections facility would be relocated to the new facility. A location for the Sheriff's Office New Main Jail Facility has not been selected. It is anticipated that the new jail facility will come on line by 2016.

**Financing for Jail Improvement Projects**

The cost of the proposed Sheriff's Office New Main Jail Facility is approximately $60,000,000 within the six-year planning period. These costs would be paid for through the general fund, REET-I, public utilities improvement fund, jail fund and voter and/Council approved bonds.

*Table 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-I
3. Public Utilities Improvement Fund
4. Jail Fund
5. Bonds

**Chapter 8—Juvenile Detention**

**Existing Juvenile Detention Facilities**

The 2012 inventory of County juvenile detention facilities includes 32 beds serving the county-wide population. The juvenile detention facility is located on the sixth floor of the County Courthouse at 311 Grand Avenue.

*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 time-frame.

The six-year plan also includes a number of bridge replacements, several reconstruction projects, and the Birch Bay Drive & Pedestrian Facility improvements, which include pedestrian and non-motorized enhancements along Birch Bay Dr. from Alderson Rd. to Harborview Rd.

In addition to the projects in the Six-Year Transportation Program, the Lincoln Road/Birch Point connector is a developer-funded project. The project completion date is unknown because of current economic conditions.

Financing for Improvement Projects
The total cost of the County transportation projects in the Six-Year Transportation Improvement Program is $48,236,000. These costs include $24,705,000 of County funds, with the remainder being funded by the State and Federal governments. These costs are shown in greater detail in Resolution No. 2012-023.
Lummi Ferry
Existing Ferry Facilities
Whatcom County currently has one ferry vessel serving Lummi Island. The ferry runs between Lummi Island and Gooseberry Point on a daily basis.

Future Ferry Needs
The Whatcom County Comprehensive Plan sets a level of service of 513 ferry passenger trips annually per capita of Lummi Island population. Based upon projected population, the Lummi ferry will not meet the adopted level of service over the six-year planning period.

The Whatcom County Comprehensive Plan sets a level of service of 513 ferry passenger trips annually per capita of Lummi Island population. Based upon projected population, the Lummi ferry will not meet the adopted level of service over the six-year planning period. Therefore, it will be appropriate to consider revising the LOS standard during the next comprehensive plan update.

Proposed Ferry Improvement Projects
No improvement projects that would add ferry capacity are proposed within the six-year planning period.

Financing for Ferry Improvement Projects
No improvement projects that would add ferry capacity are proposed within the six-year planning period. Other ferry improvement costs are shown on the Six-Year Transportation Improvement Program.

Chapter 10 – Stormwater and Flood Protection Facilities

Stormwater
Existing Stormwater Management Facilities
Public Works Department is responsible for the design, engineering, and construction of county-owned stormwater facilities. Many stormwater facilities are road-related stormwater conveyance systems, such as culverts and ditches, on and adjacent to county roads. Others are off-right-of-way facilities that control storm flows and improve water quality.

In response to (1) increasing federal and state mandates to manage stormwater and (2) the public’s desire to improve stewardship of sensitive watersheds, Whatcom County established a Stormwater Section in the Surface Water Division of the Public Works Department in 2005. The Stormwater Section is responsible for planning, designing, engineering, and construction of stormwater facilities. Inventories of existing stormwater facilities are maintained by the Public Works Department. Engineering Services Division maintains an inventory of all road-related facilities. The Surface Water Division maintains an inventory of public and private stormwater facilities in the area covered by the county’s NPDES Phase II permit for Municipal Separate Storm Sewer Systems. This inventory includes ditches, culverts, catch basins, vaults, ponds and swales. Stormwater projects that have been constructed since the Public Works Stormwater Section was created in 2005 are listed below.
Table 13: Stormwater Projects Constructed Since 2005

<table>
<thead>
<tr>
<th>Site No.</th>
<th>Watershed</th>
<th>Facility Name</th>
<th>Year Completed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Lake Whatcom</td>
<td>Geneva stormwater retrofits</td>
<td>2006</td>
</tr>
<tr>
<td>2</td>
<td>Lake Whatcom</td>
<td>Cable Street reconstruction &amp; stormwater improvements</td>
<td>2007</td>
</tr>
<tr>
<td>3</td>
<td>Lake Whatcom</td>
<td>Lahti Drive stormwater improvements</td>
<td>2010</td>
</tr>
<tr>
<td>4</td>
<td>Lake Whatcom</td>
<td>Silver Beach Creek improvements - 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>0</td>
<td>200,000</td>
<td>0</td>
<td>200,000</td>
<td>1 and 2</td>
</tr>
<tr>
<td>8. Velocity reductions, Toad Lake at Academy Rd.</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>400,000</td>
<td>0</td>
<td>400,000</td>
<td>1 and 2</td>
</tr>
<tr>
<td>9. Silver Beach Creek main channel restoration below Hills Dale</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>450,000</td>
<td>450,000</td>
<td>1 and 2</td>
</tr>
<tr>
<td>10. Lake Whatcom Blvd. stormwater improvements Vaults and roadside treatments</td>
<td>150,000</td>
<td>600,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>750,000</td>
<td>1, 2 and 4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>770,000</td>
<td>1,100,000</td>
<td>400,000</td>
<td>420,000</td>
<td>400,000</td>
<td>450,000</td>
<td>3,540,000</td>
<td></td>
</tr>
</tbody>
</table>

**Funding Source Key**
1. REET II
2. Grants
3. Flood Control Zone District taxes
4. Local Flood Control Subzone District Fees

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*Whatcom County Comprehensive Plan F- 22*
### 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 By-pass</td>
<td>400,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>400,000</td>
<td>1, 2 and 4</td>
</tr>
<tr>
<td>Re-route to new outlet and installation of water quality treatment facilities</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2. Cottonwood- Fern &amp; &amp; Beachway Neighborhood drainage improvement</td>
<td>150,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>150,000</td>
<td>1, 2 and 4</td>
</tr>
<tr>
<td>3. Shintaffer Road/Deer Creek, Partial re-route to new upgraded outlet water quality treatment facilities</td>
<td>0</td>
<td>425,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>425,000</td>
<td>1, 2 and 4</td>
</tr>
<tr>
<td>4. Roger's Slough, System upgrades to reduce flooding and provide water quality treatment facilities</td>
<td>50,000</td>
<td>0</td>
<td>250,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>300,000</td>
<td>1, 2 and 4</td>
</tr>
<tr>
<td>5. Birch Bay Dr., Stormwater upgrades to beach outfalls</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>500,000</td>
<td>0</td>
<td>0</td>
<td>500,000</td>
<td>1, 2, 3 and 4</td>
</tr>
<tr>
<td>6. Point Whitehorn, Drainage upgrade and water quality facility installation</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>200,000</td>
<td>0</td>
<td>200,000</td>
<td>1, 2 and 4</td>
</tr>
<tr>
<td>7. Central Birch Bay Establish one or more drainage routes from upland to bay, install or upgrade conveyance system and develop water quality treatment facilities</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>750,000</td>
<td>750,000</td>
<td>1, 2 and 4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>600,000</strong></td>
<td><strong>425,000</strong></td>
<td><strong>250,000</strong></td>
<td><strong>500,000</strong></td>
<td><strong>200,000</strong></td>
<td><strong>750,000</strong></td>
<td><strong>2,725,000</strong></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><strong>30,000</strong></td>
<td><strong>0</strong></td>
<td><strong>0</strong></td>
<td><strong>0</strong></td>
<td><strong>0</strong></td>
<td><strong>0</strong></td>
<td><strong>30,000</strong></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
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>2006</td>
</tr>
<tr>
<td>4</td>
<td>Near Ferndale</td>
<td>Bertrand Creek Levee Setback Project</td>
<td>2006</td>
</tr>
<tr>
<td>5</td>
<td>Deming</td>
<td>Deming Levee Rehabilitation Project</td>
<td>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 Deflection Berm Debris Flow Protection and Turkington Rd. bridge reconfiguration</td>
<td>675,000</td>
<td>325,000</td>
<td>2,000,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>3,000,000</td>
<td>1,2,3 and 4</td>
</tr>
<tr>
<td>4. Swift Creek and Sumas River Bridges Sediment Management</td>
<td>25,000</td>
<td>25,000</td>
<td>25,000</td>
<td>25,000</td>
<td>25,000</td>
<td>25,000</td>
<td>150,000</td>
<td>1,2,3 and 4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>3,226,000</td>
<td>1,950,000</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-EE
2. Grants
3. Flood Control Zone District taxes
4. Local Flood Control Subzone District Fees

Whatcom County Comprehensive Plan  F- 24
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 10: 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>
<td>4</td>
</tr>
<tr>
<td>8. Northwest Annex - Engineering and remodel</td>
<td>0</td>
<td>0</td>
<td>120,000</td>
<td>800,000</td>
<td>0</td>
<td>0</td>
<td>920,000</td>
<td>2 and 3</td>
</tr>
<tr>
<td>9. Whatcom County Buildings Interior Painting</td>
<td>50,000</td>
<td>50,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>100,000</td>
<td>3</td>
</tr>
<tr>
<td>10. Central Plaza Building Engineering &amp; Replacement Gas-Packs, HVAC</td>
<td>10,000</td>
<td>65,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>75,000</td>
<td>3</td>
</tr>
<tr>
<td>11. Courthouse Exit Light Replacement</td>
<td>35,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>35,000</td>
<td>3</td>
</tr>
<tr>
<td>12. Central Plaza Building Exterior Building Envelope Repairs &amp; Maintenance</td>
<td>10,000</td>
<td>40,000</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>50,000</td>
<td>3</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2,805,000</strong></td>
<td><strong>3,705,000</strong></td>
<td><strong>1,240,000</strong></td>
<td><strong>920,000</strong></td>
<td><strong>1,600,000</strong></td>
<td><strong>0</strong></td>
<td><strong>10,270,000</strong></td>
<td></td>
</tr>
</tbody>
</table>

**Funding Source Key**

1. Grants
2. EDI funds
3. REEF
4. Jail Fund
5. Bonds
6. Behavioral Health Fund
7. General Fund

Whatcom County Comprehensive Plan
**Chapter 12 – Costs by Project Category**

**Table 20: Cost by Project Category, 2013-2018**

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Parks</td>
<td>400,000</td>
<td>400,000</td>
<td>730,000</td>
<td>430,000</td>
<td>530,000</td>
<td>280,000</td>
<td>2,470,000</td>
<td>1.76%</td>
</tr>
<tr>
<td>Trails</td>
<td>1,500,000</td>
<td>155,000</td>
<td>1,140,000</td>
<td>1,125,000</td>
<td>1,125,000</td>
<td>1,175,000</td>
<td>6,220,000</td>
<td>4.43%</td>
</tr>
<tr>
<td>Sheriff’s Office-New Jail</td>
<td>10,000,000</td>
<td>10,000,000</td>
<td>18,000,000</td>
<td>18,000,000</td>
<td>4,000,000</td>
<td>0</td>
<td>60,000,000</td>
<td>42.70%</td>
</tr>
<tr>
<td>Transportation</td>
<td>18,906,000</td>
<td>11,205,000</td>
<td>4,470,000</td>
<td>4,552,000</td>
<td>4,552,000</td>
<td>4,554,000</td>
<td>48,236,000</td>
<td>34.33%</td>
</tr>
<tr>
<td>Stormwater Flood</td>
<td>1,400,000</td>
<td>1,525,000</td>
<td>650,000</td>
<td>920,000</td>
<td>600,000</td>
<td>1,200,000</td>
<td>6,295,000</td>
<td>4.48%</td>
</tr>
<tr>
<td>Protection Existing Buildings</td>
<td>3,226,000</td>
<td>1,650,000</td>
<td>2,075,000</td>
<td>25,000</td>
<td>25,000</td>
<td>25,000</td>
<td>7,026,000</td>
<td>5.00%</td>
</tr>
<tr>
<td>Total Cost</td>
<td>37,937,000</td>
<td>28,040,000</td>
<td>28,306,000</td>
<td>25,972,000</td>
<td>12,432,000</td>
<td>7,234,000</td>
<td>140,617,000</td>
<td>100.00%</td>
</tr>
</tbody>
</table>
Proposed Council Changes to Comprehensive Plan

Appendix F – 6-year

*Page and line numbers reflect Planning Commission Recommended Draft ([http://wa-whatcomcounty.civicplus.com/DocumentCenter/View/18696](http://wa-whatcomcounty.civicplus.com/DocumentCenter/View/18696)). To improve clarity of Councilmember requested changes, previous edits (i.e. staff and Planning Commission) are included, but not show as edits.*

p. F-13; in table: Remove demolition of Northwest Annex. *(Brenner)*

p. F-17; “Existing Jail Beds” table: Change Jail Bed count of the Public Safety Building from 283 to 212. *(Brenner)*
APPENDIX G

(Proposal – delete the existing Appendix G and replace with a description of the County’s water resource and salmon recovery programs)
Appendix G

Whatcom County Water Resource and Salmon Recovery Programs

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

Contents

Whatcom County Water Resource Programs .......................................................... 1
WRIA 1 Watershed Management Project ............................................................... 1
WRIA 1 Joint Board ............................................................................................... 2
WRIA 1 Joint Policy Boards ............................................................................... 2
Local Integrating Organization (LIO) ..................................................................... 2
WRIA 1 Planning Unit ........................................................................................ 3
WRIA 1 Watershed Management Plan ................................................................. 3
Lake Whatcom Watershed Management ............................................................. 4
Lake Whatcom Watershed Management Program .............................................. 7
Sudden Valley ........................................................................................................ 8
Groundwater Protection & Management ............................................................... 10
Flood Hazard Management .................................................................................. 10
Organization ......................................................................................................... 11
Pertinent Documents ............................................................................................ 12
Stormwater Management ....................................................................................... 12
County Stormwater Management Programs ....................................................... 12
Salmon Recovery Program .................................................................................. 15
WRIA 1 Salmon Recovery Strategy ..................................................................... 15

Whatcom County Water Resource Programs

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

WRIA 1 Watershed Management Project

The WRIA 1 Watershed Management Project is the result of the 1998 Washington State Watershed Management Act, which required all participating local governments to address water quantity, with the option of addressing water quality, instream flows, and fish habitat. The WRIA 1 Watershed Management Project has brought together citizens, local governments, tribes, and state and federal agencies to address these issues.
The framework for watershed management in the state is based on geographic areas known as Water Resource Inventory Areas (WRIs). WRIA 1 includes the Nooksack River basin and several adjoining smaller watersheds, such as the coastal drainages of Dakota and California Creeks, as well as Lake Whatcom.

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

**WRIA 1 Joint Board**

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

**WRIA 1 Joint Policy Boards**

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

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

**Local Integrating Organization (LIO)**

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

**WRIA 1 Planning Unit**

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

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

**WRIA 1 Watershed Management Plan**

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

- **Water Quantity** — To assess water supply and use, and develop strategies to meet current and future needs. The strategies should retain or provide adequate amounts of water to protect and restore fish habitat, provide water for future out-of-stream-uses, and ensure that adequate water supplies are available for agriculture, energy production, and population and economic growth under the requirements of the state’s Growth Management Act.

- **Water Quality** — To ensure that the quality of our water is sufficient for current and future uses, including restoring and protecting water quality to meet the needs of salmon and shellfish, contact recreational uses, cultural uses, protection of wildlife, providing affordable, safe domestic water
supplies, and other beneficial uses. The initial objectives of the water quality management strategy will be to meet the water quality standards.

- **Instream Flow** – To supply water in sufficient quantities to restore salmon, steelhead, and trout populations to healthy and harvestable levels and improve habitats on which fish rely.

- **Fish Habitat** – To protect or enhance fish habitat in the management area and to restore salmon, steelhead, and trout populations to healthy and harvestable levels and improve habitats on which fish rely.

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

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

**Lake Whatcom Watershed Management**

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

Lake Whatcom is a large multi-purpose reservoir that is the source of drinking water for the City of Bellingham, Lake Whatcom Water and Sewer District, several other smaller water districts/associations, and about 250 homes that draw water directly from the lake. All told, the lake provides water to about half the population of Whatcom County.
Lake Whatcom is a multiple use lake and watershed. In addition to providing water for drinking, commercial and industrial uses, the lake is used for boating, swimming, and fishing. The majority of the watershed is forested, mainly surrounding the large southernmost portion of the lake. Other land uses include residential development (approximately 5,0300 homes are located within the watershed), limited agriculture and commercial development, parks, and other public facilities. The on-going management challenge is trying to determine the extent to which these practices can occur while maintaining safe, clean drinking water. The challenge is further complicated by possible requirements related to the Endangered Species Act, tribal water rights, and the potential impact these issues may have on how the City's diversion from the Nooksack River is operated.

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 Outside the Bellingham City limits, approximately 70%75% of the watershed is in Forestry zoning and more than 75%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 the Lake Whatcom Water and Sewer District. 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.

The City of Bellingham and Lake Whatcom Water and Sewer District are responsible for ensuring drinking water standards are met for their customers. To date water supplies have consistently met standards. The ability to continue to economically meet drinking water standards requires maintaining source water that requires minimal treatment. For this reason the City of Bellingham maintains an ongoing source water-monitoring program. Other agencies including Western Washington University, Department of Natural Resources, Department of Fish and Wildlife, Department of Ecology, Lake Whatcom Water and Sewer District, and

Whatcom County Comprehensive Plan Ap G - 5

358
Whatcom County, have also conducted monitoring, studies, and/or evaluations of the lake and watershed.

Lake Whatcom is the drinking water source for approximately half of Whatcom County. Recent studies on Lake Whatcom conducted over a number of years 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 placed Lake Whatcom on the Federal Clean Water Act 303(d) list because of low oxygen levels in the lake and high bacteria levels in streams that flow into the lake. The 303(d) listing requires the establishment of a Total Maximum Daily Loads (TMDLs) 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. The Department of Ecology issued the “Lake Whatcom Watershed Total Phosphorus and Bacteria Total Maximum Daily Loads: Volume 1, Water Quality Study Findings” in 2008. This study documented that Lake Whatcom is impaired for dissolved oxygen due to phosphorus loading and that streams flowing into Lake Whatcom do not meet fecal coliform bacteria standards. Loading capacities for total phosphorus and bacteria reduction targets were set forth in this document. In 2013 The Department of Ecology issued a draft “Lake Whatcom Watershed Total Phosphorus and Bacteria Total Maximum Daily Loads: Volume 2, Water Quality Improvement Report and Implementation Strategy.” In 2013, This report identifies how much phosphorus can be discharged to the Lake and identifies how the bacteria load should be allocated between the County and City of Bellingham, in order to meet water quality standards.

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 stimulates algae growth. Bacteria that consume the dying algae deplete the dissolved oxygen, leading to 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.

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. Whatcom County has taken a number of actions to reduce phosphorus and otherwise address Lake Whatcom water quality. These include rezoning land to allow less development in the watershed, adoption of the Lake Whatcom Comprehensive Stormwater Management Plan, revising stormwater management standards for private development to significantly reduce potential phosphorus runoff, construction of stormwater capital improvement...
projects and adoption of regulations that restrict the application of commercial fertilizers.

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

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

**Lake Whatcom Watershed Management Program**

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

In November/December 1992, a joint resolution was passed by the Bellingham City Council, Whatcom County Council, and the Lake Whatcom Water and Sewer District (formerly 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 trust, 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 resulting Lake Whatcom Management Program guides actions to protect Lake Whatcom as a long-term supply of drinking water for the City of Bellingham and portions of Whatcom County. The program emphasizes protection over treatment in managing Lake Whatcom and its watershed. The structure of the Lake Whatcom Management Program includes legislative bodies, a management team, an interjurisdictional coordinating team, agency staff, and advisory committees.

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

Sudden Valley Recreational Subdivision

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

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

Whatcom County Comprehensive Plan Apx G - 8
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 either on-site or through a community-wide
process.

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.

**Groundwater Protection & Management**

Groundwater is contained in aquifers, which are subterranean layers of porous rock or soil. Most aquifers are replenished by rainwater, though some may contain water trapped during glacial periods. Aquifers are often integrally linked with surface water systems and are essential for meeting in-stream and out-of-stream water needs such as for drinking water, agriculture, and industry. Whatcom County residents rely heavily on groundwater for drinking water, agriculture, and commercial and industrial needs. Groundwater also plays an important role in maintaining stream flows. Many studies have been conducted related to groundwater quality in Whatcom County documenting water quality issues such as exceedances of standards for nitrate, ethylene dibromide (EDB) and 1,2-dichloropropane (1,2-D), pesticides, iron and other agricultural-related contaminants, particularly in the northern portion of the County. In general, groundwater in Whatcom County is very vulnerable to contamination because much of the County’s groundwater lies within a shallow unconfined aquifer. Activities that occur on the surface of the ground directly affect groundwater quality. Shallow wells that draw water from unconfined water table aquifers are at highest risk.

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

**Flood Hazard Management**

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

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

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

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

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

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

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

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

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

**Organization**

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

Following the severe floods of 1989 and 1990, in 1992 Whatcom County created the countywide Flood Control Zone District (FCZD), including both incorporated and unincorporated areas of the County. The FCZD is a quasi-municipal corporation that is a separate legal entity from the Whatcom County government. Even though this legal separation exists, the Whatcom County Council and the County Executive (Board of Supervisors) and the Public Works Department (staff) perform the governance and administrative support for the district.
The primary purpose of the FCZD is flood hazard management. Revenue generated to for this purpose is accomplished in two ways: (1) a county-wide uniformly applied service charge; and, (2) supplemental revenue generated within localized Diking Districts and Sub-Flood Districts where specific local project activity is planned.

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

**Pertinent Documents**

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

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

**Critical Areas Regulations (WCC 16.16)**

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

**Stormwater Management**

Stormwater runoff occurs when precipitation from rain or snowmelt flows over the land surface. The addition of roads, driveways, parking lots, rooftops and other surfaces that prevent water from soaking into the ground to our landscape greatly increases the runoff volume created during storms. This runoff is swiftly carried to our local streams, lakes, wetlands and rivers and can cause flooding and erosion. Stormwater runoff also picks up and carries with it many different pollutants that are found on paved surfaces such as sediment, nitrogen, phosphorus, bacteria, oil and grease, trash, pesticides and metals.

**County Stormwater Management Programs**

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

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

In February of 2007, the Washington State Department of Ecology issued Whatcom County's Phase II Municipal Stormwater Permit. This permit regulates discharges from Small Municipal Separate Storm Sewers, and is part of the National Pollutant Discharge and Elimination System (NPDES) and State Waste Discharge General Permit. It sets forth requirements of municipalities to address stormwater runoff in areas determined to have population densities reaching urban standards. Whatcom County is required to implement various stormwater management strategies to comply with this State permit. The current Permit boundary covers approximately 15,000 acres and generally includes the following areas (Figure 1):
- Bellingham Urban Growth Area
- Sudden Valley
- Portions of the Hillsdale and Emerald Lake area
- Portions along North Shore Drive on Lake Whatcom and Lake Whatcom Boulevard
- Ferndale Urban Growth Area
- Portions along Chuckanut Drive and Chuckanut Bay
- Birch Bay Urban Growth Area (Beginning August 1, 2013)
- The entire Lake Whatcom watershed is subject to illicit discharge detection and elimination requirements of the Permit.

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

The Western Washington Phase II Municipal Stormwater Permit is required by the State of Washington Water Pollution Control Law Chapter 90.48 RCW, and the Federal Water Pollution Control Act Title 33 United States Code (Clean Water Act). The Permit is administered by the Washington State Department of Ecology.
Figure 1. NPDES Phase II Boundaries

Pollution Identification and Correction (PIC) Program

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

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

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

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

**Salmon Recovery Program**

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

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

**WRIA 1 Salmon Recovery Strategy**

The ultimate goal for salmon recovery in WRIA 1 is to recover self-sustaining salmonid runs to harvestable levels through the restoration of healthy rivers and natural stream, river, estuarine, and nearshore marine processes, careful use of hatcheries, and responsible harvest, and with the active participation and support of local landowners, businesses, and the larger community. The purpose of the
WRIA 1 Salmonid Recovery Plan is to identify the actions necessary to recover WRIA 1 salmonid populations, especially listed species, and to outline the framework for implementation of recommended actions that have been agreed to by local, state, tribal, and federal governments and stakeholders in WRIA 1. In the near term, the objectives are to:

1. Focus and prioritize salmon recovery efforts to maximize benefit to the two Nooksack early chinook populations;
2. Address late-timed Chinook through adaptive management, focusing in the near-term on identifying hatchery- versus naturally-produced population components;
3. Facilitate recovery of WRIA 1 bull trout and steelhead by implementing actions with mutual benefit to both early chinook, and bull trout and steelhead and by removing fish passage barriers in presumed bull trout and steelhead spawning and rearing habitats in the upper Nooksack River watershed; and
4. Address other salmonid populations by (a) protecting and restoring WRIA 1 salmonid habitats and habitat-forming processes through regulatory and incentive-based programs; and (b) encouraging and supporting voluntary actions that benefit other WRIA 1 salmonid populations without diverting attention from early chinook recovery.

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

Salmon Recovery Board (SRB)

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

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

The salmon plan was developed in parallel with the WRIA 1 Watershed Management Plan. Salmon habitat is intricately linked to watershed management; salmon recovery will be most successful when fish habitat objectives are carefully coordinated with watershed management objectives. Integrating salmon recovery...
with flood hazard management and restoring fish passage under County roads are two primary areas of focus.
Proposed Council Changes to Comprehensive Plan

Appendix G – Water Resources and Salmon Recovery Programs

Page and line numbers reflect Planning Commission Recommended Draft dated 1/14/16 (http://wa-whatcomcounty.civicplus.com/DocumentCenter/View/15163). To improve clarity of Councilmember requested changes, previous edits (i.e. staff and Planning Commission) are included, but not show as edits.

1) Return all of Appendix G to Chapter 11 (Brenner)

2) p. G-2; lines 27-35: The WRIA 1 Joint Policy Boards are comprised of members of the WRIA 1 Joint Board and Salmon Recovery Board. This organizational level interacts with federal, state, and regional organizations at a policy-level and provides policy related direction to staff to coordinate the implementation and management of the WRIA 1 Watershed Management Plan – Phase 1, the WRIA 1 Salmonid Recovery Plan and other related activities, for purposes of incorporating regional issues into work plans, programs, etc. Additionally, the Joint Policy Boards:
   • Endorse programs/actions to forward to Legislative Bodies, as applicable
   • Provide WRIA 1 programs policy direction
   • Meet and discuss watershed and salmon program topics as joint policy boards with decision-making of each policy board retained.
   (Brenner)

3) p. G-3; lines 24-28: 2005 WRIA 1 Watershed Management Plan – Phase One

The 2005 WRIA 1 Watershed Management Plan was completed approved in 2005 through the cooperation of local stakeholders and governments by the Joint Administrative Board, Planning Unit (by consensus), and the County Council. Pursuant to subsequent state requirements, a WRIA1 Watershed Detailed Implementation Plan was approved by the Joint Administrative Board, Planning Unit, and County Council in 2007. It provides a roadmap for addressing water quantity, water quality, instream flow, and fish habitat challenges. (Brenner)

4) p. G-5; line 29-32: 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 reduced the overflow problems to a large extent. (Brenner)
5) p. G-6; line 30-36: 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 stimulates algae growth. Bacteria that consume the dying algae deplete the dissolved oxygen, leading to lower oxygen levels in the lake. Past poorly managed forest practices may have led to significant increases in phosphorus loading to the lake. (Brenner)

6) p. G-8; lines 5-10: 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 approved for developing specific plans to meet the adopted goals. (Brenner)

7) p. G-12; line 1-5: The primary purpose of the FCZD is flood hazard management. Revenue generated to for this purpose is accomplished in two ways: (1) a county-wide uniformly applied service charge tax; and, (2) supplemental revenue generated within localized Diking Districts and Sub-Flood Districts where specific local project activity is planned.

8) p. G-12; lines 24-26: Whatcom County’s Critical Areas Regulations aim to protect people and property in Frequently Flooded Area (FFAs) by requiring that any development in these areas conforms to WCC Title 17, Flood Damage Prevention. (Brenner)

9) p. G-13; lines 15-26: The current Permit boundary covers approximately 15,000 acres and generally includes the following areas (Error! Reference source not found.):
   - Bellingham Urban Growth Area
   - Sudden Valley
   - Portions of the Hillsdale and Emerald Lake area
   - Portions along North Shore Drive on Lake Whatcom and Lake Whatcom Boulevard
   - Ferndale Urban Growth Area
   - Portions along Chuckanut Drive and Chuckanut Bay
   - Birch Bay Urban Growth Area (Beginning August 1, 2013)

   Additionally, though not within the NPEDS permit area, the County has made the entire Lake Whatcom watershed subject to the illicit discharge detection and elimination requirements of the Permit through ordinance and agreement with the Department of Ecology. (Brenner)

10) p. G-16; lines 34-38: The WRIA 1 Salmonid Recovery Plan (2005), a chapter of the Puget Sound Salmon Recovery Plan, guides restoration in the Nooksack River and adjacent
watersheds. This plan was developed in partnership with Nooksack Tribe, Lummi Nation, Washington Department of Fish and Wildlife, Bellingham, Whatcom County Government and the small cities of Whatcom County. (Brenner)

Items 11 through 35 concern comma use and other grammatical changes and may be considered in a single motion.

11) p. G-3; lines 29-33: The goals of the WRIA 1 Watershed Management Project: are to have water of sufficient quantity and quality to meet the needs of current and future human generations, including the restoration of salmon, steelhead, and trout populations to healthy harvestable levels; and the improvement of habitats on which fish and shellfish rely. (Brenner)

12) p. G-3; lines 35-40: **Water Quantity** – To assess water supply and use, and develop strategies to meet current and future needs. The strategies should retain or provide adequate amounts of water to protect and restore fish habitat, provide water for future out-of-stream-uses, and ensure that adequate water supplies are available for agriculture, energy production, and population, and economic growth under the requirements of the state’s Growth Management Act. (Brenner)

13) p. G-3; lines 42- p. G-4, line 2: **Water Quality** – To ensure that the quality of our water is sufficient for current and future uses, including restoring and protecting water quality to meet the needs of salmon and shellfish, contact recreational uses, cultural uses, protection of wildlife, providing affordable, safe, domestic water supplies, and other beneficial uses. The initial objectives of the water quality management strategy will be to meet the water quality standards. (Brenner)

14) p. G-4; lines 12-17: In 2010, the WRIA 1 Joint Board adopted a work plan, budget, and financing strategy, called the Lower Nooksack Strategy, to advance a negotiated settlement of Tribal and state in-stream flow water rights on the mainstem of the Nooksack River, while maximizing the economic and environmental benefits of out-of-stream water use in the Lower Nooksack sub-basin. The Joint Board adopted the Lower Nooksack Strategy, consistent with WRIA 1 Watershed Management Plan priorities. (Brenner)

15) p. G-4; lines 40-44: Lake Whatcom is a large multi-purpose reservoir that is the source of drinking water for the City of Bellingham, Lake Whatcom Water and Sewer District, several other smaller water districts/associations, and about 250 homes that
draw water directly from the lake. **All-told, the lake provides water to about half the population of Whatcom County.** ([Brenner](#))

16) p. G-5; lines 1-3: Lake Whatcom is a multiple use lake and watershed. In addition to providing water for drinking, commercial, and industrial uses, the lake is used for boating, swimming, and fishing. ([Brenner](#))

17) p. G-6; lines 18-21: This study documented that Lake Whatcom is impaired for dissolved oxygen due to phosphorus loading and that streams flowing into Lake Whatcom do not meet fecal coliform bacteria standards. ([Brenner](#))

18) p. G-7; lines 6-8: These lands will provide passive recreation opportunities with hiking and biking trails connecting various communities, neighborhoods, and parks throughout the watershed. ([Brenner](#))

19) p. G-7; lines 40-42: In addition to zoning, identify and promote other actions to minimize potential for increased development in the watershed (i.e. land trust, development rights, cost incentives, etc.). ([Brenner](#))

20) p. G-9; lines 32-35: Any new building permits on existing lots must be able to demonstrate that stormwater detention is included in 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... ([Brenner](#))

21) p. G-10; lines 8-10: Aquifers are often integrally linked with surface water systems and are essential for meeting in-stream and out-of-stream water needs, such as for drinking water, agriculture, and industry. ([Brenner](#))

22) p. G-10; lines 14-18: Many studies have been conducted related to groundwater quality in Whatcom County documenting water quality issues, such as exceedances of standards for nitrate, ethylene dibromide (EDB) and 1,2-dichloropropane (1,2-D), pesticides, iron, and other agricultural-related contaminants, particularly in the northern portion of the County. ([Brenner](#))

23) p. G-10; lines 30-33: A comprehensive approach to flood hazard management planning provides for a better understanding of the river and floodplain system. It also and ensures that flooding and channel morphology problems are not simply transferred to another location within the basin, but are addressed in a comprehensive, basinwide manner. ([Brenner](#))

24) p. G-10; lines 39-40: Whatcom County Public Works coordinates with the Flood Control Zone District Advisory Committee (FCZDAC) to identify and characterize flooding problems and provide recommendations for achieving consistent, long-term, flood hazard reduction strategies. ([Brenner](#))
25) p. G-11; lines 27-29: **Repair and Maintenance Program** – Address problem areas with rivers, streams, and coastlines of Whatcom County, and mitigates future flood damages in a proactive and cost-effective manner. *(Brenner)*

26) p. G-11; lines 41-42: The FCZD is a quasi-municipal corporation that is a separate legal entity from the Whatcom County government. *(Brenner)*

27) p. G-12; lines 30-37: Stormwater runoff occurs when precipitation from rain or snowmelt flows over the land surface. The addition of roads, driveways, parking lots, rooftops, and other surfaces that prevent water from soaking into the ground to our **landscape** greatly increases the runoff volume created during storms. This runoff is swiftly carried to our local streams, lakes, wetlands, and rivers, and can cause flooding and erosion. Stormwater runoff also picks up and carries with it many different pollutants that are found on paved surfaces, such as sediment, nitrogen, phosphorus, bacteria, oil and grease, trash, pesticides, and metals. *(Brenner)*

28) p. G-12; line 46 – p. G-13, line 4: As a result, the United States Environmental Protection Agency (EPA) created the National Pollutant Discharge Elimination System (NPDES) to address stormwater runoff. States are **then** required to administer permits to local jurisdictions to regulate runoff as part of the NPDES Program. *(Brenner)*

29) p. G-14; lines 6-14: **Everyone wants** **Clean water** **to** supports healthy drinking water, safe recreational uses, quality water for irrigation and livestock, healthy fish, and shellfish that are safe to consume. Currently, many streams in Whatcom County do not meet water quality standards for fecal coliform bacteria. Fecal coliform bacteria are found in the intestinal tract of warm-blooded animals and when found in streams are an indicator of human or animal waste in the water. The higher the bacteria level, the greater the public health risk to people drinking **water**, wading, fishing, or consuming shellfish. The Pollution Identification and Correction (PIC) Program has been **was** created to help implement community solutions to clean water. *(Brenner)*

30) p. G-15; lines 23-25: The declines in local salmonid stocks, especially Chinook salmon, have had profound economic, cultural, and social impacts on the greater WRIA 1 community. *(Brenner)*

31) p. G-15; lines 30-34: Nonetheless, salmon remain an integral part of the natural and social landscape of Whatcom County and the Nooksack River **Watershed**. Recent recovery watershed planning and restoration efforts by federal, state, local, and tribal governments, non-profit organizations, businesses, and private citizens demonstrate a commitment to salmon recovery in WRIA 1. *(Brenner)*
32) p. G-15; lines 42-46: The ultimate goal for salmon recovery in WRIA 1 is to recover self-sustaining salmonid runs to harvestable levels through the restoration of healthy rivers and natural stream, river, estuarine, and nearshore marine processes; careful use of hatcheries and responsible harvest, and with the active participation and support of local landowners, businesses, and the larger community. (Brenner)

33) p. G-16; lines 2-4: ...and to outline the framework for implementation of recommended actions that have been agreed to by local, state, tribal, and federal governments, and stakeholders in WRIA 1. (Brenner)

34) p. G-16; lines 8-10: Address late-timed Chinook through adaptive management, focusing in the near-term on identifying hatchery-[remove hyphen] versus naturally-produced population components; (Brenner)

35) p. G-16; lines 11-15: Facilitate recovery of WRIA 1 bull trout and steelhead by implementing actions with mutual benefit to both early chinook, and bull trout, and steelhead, and by removing fish passage barriers in presumed bull trout and steelhead spawning and rearing habitats in the upper Nooksack River watershed; (Brenner)
Discussion and preliminary Council direction on Comprehensive Plan Chapter 6, Transportation

Related paperwork can be found at:
www.co.whatcom.wa.us/2346/Comprehensive-Plan-Update-Process

The Council is conducting the Whatcom County Comprehensive Plan and urban growth area (UGA) review as required by the Growth Management Act under RCW 36.70A.130. It is anticipated that the County Council will adopt an ordinance amending the Whatcom County Comprehensive Plan and UGAs by the end of June 2016.

COMMITTEE ACTION:
3/22/2016: Briefed and discussed
4/19/2016: Comment received
4/19/2016: Discussed and provided preliminary direction
5/10/2016: Comments received
5/10/2016: Discussed and provided preliminary direction
5/17/2016: No Comments Received
5/17/2016: Discussed and provided preliminary direction
6/21/2016: Comments received; did not discuss

COUNCIL ACTION:
5/3/2016: Public Testimony Received
5/31/2016: This item was not scheduled

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 Six
Transportation

"Transportation planners and cardiologists face similar problems. Both are concerned about uninterrupted flow from the smaller collectors and through the major arterials to the destination. When blockages occur, the cardiologist does bypass surgery (building a new arterial) or angioplasty surgery (widening of existing arterials). The onset of arteriosclerosis is hastened by a diet rich in cholesterol. The cholesterol of our transportation system is the single-occupant vehicle (SOV), the proliferation of which leads to "arterial SOVosis" (i.e., the clogging and blockage of arterials by our transportation diet predominant with the single-occupant vehicle: (SOV))."

Bob Hughes
CTAG

Reason for change: Omitted for brevity and because limiting SOV vehicular trips is only one aspect of the chapter

Introduction

Purpose

Whatcom County plans and maintains the County-owned portion of the region’s transportation system. This chapter sets goals and priorities for Whatcom County’s transportation facilities over the next 20 years. It inventories current facilities, projects future needs, and guides the planning and implementation of projects and programs to meet those needs. Its overall purpose is to ensure that Whatcom County’s transportation system continues to allow for the movement of people and goods throughout the county in a way that is safe, efficient, environmentally responsible, accessible to all users, and cost effective.

The Growth Management Act provides for a systematic approach for estimating and planning for future transportation needs based on an analysis of existing conditions and a projection of future conditions. The purpose of this approach is to provide transportation facilities that meet the service standards desired and adequately serve the demand produced by the growth in land use in future years.

Process

This chapter was created in several steps. A consultant, JHK & Associates, was retained by the county to assist in preparation of the transportation element of the Comprehensive Plan. The first step was an assessment of existing traffic conditions and transportation services. The next step was a transportation plan built on forecasts of future land use, traffic patterns, and funding. It describes the level of service Whatcom County intends to maintain. The preferred road network alternative described in the transportation plan supports the goals and policies included in this chapter.

Whatcom County Comprehensive Plan 6-1
Public participation has been instrumental in identifying the priorities of county residents. To help develop the transportation plan, Whatcom County established a community-based planning effort including a Citizens' Transportation Advisory Committee (CTAC). The CTAC met regularly throughout the development of the plan and this chapter, and was active in formulating these documents’ visions, improvement alternatives, goals and policies. The CTAC was instrumental in prioritizing the transportation needs in the county based on the cost-effectiveness and the projected benefits of the improvements. In the process, the CTAC drew on the expertise of the Technical Transportation Advisory Committee under the Whatcom County Council of Governments, a group of technical experts from throughout Whatcom County representing different agencies and jurisdictions.

Reason for change: Edited for brevity and to remove outdated material.

GMA Goals, County-Wide Planning Policies, and Visioning Community Value Statements

By being designed to accommodate an urban concentration land use model for Whatcom County, this chapter addresses the GMA goals of encouraging development in urban areas where adequate facilities are provided and of reducing sprawl. The GMA goal encouraging efficient multi-modal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans is addressed through goals and policies in this chapter, through coordination with the Regional Transportation Planning Organization, and through urban growth area planning. (See Chapter 2: Land Use for other aspects of UGA planning.) Many other GMA goals are incidentally supported throughout this chapter.

This chapter supports County-Wide Planning Policies by encouraging alternative modes of transportation through goals, and policies, and actions. It includes policies on demand management strategies and considers inter-county and international transportation links.

The Whatcom County: The Next Generations Visioning Community Value Statements are also supported by concentrating growth in urban areas and providing for an adequate system to support agriculture and economic development. The chapter recognizes the geographic differences among various parts of the county identified in Visioning features. This chapter emphasizes increasing the capacity of existing roads, encourages more public transit and bicycle facilities, prioritizes safety measures and makes provision for intermodal connections. Transportation improvement plans are within the county’s financing capability.

GMA Requirements

The Growth Management Act (GMA) requires county comprehensive plans to contain "a transportation element that implements, and is consistent with the land
use element.” This chapter, together with the Capital Facilities Plan in Appendix E, provides that transportation element, incorporating the sub-elements also required by GMA, including inventory of facilities; level of service standards for highways, locally owned arterials and transit routes; estimated traffic impacts to state-owned transportation facilities; land use assumptions; financing; intergovernmental coordination efforts; demand-management strategies; and a pedestrian and bicycle component. (RCW 36.70A.070(6)(a))

The GMA also has a concurrency provision that requires counties to “adopt and enforce ordinances which prohibit development approval if the development causes the level of service on a locally owned transportation facility to decline below the standards adopted in the transportation element of the comprehensive plan, unless transportation improvements or strategies to accommodate the impacts of development are made concurrent with the development.” (RCW 36.70A.070(6)(b)) Whatcom County’s concurrency management program is codified in Whatcom County Code Chapter 20.78, based on levels of service established in below in Policy 6A-1.

The Growth Management Act requires jurisdictions to adopt a transportation element which includes land use assumptions, estimated traffic impacts to state-owned transportation facilities, a facilities and services inventory, level of service standards for arterials and transit routes, actions to bring services below level of service standards into compliance, forecasts of traffic for ten years consistent with the land use plan, identification of system expansion needs and a management system to meet the needs. It also requires a financing analysis of funding capability, a multi-year financing plan and alternatives in case funding falls short. Demand management strategies are to be created.

This comprehensive plan addresses the above requirements through this chapter, the six-year transportation improvement program, the Whatcom County Transportation Plan (including the Whatcom County Transportation Plan Existing Conditions Report), incorporated herein by reference, and Chapter 4: Capital Facilities. Land use assumptions used for transportation planning, inventories, level of service standards, traffic projections and alternative system expansion needs are quantified in the Whatcom County Transportation Plan. Financing analysis and multi-year financing plans are in the six-year transportation improvement program.

Goals, policies and actions, level of service standards, actions to take in case funding falls short, demand management strategies and specific recommended improvements are included in this chapter.

GMA requires adequate transportation facilities to be provided concurrent with development. In the goals and policies of this chapter, Whatcom County establishes the acceptable levels of service (LOS) for county-owned transportation facilities. Per GMA, any development that would cause the level of service on a county facility to fall below the adopted LOS must be denied, unless improvements that accommodate the impacts of the development—or other strategies that
accommodate the growth, such as increased transit service—are made concurrent with the development.

Reason for change: Edited for brevity and to remove outdated material

Inventory

Map 6-1 shows the existing countywide transportation system. Whatcom County owns and maintains 943 miles of public roads. The county uses the federal function classification system to classify those roads; 3 percent of county roads are classified as arterials, 18 percent are major collectors, 17 percent are minor collectors, while 62 percent are local access roads (see Table 6-1). About 23 miles of county roads include bike lanes or are designated as bike routes. There are 217 miles of state highways; 119 miles are highways of statewide significance and 98 miles are highways of regional significance.

The Port of Bellingham owns and operates three seaport facilities within the city of Bellingham, (Bellingham Shipping Terminal, Squalicum Harbor, and Bellingham Cruise Terminal) and one in the city of Blaine (Blaine Harbor). The Bellingham Cruise Terminal acts as the southern terminus of the Alaska State Ferry system and host to private cruise vendors. Adjacent to the Port’s Bellingham Cruise Terminal is the Port’s Fairhaven Transportation Station, Whatcom County’s only passenger rail station and a terminal for the private Greyhound bus line, Whatcom County owns and operates a vehicle and passenger ferry on the 0.9-mile run between Gooseberry Point and Lummi Island, and the City of Blaine owns a passenger-only ferry between Blaine Harbor and the Semiahmoo resort within the Blaine city limits. There are no Washington State-owned ferry facilities in Whatcom County. Three privately-owned shipping terminals serve major industries in the Cherry Point Major Port Industrial UGA and small privately-owned recreational marinas exist in several rural communities, including Point Roberts, Sandy Point, and Sudden Valley, as well as Birch Bay Village, which is part of the Birch Bay UGA.

The Port of Bellingham owns and operates Bellingham International Airport in the unincorporated UGA of Bellingham. The City of Lynden owns and operates the Lynden Municipal Airport located inside the Lynden city limits. Privately owned and operated airports exist in Whatcom County, including Point Roberts (Point Roberts Airpark), and on Lake Whatcom (Floathaven SPB), near Custer (Meadow Mist), and Eliza Island.

The Burlington Northern Santa Fe railway owns a north-south rail line that runs through Bellingham, Ferndale, and Blaine, and a parallel line that runs through Acme, Deming, Nooksack, and Sumas. Both lines are used to transport freight, and have industrial spurs that serve industries in the Cherry Point Urban Growth Area.

1 Required by RCW 36.70A.070(6)(a)(iii)(A) Transportation element must include “An inventory of air, water, and ground transportation facilities and services...”
and Lynden, respectively. The line though Bellingham also accommodates
passenger service, the Amtrak Cascades between Seattle and Vancouver, BC.
Whatcom Transit Authority operates the public transit system in Whatcom County,
including fixed-route and dial-a-ride service. The system serves all seven of
Whatcom County’s incorporated cities, the County’s non-city UGA’s, Birch Bay and
Columbia Valley, and rural areas in between. The transit system includes transit
stations in Bellingham, Ferndale, and Lynden, three of which include park and ride
lots. There are currently a total of nine park and ride lots in Whatcom County.

Goals and Policies Background Summary

Traffic volume on roads in Whatcom County varies widely from less than a hundred
vehicles per day to as many as 55,000 per day on I-5 (2000 Annual Traffic Report,
Washington State Department of Transportation). Whatcom County facilities are
less impacted by the issue of road congestion than they are by the issue of road
condition. However, there are several county roads where congestion is also a
problem. Congestion and inadequate road conditions both contribute to traffic
accidents, which represent a significant (if mostly hidden) cost to the traveling
public and potential tort liability to Whatcom County.

Some of Whatcom County’s traffic problems may be attributable to the increasing
volume on roads which were designed and built for rural traffic. There are also
several areas of development that have created unusual amounts and patterns of
traffic. Some of these are the Casino on the Lummi Reservation, Bellis Fair Mall,
and the Mount Baker Recreational Area. Canadian border auto crossings decreased,
while truck border crossings increased significantly in the 1990’s. Map 14 indicates
traffic volumes on county and state roads.

For the most part, land use and associated traffic volumes dictate the type of
roadway to be provided. That traffic includes a variety of users. Along with cars
and trucks, Whatcom County roads serve transit vehicles, school buses, farm
vehicles, bicycles and pedestrians. While these users currently represent only
about ten percent of the total, their numbers are increasing. For them to share the
road safely with other traffic they need facilities like paved shoulders and bus
turnouts.

Roads are only part of the transportation network. Whatcom County provides ferry
service between Lummi Island and Gooseberry Point—the only public transportation
link between the island and the mainland. It carries about 400,000 passengers per
year. The Port of Bellingham operates the Bellingham Cruise Terminal, which
serves the Alaska Marine Highway System ferries and commercial cruise ship lines.
Other non-road transportation facilities within Whatcom County include off street
bikeways, harbor facilities, three airports, and two north-south freight rail lines.
Passenger rail service, that was discontinued in 1981, resumed operation in 1995.
Beginning in 1999 two Amtrak trains per day began visiting Whatcom County. One
stops in Bellingham, then continues to Vancouver, BC. The other stops in
Bellingham but continues no farther due to freight rail congestion that is caused by
Canadian rail lines in the Vancouver BC area. It is recognized that with greater service, ridership would increase significantly. The state’s twenty-year goal is to increase Whatcom County/cross-border passenger rail service. The two rail tracks in Whatcom County are both owned by Burlington Northern Santa Fe Railway (BNSF). The BNSF main line is along the shoreline through Bellingham and proceeds up the I-5 corridor. The second line, referred to by BNSF as their secondary main line, is aligned generally along State Route 9 and crosses the Canadian Border at Sumas. The secondary main line is used infrequently, but does offer certain options and advantages. Transfer points, where people or goods transfer from one mode of transportation to another, are vital linkages in the transportation system. In Whatcom County transfer points include air, rail, bus, and ferry terminals, plus a freight terminal near the US-Canadian border at Sumas where cargo is transferred between truck and rail modes, and several shipping terminals where cargo is moved among rail cars, barges, and ships. Map 15 indicates the location of intermodal sites in Whatcom County.

Reason for change: Edited for brevity and to provide a more complete inventory.

Level of Service – Motor Vehicles

GMA requires counties to adopt level of service (LOS) standards for arterials. For purposes of concurrency management, Whatcom County adopts level of service (LOS) standards for motor vehicle travel on county-owned arterials and major collectors, per GMA requirements. In addition, it is appropriate to included concurrency for the county-owned ferry service (see Policy 6A-1 and Map 6-2). Levels of service for other facilities, which are used for planning purposes but not for concurrency management, are established in subsequent policies. The Whatcom Council of Governments sets LOS standards for state highways of regional significance (SR 11, 542, 544, 547, and 548). WSDOT, in consultation with local governments, sets LOS standards for highways of statewide significance (I-5, SR 9, SR 20, SR 539, SR 543, and SR 546). Level of service standards for state-owned facilities are included in this plan to help the state monitor the performance of the system, to evaluate improvement strategies, and to facilitate coordination between the county’s or city’s six-year street, road, or transit program and the department of transportation’s ten-year investment program. Whatcom County does not use LOS standards on state-owned facilities for concurrency evaluation purposes.

For roadway segments (between but not including intersections) level of service is expressed as letters A-F, which correspond to the ratio of volume to capacity for a

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2 Required by RCW 36.70A.070(6)(a)(iii)(B) Must include “Level of service standards for all locally owned arterials and transit routes...” Major collectors are also included because only 3% of County roads are classified as arterials per the federal functional classification system, and most roads classified as major collectors are important links, functioning like arterials.

3 Required by RCW 36.70A.070(6)(a)(iii)(C) Must include “Level of service standards for highways...”
segment (see Table 6-1). That ratio is determined by dividing the projected
weekday afternoon peak hour traffic volume of a roadway segment by the
calculated per-hour capacity of that segment. Adopted LOS for all County and
State-owned facilities are shown on Map 6-3. Whatcom County’s concurrency
management system is established in Whatcom County Code Chapter 20.78, and is
based on roadway segment volume to capacity ratios.

For intersections, the LOS is determined by the time delay (seconds per vehicle) of
the stopped approach vehicle, per the current Highway Capacity Manual—(see Table
6-2). Congestion at intersections due to capacity and delay issues are identified and
mitigated through the SEPA process. Intersection LOS is not used for concurrency
evaluation purposes.

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<th>Table 6-1 County Roadway Volume/Capacity Range by LOS Designation</th>
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Level of Service – Other Modes

GMA also requires counties to include a level of service for transit routes in the
transportation element.\(^4\) Whatcom Transit Authority, the only public transit agency
in the County, establishes its levels of service in its Strategic Plan document; this
chapter references those adopted standards. For modes of transportation other
than motor vehicles, and transit, and ferry, Whatcom County does not establish
levels of service based on volumes, but instead focuses on the quality of service
through planning and design (see Goals 6D and 6E below).

Ferry service to Lummi Island does not comprise an arterial or transit route;
therefore it is not subject to concurrency under GMA. It is, however, the only point
of access for Lummi Island. For the purposes of future infrastructure planning, a
LOS standard based on an estimate of the available passenger trips per capita
Lummi Island population is established in Policy 6A-2. (See Lummi Island Ferry LOS
methodology in Appendix J).

Issues, Goals, and Policies

Whatcom County’s transportation system is a network of structures—highways,
arterial streets, rural roads, rail, marine, airport, bikeways, ferries, and many other
facilities. At the same time, the transportation system is a link among land use

\(^4\) Required by RCW 36.70A.070(6)(a)(iii)(B)
patterns, population growth, economic opportunities, energy consumption,
environmental stress, and other facets of Whatcom County growth. The Growth
Management Act requires the county to plan for the future of both network and
linkage aspects of the transportation system.

To be sure of providing adequate facilities, Whatcom County must prepare to meet
future demand. Population projections, land use plans, and traffic patterns suggest
that the county will need to upgrade or expand some of its facilities, in addition to
maintaining the current network. Since funding is limited, Whatcom County must
prioritize the improvements it would like to make. The criteria for those choices
include traffic congestion; safety; mobility; use by transit, bicycles, and
pedestrians; and access to modes of transport such as airplanes, railways, and
ferries. Additionally, the impact to endangered species, along with mitigation costs
and delays associated with gaining approval for transportation projects that affect
such species, must be considered.

To manage transportation systems, including their economic, social and
environmental impacts, Whatcom County must be aware of the ways transportation
influences—and is influenced by—other aspects of growth. Identifying the
relationships allows the county to dovetail its plans for the various aspects so all the
plans work toward compatible goals.

Overall County Transportation

Over the next two decades Whatcom County will be shaping its transportation
network with several fundamental goals in mind. The system must be cost-
effective; it must be compatible with subarea, county and regional plans; it must be
properly maintained and upgraded; it must provide access for transit and non-
motorized travel; and it must offer acceptable levels of service and safety.

The LOS standards adopted for county-owned transportation facilities in Policy 6A-3
are measures of traffic congestion on arterial and collector roadway segments;
expressed as a ratio of estimated volume in weekday afternoon peak hours to
roadway capacity. Levels of service range from completely unrestricted flow of
traffic (LOS A) to stop-and-go traffic jams (LOS F). At LOS C or better the road
segment is less than or equal to 80% full (or a volume to capacity ratio of less than
or equal to 0.80). The flow of traffic is generally stable, though individual users are
significantly affected by the presence of other vehicles. At LOS D the volume to-
capacity ratio is greater than 0.80 but less than or equal to 0.9. At LOS D small
increases in flow may cause some delays and decreases in speed during the
afternoon peak hour.

The Washington State Department of Transportation (WSDOT) has adopted levels
of service for highways of statewide significance and the Regional Transportation
Planning Organization, in consultation with WSDOT, has adopted levels of service
for other state highways. For state highways in Whatcom County the standards are
LOS D in urban areas and LOS C in rural areas. Similar to the LOS adopted on

Whatcom County Comprehensive Plan

6-8
state highways, Whatcom County generally adopts for its roadways a LOS D in urban areas and LOS C in rural areas, though for some of the rural roads that function as primary routes connecting major activity centers (as designated in the regional Whatcom Transportation Plan), the county adopts a LOS D to reflect higher peak-hour volumes.

Reason for change: Edited for brevity and to remove outdated material.

**Goal 6A:** Provide for the safe and efficient movement of people and goods by establishing and maintaining standard levels of service for motor vehicle traffic volumes compared to roadway capacity.

**Policy 6A-1:** Make safety and mobility the primary considerations in ranking transportation improvements.

**Policy 6A-2:** Use the transportation planning process to identify transportation system needs throughout the county in order to provide adequate transportation facilities and services to meet current and future travel needs; identify and protect specific transportation corridors and alignments where transportation facilities including auto, commercial, bicycle, transit and rail are needed.

**Policy 6A-31:** Establish the following levels of service (LOS) for purposes of maintaining transportation concurrency:

- The Level of Service (LOS) standard for county arterials and major collectors located outside of urban growth areas A volume-to-capacity ratio less than 0.75 during weekday p.m.-peak hours is C or better, except for specified primary routes as shown on Map 6-2, which shall have a LOS of D or better for county arterials and collectors located outside of urban growth areas, except for specified primary routes as shown on Map 14A, which shall have a volume-to-capacity ratio less than or equal to 0.90 (LOS-D);

- The LOS standard for county arterials and major collectors within urban growth areas not associated with cities during weekday p.m. peak hours is D or better A volume-to-capacity ratio less than or equal to 0.90 (LOS D or better) during weekday p.m. peak hours for county arterials and collectors within urban growth areas not associated with cities, which may be reduced for concurrency evaluation purposes in accordance with Policy 6A-4.
• The LOS standard for county arterials and major collectors within city urban growth areas weekday during p.m. peak hours is D or better, a volume-to-capacity ratio less than or equal to 0.9 during weekday p.m. peak hours (equivalent to LOS D) for county arterials and collectors within city urban growth areas, which may be reduced for concurrency evaluation purposes in accordance with Policy 6A-4.

• Coordinate with Whatcom Transit Authority to ensure adequate transit service, in accordance with the level of service standards established in its current strategic plan in urban areas.

• 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.

Policy 6A-2: Establish the following levels of service for county facilities other than arterials, major collectors, and transit routes (facilities not subject to concurrency requirements):

• The Level of Service (LOS) standard for county collectors located outside of urban growth areas during weekday p.m. peak is C or better.

• The LOS for county collectors within urban growth areas not associated with cities during weekday p.m. peak hours is D or better.

• The LOS for county collectors within city urban growth areas during weekday p.m. peak hours is D or better.

• The LOS for all county intersections is LOS D.

• 513 ferry passenger trips annually per capita Lummi Island population.

Policy 6A-3: List the following level of service standards for state highways, as established by WSDOT and WCOG:

• The LOS for state highways in urban growth areas is D or better.

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5 Required by RCW 36.70A.070(6)(a)(iii)(C)
Policy 6A-4: For proposed developments in designated urban growth areas, increase the volume-to-capacity ratio standard for impacted transportation facilities by 0.05 if at least one of the following amenities is existing or is committed to being provided as part of the development:

- Transit service and stop within one quarter mile walking distance accessible from the development using non-motorized facilities that meet or are functionally equivalent to Whatcom County Road Standards.

- Non-motorized facilities that meet or are functionally equivalent to Whatcom County Road Standards along the impacted facility.

Policy 6A-5: Encourage extension of city concurrency review authority and LOS standards into their respective UGAs to provide for greater consistency in concurrency review for urban areas.

Policy 6A-6: Identify and mitigate safety and other impacts to transportation facilities caused by development during SEPA review, using standards adopted for intersections and other minimum standards established by WCC Development Standards.

Policy 6A-7: Consider implementation of Intelligent Transportation Systems (ITS) technology to increase safety, reduce traffic congestion, decrease delays, expedite commercial vehicle travel, and provide appropriate traveler information.

Reason for change: Edited for clarity and to more completely address GMA LOS requirements - and to use A-F reference system for LOS.

Policy 6A-7 moved to Policy 6J-7.

Current and Projected Levels of Service

Map 6-4 shows the 2013 daily motor vehicle traffic volumes in Whatcom County. Map 6-5 shows the 2013 volume-to-capacity data for County-owned arterials, based on the traffic volumes in Map 6-4 (adjusted to represent afternoon peak hour volume) and 2013 data on hourly roadway capacity for each road segment. When compared with the level of service standards adopted in Policy 6A and shown on Map 6-2, it is evident that there was only one road segment where roadway capacities were deficient in 2013 (where current volume-to-capacity ratios exceed the adopted level of service standards for those county-owned arterials): Lakeway Drive between the Bellingham City limits and Lowe Avenue.
WCOG has developed a motorized travel demand model and has projected future travel demands based on assumptions of planned development patterns established in Chapter Two Land Use. Comparing the projected demand for peak hour trips with the hourly vehicular carrying capacity of County roadways shows how well the roadways are predicted to function (predicted level of service) in future years. Map 6-6 shows projected daily traffic on County-owned arterials and state highways in 2036, based on the WCOG model, and Map 6-7 shows projected volume-to-capacity ratios for that year. For the roadways classified as arterials, the GMA requires the County to prohibit development approval – or assure needed improvements concurrent with development – if the development causes the level of service to fall below adopted standards.

Map 6-7 highlights segments where the projected ratio exceeds the adopted levels of service established under Policy 6A-1 above. The segments where County-owned roadways classified as arterials fall below the adopted LOS standards in 2036 are Hannegan Road between Van Wyck Road and Kelly Road (1.01 mile), and Lakeway Drive between the Bellingham City Limits and Terrace Avenue (0.63 mile).

Reason for change: Section added to address GMA’s requirements to include forecasts and LOS. Information on deficiencies were added after EIS model run. These segments are included in the Capital Facilities Plan (Appendix E) to program improvements to correct these deficiencies.

**Planning and Design of Transportation Improvements**

This chapter provides The Capital Facilities Plan (Appendix E) includes a list of improvement projects planned for implementation over the next 20 years—(see Table 6-3 and Map 6-8). This list was developed in response to safety and capacity needs identified by Public Works and through various citizen planning efforts such as the Whatcom County Pedestrian Bicycle Plan and the Birch Bay Community Plan. This list would also include any projects (on County-and state-owned facilities) needed to bring into compliance any facilities that are currently below the established level of service standard, or are projected to fall below those standards within the 20-year planning period.

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6 Required by RCW 36.70A.070(6)(a)(i) Must include “Land use assumptions used in estimating travel”
7 Required by RCW 36.70A.070(6)(a)(iii)(E) “Forecasts of traffic for at least 10 years”
8 Required by RCW 36.70A.070(6)(a)(ii) “Estimated traffic impacts to state-owned transportation facilities”
9 Required by RCW 36.70A.070(6)(b) Concurrency requirement
10 RCW 36.70A.070(6)(a)(i)(F) “Identification of state and local system needs to meet current and future demands.”
Each year the County adopts a six-year Transportation Improvement Program, which selects projects from the list of planned projects and assigns funding amounts to them, programming their construction over the next six years. Due to limited funding, not all the recommended projects can be programmed for construction.

Accordingly, in deciding how best to use its finite resources, the County must prioritize among many competing items, including new projects as well as preservation, operation, and maintenance of existing facilities. Improvements that are needed to reduce the risk of personal injury and property damage must be the County’s top consideration. The next priority is preservation of current facilities, which not only supports the first priority of safety (preventing possible hazards from developing over time), but also addresses the need to maintain and operate the transportation system in a cost-effective manner, minimizing the need for costly reconstruction projects in the future.

The next priorities for implementation -- after safety and roadway preservation -- are projects aimed at increasing capacity and keeping facilities operating at acceptable levels of service. Projects that address deficiencies on County-owned arterials should be the highest priority in this category.

Reason for change: Section added to clarify priorities, and to better differentiate between the 20-year list of planned projects and the six year transportation improvement program.

Financing

The Growth Management Act is very specific in its requirement that transportation improvements must be based on financial capability. Furthermore the Act requires that improvements must occur concurrent with developments. It is therefore very important to coordinate funding and land-use-driven transportation improvements.

The majority of county transportation dollars are spent on upkeep and maintenance of the existing road system with a much smaller amount available for major improvements and even less for actual capacity improvements. Potential additional revenue sources include a greater share of gas tax revenues and impact and/or mitigation fees. Gas tax revenues can only be imposed through a vote of the people. Impact and/or mitigation fees are enforced through a county ordinance and are intended to pay for improvements required as result of additional traffic generated by development.

GMA authorizes counties to impose impact fees that fund a proportionate share of transportation system improvements made necessary by planned growth. Whatcom County has identified future system improvements eligible for impact fee funding and has enacted a transportation impact fee system to fund a portion of those projects that are reasonably related to and reasonably benefit the planned growth.
Reason for change: Finance section moved to later in the chapter to better follow sequence of transportation facility planning from conceptual policy to implementation.

Goal 6B: Create a cost-effective transportation system that optimizes public—investment prioritizes safety, roadway preservation, and concurrency.

Policy 6B-1: Funding—Programming of transportation programs and improvements should prioritize upgrading of unsafe and/or structurally deficient facilities and preservation and maintenance of the existing transportation system and upgrading of unsafe and/or structurally deficient facilities over new capital improvements. Exception to this policy should be allowed when a cost/benefit analysis indicates that the public interest is better served by new capital expenditures over rehabilitation preservation of existing infrastructure, or when capacity—increasing improvements are necessary to correct level of service deficiencies on County-owned roads and ferries to meet GMA concurrency requirements.

Policy 6B-2: Develop—a fair and equitable formula to assess development for transportation improvements, including but not limited to transit, pedestrian facilities, bikeways, ferry, and roadways that are considered reasonably necessary as a direct result of proposed developments in Whatcom County.

Policy 6B-3: Consider incorporating the impact of additional traffic on existing substandard roads as part of defining level of service for county roads, in order to better define and prioritize transportation improvements and assess new development for its share of impact on existing roads.

Policy 6B-4: Adopt a prioritized bicycle capital facilities improvement plan.

Policy 6B-5: Identify and pursue funding sources for the proposed projects and improvements contained in the Whatcom County Comprehensive Plan and the six-year transportation improvement program.

Policy 6B-6: Utilize impact fees to fund a proportionate share of the costs of transportation system improvements that benefit and are reasonably related to new development.

Reason for change: Impact fee policy revised and moved to Policy 6K-3.
Policy 6B-7: Identify and pursue funding sources for activities and improvements which encourage the use of transportation modes other than the single-occupant vehicle.

Policy 6B-7 moved to Policy 6K-1.

Policy 6B-8: Use the financial resources available for transportation improvements to support a program of capital facilities needed for a multi-modal transportation system. The priority ranking system should balance the overall system and individual improvement needs.

Policy 6B-9: Consider and address any major fluctuations between expected revenues and needed improvement costs during the annual review process of the comprehensive plan. Such resolution could result in a reassessment of land use allocation, level of service standards and/or revenue availability.

Policy 6B-9 moved to Policy 6K-2.

Policy 6B-10: Implement a methodology for public-private partnerships when it would result in a more efficient use of public resources.

Policy 6B-11: Explore the possibility of encouraging cooperative funding for bicycle-trails.

Reason for change: Edited for brevity: omitted policies are moved, redundant or outdated.

Local-Arterial and Collector Improvements

The Citizens' Transportation Advisory Committee and Technical Transportation Advisory Committee worked out a list of criteria for judging the effectiveness of a transportation network. The elements include uncongested traffic flow; sound engineering and construction; safety; mobility; facilities for public transit, bicycles, and pedestrians; access to air, rail, and other forms of transportation; and cost effectiveness. Whatcom County's program of local arterial improvements has to address all these aspects.

Whatcom County's program of arterial and collector improvements addresses the following elements: uncongested traffic flow; sound engineering and construction; safety; mobility; facilities for public transit, bicycles, and pedestrians; access to air, rail, ferry, and other forms of transportation; and cost effectiveness.
GOAL 6H6C: Ensure an efficient regional system of arterials and collectors that is functional, safe, and consistent with regional priorities and city and county comprehensive plans.

Policy 6H-16C-1: For road classifications higher than local access roads, develop access control plans which may include joint driveways, for road classifications higher than local access roads and require new developments to minimize the number of access points to road classifications higher than neighborhood collector roads.

Policy 6H-26C-2: Where new arterials or collectors are necessary, such routes should follow topographic or land use patterns which minimize disruption to residential neighborhoods and the environment.

Policy 6H-56C-3: Identify a regional system of all-weather roads and develop emergency maintenance plans for adverse weather conditions.

Policy 6H-66C-4: Work towards making all Maximize the amount of county-designated arterials and rural major collectors that are all-weather roads.

Policy 6C-5: Provide for commercial vehicle access from I-5 to major commercial and industrial land uses via all-weather roads that have adequate turning radii and signage.

Policy 6H-76C-6: Set proper appropriate speed limits based on collision data, speed studies, road geometry, and vehicle types.

Policy 6H-86C-7: Minimize delay at intersections by timely provision of warranted traffic controls and other improvements.

Policy 6C-7: Study ways to improve east-west connectivity for commercial and passenger vehicle traffic between Interstate 5 and areas to the east.

Policy 6C-8: [policy on ferry feasibility study; wording to be proposed by PW and LIFAC]

Reason for change: Policy on east-west mobility revised and moved from Goal 6J.

Coordination with Land Use

The way land is developed affects the need for transportation facilities; conversely, the availability of transportation can influence development. This two-way
relationship needs to be taken into account in both land-use and transportation planning. The Growth Management Act requires Whatcom County to link the two processes.

**Goal 6D:** Support land use planning efforts in Whatcom County which include land use types and densities that reduce reliance on single-occupant vehicles.

Policy 6D-1: Allow densities and mixed uses in land use planning urban areas to reduce the number and length of vehicle trips, increase opportunity to use public transportation, and encourage pedestrian and bicycle trips.

Policy 6D-2: Discourage transportation improvements that would trigger development that is premature or not consistent with applicable comprehensive plans, policies, or zoning.

Policy 6D-3: Support continual education of the public regarding the relationship between transportation and land use issues and ways to reduce traffic congestion.

Policy 6D-4: Direct transportation planners to evaluate positive and negative impacts to the productivity of resource based industries when planning transportation corridors. Transportation improvements in areas designated "Resource Lands" should be constructed to facilitate the operations of those affected areas and industries.

Policy 6D-5: Ensure that new developments provide safe and efficient infrastructure for pedestrians and bicyclists.

Policy 6D-6: Encourage new housing developments to be located in urban growth areas to help provide a sense of community and safe, non-motorized transportation to community facilities and public transit nodes.

**Multimodal Approach**

Whatcom County’s transportation facilities must accommodate a variety of transportation modes including automobiles, bicycles, pedestrians, buses, ferries, emergency vehicles, commercial vehicles, and agricultural equipment. In the planning, design, and construction of these facilities, the County must balance the needs of all users in all modes, and make the improvements appropriate to the context of the area.

**GOAL 6E** Balance the needs of all users of all modes of transportation when planning and designing transportation facilities.
Policy 6E-1: Adopt and use design standards that follow current best practices for balancing the needs of all modes of transportation, including motorized modes (automobile, commercial trucks, agricultural equipment, emergency vehicles, buses, airplanes, boats, trains, and ferries) and non-motorized modes (bicyclists of all ages and skill levels, and pedestrians with or without disabilities). While not all modes can be accommodated fully in all areas, the County will work to achieve the best balance possible, given the context of the area and budgetary constraints.

Policy 6E-2: Use multimodal design in all new transportation facility improvement projects as well as roadway preservation and maintenance projects, unless physically or financially impracticable. An example would be employing new striping designs following resurfacing to better accommodate all modes.

Policy 6E-3: Multimodal design and implementation of that design shall consider the appropriate context established by land uses in the area. Urban pedestrian amenities such as sidewalks are appropriate in portions of urban growth areas and areas of more intensive rural development, but not in rural areas, where wide shoulders can suffice.

Reason for change: New section added to emphasize multimodal approach, combining existing policy principles with concepts from the WC Pedestrian-Bicycle Plan.

Bicycle and Pedestrian Facilities

A system of facilities for non-motorized travel enhances community access and promotes healthy lifestyles. These facilities can be adjacent to roadways or separated from them.

Level of service for pedestrians and bicyclists involves different characteristics than capacity and speed. Design should maximize the quality of the service rather than quantifiable measures of usage. Walkways serve pedestrians well when they provide a safe and convenient route. Pedestrians are well served by adequate crosswalks. Bicyclists may be well served by a low speed and traffic shared roadway lane in an urban location but may benefit from a wide shoulder on a rural higher speed road.

Reason for change: New section added to incorporate concepts from the WC Pedestrian and Bicycle Plan.
GOAL 6F: Develop a system of bicycle and pedestrian facilities that encourages enhanced community access and promotes healthy lifestyles.\textsuperscript{11}

Policy 6F-1: Planning and design shall emphasize connectivity to the greatest extent possible, creating regional networks of bicycle and pedestrian facilities. Regional networks include both an on-road bicycle facility and walkway network and a regional multi-use path network. These networks should be interconnected; for example, walkways connect seamlessly with pedestrian paths and bike lanes connect to shared-roadway bike routes. The networks should also be coordinated with public transportation hubs and activity centers to enable multi-modal trips of longer distances.

Policy 6F-2: Provide safe pedestrian facilities in all new construction and reconstruction transportation projects where there is the potential for significant use, unless physically or financially impracticable. An example of such a location would be in a traffic corridor within one mile of a school or community center that links residents to such facilities. Traditional curb/gutter/sidewalk designs may not always be the ideal approach for projects since they require large impervious surfaces and may detract from the rural atmosphere. Other separated walkway designs should be considered that provide a physical barrier from motorized traffic.

Policy 6F-3: An effective bicycle and pedestrian system for Whatcom County will require facilities for both regional connectivity and local access. Regional connectivity can be defined as transportation routes connecting major activity centers, towns, and cities within the region. A good example of a regional facility would be the proposed Nooksack Loop Trail or the existing bike route along Hannegan Road.

Policy 6F-4: Prioritize pedestrian and bicycle projects based on the following criteria:

- safety improvements are needed
- serves a residential or relatively high density rural or urban population area

\textsuperscript{11} Goal required by RCW 36.70A.070(6)(a)(vii); subsequent policies are based on policies from the Whatcom County Pedestrian and Bicycle Plan, approved by Resolution # 2011-003.
serves a location frequently traveled by seniors, children, or people with disabilities

leads to a school or is part of a school route

provides access to a recreational facility or park

functions as a key network link for the regional non-motorized network

offers economic development potential for an underserved area

ease of implementation due to low cost, public ownership, or other feature

Policy 6F-5: Give priority to construction of pedestrian and bicycle facilities on streets within and between urban growth areas and rural communities where practical, and give priority to walkways and crosswalks along roadways within a one-mile radius of schools.

Policy 6F-6: For commercial and residential developments within urban growth areas and rural communities, developers shall fund on-street walkways, paths, crosswalks, and other pedestrian accommodations, along with internal walkways or paths for on-site circulation that are necessary to provide pedestrian access from public streets to building entrances and within and between buildings.

Policy 6F-7: In cases where environmental factors would limit or prohibit the construction of a uniform facility for the entire length of a roadway segment, a modified facility may be provided for a portion of the segment as an interim solution.

Intergovernmental Coordination and Implementation

Transportation planning is done in a regional context, involving many agencies and jurisdictions at the federal, state, tribal, and local levels. The Whatcom Council of Governments (WCOG), the region’s Regional Transportation Planning Organization, publishes the Whatcom Transportation Plan. That plan is a combined Metropolitan and Regional Plan required by federal and state law, and was most recently adopted by the WCOG Whatcom Transportation Policy Board in 2012. It is a multimodal plan setting general policies and establishing a regional Transportation Improvement Program, while referencing the transportation plans of local jurisdictions. The seven incorporated cities of Whatcom County, as well as the Lummi Nation, each have transportation elements in their comprehensive plans. The Washington State Department of Transportation (WSDOT) owns, plans, and maintains state highways. The Whatcom Transit Authority (WTA) and Port of Bellingham are also public
entities that adopt plans influencing transportation in the region. Whatcom County
eCouncillors are part of the WCOG's Whatcom Transportation Policy Board
and the WTA Board of Directors. The Whatcom County Health Department is also a
participant in transportation planning, as transportation issues affect the health and
safety of the community.

Responsibility for planning and providing transportation facilities in Whatcom
County is spread among a variety of governments and agencies. Consider a few
examples: the federal government is in charge of the facilities at the Canadian
border; state highways are the responsibility of Washington State; the Port of
Bellingham manages air, shipping and the Alaska ferry connection; and Whatcom
County and its cities operate local roads, ferries, and bikeways. These and many
other pieces have to be integrated. In addition, transportation facilities which cross
Whatcom County's boundaries must mesh with the facilities of neighboring counties
and Canada.

Cooperation among jurisdictions is necessary in transportation planning. The
Growth Management Act reflects this need; it calls for a regional transportation
plan, and all the local jurisdictions' plans must be consistent with it. Working
collaboratively can also lead to more effective use of the available funding.
"Collaboration" with users to reduce traffic congestion—by getting more people to
use alternative modes of transportation—is a useful strategy as well.

Goal 6G6G: Coordinate with international, federal, state, regional
(including Skagit and Okanogan Counties), and local
transportation laws, policies, and plans that relate to the
Whatcom County Transportation Plan. A Combined
Metropolitan and Regional Plan, in order to be consistent
and compatible with regional priorities and other
governmental agencies in planning the County's
transportation system.

Policy 6G-16G-1: Support the Regional Transportation Planning Organization
(RTPO) to coordinate transportation planning that affects
Whatcom County.

Transportation Technical Advisory Committee—Group as a
mechanism to coordinate with the cities of Whatcom County, the
Whatcom Transportation Authority, as well as other
jurisdictions.

Policy 6G-7: Work with the Whatcom Council of Governments to develop
effective, ongoing mechanisms for city and county public works
engineers and planners to coordinate with transit and bicycle
planning.
Policy 6C-8: Coordinate county efforts with state activities toward compliance with the Americans with Disabilities Act.

Policy 6C-96G-3: Consistent with county land use planning, coordinate identification of new arterial routes with adjacent city jurisdictions.

Policy 6G-16G-4: In cooperation with the Whatcom Council of Governments, identify a regional transportation network that includes state highways as well as County-owned routes.

Policy 6C-106G-5: Coordinate with WSDOT for access management on all state highways in the county, to minimize the number of access points and maximize public safety and highway capacity. Develop a policy and agreement with the Washington State Department of Transportation to implement a locally managed improvement program for state highways based on local impacts.

Policy 6G-6: Coordinate with the Whatcom County Health Department regarding transportation’s role in promoting safe and healthy communities.

Policy 6G-7: Support state and federal agencies that regulate rail safety, in order to maximize safety of people and property along railroad corridors.

Policy 6G-8: Coordinate with the Port of Bellingham to facilitate convenient access to ports, airports, and other intermodal freight facilities.

Reason for change: Current Plan lacks policy on rail safety. Staff proposes this policy to support rail safety and clarify regulatory jurisdiction.

Policy 6C-11: Identify areas and mechanisms for potentially collaborative projects so that multiple jurisdictions can share costs and efficiencies.

Environment and Energy

The transportation network is a benefit to the community, but it can have unwanted side effects. Vehicles on the roads are noisy, and they contribute to air pollution and contaminated water run-off. They also use up irreplaceable fossil fuel. Road construction can damage fragile wildlife habitats or intrude on scenic views. These effects can be mitigated through careful siting and design. Even more fundamentally, the effects can be minimized by reducing the amount of travel on the roads. Such "demand management" can include expanded public transit, ride-
sharing, bicycling, and telecommuting, to reduce the number of trips people make in single-occupant vehicles.

Reason for change: New section below combines environmental-related policies that are currently in separate places in the chapter – Goals 6E and 6T.

Environmental Practices

Transportation facilities can potentially create adverse environmental impacts. Effective design and construction practices can reduce or eliminate impacts on wildlife, water quality, and nearby residents.

Goal 6E: Provide a transportation system that minimizes environmental and social impacts, reduces reliance on fossil fuels.

Goal 6T6H: Construction and operation of transportation systems, including roads, should avoid adverse environmental impacts, including impacts to habitat of threatened and endangered fish and wildlife, water quality, and to adjacent residential areas, species, and restore such habitat when possible. For County transportation projects, the County Council will determine when such restoration is financially feasible through adoption of the six-year transportation improvement program, the annual road construction program and the County budget.

Policy 6T–16H-1: Maintain and restore fish passage when constructing new transportation systems. Where existing transportation systems have fragmented habitat, such as where culverts prevent fish from migrating upstream, strive to restore fish passage at every opportunity. For County transportation projects, the County Council will determine when such restoration is financially feasible through adoption of the six-year transportation improvement program, the annual road construction program, and the County budget.

Policy 6T–26H-2: When constructing new transportation systems, ensure that stormwater generated by the transportation system is treated prior to discharge to waterways used by salmonid fish populations or which flow directly into such waterways. Provide for regular, systematic maintenance of transportation system related stormwater control and treatment facilities.

Policy 6T–36H-3: Avoid or mitigate future wetland impacts from transportation system construction and maintenance.
Policy 6T-46H-4: When constructing new or maintaining existing transportation systems, retain or restore native riparian vegetation along streams and rivers to the greatest extent possible.

Policy 6T-56H-5: Avoid or mitigate future impacts to feeder bluffs, accretion shoreforms, driftways, eelgrass, kelp beds and other elements of marine shoreline habitat when constructing or maintaining transportation systems.

Policy 6T-66H-6: Allow natural stream processes to continue by minimizing bank hardening and streambed disturbances to the greatest extent possible, while meeting transportation objectives.

Policy 6T-76H-7: Implement best management practices for erosion control to prevent sedimentation during transportation system construction or maintenance. Maintain such erosion control devices until no longer necessary to protect water quality.

Policy 6E-16H-8: Promote designs to preserve mature trees, unique wildlife habitats, water quality, and other elements of the natural environment, including environmentally sensitive areas and shorelines, during the design and construction of road improvement projects.

Policy 6E-26H-9: Support the use of natural noise reduction techniques and visual screens between high-volume transportation routes and other facilities adjacent to residential uses, wherever possible.

Policy 6E-36H-10: Minimize the amount of impervious surface whenever practicable by using natural engineering design methods such as the use of open, shallow, grassed street swales instead of curbs and gutters and, where feasible, encouraging alternate surfacing options.

Policy 6E-46H-11: Engineer, construct, and maintain road improvements to control pollutants affecting water quality and reduce run-off entering surface or groundwater consistent with water quality standards.

Reason for change: The following new section combines policies related to both congestion and emissions reduction, because measures typically address both topics simultaneously.

**Congestion and Emissions Reduction**

**Goal 6J:** Reduce the need for costly capacity-increasing roadway construction projects, and minimize emissions from combustion of fossil fuels, through the use of motor
vehicle travel demand reduction programs, transit, and intelligent transportation technology.

**Goal 6F:** Promote energy conservation by implementing demand management policies and encouraging the reduction of single-occupant vehicles on county roads and highways.

**Policy 6F-16J-1:** Develop programs that reduce single-occupant vehicle use and vehicle miles traveled, minimizing trip length and reducing travel during peak periods, in order to minimize fuel consumption and the emission of greenhouse gases. These programs include, but are not limited to, trip reduction programs in coordination with major employers, and other jurisdictions, and the WTA.

**Policy 6K-46J-2:** Support a regional public transit system that connects with various modes of transportation including auto, bicycle, and pedestrian travel and with the intercity bus, rail, ferries and airline facilities.

**Policy 6N-56J-3:** Coordinate with Whatcom Transportation Authority to establish rural transit service in unincorporated areas, including Rural Communities and Rural areas, consistent with county land use plans, based on cost effectiveness, location of major trip generators, distance between generators, and the needs of transit-dependent individuals.

**Policy 6N-86J-4:** In cooperation with Whatcom Transportation Authority and Washington State Department of Transportation to provide park-and-ride lots along major corridors and provide necessary and adequate services to encourage their use.

**Policy 6K-36J-5:** Support multi-modal use by encouraging, for example, provision of secure bicycle storage facilities at park-and-ride lots and other transit facilities, and allowing for the transporting of bicycles on public transit vehicles.

**Policy 6N-106J-6:** Consider, where needed, bus pull-outs on street/road improvements.

**Policy 6A-76J-7:** Consider implementation of Intelligent Transportation Systems (ITS) technology to increase safety, reduce traffic congestion, decrease delays, expedite commercial vehicle travel, and provide appropriate traveler information.

**Policy 6J-8:** Explore enhanced bus service to Sudden Valley to reduce traffic in the Lake Whatcom watershed.
Reason for change: Policy about enhanced bus service to Sudden Valley was moved from Policy 2BB-19 in Chapter 2 Land Use.

Funding of Transportation Improvements

GMA requires an analysis of funding capability\textsuperscript{12} to judge needs against probable funding resources, and a multi-year financing plan\textsuperscript{13} based on the needs identified in the plan. The Capital Facilities Plan, Appendix E of this plan contains the funding analysis and the current 20-year list of transportation projects. The CFP also contains the six-year Transportation Improvement Program, which is updated annually, and programs funding for specific projects over the next six years.

In addition, GMA authorizes counties to impose impact fees that fund a proportionate share of transportation system improvements made necessary by planned growth. In the event that Whatcom County enacts a transportation impact fee system, it would need to identify future system improvements eligible for impact fee funding (projects that are reasonably related to and reasonably benefit the planned growth).

Goal 6K: Provide for adequate funding to keep Whatcom County’s transportation facilities in good condition and current in terms of capacity.

Policy 6B-76K-1: Identify and pursue funding sources for activities and improvements which encourage the use of transportation modes other than the single-occupant vehicle.

Policy 6B-96K-2: In the event expected revenues and available funding fall short of the amount needed to meet identified needs\textsuperscript{14}, the County shall work to resolve the shortfall. Consider and address any major fluctuations between expected revenues and needed improvement costs during the annual review of the comprehensive plan. Such resolution could result in a reassessment and revision of land use plans and regulations (including uses and densities) of land use allocation, level of service standards and/or revenue availability, or revenue sources (through revised impact or mitigation fees, or additional grant funding).

Policy 6B-66K-3 Utilize/Consider establishing impact fees to fund a proportionate share of the costs of transportation system improvements that benefit and are reasonably related to new development.

\textsuperscript{12} Required by RCW 36.70A.070(6)(a)(iv)(A)
\textsuperscript{13} Required by RCW 36.70A.070(6)(a)(iv)(B)
\textsuperscript{14} Required by RCW 36.70A.070(6)(a)(iv)(C)
Reason for change: The following omitted policies are moved (as noted), redundant or outdated.

State Highway Improvements

A number of state highways cross Whatcom County, forming an important part of the transportation network for county residents. Although state highways are not Whatcom County's direct responsibility, the county can be a voice for its citizens' interests with regard to those highways, working cooperatively with the Whatcom Council of Governments and the Washington State Department of Transportation.

Goal 6G: Ensure an efficient regional system of state highways that is functional and safe, and is consistent with regional priorities and city and county comprehensive plans.

Policy 6G-1: In cooperation with the Whatcom Council of Governments, identify a regional transportation network.

Policy 6G-2: Recommend access management classifications for all the state highways in the county in order to minimize the number of access points and maximize public safety and highway capacity.

Policy 6G-3: In cooperation with the Washington State Department of Transportation and other jurisdictions, adopt access management classes and designations for state highways.

Policy 6G-4: In cooperation with the Washington State Department of Transportation, investigate the feasibility of frontage roads along the Guide Meridian (SR 539) and other facilities, where appropriate, to consolidate and minimize necessary access points as development proposals are made.

Reason for change: Coordination with WCGO and state agencies is addressed under Goal 6G. Policy 6G-1 moved to Policy G-4.

Goal 6H: Ensure an efficient regional system of arterials that is functional, safe, and consistent with regional priorities and city and county comprehensive plans.

Policy 6H-1: Develop access control plans, which may include joint driveways, for classifications higher than neighborhood collector roads; and require new developments to minimize the number of access points to road classifications higher than neighborhood collector roads.

Policy 6H-1 revised and moved to Policy 6C-1.
Policy 6H-2: Where new arterials or collectors are necessary, such routes should follow topographic or land-use patterns which minimize disruption to residential neighborhoods and the environment.

Policy 6H-2 moved to Policy 6C-2.

Policy 6H-3: Support the use of shared access roads from commercial and residential developments to limit intersections with arterials.

Policy 6H-4: Review design and maintenance standards for arterials for consistency between jurisdictions and develop continuity where appropriate.

Policy 6H-5: Identify a regional system of all-weather roads and develop emergency maintenance plans for adverse weather conditions.

Moved to Policy 6C-3.

Policy 6H-6: Work towards making all county-designated arterials all-weather roads.

Revised and moved to Policy 6C-4.

Policy 6H-7: Set proper speed limits.

Revised and moved to Policy 6C-5.

Policy 6H-8: Minimize delay at all intersections by timely provision of warranted traffic controls and other improvements.

Moved to Policy 6C-6.

**East/West Mobility**

The rectangular shape of Whatcom County, the Nooksack River, and Interstate-5 create a problem with access between the eastern and western parts of the county. Suggestions for correcting this problem are expensive, including such options as freeway interchanges and overpasses and major bridge crossings.

**Goal 6J:** Improve mobility between the eastern and western regions of Whatcom County.

Policy 6J-1: Prioritize for improvements the east/west routes that have been identified in the preferred alternative for improvements and weatherization.
Policy 6J-2: Support the possibility of transit and/or other alternative modes for east/west mobility.

East-west mobility now addressed in Policy 6C-7.

Non-Motorized and Public Transportation Improvements

Whatcom County's transportation network serves other users besides automobiles and trucks. Railways, public transit, carpools, bicycles, and pedestrians place lower demands on the transportation system, so encouraging these kinds of uses "demand management" can reduce the need for new or expanded facilities. Demand management can also help minimize transportation's negative side-effects. The Growth Management Act requires Whatcom County to include demand management strategies in its comprehensive plan.

Goal 6K: Support the development and use of new technologies (e.g., fiber optics, other communication improvements) and approaches to planning in Whatcom County, so as to minimize the reliance on vehicular travel.

Policy 6K-1: Monitor new technologies and approaches and incorporate changes into transportation planning efforts.

Policy 6K-2: Incorporate alternatives to conventional petroleum-based technology systems into transportation planning.

Policy 6K-3: Support multi-modal use by encouraging, for example, provision of secure bicycle storage facilities at park-and-ride lots and other transit facilities, and allowing for the transporting of bicycles on public transit vehicles.

Policy 6K-3 moved to Policy 6J-5.

Policy 6K-4: Support a regional public transit system with various modes of transportation including auto, bicycle, and pedestrian travel and with the intercity bus, rail, ferries and airline facilities.

Policy 6K-4 moved to Policy 6J-2.

Goal 6L: Support commuter use and employer promotion of alternative modes of transportation (i.e., carpools, vanpools, transit, bicycles and pedestrian travel) where feasible and discourage reliance on the single-occupant vehicle.
Policy 6L-1: Facilitate the implementation of the Commute Trip Reduction Program.

Policy 6L-2: Assess the need and feasibility for preferential treatment for transit vehicles, vanpools, and carpools to improve competitive transit time with the single-occupant vehicle.

Policy 6L-3: Support educational efforts that emphasize non-motorized transportation alternatives.

Policy 6L-4: Support passenger rail service.

Reason for change: Congestion reduction now addressed under Goal 6J. CTR addressed in Policy 6J-1.

Goal 6M: Promote bicycle and pedestrian travel by systematically providing safe and convenient routes and facilities where feasible.

Policy 6M-1: Encourage safe and efficient bikeways that link populated areas of the county with travel destinations.

Policy 6M-2: Recognize public safety, education and law enforcement as integral to the development of bicycle transportation opportunities in Whatcom County.

Policy 6M-3: Where practical, identify site-specific on-street/road improvements needed for bicycle/pedestrian facilities along arterials and provide for regular shoulder sweeping and other maintenance as needed.

Policy 6M-4: Identify needed rights-of-way for bicycles.

Policy 6M-5: Include internal pedestrian circulation systems as well as links to external systems in development projects.

Policy 6M-6: Develop a system of off-road trail networks for non-motorized transportation to link population centers, employment centers and recreation areas.

Policy 6M-7: Implement a policy of providing safe pedestrian and bicycle access on county roads that have significant pedestrian and bicycle traffic as these roads are reconstructed, preferably by adding separated facilities or alternately by providing 4-foot minimum shoulders. Specifically, safe pedestrian facilities should be provided within a one-mile radius of community places such as schools, markets and libraries if there is residential or other
development that would generate significant foot-traffic within the one-mile radius.

Policy 6M-8: Implement as a priority the goals, policies and recommendations of the latest Whatcom County Bicycle Plan.

Reason for change: Revised pedestrian and bicycle policies now under Goal 6F.

Goal 6N: Support Whatcom Transportation Authority in providing high-quality, safe, convenient, accessible public transportation, where cost effective, for the public as an attractive alternative to single-occupant vehicles.

Policy 6N-1: Support public transit system design that encourages frequent and convenient access points, and that integrates various transportation modes into the transit services, such as bus systems, park-and-ride lots for cars and bicycles, and bus, railroad and airline terminal facilities.

Policy 6N-2: Assist Whatcom Transportation Authority in developing transportation plans that meet the specific operational and personnel needs of individual employers.

Policy 6N-3: Incorporate adopted plans and policies for non-motorized and public transportation in the permitting process for all development or land use proposals, including provisions for efficient access and mobility, and convenient links between pedestrian, bicycle and transit facilities.

Policy 6N-4: Participate in investigating the potential for expanding express bus service and other forms of high-capacity transit.

Policy 6N-5: Coordinate with Whatcom Transportation Authority to establish rural transit service in unincorporated areas, including Rural Communities, consistent with county land use plans, based on cost-effectiveness, location of major trip generators, distance between generators, and the needs of transit-dependent individuals.

Transit now addressed under Goal 6J.

Policy 6N-5 moved to Policy 6J-3.

Policy 6N-6: Encourage Whatcom Transportation Authority to work with major employers to coordinate bus service with shift changes.

Policy 6N-7: Establish development regulations which offer incentives for projects which are transit compatible, considering density of
Policy 6N-8: In cooperation with Whatcom Transportation Authority and Washington State Department of Transportation, provide park-and-ride lots along major corridors and provide necessary services to encourage their use.

Policy 6N-8 moved to Policy 6J-4.

Policy 6N-9: Encourage provision of transit from the Canadian border to retail facilities in Whatcom County.

Policy 6N-10: Consider, where needed, bus pull-outs on street/road improvements.

Policy 6N-10 moved to Policy 6J-6.

Commercial Transportation

Reason for change: Commercial transportation (Goals 6P, 6Q, and 6R below) are addressed in a more general way in Policy 6E-1, calling for use of current best practices for balancing the needs of all modes, including commercial vehicles.

In addition to the commercial traffic that serves Whatcom County industries and residents themselves the county’s transportation system carries heavy cross-border truck traffic between the United States and Canada. Freight vehicles’ access to industrial and commercial areas, safety on roads shared with private vehicles, efficient long-distance movement of goods, and coordination of commercial transportation with rural land uses are all issues for Whatcom County. Trucks make up the bulk of the commercial traffic, but rail, air, and ship transportation are involved as well.

Goal 6P: Provide for safe, efficient movement of commercial vehicles in Whatcom County.

Policy 6P-1: Support and participate in studies to evaluate freight movement which supports economic development.

Policy 6P-2: Consider proposals for an east/west rail freight corridor.

Policy 6P-2 is redundant because it only requires the County to “consider proposals for” an east-west freight corridor. Nothing prevents the County from considering such a proposal.

Policy 6P-3: Develop and implement a program of incentives such as fast-track permitting for truck/rail transfer facilities when they
contribute to achievement of other transportation goals in this chapter and it can be shown that negative impacts from the facilities can be mitigated.

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

Policy 6P-5: To better facilitate dispersal of commercial truck traffic, support the Lynden-border crossing to open 24 hours a day.

Goal 6Q: Support intermodal connections (i.e., truck/rail facilities) that promote use of air, water, and/or rail freight where feasible.

Policy 6Q-1: Encourage the location and design of intermodal facilities for efficient freight transfer and access to the state and interstate highway, rail and ferry systems.

Policy 6Q-2: Support convenient access to ports, airports, other intermodal freight facilities, and international border crossings to enhance freight mobility.

Policy 6Q-3: Incorporate needs for access to ports and other intermodal freight facilities into capital facilities planning.

Goal 6R: Emphasize the importance of economically competitive and high-quality inland transportation services; foster the preservation, development and full implementation of freight rail; and plan intermodal linkage for long-distance movement of goods.

Policy 6R-1: Support efficient movement and access of freight vehicles within and through the county.

Policy 6R-2: Support efficient movement of goods and people with regard to land-use regulation and environmental and community impacts.

Policy 6R-3: Identify a recognized route system for trucks giving access to major commercial and industrial land uses which will minimize disruption of existing/projected rural land-use patterns.

Policy 6R-4: Facilitate the movement of trucks between industrial/commercial areas and I-5 and through the county by providing all-weather roads, adequate turning radii and signage.

Agricultural Vehicles
Agriculture is one of the largest industries in Whatcom County. Agricultural vehicles need to use county roads, but slow-moving equipment can become a safety problem when it shares the road with other vehicles.

**Goal 6S:** Allow for safe movement of farm equipment on county roads where necessary, and reduce conflicts with other vehicles.

Policy 6S-1: Provide signage, where appropriate, warning of slow-moving agricultural equipment.

Policy 6S-2: Provide for marked access points, wider shoulders and/or slow vehicle turnouts on routes where warranted to allow passenger vehicles to safely pass wide agricultural vehicles.

**Reason for change:** Agricultural vehicles (Goal 6S) are addressed in Policy 6E-1.

**Goal 6T:** Transportation systems, including roads, should avoid adverse impacts to habitat of threatened and endangered fish and wildlife species, and restore such habitat when possible. For County transportation projects, the County Council will determine when such restoration is financially feasible through adoption of the six-year transportation improvement program, the annual road construction program and the County budget.

Policy 6T-1: Maintain and restore fish passage when constructing new transportation systems. Where existing transportation systems have fragmented habitat, such as where culverts prevent fish from migrating upstream, strive to restore fish passage at every opportunity. For County transportation projects, the County Council will determine when such restoration is financially feasible through adoption of the six-year transportation improvement program, the annual road construction program and the County budget.

Policy 6T-2: When constructing new transportation systems, ensure that stormwater generated by the transportation system is treated prior to discharge to waterways utilized by salmonid fish populations or which flow directly into such waterways. Provide for regular, systematic maintenance of transportation system related stormwater control and treatment facilities.

Policy 6T-3: Avoid or mitigate future wetland impacts from transportation system construction and maintenance.
Policy 6T-4: When constructing new or maintaining existing transportation systems, retain or restore native riparian vegetation along streams and rivers to the greatest extent possible.

Policy 6T-5: Avoid or mitigate future impacts to feeder bluffs, accretion shoreforms, driftways, eelgrass, kelp beds and other elements of marine shoreline habitat when constructing or maintaining transportation systems.

Policy 6T-6: Allow natural stream processes to continue by minimizing bank hardening and streambed disturbances to the greatest extent possible, while meeting transportation objectives.

Policy 6T-7: Implement best management practices for erosion control to prevent sedimentation during transportation system construction or maintenance. Maintain such erosion control devices until no longer necessary to protect water quality.

Reason for change: All policies on adverse impacts to habitat (Goal 6T) have been moved to Goal 6H Environmental Practices.

Reason for change: Action Plan below is proposed for deletion because items are either completed, outdated, or addressed in policies or project lists in Chapter 6, as noted below:

**Transportation Action Plan**

**Capital Facilities Planning, Funding, and Impact Fees**

1. Adopt a twenty-year capital improvement plan and six-year transportation improvement plan consistent with the recommendations and priorities in the Whatcom County Transportation Plan and Comprehensive Plan. Make safety and mobility the primary considerations in ranking transportation improvements.

[Done – see project list, six-year TIP and Goal 6B]

2. Develop an annual program of review for maintenance and upgrade of county facilities providing access to commercial and industrial areas.

3. Include bicycle facilities in the six-year capital improvement program (for trails that will be utilized by bikes) or the six-year transportation improvement program (for shoulder widening projects that will accommodate bikes).

[Done – nonmotorized transportation projects or components of projects are included in the TIP]
4. Maintain a system for level of service measurements which allows the county to assess the impact of growth-related additional vehicle trips on existing roads. Use this measurement in identifying needed improvements in capital facilities planning, and in establishing impact and/or mitigation fees, or in determining the desirability of the area to be serviced for additional growth.

[Done - PW Engineering]

5. Emphasize maintenance of the existing transportation system, upgrading unsafe and/or structurally deficient facilities, east/west connections, provision of all-weather roads, and support of a multi-modal transportation system.

[Covered through various policies]

6. Review levels of service and concurrency management practices as needed.

7. Within 12 months of adoption of the plan by the County Council, develop an impact and/or mitigation fee ordinance based on actual impacts.

[Impact fees considered in 2008-9, to be discussed again with 2016 update]

8. As the Whatcom County Comprehensive Plan is updated, ensure affected elements, transportation policies, and programs are also updated.

[2016 Update process ongoing]

9. Review subarea plans and this chapter to ensure consistency of policies and programs when implementing this plan.

[Done - newer SA plans checked, older SA plans being repealed]

10. Identify and protect specific transportation corridors and alignments through purchase, developer contribution, and land-use regulation.

[Ongoing - e.g. WCOG/WSDOT's I-5 Bakerview-Grandview study]

11. Update the map of the regional system of all-weather roads on an annual basis.

[PW does this]

12. Complete the Guide Meridian Study to ensure appropriate land use and transportation improvements on Guide Meridian.

[Outdated - most of study area annexed]

[PW adopts WSDOT access management standards in Design guidelines Chapter 5]


[PW administers access management through the Design guidelines, chapter 5, including adoption of WSDOT access standards]

15. Amend existing regulations to support designs which address internal and external pedestrian circulation and transit access, and encourage the use of shared-access roads.

[WC Design Standards are kept up to date by PW Engineering]

Incentives

16. Amend current regulations to offer incentives for projects which are transit compatible.

[See Policy 6A-4]

17. Develop incentives in Whatcom County to provide designs that encourage usage of high-occupancy vehicles.

18. Develop incentives in Whatcom County to encourage safe, non-motorized transportation, such as scenic and efficient, off-road transportation corridors.

Transit

19. Initiate a program in conjunction with Whatcom Transportation Authority to identify and satisfy rural transportation needs.

[WTA includes rural area in their service planning; County representatives will be part of the 2015 WTA strategic plan process]

20. Work with the Whatcom Transportation Authority to identify rights-of-way and property needed for park and ride lots and intersection improvements.

[P&R lots have mainly been located in cities. WTA coordinates with County on ROW/intersection issues and opportunities in the County.]

Education

Whatcom County Comprehensive Plan
21. Work with Whatcom Transportation Authority to increase public knowledge of public transit options.  

[Covered by Policy 6D-3]

**Monitoring**

22. Gather additional information on passenger and commodity transportation to and from Canada.

[Done by WCOG]

23. Monitor fluctuations in Canadian commercial and passenger vehicle traffic and review recommendations in this plan based on changes in trends.

[Done by WCOG]

**Inter-Jurisdiction Coordination**

24. Formulate a recommendation to the Regional Transportation Planning Organization to explore new transportation funding sources and innovative solutions to transportation problems.

[WC participates in WCOG’s TTAG; see Policy 2F-2]

**Recommended Transportation Improvements**

[Outdated - new project list will be added into Chapter 6]

In addition to the above recommended actions, a preferred road improvement network is recommended. **Map 16** identifies necessary major road improvements over the next twenty years to accommodate future desired growth patterns. The plan is based on future projections of revenues balanced with needs to maintain desired levels of service and correct existing deficiencies. Recommended transportation improvements are based on the premise that the City of Bellingham will complete its project improvements. Within six years, they are as follows:

- **Yew Street Rd/Samish Connector:**
  Add a street connecting Yew Street (San Juan Boulevard) and Samish Way.

- **Sunset Drive:**
  From Woburn St. to City limits, widen to five lanes.

Major twenty-year County and State improvements described in the preferred alternative are the following:
- **Guide Meridian:**
  From Bellingham City Limits to Pole Road, widen Guide Meridian to five lanes.
  From Pole Road to the Canadian Border, widen Guide Meridian to four lanes;
  two lanes in each direction.

- **Mt. Baker Highway:**
  From Bellingham City Limits to the intersection with SR9 north, improve to
  two lanes in each direction.

- **E. Badger Road:**
  From Garrison Road to Guide Meridian, widen existing lanes, improve
  shoulders.

- **Hannegan Road:**
  From Bellingham City Limits to Smith Road, widen to four lanes. From
  Bellingham to Lynden, add turn lanes at intersections as needed.

- **SR9:**
  From Super Road to Mt. Baker Highway, improvement for safety purposes;
  recognizing the residential character.

- **SR9:**
  From Canadian border to Badger, realign.

- **Slater Road:**
  From Northwest to Hannegan, extend two lanes.

For long-range planning and future right-of-way use monitor the need for the
following improvements:

- **Lincoln**
  Widen and extend to Blaine Road.

- **Blaine Road:**
  From Birch Bay-Lynden road to I-5, widen to four lanes.

- **SR9:**
  From Badger to Nugent’s Corner, improve alignment.

- **Slater:**
  From Hannegan to Mt. Baker Highway, connect with two lanes.

- **Lake Louise Road:**
  Improve in conjunction with installation of Water District #10 sewer line.

Other recommended 20-year improvements, including road reconstruction projects;
are set forth in the Whatcom Transportation Plan—A Combined Metropolitan and
Revisions to the Growth Management Act, adopted under House Bill 1487 in 1998, indicate that the County’s Comprehensive Plan must incorporate planning for state highways, consistent with state and regional transportation planning efforts.

The Washington State Highway System Plan 2003-2022 was adopted by the state in February of 2002. This plan includes improvement strategies for the state highway system over a 20-year planning period. Specific state highway improvement strategies in this plan include:

- Widening I-5 from the Skagit County line to Blaine, improving interchanges along I-5, and constructing park and ride lots along I-5.
- Widening State Route 9 from the Skagit County line to Sumas.
- Widening State Route 539 (Guide Meridian) from Horton road to the border.
- Widening State Route 542 (Mt. Baker Highway) from Britton Rd. to Kendall.
- Widening State Route 544 (Pole Rd./Everson-Goshen Rd.) from the Guide Meridian to Nooksack.
- Widening State Route 546 (Badger Rd.) from Guide Meridian to State Route 9.
- Widening State Route 548 (Grandview Rd./Blaine Rd.) from I-5 to Blaine.
- Improving stormwater runoff and eliminating fish barriers along state highways.

[Outdated – current project list will be added to Chapter 6]

Recommended Non-Motorized Transportation Facilities

Develop detailed project proposals for a safe system of bikeways and walkways in Whatcom County, including identification of available funding sources and implementation plans, emphasizing the projects below. Implement these projects as funding becomes available.

Map 17 displays a proposed system of bicycle routes and facilities in Whatcom County.

1. Install dedicated bicycle lanes in accordance with WSDOT standards on the following roadways:

- Hwy 542 from Bellingham City limits to Hwy 9 southbound.
- Bakerview Rd.
2. Pursue implementation of the following off-road transportation corridors:

- Coast Millennium Trail — Complete off-road segments between Marine Drive and Ferndale, including a possible bicycle/pedestrian bridge connecting Pioneer Park and Hovander Park. In addition, pursue scenic, non-motorized segments along the bluffs between Ferndale and Birch Bay, through purchase or long-term agreements with land owners.

- Hertz-North Lake-Whatcom Trail Extension — Between eastern terminus of existing trail and Blue Canyon Road. Also install a safe non-motorized route, including a separated path where physically and financially feasible, along North Shore road between Bellingham City limits and the North Shore trailhead.

- Bay to Baker Trail — Between Bellingham City limits and Maple Falls.

- Nooksack River Trail — between Ferndale and Glacier.

- Galbraith Connectors — Between Yew Street and Lake Louise Boulevard.

- Stewart Mt. Connectors — Between east end of Smith Road and Van Zandt, and between Y road, Northshore trailhead and the South Fork Nooksack Valley.
Memorandum

TO: WHATCOM COUNTY COUNCIL
FROM: Astrid Newell, Community Health Manager
DATE: MARCH 15, 2016
RE: HEALTH REVIEW OF 2016 COMPREHENSIVE PLAN--TRANSPORTATION CHAPTER

Overview:
As one step in the implementation of the County’s Healthy Planning Resolution #2015-038, Whatcom County Health Department (WCHD) staff will provide an overview of health recommendations for selected chapters of the 2016 Comprehensive Plan Update to the County Council. The attached matrix includes recommendations for the Transportation Chapter that were provided to County Planning and Development Services (PDS) staff and describes current status in the Planning Commission’s recommended draft.

Process:
The process for developing and incorporating the recommendations included:
• Technical review of the 2008 Comprehensive Plan by Alta Planning and Design (2013), identifying opportunities to strengthen specific policies in the plan from a health perspective
• Planning workshop to prioritize health topics and associated policy recommendations with Public Health Advisory Board (PHAB), PDS staff, Health Department staff, and community stakeholders (March 2014)
• Refinement of policy recommendations based on PHAB, County PDS, and stakeholder input (Spring 2014)
• Correspondence and connection with County PDS to integrate recommendations into draft chapters, as feasible and appropriate
• Support for PHAB feedback to Planning Commission on specific issues and recommendations
• Review and analysis of the status of health recommendations in the Planning Commission’s draft chapters.
Recommendations:
All of WCHD’s policy recommendations were either included in the 2016 draft or otherwise adequately addressed. Additionally, two new sections in the 2016 Transportation Chapter, Multimodal Approach (Goal 6E) and Bicycle and Pedestrian Facilities (Goal 6F) address several of the priorities identified through the WCHD comprehensive plan review process and the policies recommended by WCHD staff. Several policies in the chapter acknowledge the need for bicycle and pedestrian services in areas of urban growth, which was one of the main priorities identified through WCHD’s review process. Lastly, PDS also included language in the introduction to the section on Intergovernmental Coordination and Implementation that calls out WCHD as a “participant in transportation planning”, acknowledging the critical link between transportation and health, and Policy 6G-6 directs PDS to “coordinate with the Whatcom County Health Department regarding transportation’s role in promoting safe and healthy communities.”
### WCHD Recommendations - 2016 Comprehensive Plan Update

#### Transportation Chapter Recommendations

|-------------|------------------------------|------------------------|------|-------|-----------------------------------|-----------------------------------------------|---------------------------|----------------|----------------|
| 6A-4 | Policy 6A-4: For proposed developments in designated urban growth areas, increase the volume-to-capacity ratio standard for impacted transportation facilities by 0.05 if at least one of the following amenities is existing or is committed to being provided as part of the development:  
   - Transit service and stops within one quarter mile walking distance accessible from the development using non-motorized facilities that meet or are functionally equivalent to Whatcom County Road Standards  
   - Non-motorized facilities that meet or are functionally equivalent to Whatcom County Road Standards along the impacted facility | Keep | Low | Retained | A, B | | | | |
| 6D | GOAL 6D: Support land use planning efforts in Whatcom County which include land use types and densities that reduce reliance on single-occupant vehicles. | Keep | High | Retained | A, B, G, I | | | | |

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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.

- Local food production increases access to healthy foods.

- 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.
<table>
<thead>
<tr>
<th>Goal/Policy</th>
<th>2008 Comp Plan Goal Language</th>
<th>Recommendation</th>
<th>Priority Ranking (High-Medium-Low)</th>
<th>Status in Planning Commission Recommended Draft</th>
<th>Associated Health Impacts</th>
<th>2014 Notes to PDS:</th>
<th>2016 Notes:</th>
</tr>
</thead>
<tbody>
<tr>
<td>6D-1</td>
<td>Policy 6D-1: Allow densities and mixed uses in land use planning to reduce the number and length of vehicle trips, increase opportunity to use public transportation, and encourage pedestrian and bicycle trips.</td>
<td>Keep</td>
<td>High</td>
<td>Retained</td>
<td>A, B, G, I, D, E</td>
<td>&quot;land use planning&quot; changed to &quot;urban areas&quot;</td>
<td></td>
</tr>
<tr>
<td>6I-2</td>
<td>Policy 6I-2: Support the possibility of transit and/or other alternative modes for east/west mobility.</td>
<td>Keep</td>
<td>High</td>
<td>Retained; moved to Policy 6C-7</td>
<td>B</td>
<td>Multiple community input processes have identified this as a key barrier to accessing essential services.</td>
<td></td>
</tr>
<tr>
<td>6L-1</td>
<td>Policy 6L-1: Facilitate the implementation of the Commute Trip Reduction Program.</td>
<td>Keep</td>
<td>Low</td>
<td>Retained; moved to Policy 6I-1</td>
<td>A, B, D</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6M-1</td>
<td>Policy 6M-1: Encourage safe and efficient bikeways that link populated areas of the county with travel destinations.</td>
<td>Change/Add</td>
<td>Medium</td>
<td>Changed; addressed in Goal 6F and Policy 6F-1</td>
<td>A, F</td>
<td>Add: pedestrian connections</td>
<td></td>
</tr>
<tr>
<td>6M-3</td>
<td>Policy 6M-3: Where practical, identify site-specific on-street/road improvements needed for bicycle/pedestrian facilities along arterials and provide for regular shoulder sweeping and other maintenance as needed.</td>
<td>Keep</td>
<td>High</td>
<td>Removed</td>
<td>A, D, F, K</td>
<td>(1) Policy supporting walkability audits to identify locations Note: WCDD is a potential partner for walk audits and prioritization. (2) Policy that adds shoulders on rural roads</td>
<td>Language on maintenance and sweeping removed as it is not the appropriate level of specificity for the comp plan. Policy 6F-2 addresses provision of bicycle and pedestrian facilities in areas of significant use and Policy 6F-1 address connectivity of bike/ped network.</td>
</tr>
<tr>
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<tr>
<td>6M-4</td>
<td>Policy 6M-4: Identify needed rights-of-way for bicycles.</td>
<td>Change/Add</td>
<td>High</td>
<td>Removed, but addressed by Policies 6F-1 and 6E-2</td>
<td>A, D, F</td>
<td>Change: Identify needed rights of way to develop a connected network for bicycle and pedestrian travel.</td>
<td>Old policy was removed as it was not clear what specific action would be required. Policy 6F-1 and 6E-2 address WCHD recommendations through planning and design for connectivity and multimodal design.</td>
</tr>
<tr>
<td>6M-5</td>
<td>Policy 6M-5: Include internal pedestrian circulation systems as well as links to external systems in development projects.</td>
<td>Keep</td>
<td>High</td>
<td>Removed, but addressed in Policies 6F-2 and 6F-3</td>
<td>A, D, E, F</td>
<td>See PA policy priorities for more additions here. Prioritize projects located in low SES, high minority, and/or high youth areas.</td>
<td></td>
</tr>
<tr>
<td>6M-6</td>
<td>Policy 6M-6: Develop a system of off-road trail networks for non-motorized transportation to link population centers, employment centers and recreation areas.</td>
<td>Keep</td>
<td>Medium</td>
<td>Removed</td>
<td>A, D, F</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6M-7</td>
<td>Policy 6M-7: Implement a policy of providing safe pedestrian and bicycle access on county roads that have significant pedestrian and bicycle traffic as these roads are reconstructed, preferably by adding separated facilities or alternately by providing 4 foot minimum shoulders. Specifically, safe pedestrian facilities should be provided within a one mile radius of community places such as schools, markets and libraries if there is residential or other development that would generate significant foot-traffic within the one mile radius.</td>
<td>Change</td>
<td>High</td>
<td>Removed, but addressed in Policies 6E-2 and 6E-3 (multimodal approach) and in Policies 6F-2.</td>
<td></td>
<td>Add: Language that prioritizes facilities in areas with low SES, high minority, high youth populations. Change: &quot;Implement a policy for providing safe pedestrian and bicycle access on county roads that serve dense populations and link residents with services and destinations...&quot;</td>
<td>Further prioritization for bike/ped facilities is also addressed in Policy 6F-4.</td>
</tr>
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<td>6E</td>
<td>GOAL 6E: Provide a transportation system that minimizes environmental and social impacts, reduces reliance on fossil fuels.....</td>
<td>Keep</td>
<td>Medium</td>
<td>Moved to Goal 6H</td>
<td>A, D</td>
<td></td>
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<tr>
<td></td>
<td>Policy 6F-1: Develop programs that reduce single-occupant vehicle use and vehicle miles traveled, minimizing trip length and reducing travel during peak periods.....</td>
<td>Keep</td>
<td>Low</td>
<td>Retained; moved to Policy 6I-1</td>
<td>A</td>
<td></td>
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<tr>
<td>6H</td>
<td>GOAL 6H: Ensure an efficient regional system of arterials that is functional, safe, and consistent with regional priorities and city and county comprehensive plans.....</td>
<td>Keep</td>
<td>Low</td>
<td>Retained; moved to Policy 6C-1</td>
<td>D</td>
<td></td>
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<tr>
<td>6M-2</td>
<td>Policy 6M-2: Recognize public safety, education and law enforcement as integral to the development of bicycle transportation opportunities in Whatcom County.</td>
<td>Change/Add</td>
<td>Low</td>
<td>Removed</td>
<td>F</td>
<td>Add: pedestrian transportation</td>
<td>Policy removed as it was not actionable.</td>
</tr>
<tr>
<td>6B</td>
<td>GOAL 6B: Create a cost-effective transportation system that optimizes public investment.</td>
<td>Keep</td>
<td>Med</td>
<td>Retained</td>
<td>A</td>
<td></td>
<td>Additional language added that prioritizes projects based on safety, roadway preservation and concurrency.</td>
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<tr>
<td>6B-2</td>
<td>Policy 6B-2: Develop a fair and equitable formula to assess development for transportation improvements, including but not limited to transit, pedestrian facilities, bikeways and roadways that are considered reasonably necessary as a direct result of proposed developments in Whatcom County.</td>
<td>Keep</td>
<td>High</td>
<td>Retained</td>
<td>A, D</td>
<td>“Develop” changed to “use”</td>
<td>Policy removed because the County has one capital facilities plan into which bicycle improvements are incorporated, rather than several capital facilities plans for different types of items.</td>
</tr>
<tr>
<td>6B-4</td>
<td>Policy 6B-4: Adopt a prioritized bicycle capital facilities improvement plan.</td>
<td>Change/Add</td>
<td>High</td>
<td>Removed</td>
<td>A</td>
<td></td>
<td>Add: pedestrian facilities</td>
</tr>
<tr>
<td>6B-7</td>
<td>Policy 6B-7: Identify and pursue funding sources for activities and improvements which encourage the use of transportation modes other than the single-occupant vehicle.</td>
<td>Keep</td>
<td>High</td>
<td>Retained; moved to 6K-1</td>
<td>A, B, D, K</td>
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<tr>
<td>6B-8</td>
<td>Policy 6B-8: Use the financial resources available for transportation improvements to support a program of capital facilities needed for a multi-modal transportation system. The priority ranking system should balance the overall system and individual improvement needs.</td>
<td>Change/Add</td>
<td>High</td>
<td>Addressed in new section on Multimodal Approach and in prioritization criteria included in Policy 6F-4.</td>
<td>A, B</td>
<td></td>
<td>Add: Language that prioritizes (1) improvements in low SES, high minority, high youth populations; (2) active modes of transportation. Delineate how priority ranking system will be administered</td>
</tr>
<tr>
<td>Goal/Policy</td>
<td>2008 Comp Plan Goal Language</td>
<td>Recommendation</td>
<td>Priority Ranking (High-Medium-Low)</td>
<td>Status in Planning Commission Recommended Draft</td>
<td>Associated Health Impacts</td>
<td>2014 Notes to PDS:</td>
<td>2016 Notes:</td>
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<tr>
<td>6B-11</td>
<td>Policy 6B-11: Explore the possibility of encouraging cooperative funding for bicycle trails.</td>
<td>Change/Add</td>
<td>High</td>
<td>Removed</td>
<td>A, D, K</td>
<td>Add: pedestrian Change: &quot;encouraging&quot; to &quot;partnering to support&quot;</td>
<td>Policy removed as it was not actionable.</td>
</tr>
<tr>
<td>6C-7</td>
<td>Policy 6C-7: Work with the Whatcom Council of Governments to develop effective, ongoing mechanisms for city and county public works engineers and planners to coordinate with transit and bicycle planning.</td>
<td>Keep</td>
<td>High</td>
<td>Removed</td>
<td>A, B, D, K</td>
<td>Add: pedestrian</td>
<td>WCOG's Transportation Technical Advisory Group is the mechanism for this coordination; a policy is not required.</td>
</tr>
<tr>
<td>6D-5</td>
<td>Policy 6D-5: Ensure that new developments provide safe and efficient infrastructure for pedestrians and bicyclists.</td>
<td>Keep</td>
<td>High</td>
<td>Retained</td>
<td>F</td>
<td>Are there design guidelines already in place for this?</td>
<td></td>
</tr>
<tr>
<td>6K-3</td>
<td>Policy 6K-3: Support multi-modal use by encouraging, for example, provision of secure bicycle storage facilities at park-and-ride lots and other transit facilities, and allowing for the transporting of bicycles on public transit vehicles.</td>
<td>Keep</td>
<td>Low</td>
<td>Retained; moved to Policy 6J-5</td>
<td>A, D, F, K</td>
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<tr>
<td>6K-4</td>
<td>Policy 6K-4: Support a regional public transit system with various modes of transportation including auto, bicycle, and pedestrian travel and with the intercity bus, rail, ferries and airline facilities.</td>
<td>Keep</td>
<td>Medium</td>
<td>Retained; moved to Policy 6J-2</td>
<td>A, B, D, K</td>
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<tr>
<td>Goal/Policy</td>
<td>2008 Comp Plan Goal Language</td>
<td>Recommendation</td>
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<td>6L</td>
<td>GOAL 6L: Support commuter use and employer promotion of alternative modes of transportation (i.e., carpool, vanpool, transit, bicycle and pedestrian travel) where feasible and discourage reliance on the single-occupant vehicle.</td>
<td>Keep</td>
<td>Low</td>
<td>Removed, but addressed in Goal 6J and Policy 6J-1</td>
<td>A, B, D, K</td>
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<tr>
<td>6L-3</td>
<td>Policy 6L-3: Support educational efforts that emphasize non-motorized transportation alternatives.</td>
<td>Keep</td>
<td>Medium</td>
<td>Removed.</td>
<td>A, D, K</td>
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<tr>
<td>6M</td>
<td>GOAL 6M: Promote bicycle and pedestrian travel by systematically providing safe and convenient routes and facilities where feasible.</td>
<td>Change/Add</td>
<td>High</td>
<td>Removed, but addressed in Goal 6F</td>
<td>A, F</td>
<td>Add: Add policies that prioritize facilities within UGAs</td>
<td>Policies under Goal 6F make clear that urban growth areas are priorities for bicycle and pedestrian facilities.</td>
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<tr>
<td>6M-8</td>
<td>Policy 6M-8: Implement as a priority the goals, policies and recommendations of the latest Whatcom County Bicycle Plan.</td>
<td>Keep</td>
<td>High</td>
<td>Removed, but new section 6F incorporates policies from the Whatcom County Pedestrian and Bicycle Plan</td>
<td>A, D, F, K</td>
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<td>6N</td>
<td>GOAL 6N: Support Whatcom Transportation Authority in providing high-quality, safe, convenient, accessible public transportation, where cost effective, for the public as an attractive alternative to single-occupant vehicles.</td>
<td>Keep</td>
<td>Medium</td>
<td>Removed, but addressed by Goal 6J and subsequent policies</td>
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<td>B</td>
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<td>Priority Ranking (High-Medium-Low)</td>
<td>2016 Notes</td>
<td>Status in Planning Commission Recommended Draft</td>
<td>Associated Impacts</td>
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<td>Keep</td>
<td>Removed, but addressed by Goal 6i and Policy 6i.4</td>
<td>Removed, but addressed by Goal 6i and Policy 6i.4</td>
<td>B</td>
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<td>Keep</td>
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<td>Keep</td>
<td>High</td>
<td>Retained; moved to Policy 6i.3</td>
<td>B</td>
<td>B</td>
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<td>Keep</td>
<td>Medium</td>
<td>Retained; moved to Policy 6i.4</td>
<td>B</td>
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</table>

2008 Comp Plan Goal Language

- Policy 6i.1: Support public transit system design that encourages frequent and convenient access points, and that integrates various transportation modes into the transit and public transport systems, such as for cars and bikes, buses, and rail for urban and rural areas, and provide necessary services to encourage their use.
- Policy 6i.4: Participate in investigating the potential for expanding bus service and other forms of high-capacity transit.
- Policy 6i.5: Coordinate with the Washington Transportation Authority to establish rural transit service in unincorporated areas, consistent with county and land use plans, based on cost-effectiveness, location of major trip generations, and the needs of transit-dependent individuals.
- Policy 6i.8: In cooperation with the Washington Transportation Department and other agencies, provide park-and-ride facilities along major corridors and provide necessary services to encourage their use.
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<tr>
<td>6N-10</td>
<td>Policy 6N-10: Consider, where needed, bus pull-outs on street/road improvements</td>
<td>Keep</td>
<td>Medium</td>
<td>Retained; moved to Policy 6I-6</td>
<td>B, F</td>
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<td>TRANSPORTATION – ACTION PLAN 3. Include bicycle facilities in the six-year capital improvement program (for trails that will be utilized by bikes) or the six-year transportation improvement program (for shoulder widening projects that will accommodate bikes).</td>
<td>Change/Add</td>
<td>High</td>
<td>Transportation Action Plan removed</td>
<td>A, D, F, K</td>
<td></td>
<td>Add: pedestrian facilities Action Plan items were removed and incorporated into policy. Bike/ped facilities are included in new section 6F.</td>
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### Possible additions:

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<td></td>
<td>Work with local transit agencies to ensure that bus routes provide service from underserved neighborhoods to healthy food retail outlets.</td>
<td>Add</td>
<td>High</td>
<td>Not added.</td>
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<td>B, G</td>
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### Possible additions

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<tr>
<td></td>
<td><strong>Design guidelines specific to UGAs and subdivisions:</strong></td>
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<td></td>
<td>a. Require developers to build facilities for walkers, bicyclists, and wheelchairs in all new developments (e.g. sidewalks, ramps, bicycle racks)</td>
<td>b. Reduced parking requirements for developments that locate near transit (e.g., within a quarter-mile of a transit stop) and that provide walking, biking, and disability access facilities.</td>
<td>c. Require transportation engineers to meet level of service standards for pedestrians and cyclists in addition to those established by cars (e.g., sidewalks, crosswalks, bike lanes).</td>
<td>d. Support walkability audits to identify inconvenient or dangerous routes and prioritize infrastructure improvements in communities with the most need.</td>
<td>e. Have street design guidelines address sidewalk width and materials, lighting, signage, landscaping, way finding, crosswalks, curb ramps, refuge islands, corner radii, and signals.</td>
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<td>Add</td>
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*2016 Notes: c. The introduction to Section 6F notes that level of service for bicycle and pedestrian facilities is best addressed by quality of these facilities rather than quantifiable measures as for automobiles. See also Policy bike6F-2.*
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<tr>
<th>Goal/Policy</th>
<th>Sample Language</th>
<th>Recommendation</th>
<th>Priority Ranking (High-Low)</th>
<th>Status in Planning Commission Recommended Draft</th>
<th>Associated Health Impacts</th>
<th>2014 Notes to PDS:</th>
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<tr>
<td>Develop area plans and design schemes in ways that encourage safe and convenient pedestrian, bike and transit connections between neighborhoods and food sources. Ensure that pedestrian routes and sidewalks are integrated into continuous networks.</td>
<td>Add</td>
<td>High</td>
<td>Not added; connectivity of network addressed in Policy 6F-1</td>
<td>A, B, F, G, I, K</td>
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<td>Adopt roadway design guidelines that enhance street connectivity.</td>
<td>Add</td>
<td>High</td>
<td>Policy 6E-1 calls for the adoption of design guidelines</td>
<td>A, D, F, K</td>
<td></td>
<td>See also Policy 6F-1</td>
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<tr>
<td>Ensure that pedestrian routes and sidewalks are integrated into continuous networks. Require high standards of connectivity in new developments, including short block sizes (UGA specific).</td>
<td>Add</td>
<td>High</td>
<td>Added in Policies 6F-1, 6F-5 and 6F-6</td>
<td>A, D, F, K</td>
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<td>Where possible, establish &quot;one-off&quot; routes for cyclists and pedestrians that are parallel to major commercial streets or auto routes but with slower, lighter traffic.</td>
<td>Add</td>
<td>High</td>
<td>Not added</td>
<td>A, D, F, K</td>
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Proposed Council Changes to Comprehensive Plan

Chapter 6 - Transportation

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

p. 6-16; New Policy 6C-8: Work with WSDOT to improve highway problems caused by truck traffic on county and state roads by adding this issue to the Council of Governments work plan, lobbying WSDOT officials, and considering lower speed limits and improvements during discussions in the county six-year road program. (Brenner)

p. 6-19; Policy 6F-4: Identify, analyze and prioritize pedestrian and bicycle projects based on the following criteria:

- safety improvements are needed
- serves a residential or relatively high density rural or urban population area
- serves a location frequently traveled by seniors, children, or people with disabilities
- leads to a school or is part of a school route
- provides access to a recreational facility or park
- functions as a key network link for the regional non-motorized network
- offers economic development potential for an under-served area
- ease of implementation due to low cost, public ownership, or other feature

Coordinate with local community organizations, associations, or other governing structures in designing and implementing improvements, such as safety improvements and infrastructure. (Brenner)
Tabled Item

1a) p. 6-20; Policy 6F-5: Develop a six-year Non-Motorized Transportation Improvement Plan (NMTIP) along the lines of the existing process the County employs for motorized vehicle transportation planning. Give priority to construction of pedestrian and bicycle facilities on streets within and between urban growth areas and rural communities where practical, and give priority to walkways along roadways within a one-mile radius of schools, as well as facilities that support the local recreation and tourism needs. (Browne)

1b) p. 6-20; Policy 6F-5: Consider developing a non-motorized improvement plan that identifies and prioritizes future pedestrian and bicycle facilities. 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. (Staff Alternative – as requested)

Staff Recommendation

2) p. 6-25; lines 39-44: GMA requires an analysis of funding capability to judge needs against probable funding resources, and a multi-year financing plan based on the needs identified in the plan. The Capital Facilities Plan, Appendix E of this plan, contains the funding analysis and the current 20-year list of transportation projects. The CFP County also contains the has a six-year Transportation Improvement Program, which is updated annually, and programs funding for specific projects over the next six years. (Staff)
Passed April 19

1) p. 6-2; lines 29-32: This chapter supports County-Wide Planning Policies by encouraging alternative modes of transportation through goals, and policies, and actions. It includes policies on demand management strategies and considers inter-county and international transportation links. (Brenner)

2) p. 6-4; lines 16-20: The Port of Bellingham owns and operates three seaport facilities within the city of Bellingham, (Bellingham Shipping Terminal, Squalicum Harbor, and Bellingham Cruise Terminal) and one in the city of Blaine (Blaine Harbor). The Bellingham Cruise Terminal acts as the southern terminus of the Alaska State Ferry System and host to private cruise vendors. (Brenner)

3) p. 6-4; lines 34-36: Privately owned and operated airports exist in Whatcom County, including Point Roberts (Point Roberts Airpark), and on Lake Whatcom (Floathaven SPB), near Custer (Meadow Mist), and Eliza Island. (Brenner)

4) p. 6-5; lines 4-6: The transit system includes transit stations in Bellingham, Ferndale, and Lynden, three of which include park and ride lots. There are currently a total of nine park and ride lots in Whatcom County. (Brenner)

5) p. 6-6; lines 19-22: GMA requires counties to adopt level of service (LOS) standards for arterials. For purposes of concurrency management, Whatcom County adopts level of service (LOS) standards for motor vehicle travel on county-owned arterials and major collectors per GMA requirements. In addition, it is appropriate to include concurrency for the county-owned ferry service (see Policy 6A-1 and Map 6-2). (Brenner)

6) p. 6-7; lines 16-22: GMA also requires counties to include a level of service for transit routes in the transportation element. Whatcom Transit Authority, the only public transit agency in the County, establishes its levels of service in its Strategic Plan document; this chapter references those adopted standards. For modes of transportation other than motor vehicles, and transit, and ferry, Whatcom County does not establish levels of service based on volumes, but instead focuses on the quality of service through planning and design (see Goals 6D and 6E below). (Brenner)

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

- Ferry LOS standard is currently 513 ferry passenger trips annually per capita Lummi Island population. Note: The Lummi Island Ferry Advisory Committee (LIFAC) is cooperating with Public Works to
develop an updated LOS standard. LIFAC will present a revision to this section when that work is complete. (Brenner)

9) p. 6-12; lines 9-12: The segments where County-owned roadways classified as arterials fall below the adopted LOS standards in 2036 are Hannegan Road between Van Wyck Road and Kelly Road (1.01 mile), and Lakeway Drive between the Bellingham city limits and Terrace Avenue (0.63 mile). (Brenner)

10) p. 6-12; lines 38-40: Accordingly, in deciding how best to use its finite resources, the County must prioritize among many competing items, including new projects as well as preservation, operation, and maintenance of existing facilities. (Brenner)

11) p. 6-14; Policy 6B-1: Programming of transportation programs and improvements should prioritize upgrading of unsafe and/or structurally deficient facilities and preservation and maintenance of the existing transportation system over new capital improvements. Exception to this policy should be allowed when a cost/benefit analysis indicates that the public interest is better served by new capital expenditures over preservation of existing infrastructure, or when capacity-increasing improvements are necessary to correct level of service deficiencies on County-owned roads and ferries to meet GMA concurrency requirements. (Brenner)

12) p. 6-14; Policy 6B-2: Use a fair and equitable formula to assess development for transportation improvements, including but not limited to transit, pedestrian facilities, bikeways, ferry, and roadways that are considered reasonably necessary as a direct result of proposed developments in Whatcom County. (Brenner, Weimer)

13) p. 6-15; lines 31-35: Whatcom County's program of arterial and collector improvements addresses the following elements: uncongested traffic flow; sound engineering and construction; safety; mobility; facilities for public transit, bicycles, and pedestrians; access to air, rail, ferry, and other forms of transportation; and cost effectiveness. (Brenner, Weimer)

14) p. 6-15; Policy 6C-1: For road classifications higher than local access roads, develop access control plans which may include joint driveways, and require new developments to minimize the number of access points. (Brenner)

16) p. 6-17; lines 25-30: Whatcom County's transportation facilities must accommodate a variety of transportation modes including automobiles, bicycles, pedestrians, buses, ferries, emergency vehicles, commercial vehicles, and agricultural equipment. In the planning, design, and construction of these facilities, the County must balance the needs of all users in all modes, and make the improvements appropriate to the context of the area. (Brenner, Weimer)
18) p. 6-18; lines 24-29: Level of service for pedestrians and bicyclists involves different characteristics than capacity and speed. Design should maximize the quality of the service rather than quantifiable measures of usage. Walkways serve pedestrians well when they provide a safe and convenient route. **Pedestrians are well served by adequate crosswalks.** Bicyclists may be well served by a low speed and traffic shared roadway lane in an urban location but may benefit from a wide shoulder on a rural higher speed road. *(Brenner)*

19) p. 6-20; Policy 6F-5: Give priority to construction of pedestrian and bicycle facilities on streets within and between urban growth areas and rural communities where practical, and give priority to walkways and crosswalks along roadways within a one-mile radius of schools. *(Brenner)*

20) p. 6-20; Policy 6F-6: For commercial and residential developments within urban growth areas and rural communities, developers shall fund on-street walkways, paths, crosswalks, and other pedestrian accommodations, along with internal walkways or paths for on-site circulation that are necessary to provide pedestrian access from public streets to building entrances and within and between buildings. *(Brenner)*

21) p. 6-20 lines 32-34: Whatcom County **Council Members** are part of the WCOG's Whatcom Transportation Policy Board and the WTA Board of Directors. *(Brenner)*

22) p. 6-23; Policy 6H-1: Maintain and restore fish passage when constructing new transportation systems. Where existing transportation systems have fragmented habitat, such as where culverts prevent fish from migrating upstream, strive to restore fish passage at every opportunity. For County transportation projects, the County Council will determine when such restoration is financially feasible through adoption of the six-year transportation improvement program, the annual road construction program, and the County budget. *(Brenner)*

23) p. 6-24; Policy 6H-8: Promote designs to preserve mature trees, unique wildlife habitats, water quality, and other elements of the natural environment, including environmentally sensitive areas and shorelines, during the design and construction of road improvement projects. *(Brenner)*

25) p. 6-24; Policy 6J-1: Develop programs that reduce single-occupant vehicle use and vehicle miles traveled, minimizing trip length and reducing travel during peak periods, in order to minimize fuel consumption and the emission of greenhouse gases. These programs include, but are not limited to, trip reduction programs in coordination with major employers, and other jurisdictions, and the WTA. *(Brenner)*
26) p. 6-25; Policy 6J-4: Coordinate with Whatcom Transportation Authority and Washington State Department of Transportation to provide park-and-ride lots along major corridors and provide necessary and adequate services to encourage their use. (Brenner)

Passed May 10

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

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

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

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

- Allow rapid charging stations in commercial parking lots and other convenient locations;
- Provide a streamlined and expedited permitting process for rapid charging stations;
- Provide incentives to developers, employers, and organizations that provide rapid charging stations;
- Consider requirements to include infrastructure for rapid charging stations in multi-family and commercial developments; and
- Pursue partnerships with Puget Sound Energy to consider voluntary development of rapid charging stations to reduce costs. (Mann)
p. 6-21; Policy 6G-3: Consistent with county land use planning, coordinate identification of new arterial routes with adjacent city jurisdictions. Coordinate with adjacent jurisdictions to identify, design, and strategically implement needed system improvements in locations where jurisdictional interests overlap. Such locations include unincorporated urban growth areas adjacent to cities, and non-urban areas where existing or proposed facilities serve regional interests. Improvements should be designed to standards appropriate to the planned land uses served by the facilities. In unincorporated urban growth areas adjacent to cities, design should meet the appropriate city design standards.

(Staff)

Passed May 17

1) p. 6-18; Goal 6F: Develop a system of bicycle and pedestrian facilities that encourages enhanced community access, promotes healthy lifestyles and supports the recreational segments of our economy. (Browne)

2) p. 6-19; Policy 6F-4: Identify, analyze and Prioritize pedestrian and bicycle projects based on the following criteria: (Browne)

3) p. 6-32; Restore Section: Commercial Transportation

In addition to the commercial traffic that serves Whatcom County industries and residents, the county's transportation system carries heavy cross border truck traffic between the United States and Canada. Freight vehicles' access to industrial and commercial areas, safety on roads shared with private vehicles, efficient long-distance movement of goods, and coordination of commercial transportation with rural land uses are all issues for Whatcom County. Trucks make up the bulk of the commercial traffic, but rail, air, and ship transportation are involved as well. (Browne)

3a) p. 6-32; Restore Goal 6P: Provide for safe, efficient movement of commercial vehicles. (Browne)

3b) p. 6-32; New Policy 6P-1: Give priority to maintaining service levels for existing commercial/industrial areas. New commercial/industrial developments shall not materially diminish the transportation service levels to/from previously established commercial/industrial developments. (Browne)

3c) p. 6-32; New Policy 6P-2: Any new commercial/industrial development must not materially impact the safe, efficient movement of existing residential, commercial, public safety or emergency response traffic. (Browne)
### CLEARANCES

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**TITLE OF DOCUMENT:**

Discussion and preliminary Council direction on Comprehensive Plan Chapter 8, Resource Lands

**ATTACHMENT:**

Preliminary draft, Comprehensive Plan Chapter 8, Resource Lands

Related paperwork can be found at: [http://www.co.whatcom.wa.us/2346/Comprehensive-Plan-Update-Process](http://www.co.whatcom.wa.us/2346/Comprehensive-Plan-Update-Process)

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

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

The Whatcom County Council will hold a public hearing on April 19, 2016, regarding the periodic update of the Whatcom County Comprehensive Plan, Chapter 8, Resource Lands (AB2016-047H). This hearing will give the public an opportunity to provide comments to the County Council relating specifically to Chapter 8.

The Council is conducting the Whatcom County Comprehensive Plan and urban growth area (UGA) review as required by the Growth Management Act under RCW 36.70A.130. It is anticipated that the County Council will adopt an ordinance amending the Whatcom County Comprehensive Plan and UGAs by the end of June 2016.

**COMMITTEE ACTION:**

- 3/8/2016 (AM): Discussed and amended
- 3/8/2016 (PM): Not discussed
- 3/22/2016: Discussed and provided preliminary direction
- 3/29/2016: Discussed and provided preliminary direction
- 6/21/2016: Comments received and prelim. direction given

**COUNCIL ACTION:**

- 4/19/2016: Public Testimony Received
- 5/31/2016: SCOTW: Item was not discussed

**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)
Chapter Eight
Resource Lands

Introduction

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

Chapter Organization

This chapter is divided into three sections: Agricultural Lands, Forest Resource Lands, Aquatic Resource Lands, and Mineral Resources. The action plans for all three sections appear at the end of the chapter.

Reason for Change: The action plans at the end of this chapter have already been completed or have been consolidated into goals/policies.

Purpose

This chapter contains goals and policies designed to identify and protect the important natural resource lands found in Whatcom County as defined by RCW 36.70A. The development of these goals and policies is necessary to ensure the provision of land suitable for long-term farming, forestry, and mineral extraction so the production of food, fiber, wood products, and minerals can be maintained as an important part of our economic base through the planning period. Without protection of these resource lands, some of the lands could be inappropriately or prematurely converted into land uses incompatible with long-term resource production. The premature conversion of resource lands into incompatible uses places additional constraints on remaining resource lands and can lead to further erosion of the resource land base.

Process

Each section of this chapter includes a description of the process followed in creating that section.

GMA Goals and County-Wide Planning Policies, Visioning Community Value Statements

The following goals and policies in this chapter have been developed:

- to be consistent with and help achieve the state-wide GMA goals to "maintain and enhance" natural resource based industries
to implement County-Wide Planning Policies which express the desire for the county to become a government of rural lands and sustainable resource based industries.

- to fulfill the citizens' vision of Whatcom County where resource based industries are widely practiced and encouraged.

The Agricultural Lands, Forest Resource Lands, Aquatic Resource Lands, and Mineral Resources sections of this chapter address Goal 8 of the GMA, which reads:

"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." (RCW 36.70A.020)

The goals, policies, and action plans of this chapter support the achievement of this goal by identifying, designating, and protecting productive resource lands from incompatible uses, thereby helping to maintain the county's important natural resource based industries.

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

The results of the Visioning Process place a great importance on preserving agricultural lands while recognizing the economic pressures facing the farming community. The economics of forestry are recognized as well, along with the necessity of mining and the reality of impacts on affected neighbors. The goals, policies, and action plans of the Resource Lands chapter support the future vision of Whatcom County as a semi-rural region with productive resource based industries and a healthy environment by encouraging the use of good management practices and resource conservation measures as well as designating and protecting resource lands.

Reason for Change: Removing references to older processes.

Agricultural Lands – Introduction

Purpose

The purpose of this section is to provide a clear set of guidelines that both preserve the agricultural base in Whatcom County and ensure that both the agricultural
industry and the cultural heritage thrive in the years to come.

**Process**

In 1991 an Agricultural Resource Land Advisory Committee was formed to adopt Interim Agricultural Resource Land Designations under the GMA. After 13 committee meetings and three public information meetings, the committee recommended adoption of refined goals and objectives and re-adopted of the existing Agriculture zoning and plan designations. Their recommendation was adopted by Council through Ordinance 92-013. Exhibit A to Ordinance 92-013 explains the locational criteria that were used to designate agricultural lands. These criteria are found in Policy 8A-3.

Currently, approximately 88,000 acres are designated as agricultural lands of long-term commercial significance.

Committee members were chosen for their interest or expertise in Whatcom County agriculture and included dairy and berry producers, food processors, Whatcom County Farm Bureau, a Darigold Board member, a small farmer, interested citizens, Cooperative Extension Service, Agriculture Stabilization and Conservation Service, and Soil Conservation Service.

After 13 committee meetings and three public information meetings in 1991, the committee recommended adoption of refined goals and objectives and re-adopted of the existing Agriculture zoning and plan designations on an interim basis. This included consolidation of the existing body of agriculture policies into one document, a refined set of goals, objectives, issues, and planning horizon; a list of consensus items agreed upon by the Committee; an Action Plan; and a right-to-farm ordinance. Much of the material in this section was taken from that original process and distributed among the agricultural community for their review prior to submission of the final draft to the County Council and Planning Commission for action.

**Reason for Change:** Outdated narrative and shortened for brevity.

**GMA Requirements**

The Growth Management Act requires the Whatcom County Comprehensive Plan to identification of the "general distribution and general location and extent of the uses of land... for agriculture..." Map 8-1Map-18 and Map 8-2Map-19 show agricultural soils and existing agricultural zoning boundaries.

Map 8-1Map-18 shows prime agricultural soils, and the Agricultural Comprehensive Plan designation. Those lands designated as Agriculture in the comprehensive plan are designated as Agricultural Lands of Long-Term Commercial Significance as defined by GMA. Agricultural lands of long-term commercial significance are land: (a) not already characterized by urban growth (b) that is primarily devoted to the commercial production of agricultural products enumerated in RCW 36.70A.030(2), including land in areas used or capable of being used for...
production based on land characteristics, and (c) that has long-term commercial
significance for agricultural production, as indicated by includes the growing
capacity, productivity, and soil composition of the land for long-term commercial
production, in consideration with the land's proximity to population areas, and the
possibility of more intense uses of the land.” (RCW 36.70A.030(10).--for GMA
planning purposes.

Reason for Change: Added the GMA definition.

Prime farmland, as defined by the Natural Resources Conservation Service (NRCS),
"is the land that is best suited to food, feed, forage, fiber, and oilseed crops."
Categories of prime soils depicted on \textbf{Map 8-1Map 18} are described as follows:

\begin{itemize}
\item Category I: All areas are prime farmland.
\item Category II: Prime farmland if \textit{when} drained.
\item Category IV: Prime farmland \textit{if irrigated when protected from flooding}.
\item Category V: \textit{Prime if drained and protected from flooding or not frequently
flooded during the growing season. Prime farmland when irrigated}.
\item Category VII: Prime if irrigated and either protected from flooding or not
frequently flooded during the growing season. Prime when drained and
protected from flooding.
\item Category VII: Prime if subsoiled, completely removing the root inhibiting soil
layer.
\end{itemize}

These prime soil categories are taken directly from the NRCS National Soil Survey
Handbook Part 622. Whatcom County does not contain all NRCS categories of prime
soils.

Reason for Change: The NRCS has altered its prime soils classifications since the
last update.

\textbf{Map 8-2Map 19} shows Agriculture Protection Overlay soils, and provides a visual
representation of those areas that are subject to the Agriculture Protection Overlay
(APO). The APO recognizes that agriculturally important soils may lie outside
existing agricultural zoning, \textit{in designated rural areas}, and provides a mechanism
for conserving these soils for agricultural use, if conservation is appropriate. Soils
\textit{are} classified as APO soils based on the NRCS's Prime Farmland classification
system and Land Evaluation and Site Assessment (LESA) system.

The purpose of the APO is to promote and encourage commercial agricultural
activity, meet long-term agricultural needs not otherwise met in the Agriculture
zone district, provide a reasonable mix of uses and activities \textit{which that may}
enhance the economic resources available to the farmer, and provide for a variety
of uses within the rural areas \textit{which that are} not inconsistent with or incompatible
with the use of lands within these areas for agricultural activities.

Conserving productive agricultural lands in rural areas, \textbf{without infringing on private
property rights}, is a primary objective of the APO. The APO applies to all lands
zoned Rural-5A or Rural-10A that are outside designated urban growth area
boundaries and held in parcels of 20 acres or larger. Map B-2 Map-19
shows lands zoned Rural-5A or Rural-10A that are outside UGAs. Applied at the time of
subdivision, the APO utilizes uses cluster zoning in order to allow development on
one portion of a parcel, while leaving the remainder of the parcel available for
agricultural use. The portion available for development will be limited to 20 percent
(or possibly, up to 30 percent).
The APO seeks to conserve lands, with agriculturally important soils, whose
predominant use has been and continues to be, or could be commercial agriculture.
This overlay zone shall include areas which that:

   1. Have been designated as agricultural open space for county property tax
      purposes within the past seven years; and/or
   2. Those that include more than 50 percent APO soils;

GMA also specifies the need for regulatory protection relative to agriculture. It
requires that the county "shall adopt development regulations on or before
September 1, 1991, to assure the conservation of agricultural, forest, and mineral
resource lands . . ." Whatcom County has enacted a Right-To-Farm ordinance that
meets this requirement.

**Agricultural Lands – Background Summary**

Agriculture has been practiced continuously in Whatcom County since long before
Euro-American settlers arrived. Native American peoples had developed and
cultivated root crops in the natural prairies along the Nooksack Valley, where sub-
irrigated meadows were ideal sites for such plants as camas and "Indian carrot."
Euro-American settlers expanded the area under cultivation, logging and planting
crops on thousands of acres of forest land.

Today agriculture plays an important role in both Whatcom County’s economy and
its identity.

Agricultural activity is generally considered to be a condition or activity which
occurs on agricultural land in connection with the commercial production of
agricultural products. Agricultural land can be described as the land, buildings,
freshwater ponds, including the buildings and machinery used in the commercial
production of agricultural products. Agricultural products are those plants and
animals useful to humans. Commercially viable agricultural products require
gen generally rich and fertile soil with appropriate amounts of water to bring them to a
harvestable stage.

**Reason for Change: Shortened for brevity.**

Agricultural lands are an important resource to the people of Whatcom County and
Washington State. Yet if not adequately protected through zoning and other
measures, these lands may be converted to are often considered available for
urban or rural uses. Often the conversion process begins when rural uses move

*Whatcom County Comprehensive Plan*
onto agricultural land, creating smaller parcels, more buildings, and activities that, in some cases, are incompatible with agriculture. In many cases, this blurs the line of distinction between agriculture uses and other uses and sets the stage for further conversion of the limited agricultural land base in Whatcom County.

Reason for Change: Clarification of the meaning of the first sentence.

The viability of an agricultural resource economy is dependent upon the presence of certain agriculture related industries and activities. These include processors (for example, fruit and vegetable packers and milk processors in Whatcom County), farm implement sales and repair, fertilizer and pesticide suppliers, trucking firms, certified meat inspectors and processors, a pool of farm labor, etc. These activities, in turn depend on a stable (or expanding) agricultural products economy which that is in turn dependent on maintaining a stable agricultural resource land base. If agricultural production is reduced below a certain level in a given geographical area, then it becomes no longer economical for the agriculture related activities to remain in that area. Loss of these support industries results in further reduction and conversion of the agricultural land base and an accelerating downward spiral for the local agricultural economy.

Another important consideration is maintaining a large contiguous land base—without a significant potential for conversion to non-agricultural residential uses—for agriculture. Smaller, discontinuous agricultural areas are more vulnerable to conversion pressures resulting from longer hauling routes, difficulty in transporting farm equipment and supplies on roads dedicated to residential traffic, conflicts with neighboring non-agricultural land uses, and the reduced importance of agriculture in the local economy. Maintaining such a large contiguous land base sometimes requires preserving within the agricultural resource land area some lands that are not well suited to actual production of crops. Such inclusions may best be used for building sites, windbreaks, specialty crops, livestock wintering, forestry, etc. Thus it is important to consider both the size and the configuration of the agricultural resource area to provide long term stability of the agricultural resource and support industry economy.

In 1949, 200,000 acres of land were reported to be in farm production in Whatcom County. Between 1949 and 1992, land in farm production declined. Since that time, land in farm production has declined. In 1994, agriculture accounted for 139,680 acres, a decline of over 60,000 acres. The number of farms in Whatcom County declined from 1,463 in 1987 to 1,367 in 1992. Although farm size remained about the same over this period, averaging 86 acres, the total number of acres in farm production declined by 6,539 acres between 1987 and 1992. In 2012, agriculture accounted for 115,831 acres, nearly 85,000 fewer acres than 1949. However, since 1992, the amount of land in farms has remained relatively stable (between 100,000 and 125,000 acres). But at the same time, both the number and diversity of farms in the County has been increasing. Even while the amount of land in agricultural use has remained relatively stable over the past two decades, the economic value of the products produced on those farms has increased by more than $100 million in the same time period. These figures illustrate how the amount of land in farm production has been steadily shrinking over time.
**Agricultural Lands—Issues, Goals, and Policies**

**Agricultural Land Base**

Agricultural viability is dependent upon long-term supplies of clean water and a large fertile land base. Erosion of the farm land base has been recognized as a national and local problem. The maintenance of a sufficiently large land area devoted to agricultural activity is necessary to support associated farm processing operations such as milk and berry processing facilities.

Increasing demand for low cost residential building sites coupled with fluctuating profit margins for agricultural operations and availability of residential development rights brings increasing pressure to convert agricultural land to residential and other non-agricultural uses.

Whatcom County passed Resolution 2009-040 on July 7, 2009 in which the County Council confirmed that 100,000 acres of land available for agricultural use is the minimum goal for ensuring a land base necessary to support a viable agricultural industry in Whatcom County. The resolution also stated the need to strengthen agricultural land protection in the County’s Rural Study Areas as defined in the 2007 Rural Land Study by the Agricultural Advisory Committee (AAC). The AAC assisted in the creation of the County’s Agricultural Strategic Plan in 2011, which included the task of reviewing rural study areas and identifying any new agricultural zoning designations or where agricultural land protection efforts should be strengthened.
Reason for Change: Resolution 2009-040 is new since the last Comp Plan update, and directly relates to maintaining the agricultural land base of Whatcom County.

**Goal 8A:** Conserve and enhance Whatcom County's agricultural land base for the continued production of food and fiber.

**Policy 8A-1:** Conserve productive agricultural lands and agricultural resource lands, including areas with prime soils which that are not now zoned agriculture, or where the area is composed of agricultural operations that have historically been and continue to be economically viable, by developing and implementing a long range strategy. The planning horizon should be twenty years in the short-term and 250 100 years in the long-term.

Reason for Change: 250 year planning horizon is unreasonable.

**Policy 8A-2:** Maintain a working agricultural land base sufficient to support a viable local agricultural industry by considering the impacts to farmers and agricultural lands as part of the legislative decision making process. Measures that can be taken to support working farms and maintain the agricultural land base may include: A long range conservation strategy should include:

- Maintenance of 100,000 acres of agricultural land to support a healthy agricultural industry.
- A workable transfer of development rights program (TDR) in which the development potential of a site could be transferred to another location where development is more favorable.
- The workable TDR program shall give priority to the creation of economically viable receiving areas.
- Developing a marketplace approach to strengthening agricultural practices while enhancing larger-scale watershed processes and functions by identifying feasible opportunities on agricultural land to improve both watershed health and agricultural viability and developing incentives and tools to compensate farmers for actions that exceed minimum regulatory standards.
- Maintaining a Purchase of Development Rights (PDR) program which facilitates the removal of development rights from productive farmland and provides permanent protection of those agricultural lands through the use of conservation easements or other legal mechanisms.
- Maintenance of a sufficient quantity of agricultural land to support a healthy agricultural industry.
- Required mitigation in the event that designated agricultural land is converted to another use.
- Required buffers on all new non-agricultural uses located adjacent to agricultural activities.
- Development assistance to agricultural-related enterprises.
- Farm-friendly regulations.
- Incentives and cooperation between landowners and public agencies such as the utilization of the current use tax assessment provisions.
- Implementing land use policies that encourage farming on rural lands of high agricultural productivity and potential.
- Discouraging conversion of designated agricultural lands to non-agricultural uses.
- Mitigation for loss of productive agricultural lands, including lossTrack acres lost due to conversion, development, or policy implementation such as critical areas ordinance, so mitigation strategies can be implemented to offset the acres lost, etc.
- Education and marketing of programs that emphasize recognition of the local and regional significance of agricultural land as a natural resource and the economic, social and ecological benefits it provides.
- Working cooperatively with local farmers and coordinating with local and state agencies to address water quality impacts of agricultural activities on local streams and groundwater.
- Securing an adequate, sustainable and legal supply of irrigation water sufficient to support the long-term viability of the local agricultural industry.
- Identify and evaluate any new or changed zoning or comprehensive plan agricultural lands of long term commercial significance designations as needed or warranted for the Rural Study Areas.

Reason for Change: Addresses the No Net-Loss of Ag Lands issue and identifies the range of actions the County could take to protect the agricultural land base while preserving discretion for the County Council in their legislative decision-making processes. The AAC recommended several other actions such as a transfer of development rights program, and a natural resource marketplace. The planning commission did not recommend including those. See 7-23-15 planning commission minutes.

Policy 8A-3: The criteria for designating or de-designating lands under the Agriculture land use designation shall be considered on an area-wide basis. When applying the following criteria, the process should result in designating an amount of agricultural resource lands sufficient to maintain and enhance the economic viability of the agricultural industry in the county over the long term, and to retain agricultural support businesses, such as processors, farm suppliers, and equipment maintenance and repair facilities. The criteria are as follows:
1. The land is not already characterized by urban growth. In determining this factor, the County should consider WAC 365-196-310 and RCW 36.70A.030(19).

2. The land is used or capable of being used for agricultural production. In making this determination, the County shall use the land-capability classification system of the U.S. Department of Agriculture Natural Resources Conservation Service. These eight classes are incorporated into map units and are based on the growing capacity, productivity, and soil composition of the land.

3. The land has long term commercial significance for agriculture. In determining this factor, consider the following nonexclusive criteria:
   a. The majority of the area contains Prime Farmland Soils as determined by the Natural Resource Conservation Service (NRCS).
   b. The area may contain 100-year floodplains as delineated by the Federal Emergency Management Agency (FEMA).
   c. Land use settlement patterns, the intensity of nearby uses, and the history of approved land development permits are generally compatible with agricultural practices. Existing land uses are primarily full-time agriculture intermixed with part-time agriculture and woodlots; and minimal commitment to non-farm uses has been made.
   d. A majority of the area is composed of agricultural operations that have historically been and continue to be economically viable.
   e. The predominate parcel sizes in the area is large enough to adequately maintain agricultural operations, are generally greater than forty acres.
   f. The availability of public services. Urban utility services including public sewer and water are not planned.
   g. The availability of public facilities such as roads used to transport agricultural products.
   h. Special purpose districts that are oriented to enhancing agricultural operations exist, including such as drainage improvement, watershed improvement, and flood control exist.
   i. The areas have has a pattern of landowner capital investment in agricultural operations improvements including irrigation, drainage, manure storage, the presence of barns and support buildings, enhanced livestock feeding techniques, agricultural worker housing, etc.
b. The areas contain a predominance of parcels that have current use tax assessment derived from the Open Space Taxation Act.

e. The area’s proximity to urban growth areas.
d. The area’s proximity to agricultural markets.
e. Land value under alternative uses.

Reason for Change: These are the Agriculture designation criteria Council adopted via Ordinance 92-013, with a few slight changes to wording to bring up to date.

Policy 8A-34: Support conservation of productive agricultural land by requiring the use of best management practices including soil and water conservation, livestock waste nutrient/manure management, etc.

Policy 8A-45: Discourage conversion of productive agricultural land to incompatible non-agricultural uses.

Policy 8A-56: Require all requests for re-designation from agriculture to demonstrate that changed site conditions or circumstances have occurred since the original designation to such an extent that the site no longer satisfies the designation criteria for agricultural lands.

Policy 8A-67: Prioritize agricultural activity in land use decisions when land is composed of prime and/or productive agricultural soils and agriculture is the highest value resource use.

Policy 8A-78: Establish flexibility in land use plans and regulations to encourage maintenance of the productive agricultural land base, such as agricultural parcel reconfiguration.

Policy 8A-8: Maintain NRCS Soil Survey as basic guideline for designating agricultural resource-lands.

Reason for Change: Designation criteria are now listed in Policy 8A-3.

Policy 8A-9: Conserve water resources from both a quantity and a quality perspective to ensure and possibly enhance continued agricultural viability.

Policy 8A-10: Work to ensure water rights are available for agricultural uses.

Reason for Change: These policies were moved and became Policies 8F-2 and -3.

Policy 8A-119: Use an "Agriculture Protection Overlay" (APO) designation in certain Rural zoned areas as one way to achieve this goal.
increase agricultural production in areas outside of designated agricultural land of long-term commercial significance.

Reason for Change: Clarity as to what goal the APO is supporting.

Policy 8A-1210: The Agricultural Advisory Committee shall advise the Whatcom County Executive and Council on agricultural issues and agricultural land use. Whatcom County shall support the Agricultural Advisory Committee with staff and other resources.

Agricultural Products Industry

Agriculture is an essential contributor to the local Whatcom County economy. Agriculture is most productive in large agricultural communities where neighbors support agriculture and where labor, farm supplies and market systems for farm products are available.

Agriculture is one of the most important resources in Whatcom County. Whatcom County works with farmers to ensure productive agricultural land and improved nutrient management practices help reduce impacts on aquatic lands. Whatcom County is also strongly supported by agriculture fiscally with sales and jobs. Agriculture may conflict with other land uses.

Goal 8B: Maintain and enhance Whatcom County's agricultural products industry as a long-term and sustainable industry.

Policy 8B-1: Promote the expansion and stability of local and regional agricultural economies.

Policy 8B-2: Assist Whatcom County's agricultural industry in the pursuit of its long-term economic potential. This should include the development of strategies and policies necessary to reach this potential, in terms of both production and diversity.

Policy 8B-3: Support agricultural product processing facilities through appropriate planning, zoning, and land use regulations.

Policy 8B-4: Support methods and strategies to market Whatcom County agriculture in ways that ensure that agricultural activities (such as dairying) and entities (such as processors) will remain here in the long term.

Policy 8B-5: Support improving the efficiency and flexibility of state and local environmental regulations affecting the agricultural products industry.
Policy 8B-6: Develop a range of non-regulatory programs, options, and incentives which—such agricultural landowners can employ so long as such programs, options, and incentives can be shown to produce results that to meet or exceed county environmental goals.

Agriculture Related Cultural Heritage

Agriculture is not just a business but a way of life, with many farmers farming the same land their parents and grandparents farmed. The sense of community that these people have built over the years is one of the most valuable assets of our county.

Nevertheless, the livelihood of these people appears to be threatened. Property has become a valuable commodity in Whatcom County and oftentimes young farmers cannot afford to buy productive farmland because the cost is so prohibitive. The reverse is true for retiring farmers. Often they cannot find buyers who can afford the high market value of the land. In some cases this creates pressure to convert the land to other uses.

Reason for Change: The AAC didn’t think this was always true; depends on economic environment.

Goal 8C: Preserve and enhance the cultural heritage that is related to agriculture.

Policy 8C-1: Find ways for Encourage retiring farmers to pass their farms on to their children and for young farmers to be able to afford to buy productive farmland.

Reason for Change: The Planning Commission recommended striking this policy. While they support the intent, they didn’t feel there was anything the County could do to achieve it.

Policy 8C-12: Identify, preserve, and enhance community character, landscape, and buildings associated with agricultural activity.

Policy 8C-23: Involve those who actually are engaged in agricultural activities in the planning process. Utilize Use groups working effectively with the agricultural community to help preserve and/or create a sustainable economic agricultural base.

Policy 8C-34: Support the continuation of owner occupied/family owned farms.

Policy 8C-4: Encourage the use of programs that help beginning farmers buy productive farmland.
Land Use Conflicts

Agriculture may conflict with other land uses. Improper nutrient or manure management practices on agricultural land may impact the commercial and recreational use of aquatic lands miles away. Residents of non-farm housing adjacent to farms, and owners and patrons of nearby commercial uses, have complained of nuisances such as odors, dust, chemical sprays, and noise from machinery. Farm equipment, crops, and livestock may suffer from increased vandalism. In addition, non-farm residential development, particularly residential subdivisions, can raise assessed valuation or lead to special assessments on adjacent farmlands, resulting in higher property taxes for farmers. The same is true of commercial uses. On the other hand, the open space value of farmland can be diminished or destroyed by the location of commercial uses such as junk yard, auto wrecking yards, etc.

Many agricultural drainage districts have been in existence since the early 1900s with little or no outside influence. Their sole function has been to keep the water table down low enough to allow crops to grow throughout the season. In the last few years, however, there has been growing concern about the impact this activity may have on fish habitat and fish populations. As a result, Hydraulic permits have been difficult to get from the Washington State Department of Fish & Wildlife and drainage activity has been slowed.

Mining activities, such as the extraction of sand and gravel, are often an alternative use of land zoned for agriculture. Such activities may limit options for later agricultural use, depending upon the intensity of the activity and the extent of soil rehabilitation efforts.

Many profitable agricultural operations are located on land outside of predominantly agricultural areas. Although these operations may not be entirely compatible with neighboring urban and suburban developments, they are important contributors to the agricultural base in Whatcom County.

Goal 8D: Reduce land use conflicts between Whatcom County’s agriculture and non-agricultural landowners.

Policy 8D-1: Strive to work to reduce potential conflicts between incompatible agricultural activities by establishing—maintaining zoning regulations which protect productive agricultural lands of long-term commercial significance from conversion to non-compatible uses. This zoning should recognize the diversity of agricultural landowners and agricultural land uses. This zoning should provide flexible regulations, which encourage all agricultural landowners to maintain the productive agricultural land base while protecting them from conflicting uses.

Reason for Change: Such zoning regulations have been adopted.
Policy 8D-2: Affirm and build upon Maintain the Right-To-Farm ordinance, in order to help curb pressures to convert farms to non-farm uses. Give priority to agricultural uses and owners of parcels zoned for agriculture priority in land use and nuisance conflicts with residents of adjacent properties and adjacent property owners.

Reason for Change: This ordinance has been adopted.

Policy 8D-3: Support improved communication and understanding between agricultural landowners and the public through such mechanisms as voluntary agricultural management plans, community forums, and educational programs.

Reason for Change: Given that farm plans are non-disclosable, the AAC didn’t see how these are a way to improve public communication.

Policy 8D-4: Recognize the importance of surface mining as an agricultural practice when the activity contributes to enhancing subsequent agricultural uses on the property.

Policy 8D-5: Accommodate the location of designated mineral resource lands in or near agriculture zones when determined by Whatcom County to be in the best interests of the community.

Policy 8D-6: Support agricultural activity in mixed farm/rural residential areas, with the understanding that certain farm practices may conflict with other neighboring rural land uses.

Policy 8D-7: Help resolve conflicts associated with maintaining and enhancing quality fish habitat and the necessary drainage work that is annually done by agricultural drainage districts, watershed improvement districts and landowners.

Reason for Change: Added by AAC to include the newly formed WIDs and to move away from language emphasizing conflict in this arena.

Policy 8D-8: Encourage the fencing of livestock away from fish-bearing streams.

Policy 8D-8: Through a continuum of efforts moving from education to enforcement of regulations, that includes outreach, development of voluntary best practices, technical assistance, incentives, monitoring, and regulation, ensure that agricultural practices do not negatively impact aquatic resource lands and critical areas.

Reason for Change: The old policy is a duplicate of Policy 8E-2, so was removed.

Policy 8D-9: Encourage low intensity recreational activities that help sustain and are compatible with agricultural uses.
Policy 8D-10: In the "Agricultural Protection Overlay" on parcels 20 acres and larger with Rural 5 acre and Rural 10 acre zoning, require non-agriculturally related development to be clustered on 20 or up to 30 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.

Fish and Wildlife

Utilization of agricultural lands can impact habitat, including riparian areas, stream flows, channel habitat structure, and water quality.

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

Policy 8E-1: Ensure that adequate riparian buffers are maintained along rivers and streams.

Policy 8E-2: Prevent livestock from degrading riparian and instream habitat by using best management practices for the fencing of livestock from streams and support the provision of alternative watering systems. Encourage fencing along rivers and streams to prevent livestock from degrading riparian and instream habitat.

Policy 8E-3: Encourage utilization—the use of integrated pest management practices, including herbicides and pesticides, that protect water quality.

Policy 8E-4: Ensure proper storage and application of compounds that can pollute our waterways such as manure and other fertilizers, pesticides and herbicides, and other compounds that can pollute our waterways.

Reason for Change: Manure isn't the only ag by-product that pollutes our waterways.

Policy 8E-5: Ensure voluntary restoration to properly functioning habitat conditions for those riparian areas and stream reaches that do not currently provide such habitat conditions through voluntary restoration, technical assistance incentives.
Chapter 8 – Resource Lands

Policy 8E-6: Encourage the maintenance and operation of drainage systems such that the habitat and water quality impacts from such systems are minimized and agricultural uses remain viable.

Policy 8E-7: Work with the watershed improvement districts, drainage districts, and the Washington State Department of Fish and Wildlife to resolve tradeoffs associated with fish and wildlife habitat on agricultural lands.

Reason for Change: Moved from action item list to incorporate as policy; add reference to the newly formed WIDs.

Policy 8E-8: Continue to work with farmers on improving water quality practices.

Policy 8E-9: Provide outreach and education to farmers on using Best Management Practices as defined by WCC 14.02.020 to protect water quality.

Reason for Change: Due to increased concern with water resources in the County.

Water for Agriculture

Agriculture uses a significant amount of water, most of which is pumped from wells or surface waters. Given the competition for scarce water supplies (addressed in Chapter 11, Environment, Water Resources), ways must be found to secure an adequate long-term water supply while reducing water usage and improving water quality prior to it entering the waterways.

Goal 8F: Strive to ensure adequate water supplies to support a thriving agricultural sector.

Policy 8F-1: Actively participate in the WRIA 1 Watershed and Salmon Recovery Programs to ensure that the agricultural sector’s needs, as well as other interests, are addressed.

Policy 8AF-92: Conserve water resources from both a quantity and a quality perspective to ensure and possibly enhance continued agricultural viability.

Policy 8AF-103: Work to support that the agricultural community has access to sufficient direct, legal in-Work to ensure ensuring that legal water rights and other sources of water are available for agricultural uses.

Policy 8F-4: Balance the needs of agricultural water users with needs for instream uses through such process as the WRIA 1 Salmon Recovery Program.
Reason for Change: Water is an important agricultural issue. Staff thought it best to have an actual goal about it, moved existing agricultural water policies, and created a policy (8F-1) describing the mechanism through which water issues are to be resolved.

Forest Resource Lands – Introduction
Purpose

This section contains policies to guide Whatcom County in conservation of forest resources land of long-term commercial significance, and to implement the provisions of the Growth Management Act and; the adopted County-Wide Planning Policies, and the citizen developed Visioning Community Value Statements.

GMA Requirements

Designation and conservation of forest resource lands of long-term commercial significance is required under the Growth Management Act (RCW 36.70A.060). The Growth Management Act [RCW 36.70A.030 (8)] defines forest lands as follows:

"Forest land" means 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 economical 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.

Long-term commercial significance is defined by RCW 37.70A.030 (10) as including:

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.

Map 8-3 shows lands designated as forest resource lands of long-term commercial significance.

Process

Whatcom County has implemented zoning regulations for forest land since the 1970s. With the passage of the Growth Management Act, the county began to review the zoning classifications which had been previously in place. The county's Forest Resource Lands Program was established to review the current forest designations and zoning regulations for compliance with the Growth Management Act.
Act. The Planning Division began preliminary project work in early 1991. At that
time, a citizens' advisory committee was formed to review draft forest land
definitions, criteria, and designations.

In 1991 a Forest Resource Lands Citizens' Advisory Committee was composed
of small forest landowners, industrial forest landowners, representatives of the
Washington State Department of Natural Resources, forestry consultants, and
private citizens was formed. The committee reviewed the interim The purpose of
the committee was to provide review and recommendations on the draft
designation of forest resource lands and the , reviewed the Rural Forestry and
Commercial Forestry zones and land use code, and made recommendations for
changes in the zoning text regulating these two forestry zones. In addition, the
committee reviewed and made recommendations for a Right-To-Practice Forestry
ordinance. The draft forest land designations were developed under the original
GMA definition utilizing a set of locally derived criteria for more refined definition of
forest lands. These criteria included average parcel size, parcel tax status, type of
road access to each parcel, ownership status, presence of public services, and
environmental constraints. In 1992, the committee's recommendations were
forwarded to the Planning Commission and on to the County Council before
adoption in 1993, which by and large accepted the committee's proposals. The
Planning Commission passed on to the County Council the forest lands designations
and, by the end of 1993, the County Council had adopted the Planning
Commission's recommendations, with minor changes along the way. The draft
forest resource land designations and policies fulfilled the Growth Management Act's
interim designation and conservation requirements for resource lands. These
interim designations were eventually adopted as part of the Final 1997
Comprehensive Plan, in which over 35,000 acres were designated as Rural Forestry
and over 186,000 acres were designated as Commercial Forestry.

In March 1994, the Forest Resource Lands Citizens' Advisory Committee was
reconvened to develop and recommend goals and policies for the comprehensive
land use plan. These goals and policies are presented below. The goals and policies
are a compilation of the previously existing county goals regarding forest lands,
statements from the Visioning Committee's work, and statements generated by the
committee. These goals and policies reflect a broad consensus of the community for
the conservation and utilization of the forest resources of Whatcom County.

Reason for Change: These changes were made for brevity while still clarifying the
process used for designating resources lands.

GMA Requirements

Designation and conservation of forest resource lands of long-term commercial
significance is required under the Growth Management Act (RCW 36.70A.060). The
Growth Management Act [RCW 36.70A.030 (8)] defines forest lands as follows:
"Forest land" means lands 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 economical 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; long-term 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. The Washington State Office of Community Development recommends (WAC 365-190-060) that the following factors be considered, when classifying forest lands, in addition to those found in RCW 36.70A.030: (e) Property tax classification; Property is assessed as open space or forest land pursuant to chapter 84.33 or 84.34 RCW; (f) Local economic conditions which affect the ability to manage timberlands for long-term commercial production; and (g) History of land development permits issued nearby.

Long-term commercial significance is defined by RCW 37.70A.030 (10) as including:

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.

Reason for Change: GMA Requirements portion of the Comprehensive Plan was moved ahead of the Process portion of the Comprehensive Plan.

The interim forest land designations were developed under the original GMA definition utilizing a set of locally derived criteria for more refined definition of forest lands. These criteria included average parcel size, parcel tax status, type of road access to each parcel, ownership status, presence of public services, and environmental constraints. By utilizing these criteria Whatcom County effectively considered the same factors for designating forest land required under the amended definition of forest lands. In addition, the Washington State Department of Natural Resource lands and the Mount Baker National Forest lands within eastern Whatcom County are recognized as forest lands of long term commercial significance. Designated forest lands for purposes of long term commercial significance are displayed on Map 20.

Forest-Resource Lands—Background Summary

Forest resource lands are lands which are used primarily for growing trees for commercial purposes. In order to be designated as forest resource lands, they must
The forest resources of Whatcom County have historically been one of the most important natural resources in the region. Lands in the lower foothills which were initially harvested between 1900 and 1950 now support commercially mature stands of timber. In addition, a few areas of original forest still remain.

The majority of the county’s non-federal forest resource lands (about 268,597 acres) are located in the foothills of western Whatcom County. Most of this land (223,613 acres) is zoned for forest production uses, and is: The majority of the land currently zoned for forest production is owned and managed by a few large institutions, including natural resource based corporations, insurance companies, the State of Washington, and small private forest management companies. These landowners manage their lands primarily for the production of timber resources.

The State of Washington manages about 94,000 acres of timber land in Whatcom County for a variety of public trusts, including state schools and universities, capital buildings, state and local governments. Forest Board Lands provide revenue from timber sales to the State general fund, Whatcom County government, and other junior taxing districts in Whatcom County.

A smaller portion of the land zoned for forest production is owned and managed by individual woodlot owners and farm/foresters, some of whom reside on their properties. An additional 108,514 acres of land in lowland Whatcom County is supporting stands of commercial timber, but is not necessarily managed for production of forest products. The majority of these lowland areas are zoned either Rural or Agriculture. Individual woodlot owners and farm/foresters constitute the majority of landowners of forest lands outside the forestry zone. The goals of individual forest landowners, whether in the forestry zone or not, encompass a broader range of objectives than just timber production and may include management for wildlife, conservation, specialty forest products, firewood, privacy, aesthetics, and low density residential or other uses compatible with forestry.

Based on data collected from forest practice applications, the average standing volume of a second growth stand of timber in Whatcom County today is about 30,000 to 40,000 board feet per acre. Today, most timber is harvested between 40 and 90 years of age. The harvested areas are replanted with seedlings specifically selected for desired growing characteristics, collected from seed trees in the same elevation and climatic zone as the harvested area.

Traditionally, forest land use has been seen as a lower economic value compared to agriculture, rural, suburban, urban, commercial, or industrial uses. As a result, some forest landowners have held forest land in reserve at low cost (current use tax status) while managing for forest products and waiting for the growth of more intense land uses in the vicinity of their property. Many landowners in Whatcom County have taken advantage of the current use taxation programs in order to make forest management on their land more economical. These programs greatly benefit community interests by helping forest landowners keep land in open space and forest use.
With a growing population, there is a genuine need to promote conservation of productive forest land and associated public resources through a balanced combination of regulatory protection as mandated by the Growth Management Act, and the provision of incentives for maintaining lands in long-term commercial timber production. It is state and county policy to provide forest landowners with long-term land use predictability, for both productive forest lands and adjacent non-forest use lands. Premature conversion of those productive forest lands to other land uses which are incompatible with the management of forest resources is recognized as a threat to the forest industry. Such conversions include changing the use of forest land from commercial timber production to incompatible residential, commercial, industrial, or agricultural land uses, or parks and preserves that exclude intensive forest production management. Once forest land has been converted and roads, utilities and other infrastructure have been constructed, the land is not as useful for long-term commercial forest production. In addition, the encroachment of land uses such as non-forestry related residential into areas devoted to forest production can create conflicts between residents and forest landowners.

Forest Resource Lands—Issues, Goals, and Policies

The following goals and policies apply to both Rural and Commercial Forest lands and address the issues of conserving productive forest land and meeting the goals of the Growth Management Act.

Forest Land Base

The working commercial forest land base in Washington State and in Whatcom County has been steadily fluctuating decreasing over time. Most of the forest land base change has been attributed to conversion of forest land to parks, preserves, and set-asides, or environmental regulations. A minor amount of land has been converted to rights-of-way and urban and suburban uses. With the additional population growth forecast for Whatcom County (coming mostly from in-migration), there will be continued pressure to convert all types of lands to residential uses. The greatest pressure to convert forest land will likely occur along the margins of traditional forest land where a spectrum of possible land uses may exist, in areas near infrastructure, and on forest sites with commanding views.

Complicating the issue of maintaining and protecting the forest land base from conversion is the existing diverse character of forest resource ownerships and forest management goals among Whatcom County's timber landowners. While the larger forest landowners manage their lands primarily for timber production, the smaller forest landowners tend to have diverse forest management goals—ranging from small scale timber and woodlot uses to preservation of forests for wildlife habitat. Zoning and land use regulations to conserve forest land in Whatcom County need to recognize the range of diverse ownership goals and provide for a range of allowed land uses to ensure the viability of both large and small scale forest management.
goals while achieving the broader comprehensive goal of conserving the forest land base of the county.

**Goal 8F:** Maintain and enhance Support increasing Whatcom County's working forest land base and support policies that do not adversely impact the commercial forest land base.

Reason or change: The recommendation attempts to recognize the limitations of the county's ability to increase the forest land base. The following policies would support increasing the forest land base, while shielding the county from litigation should increases not be achieved. Staff also recommends using the term "working forest" rather than "commercial forest" to differentiate them from "Designated Forest Lands" as defined and required by the Growth Management Act.

**Policy 8F-1:** Recognize that rural woodlot owners, farm/foresters, small private timber companies as well as large natural resource corporations, the Federal Government, and the State of Washington constitute the ownership of the forest resource land base of Whatcom County.

**Policy 8F-2:** Provide appropriate land use regulation for the diverse forest resource lands within the county through the designation of Rural Forestry and Commercial Forestry zones.

**Policy 8F-3:** Apply the following general criteria for Rural and Commercial Forestry comprehensive plan designations and zones:

*Rural Forestry-Zone:* Lands mostly devoted to growing trees for commercial timber production, usually located within public service districts such as fire or water districts, accessed by private roads built to Whatcom County development standards or public roads, with low density residential development. Land parcels are generally 20 acres or greater in size.

*Commercial Forestry-Zone:* Lands primarily devoted to growing trees for long-term commercial timber production, located outside of public service districts such as fire and water districts, and accessed by private or state forest roads. Land parcels are generally 40 acres or greater in size.

**Policy 8F-4:** Support conservation of productive forest land by requiring the use of best management practices such as proper road construction and maintenance, prompt re-planting of harvested areas, and protection of forest soils.

**Policy 8F-5:** Support conservation of the working forest land base through cooperation between landowners, private organizations and...
public agencies, and through a broad range of incentives and cooperation between landowners and public agencies—such as RCW 84.28, RCW 84.33, and RCW 84.34.

Reason for Change: Private land trusts were identified in Action Item #5, which is similar to this policy and proposed for deletion from Action Items section of comp plan. Changed from "land trusts" to "organizations" to include a larger group of stakeholders who may share this vision. RCW 84.28 no longer exists. Rewording clarifies that the RCWs are incentives, and not necessarily tied to cooperation between landowners/organizations/public.

Policy 8F-6: Encourage and support the utilization-use of the Small Forest Landowner Forestry Riparian Easement Program to help small landowner's economic viability and willingness to keep the land in forestry use (WAC 222-21-005).

Policy 8F-7: Establish flexibility in land use plans and regulations to encourage maintenance of the productive forest land base.

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

Reason for Change: Action Item #2 proposed as a policy to maintain and enhance forest land base.

Policy 8F-8: Discourage inappropriate conversion of productive forest land to incompatible non-forest uses. It is the intent of this policy not to allow conversion of forest land if the proposed use is incompatible with the maintenance of long-term forest management. Incompatible uses include those which:

- create fire or safety hazards to adjacent forest land;

Policy 8F-9: Discourage inappropriate conversion of productive-designated forest land to incompatible non-forest uses. It is the intent of this policy not to allow conversion of GMA designated forest lands of long-term commercial significance outside the Lake Whatcom Watershed Overlay District if the proposed use is incompatible with the maintenance of long-term forest management. Incompatible uses include those which:

"Whatcom County Comprehensive Plan 8-24"
• permanently **alter or remove** a significant portion of a parcel from production. A significant portion would be greater than 20% of the lot;
• create significant financial hardships for adjacent forest landowners; or
• can lead to land use conflicts with adjacent forest landowners.

**Reason for Change:** Language clarifies that this policy addresses designated forest lands, as opposed to other lands that are forested (e.g. Rural or Agriculture). Clarifying the amount of a lot that can be removed from production of forest products before it is considered significant is consistent with the standard lot coverage requirements of the zoning code for the Rural Forestry zone. The Commercial Forestry lot coverage standards would need to be amended from 25% to 20%. The Forestry Advisory Committee supports this amendment, as it is unclear why the zoning code would allow a greater portion of a lot to be removed from active forestry within the Commercial Forestry zone as opposed to the Rural Forestry zone where residential uses are allowed.

**Policy 8F-10:** Special districts should review their boundaries (e.g. fire districts, water districts) for conformance with forestry designations and consider making appropriate adjustments.

**Reason for Change:** Similar to Action Item #4. Special districts are best suited to review their service boundaries and ability to serve within the boundaries.

**Policy 8F-11:** Recognize the difference between designated (mapped) forest lands and working forests. Designated forest lands may include public or private forest lands not actively managed for timber production, such as for parks, open space or habitat preservation purposes. Working forests are actively managed for timber production and to provide a balance of social, economic, and ecological benefits, products, and values.

**Policy 8F-12:** Maintain a working forest land base sufficient to support a viable local forestry industry by considering the impacts of working forests as part of the legislative decision making process. Measures that can be taken to support working forests may include:
• Land use policies that encourage active management plans on Rural Forest lands;
• Mitigation for loss of forest lands from productivity, including loss due to policy implementation of critical areas ordinance, etc;
• Track acres of forest lands lost from productivity due to conversion, development or policy implementation such as critical areas ordinance, and work with the forestry advisory
committee to identify economically viable mitigation strategies that can be implemented to offset the acres lost.

Reason for Change: Policy 8F-12 is a new policy proposed by staff and the Forest Advisory Committee. Planning Commission recommended adding "including loss due to policy implementation of critical areas ordinance, etc" to the above bullet point.

- Land use policies that recognize the multiple values of working forests and respect the rights and responsibilities of private and public forest landowners;
- Education programs that emphasize recognition that wood is a renewable natural resources;
- Public and institutional education programs that promote the benefits of working forests;
- Championing the implementation of the Northwest Forest Plan and completion of individual forest plans in order to re-balance the social, economic, and ecological benefits and products on a national forest specific basis;
- Ensuring that timber management plans submitted as part of the Designated Forest Land Current Use Tax program are implemented, or remove the property from the program; and
- Discouraging conversion of designated forest lands to non-forest uses.

Reason for Change: Policy 8F-11 and 12 support forestry and are similar to language within the Forestry Advisory Committee No Net-Loss memo to the County Council dated July 22, 2014.

Forest Products Industry

Investment in forest land is complicated by the long time it takes to realize any financial return from growing trees. Once a forest is harvested and a new forest plantation is established, it can take from 40 to 60 years at a minimum before another harvest can occur. Due to the fact that investments in forest land and timber growing are long term in nature, it is necessary to provide forest landowners with assurance that their investments will be realized.

Forest resource lands make an important contribution to the local economy in Whatcom County. Resource based employment continues to provide some of the better paying jobs in our local area. Several major employers operate primary and secondary forest product processing facilities. Furthermore, Whatcom County has a long history of involvement in the forest industry, with many families and communities involved in forest management.

Environmental regulations have constrained timber production in some locations, though the impact industry wide is not as significant as other factors. According to a recent timber supply study conducted by the University of Washington, timber...
production on private lands is more sensitive to changes in the minimum harvest age of the available timber supply than it is to changes in the land base as a result of restrictions on harvest, such as wetlands protection rules. Other timber supply factors, such as currently available growing stock, stumpage prices, and labor/technology costs have more influence on timber supply than environmental regulations.

Reason for Change: This study by UW was referenced in the 1994 DRAFT Comprehensive Plan. It is no longer a recent study and was not cited in the Bibliography of the 1994 draft, therefore there is no knowledge about this study.

Goal 8G: **Maintain and enhance support increasing the viability of Whatcom County’s forest products industry.**

Policy 8G-1: Support improving the efficiency and flexibility of state and local environmental regulations affecting the forest products industry, in order to assure environmental protection and improve predictability for the forest products industry while minimizing the regulatory costs to forest landowners.

Policy 8G-2: Develop a range of non-regulatory programs, options, and incentives which forest landowners can employ to meet or exceed county environmental goals.

Policy 8G-3: Support the efforts of the forest landowners and managers in Whatcom County to operate in a long-term, sustainable manner as part of a stable, broad based economy.

Policy 8G-4: Work cooperatively with the Washington State Department of Natural Resources to ensure the most productive and appropriate use of Whatcom County's Forest Board State Forest lands **within Whatcom County.**

Policy 8G-5: **Support Consider** surface mining, along with rock crushing, washing, and sorting, **when done** as part of conducting forest practices within the forestry zones, as compatible uses.

Policy 8G-6: Support primary and secondary forest product production facilities through appropriate planning, zoning, and land use regulations.

Reason for Change: Removal of language clarifies support for all forest product production facilities, not just primary and secondary.

Policy 8G-7: Encourage the United States Forest Service and the Department of Natural Resources to implement harvest practices that maximize the use of forest lands **while allowing appropriate multiple uses.**
Land Use Conflicts

One of the most significant impacts for timber landowners in Washington State is the growing number of conflicts between forest landowners and their neighbors. These conflicts are the result of expansion into the margins of commercial forest land base by people seeking residential land and recreational tracts, and who bring with them conflicting values concerning resource extraction, such as logging.

Goal 8H: Reduce land use conflicts between Whatcom County’s forest and non-forest landowners.

Policy 8H-1: Refine the Rural and Commercial Forestry zoning regulations to conserve productive forest lands of long-term commercial significance from conversion to non-compatible uses. This zoning recognizes the diversity of Forest Resource landowners and forestry land uses. This zoning should include provisions for compatible, non-forestry uses which encourage all forest landowners to maintain the productive forest land base while conserving them from conflicting uses.

Policy 8H-2: Affirm Whatcom County Code Chapter 14.04, the Right-To-Practice-Forestry ordinance, which requires notification of property owners in the vicinity of forestry zones of the types of normal forest management operations likely to be conducted on forest land.

Policy 8H-3: Prior to issuing a development permit or receiving approval for a rezone, every attempt should be made to annex all development into local fire district boundaries. Before a development permit or a rezone is approved, it should be demonstrated to the satisfaction of the County that adequate fire prevention measures will be in place for the resident and adjacent properties.

Policy 8H-4: Support and encourage improved communication and understanding between forest landowners and the public through such mechanisms as voluntary forest management plans, community forest forums, and educational programs.

Policy 8H-5: Work cooperatively with the Washington State Department of Natural Resources, forest landowners, and the general public to address community concerns and land use conflicts which may arise as a result of forest practices.

Fish and Wildlife

Utilization—Use of forestlands can impact habitat, including riparian areas, stream flows, channel habitat structure, and water quality.

Whatcom County Comprehensive Plan
Goal 8I: Support the Department of Natural Resources to ensure forest practices avoid adverse impacts to the habitat of threatened and endangered fish and wildlife species and to marine waters that support shellfish resources.

Policy 8I-1: Ensure that adequate riparian buffers, based on best available science, are maintained along rivers and streams.

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

Policy 8I-3: Ensure that riparian and stream functions are protected when forestlands are converted to non-forestry uses.

Mineral Resources – Introduction

Purpose

The purpose of this section is to guide Whatcom County in conservation of mineral resource lands of long-term commercial significance and in land use decisions involving lands where mineral resources are present, and to implement the provisions of the Growth Management Act and the adopted County-Wide Planning Policies.

Process

In 1990, the Washington State Legislature passed the Growth Management Act. One of the goals of the act is to maintain and enhance resource-based industries. The Act mandates that each county planning under the Act classify and designate mineral resource lands of long term commercial significance.

To address the mandates of the Growth Management Act, Whatcom County formed a Surface Mining Citizens’ Advisory Committee in the 1990s to produce, through a consensus process, the issues, goals, and policies found in this chapter. Planning staff drafted the sub-section on mineral designations following review and comments from the committee.

In 1992, Whatcom County adopted an Interim Classification of Mineral Resources provided by the Washington State Department of Natural Resources. This classification system, as well as existing resource information, was used for the interim designation of mineral resource lands of long-term commercial significance. Through their involvement, the Surface Mining Advisory Committee recommended a longer planning horizon, which would require additional mineral resource areas. Additional MRLs were, in fact, designated when the Comprehensive Plan was adopted in 1997.
Since 1997, amendments for MRL designation have been landowner initiated. Planning staff drafted the sub-section on mineral designations following review and comments from the committee. The committee was comprised of a cross-section of community members including mining operators, foresters, farmers, and rural homeowners representing diverse interests and geographic areas in Whatcom County. The County Council adopted the original mineral resource provisions in the 1997 Comprehensive Plan. These provisions were updated in 2004-2005 after reviewing the GMA, Surface Mining Advisory Committee recommendations and new information.

GMA Requirements

One of the goals of the Growth Management Act is to maintain and enhance resource based industries, including the aggregate and mineral resource industries, with the purpose of assuring the long-term conservation of resource lands for future use. The goals and policies in this section support that goal. In addition, the Act mandates that each county shall classify mineral resource lands and then designate and conserve appropriate areas that are not already characterized by urban growth or have other GMA values that may preclude designation and that have long-term commercial significance.

The Growth Management Act requires that each county planning under the act shall designate mineral resource lands. Mineral resource lands are lands primarily devoted to the extraction of minerals or that have known or potential long-term commercial significance for the extraction of minerals.

Classification is first step in implementing natural resource lands designations, as required in RCW 36.70A.170, and requires defining categories to which natural resource lands and critical areas will be assigned. Designation is the second step in implementation, in which natural resource lands must be designated based on their defined classifications. Designated Mineral Resource Lands of Long Term Commercial Significance are displayed on Map 8-4.

As part of the required periodic review, Whatcom County must consider new information in determining if amendments are necessary to the mapped designated mineral resources.

Mineral Resources—Background Summary

Mining activities in Whatcom County have taken place since the 1850s, though the nature, scope and extent of such activities has changed considerably through time. These changes have reflected the economics involved at each point in time at least as much as they reflect the geologic character of Whatcom County. Historically, the more important mineral commodities of Whatcom County have been coal, gold (placer and lode), sandstone, clay, peat, limestone, olivine, and sand and gravel aggregate, with the latter three being especially important at present. Many other commodities, however, have been prospected for or extracted.
In 2004, there were 24 Mineral Resource Land (MRL) designations throughout the County, covering 4,204 acres. For planning purposes, the Surface Mining Advisory Committee recommended using an annual demand for sand and gravel of 12.2 cubic yards per capita and annual demand for bedrock of 1.3 cubic yards per capita in the 2004-05 Comprehensive Plan update, consistent with the rates in the 1997 Comprehensive Plan. There were approximately 108 people directly employed by the mining industry in 2000 (Greater Whatcom Comprehensive Economic Development Strategy, p. III-16).

In Whatcom County, sand and gravel mining has been occurs—historically concentrated mainly to the east of Interstate-5 and north of Bellingham, with some exceptions. The more important historic aggregate mining areas from east to west include: (1) the Siper and Hopewell Road area two miles north of Nugent’s Corner; (2) the Breckenridge Road area just east of Nooksack; (3) the Pangborn and Van Buren Road area two and one half miles southwest of Sumas; (4) the Pole and Everson-Goshen Road area to the southwest of Everson; (5) the Axton Road area one mile east of Laurel; and (6) the Valley View Road area three miles to the east of Blaine. It is estimated that between 1999-2001 approximately 1.73 million cubic yards of sand and gravel from upland pits were excavated annually in Whatcom County. (Report Engineering Geology Evaluation Aggregate Resource Inventory Study Whatcom County, Washington (GeoEngineers, Inc., Sept. 30, 2003, p.7).

Limestone has been mined since the early 1900s in Whatcom County. Historically, the main use for limestone was for Portland cement manufacturers and pulp and paper industries. Today, limestone is mined in the Red Mountain area north and east of Kendall and is primarily used for rip-rap to mitigate effects of flooding, and for crushed rock, and for pulp mills. Limestone mining has decreased significantly over the years. In 1966, about 500,000 tons of limestone were produced annually from deposits on Red Mountain and from deposits north of Maple Falls. Since then, limestone mining has decreased significantly.

Whatcom County is home to one of the largest known deposits of olivine in the United States, located in the Twin Sisters Mountain. The extraction of high quality Twin Sisters dunite (olivine) by the Olivine Corporation, largely from the Swen Larsen Quarry, has ranged from 400 tons in the early years of operation to a more recent annual average of approximately 70,000 to 80,000 tons.

In the past extraction of river gravel occurred primarily within the banks of the Nooksack River between Deming and Lynden, as determined by aggregate size and composition. As of March, 1993, 34 gravel bars had approved status for extraction. Between 1990 and 1993, an average of 170,000 cubic yards per year of river gravel were removed from the Nooksack River. Between 1960 and 1987, removal rates averaged about 50,000 cubic yards per year. However, because of federal regulations and decreasing seasonal windows in which gravel could be removed from the river due to impacts to riparian habitat and endangered salmon spawning and habitat, there has not been any river bar scalping on the Nooksack River since 1995.
Chapter 8 – Resource Lands

Mineral Resources—Issues, Goals and Policies

General Issues

While urbanization-development creates demand for sand and gravel resources, it may also encroach upon or build over those same resources, rendering them inaccessible. Strong community opposition to mining near residential, agricultural, or sensitive environmental areas may also limit extractive opportunities. Adequate resource protection could help to assure the long-term conservation of resource lands for future use. It would also help to ensure a competitive market and to guard against inflated land prices by allowing the supply of minerals to respond to the demand of a free market. Helping the aggregate industry and the associated businesses, trades, and export markets also creates jobs and stimulates the economy, to the benefit of the county.

Surface mining can create potential conflicts with other land uses. Those impacts, however, may include increased noise, dust, scenic impacts, visual blight, traffic, road wear, and neighboring property devaluation. Un-reclaimed mines can affect property values while at the same time nearby residents may use the area for shooting, dirt bike riding, and other activities. Controlling trespassing to surface mining can be a significant safety issue for mine operators. Property rights—Adjacent land use issues range from the right to mine and use the value of mineral resource land to the right to live in an area with a high quality of life and retain home values. Citizens may be generally unaware of the county zoning of surrounding property and the mining uses that are allowed. Trespassing and various other activities that may conflict with other land uses are generally illegal and can cause liability for mine owners/operators. Numerous federal, state, and local regulations also mitigate impacts of noise, dust, traffic, and environmental issues. These and other factors may contribute to a climate of distrust and hostility between the aggregate industry and property owners in the vicinity.

Environmental issues associated with surface mining may include groundwater or aquifer impacts contamination and disruption of fish and wildlife habitat. Surface mines do have the potential, however, if reclaimed properly, to reclamation can create wetlands and fish and wildlife habitat, possible productive agricultural land for a limited number of crops, enhance agricultural land, or provide land for parks, housing, industrial or and other uses.

As a natural result of geologic forces, it is not uncommon in Whatcom County to have excellent mineral deposits located under prime farmland soil and above an aquifer recharge area. Mining in these areas can substantially reduce the productive capacity of the soil and make the underlying aquifer more susceptible to contamination. Removing the soil overburden eliminates the natural filtration system, exposing the aquifer to direct contamination from turbidity, industrial spills, illegal dumping and agriculture products. Removing, stockpiling and spreading soil may create an unacceptable risk of compromising the productive capacity of the most productive and versatile farmland in the County. Another potential problem is that digging out a side hill and/or through a clay barrier could...
tap the groundwater and suddenly drain an aquifer. This creates a conflict between competing natural resource industries; agriculture and mining. While agriculture is a sustainable industry, mining is an industry that relies on a fixed, nonrenewable resource. Associated mining activities such as rock crushing on-site can greatly increase the "industrial atmosphere" experienced by nearby property owners. This activity, however, helps to keep material transportation costs down. In addition, accessory uses are a necessary part of most operations, and to carry them out on site is cost-effective.

**Goal 8J:** Sustain and enhance, when and where appropriate, Whatcom County's mineral resource industries, support the conservation of productive mineral lands, and discourage incompatible uses upon or adjacent to these lands.

**Policy 8J-1:** Conserve for mineral extraction designated mineral resource lands of long-term commercial significance. The use of adjacent lands should not interfere with the continued use of designated mining sites that are being operated in accordance with applicable best management practices and other laws and regulations.

**Policy 8J-2:** Support the use of new technology and innovative techniques for extraction, processing, recycling and reclamation. Support recycling of concrete and other aggregate materials. Support the efficient use of existing materials and explore the use of other materials which that are acceptable substitutes for mineral resources.

**Policy 8J-3:** Minimize the duplication of authority in the regulation of surface mining.

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

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

**Policy 8K-2:** Consider the maintenance and upgrade of public roads before approving mineral extraction. Address all traffic on county roads in a fair and equitable fashion.
Policy 8K-3: Avoid adversely impacting ground and surface water quality. The protection of aquifers and recharge zones should have precedence over surface mining in the event it is determined by the county that adverse impacts cannot be avoided through the standard use of best management practices. Avoid contamination of aquifers by using uncontaminated and inert materials best management practices for reclamation or on-site storage.

Policy 8K-4: Require, Where there exists county has jurisdiction, the require reclamation of mineral resource lands to other compatible uses on an ongoing basis as mineral deposits are depleted. Best Management Practices should be used to achieve this.

Policy 8K-5: As part of the mining permit process, Have an plan for an ultimate end use for land used for mineral extraction which that will complement and preserve the value of adjoining land.

Policy 8K-6: Where not subject to the Surface Mining Act, Require security to cover the costs of reclamation prior to extraction activity, and insurance policies or a similar type of protection as appropriate to cover other potential liabilities associated with the proposed activity.

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

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

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

Rural and Urban Areas

Many of the rural areas in Whatcom County have been and are being used for mineral extraction. Low density rural areas with potential natural resources such as sand and gravel may be able to accommodate a variety of uses, and surface mining has been a traditional use. Significant mineral deposits occur in certain parts of the rural areas. Some of these areas have higher surrounding residential densities than others, and many rural residents expect less intrusive forms of land uses. Determining which areas are the most appropriate for mineral extraction is a difficult and challenging task.

Goal 8L: Achieve a balance between the conservation of productive mineral lands and the quality of life expected by residents within and near the rural and urban zones of Whatcom County.

Policy 8L-1: Discourage new residential uses from locating near designated mineral deposit sites until mineral extraction is completed unless adequate buffering is provided by the residential developer.

Policy 8L-2: Protect areas where existing residential uses predominate against intrusion by mineral extraction and processing operations, unless adequate buffering is provided by the mine operator.

Policy 8L-3: Allow accessory uses to locate near or on the site of the mineral extraction source when appropriate. Authorize crushing equipment to locate near the mineral extraction source as a conditional use provided that all pertinent regulatory standards are maintained. Site asphalt and concrete batch plants as a conditional use, addressing potential impacts for the site.

Policy 8L-4: Buffer mineral resource areas adjacent to existing residential areas. Buffers preferably should consist of berms and vegetation to minimize impacts to adjacent property owners. Buffers should be reduced for a limited period of time during reclamation if quality minerals are contained therein.

Policy 8L-5: Encourage mineral extraction operators in the county to voluntarily provide resource use information to nearby landowners, and to develop a good neighbor policy.

Reason for Change: Similar to Action Item #2
Agricultural Areas

There is considerable overlap between high quality aggregate lands and high quality agriculture lands. Several deposits represent a primary source for sand and gravel and, as well, form the parent material for prime agricultural soils. Both large, deep, open pit mines and smaller projects removing ridges and high ground have been operating in these overlap areas in the agricultural district. The smaller projects usually occur on dairy farms where corn or grass is cultivated. Potential drawbacks from commercial mining in agricultural areas may include reclamation problems, the loss of scenic terrain, an increased risk of groundwater contamination from future agricultural practices, soil rehabilitation difficulties, negative cost-benefit balance, and drainage may also be adversely affected.

Some farmers want the freedom of choice to use their land for farming or surface mining, especially in cases where mining income could "save the farm." Others want to preserve farmland. Some questions to consider are the extent to which surface mining should occur on farmland and the extent to which it should be reclaimed back to farmland if it does occur.

The agriculture zone is sparsely populated and there are fewer conflicts between homeowners and mining industries than in urban or rural zones. Nevertheless, mining activities can significantly impact nearby landowners.

Goal 8M: Recognize the importance of conserving productive mineral lands and conserving productive agricultural lands within or near the agricultural zones of Whatcom County without jeopardizing the critical land base that is necessary for a viable agricultural industry.

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

Policy 8M-2: Avoid the use of designated agricultural land for mineral or soil mining purposes unless the soils can be restored to their original productive capabilities as soon as possible after mining occurs.

Policy 8M-3: Allow accessory uses such as washing and/or screening of material to locate near or on the site of the mineral extraction source when appropriate. Within MRL designations, authorize application for mineral processing facilities such as rock crushers and concrete plants through the conditional use process.

Policy 8M-4: Recognize the role of commercial surface mining as part of farm enhancement.
Forestry Areas

Surface mining of gravel and rock resources is an integral part of a forest landowner's forest management. Adequate supplies of gravel and rock not only add to the economics of forest management, but also reduce environmental impacts of forest roads. Rock crushing helps conserve a valuable commodity by reducing the amount of material necessary for road construction. The use of crushed rock on roads reduces the amount of sediment developed and better protects water quality. Zoning densities in the Forestry Districts protect the access to mineral resources in the future. These regions contain most of the county's hard rock reserves, such as olivine and limestone. In some areas, the soils overlaying mineral deposits may have a lower productivity for growing timber compared to the high mineral resource value.

As lowland sand and gravel resources become exhausted or unavailable, the commercial potential of mining in forest zones increases enough to warrant the expense of hauling. While this would increase the potential for impacts, such as heavier truck traffic, land use conflicts may be minimal based on the lack of or low residential densities in these zones.

Goal 8N: Maintain the conservation of productive mineral lands and of productive forestry lands within or near the forestry zones of Whatcom County.

Policy 8N-1: Recognize the importance of forest lands in the county and the importance and appropriateness of surface mining as part of conducting forest practices within the forest zones.

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

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

Policy 8N-4: Carefully consider the siting of asphalt and concrete batch plants due to possible adverse impacts.

Riverine Areas

Proponents of river bar scalping support it for both economic and flood control purposes. River bar aggregate supplies high-quality rock material (although it produces poor-quality sand due to excessive organic material). In addition and, if done properly, bar scalping can stabilize a section of the river channel and decrease flood damage immediately downstream.
The benefits of river bar scalping are local and it may have negative effects in areas surrounding the mining site. For example, if done improperly gravel removal can de-stabilize the river channel locally and increase, rather than decrease, flood damage downstream. After intensive bar scalping, floodwater that is normally stored on the floodplain of the mined reach can be concentrated and dumped on the reach immediately downstream. If gravel mining exceeds the rate of replenishment from upstream, the river bed may lower both upstream and downstream; this bed degradation can undermine bridge supports and other structures, cause adjacent banks to erode (or stabilize, depending on how much and where gravel is removed), lower groundwater tables adjacent to the river, and damage riparian vegetation.

Improper mining methods in fish spawning reaches can de-stabilize spawning gravel or clog it with silt, remove cover vegetation or trap smolts during out-migration. Over harvesting of gravel can erode the river bed and expose the underlying substrate, reducing or eliminating pool and riffle habitat for fish and other aquatic animals. Finally, petroleum spills from mining equipment can degrade local surface water quality if not responded to properly.

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

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

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

However, although the public believes river bar scalping will significantly reduce flooding along the entire river, in fact its benefits are local and it may have negative effects in areas surrounding the mining site. Adverse impacts may include: For example, if done improperly gravel removal can de-stabilize the river channel locally and increased, rather than decrease, flooding damage further downstream. After intensive bar scalping, floodwater that is normally stored on the floodplain of the mined reach can be concentrated and dumped on the reach immediately downstream. If gravel mining exceeds the rate of replenishment from upstream, the river bed may lower both upstream and downstream; this bed degradation, infrastructure damage, can undermine bridge supports and other structures, cause adjacent banks to erosion, de- (or stabilize, depending on how much and where
gravel is removed), lowered groundwater tables adjacent to the river, and damage to critical instream and riparian vegetation habitat. Finally, petroleum spills from mining equipment can degrade local surface water quality if not responded to properly.

Improper mining methods in fish spawning reaches can destabilize spawning gravel or clog it with silt, remove cover vegetation or trap smolts during out-migration. Over harvesting of gravel can erode the river bed and expose the underlying substrate, reducing or eliminating pool and riffle habitat for fish and other aquatic animals. Finally, petroleum spills from mining equipment can degrade local surface water quality if not responded to properly.

While river gravel is a renewable resource that could extend the life of other Whatcom County gravel resources, seasonal and yearly environmental factors make it resource variation a reliable source from year to year. These factors include the amount of gravel that can be mined varies with seasonal and yearly rates of gravel deposition rates, high and low water levels and timing, and fish lifecycle and migration, spawning and out migration timing.

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

Finally, many state and federal regulations restrict scaling locations and practices. The cost and time delay of duplicate regulation, environmental restrictions, royalty charges and the regulatory process are deterrents to river bar mining.

**Goal 8P:** Subject to Federal and State regulations, support the extraction of gravel from river bars and stream channels in Whatcom County for flood control purposes and market demands where adverse hydrologic and other environmental effects are avoided or minimized.

**Policy 8P-1:** Designate river gravel as a supplemental source to upland reserves.

**Policy 8P-2:** Allow, when appropriate, the stockpiling, screening, and washing of river gravel in all zone districts when associated with river gravel extraction as close to the extraction site as possible to keep handling and transportation costs to a minimum.

**Policy 8P-3:** Design river gravel extraction to work with natural river processes so that no adverse flood, erosion, or degradation impacts occur either upstream or downstream of extraction.
sites. Base mining extraction amounts, rates, timing, and locations on a scientifically determined sediment budget adjusted periodically according to data provided by a regular monitoring plan.

Policy 8P-4: Locate and operate river gravel extraction to provide long-term protection of water quality and quantity, fish and wildlife populations and habitat, and riparian vegetation.

Policy 8P-5: Plan and conduct operations on rivers and streams so that short- and long-term impacts and hazardous conditions are either prevented or held to minimum levels which are not harmful to the general public. Create as little adverse impact on the environment and surrounding uses as possible.

Policy 8P-6: Fully consider the recommendations of the Flood Hazard Management Committee to encourage gravel bar scalping that decreases the likelihood of flooding and lowers the costs of flood damage and repair, flood management, and emergency services.

Policy 8P-7: Support the use of gravel from tributary streams for flood hazard control, provided environmental impacts are fully addressed.

Policy 8P-8: Support the use of existing public access easements to allow gravel removal.

Policy 8P-9: Work with other jurisdictions and related agencies to reduce or eliminate redundant regulations, streamline the permitting process, and provide greater opportunities for appropriate river gravel extraction to enhance other important resources, specifically agricultural.

Mineral Designations

Whatcom County’s interim designation work, accomplished in 1992, was based upon the following statutory direction:

"On or before September 1, 1991, each county [required to plan under the Act] shall designate where appropriate: ... Mineral resource lands that are not already characterized by urban growth and that have long-term significance for the extraction of minerals ..." (RCW 36.70A.170).

""Minerals" include gravel, sand, and valuable metallic substances"

[RCW 36.70A.030(11)].

The Growth Management Act also directed counties to:

"adopt development regulations ...to assure the conservation of... [designated] mineral resource lands..." [RCW 36.70A.060(1)].

Whatcom County Comprehensive Plan 8-40
Whomet County responded to the above mandates as follows:

- By adopting interim Mineral Resource Lands (MRL) designations covering 1,250 acres of lowland sand and gravel deposits. All of these areas had existing reclamation permits from the Washington State DNR covering at least twenty acres.
- By restricting density to one unit per twenty acres within MRL designations and, more recently, by requiring disclosure notices on property and development within three five feet of the MRLs.

The GMA goes on to state that counties:

"shall review these designations...when adopting their comprehensive plans ...and may alter such designations...to insure consistency" [36.70A.060(3)].

This is the most pertinent part of the Act in terms of plan direction. The Washington State Department of Community Development was required to produce "Procedural Criteria," (Chapter 365 195 WAC), to further assist interpretation of the act by counties and cities. This helped to further elucidate the link between mineral designations and the GMA comprehensive plan. The "Procedural Criteria" provides guidance in Section 400, Natural Resource Lands, as follows:

Prior to the development of comprehensive plans, cities and counties planning under the Act ought to have designated natural resource lands of long-term commercial significance and adopted development regulations to assure their conservation. Such lands include agricultural lands, forest lands and mineral resource lands. The previous designations and development regulations shall be reviewed in connection with the comprehensive plan adoption process and where necessary be altered to ensure consistency.

Generally, natural resource lands should be located beyond the boundaries of urban growth areas. In most cases, the designated purposes of such lands are incompatible with urban densities.

The review of existing designations should, in most cases, be limited to the question of consistency with the comprehensive plan, rather than revisiting the entire prior designation and regulation process. However, to the extent that new information is available or errors have been discovered, the review process should take this information into account.

Review for consistency in this context should include whether the planned use of lands adjacent to agriculture, forest or mineral resource lands will interfere with the continued use in an accustomed manner and in accordance with the best management practices of the
designated lands for the production of food, agricultural products, timber, or for the extraction of minerals. If these guidelines are followed, then the comprehensive plan should address mineral designations by asking the following questions: Is there new information that might lead to different designations at this point and have errors been made?

The interim designations, adopted as discussed above part of the 1993 Comprehensive Plan, were based upon minimal criteria. A more complete set of designation criteria is necessary in order to better define which areas in the county are appropriate for mineral designations. These designations should also include quarry rock and valuable metallic mineral sites because interim designations did not include these resources.

The interim designations were also based more upon a twenty year planning horizon than a fifty year planning horizon. The Minimum Guidelines to Classify Agriculture, Forest, and Mineral Lands (Chapter 365-190 WAC) state that "the Department of Natural Resources has a detailed minerals classification system counties and cities may choose to use" (section 070(b)). This classification system recommends a fifty year planning horizon. In the past, The Surface Mining Advisory Committee also has recommended planning for a fifty year supply. While achieving a 50-year local supply may not be practical due to limitations of mineral resources, protecting identified mineral resource areas that are not currently in conflict with other important goals of the GMA is an important long-term goal. However, it should be recognized that due to geologic constraints particular to Whatcom County long-term aggregate supply may not be entirely met by local supplies and some areas of Whatcom County may be better served by import of aggregate materials from sources outside of Whatcom County. Implementing the protection of mineral resources of long-term economic significance this goal would will require the adoption of criteria allowing for additional mineral resource areas.

Additional MRLs were, in fact, designated when the Comprehensive Plan was adopted in 1997 in an attempt to plan for a fifty-year supply of mineral resources. The fifty year demand for minerals in Whatcom County is difficult to project and requires many assumptions. However, in 2004, after review of multiple studies, the Surface Mining Advisory Committee concluded that the existing MRLs do not contain a fifty-year supply of mineral resources., and that meeting the demand for construction aggregate in Whatcom County will require expansion of the mineral resource land designations and the consideration of importing aggregate. The policies and criteria below are meant to guide meeting the demand for construction aggregate. The Surface Mining Advisory Committee estimated that, as of 2005, there will be a supply of approximately 60.7 million cubic yards of sand and gravel and 8.7 million cubic yards of bedrock in existing MRLs that will be available for future use.

The fifty-year demand for minerals in Whatcom County is difficult to project and requires many assumptions. Based upon Whatcom County's per capita rate of consumption of 12.2 cubic yards of sand & gravel and 1.3 cubic yards of bedrock that is being utilized for official planning purposes, approximately 174.4 million cubic yards would be required over the fifty year planning period from 2005-2054.
The Washington State Department of Natural Resources, however, has recommended a per capita rate that would result in a fifty-year demand of approximately 129 million cubic yards in Whatcom County. This estimate assumes that conservation, recycling, increased cost, high-density development (which requires less rock per person), and political decisions will result in reduced demand despite continued population growth. Conversely, some factors may increase demand for aggregate such as the construction of mass transportation systems, the possible substitution of masonry materials for wood products, and increased exports to Canada or other United States counties.

Meeting the demand for construction aggregate in Whatcom County requires expansion of the mineral resource land designations and the consideration of the importation of aggregates. The policies and criteria below are meant to guide meeting the demand for construction aggregate.

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

Goal 8Q represents current comprehensive plan language as of 4/14/2015, as amended by Whatcom County Ordinance #2015-016.

**Policy 8Q-1:** Through a county-led county-wide assessment, seek to identify and designate all mineral resource lands containing commercially significant aggregate supply, to meet future demand, to the extent compatible with protection of water resources, agricultural lands, and forest lands and other GMA goals.

**Policy 8Q-2:** Ensure that at least 50% of the total areas designated for construction aggregate is within ten miles from cities and urban growth areas where feasible.

Reason for Change: May not be possible. Resources are located based on geologic history, not human development patterns.

**Policy 8Q-32:** Ensure that designations of urban growth boundaries are consistent with mineral designations by considering existing and planned uses for the designated areas and adjacent properties. Intergovernmental agreements should demonstrate how future land uses of mined areas will protect underlying aquifers, given the increased groundwater vulnerability to contamination.
Policy 8Q-43: Allow mining within designated MRLs through a conditional use permit process requiring:
(1) on-site environmental review, with county as lead agency, and
(2) application of appropriate site specific conditions, and
(3) notification to neighboring property owners within 2,000 feet to insure opportunity for written and oral input.

Policy 8Q-43 represents current comprehensive plan language as of 4/14/2015, as amended by Whatcom County Ordinance #2015-016.

Policy 8Q-54: Consider potential resource areas (PRA) identified in the Report Engineering Geology Evaluation Aggregate Resource Inventory Study Whatcom County, Washington (GeoEngineers, Inc., Sept. 30, 2003) and updated in the Aggregate Resource Inventory 2014 Study Update Whatcom County, Washington (Element Solutions, December 22, 2014) for MRL designation and during county review of land development projects in order to avoid development incompatible with mineral resource extraction.

Policy 8Q-65: Work with the Port of Bellingham, the City of Bellingham, or waterfront property owners to facilitate the importation of mineral resources necessary to provide county citizens with adequate mineral resources at reasonable prices.

Policy 8Q-6: Consider removal of land from Mineral Resource Designation after mining and subsequent reclamation is completed.

Reason for Change: Similar to language in Action Item #8.

Fish and Wildlife

Utilization—Use of mineral resource lands can impact habitat, including riparian areas, stream flows, channel habitat structure, and water quality.

Goal 8R: Ensure that mining avoids adverse impacts to the habitat of threatened and endangered fish and wildlife species.

Policy 8R-1: Ensure that adequate riparian buffers are maintained along rivers and streams.

Policy 8R-2: Ensure proper treatment of wastewater prior to discharge.

Policy 8R-3: Provide and maintain best management practices for erosion control to prevent sedimentation.
Policy 8R-4: Provide proper storage and containment of hazardous materials, and provide for appropriate on-site spill response and clean-up materials and personnel.

Policy 8R-5: Provide for appropriate on-site spill response, containment and clean-up materials and personnel.

Policy 8R-5: Avoid surface mining in the floodplain.

Policy 8R-6: Allow river bar scalping, except where it would adversely affect spawning or critical habitat areas.

Policy 8R-7: Work with state and federal agencies to develop policies and regulations regarding in-stream gravel extraction to ensure that spawning-protected species, essential fish habitat, or other critical habitat is areas are not adversely impacted and that flooding or erosion in surrounding areas is not increased.

Policy 8R-7: Avoid river bar scalping where it would adversely affect spawning salmon or critical habitat areas.

Reason for Change: Expand the language in proposed Policy 8R-6 to include critical areas and protected species with the intent to incorporate Policies 8R-5 & 6, as frequently flooded areas and protected species are regulated through the Critical Areas Ordinance.

Mineral Resource Lands (MRL) – Designation Criteria

Non-Metallic Mineral Deposits

General Criteria

1. Non-metallic deposits must contain at least one million \( 250,000,000 \) cubic yards of proven and extractable sand, gravel, or rock material per new MRL Designation.

2. Minimum MRL Designation size is twenty acres.


2.3. Expansion of an existing MRL does not need to meet criteria 1 or 2.

3.4. MRL Designation status does not apply to surface mines permitted as an accessory or conditional use for the purpose of enhancing agriculture or facilitating forestry resource operations.

4.5. All pre-existing legal permitted sites meeting the above criteria will be designated.

5.6. The site shall have a proven resource that meets the following criteria:
Chapter 8 – Resource Lands

- Construction material must meet current WSDOT Standard Specifications for common borrow criteria for road, bridge and municipal construction, or Whatcom County standards for other uses.

- Sand and gravel deposits must have a net to gross ratio greater than 80% (1290 cy/acre/foot).

6.7. MRL Designations must not be within nor abut developed residential zones or subdivisions platted at urban densities.

7.8. MRL Designations must not occur within the 10 year zone of contribution for designated wellhead protection areas, as approved by the State Department of Health for Group A systems, and by the Whatcom County Health Department for Group B systems, in accordance with source control provisions of the regulations on water system comprehensive planning. MRL designations may be modified if a wellhead protection area delineated subsequent to MRL designation encompasses areas within a designated MRL. If a fixed radii method is used to delineate a wellhead protection area, the applicant may elect to more precisely delineate the wellhead protection boundary using an analytical model; provided, that the delineated boundary proposed by the applicant is prepared by a professional hydrogeologist; and further provided, that the delineated boundary has been reviewed and approved by the Washington State Department of Health for Group A systems, and by the Whatcom County Health Department for Group B systems. The hydrogeologist shall be selected by mutual agreement of the county, water purveyor, and applicant; provided, if agreement cannot be reached the applicant shall select a consultant from a list of no less than three qualified consultants supplied by the county and water purveyor.

8.9. MRL Designation should not enclose by more than 50% non-designated parcels.

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

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

11.12. Expansion of MRL Designations to parcels contiguous to, and held by more than 1% common beneficial ownership or beneficial interest with an existing mine, is allowed, but before extraction of the additional area may commence the existing mine must be in complete compliance with all operating permits and regulations, shall require that the existing mine is substantially in compliance with all operating permits and regulations before expansion of the designation will be approved.
Designation Criteria #10-12 represent the current comprehensive plan language as of 4/14/2015, as amended by Whatcom County Ordinance #2015-016.

Additional Criteria for Designated Urban and Rural Areas

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

Additional Criteria for Designated Forestry Areas

13.14. Must demonstrate higher value as mineral resource than forestry resource based upon:

- soil conditions.
- quality of mineral resource.
- sustainable productivity of forest resource.

Designation Criteria #14 represents the current comprehensive plan language as of 4/14/2015, as amended by Whatcom County Ordinance #2015-016.

Additional Criteria for Designated Agricultural Areas


River and Stream Gravel

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

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

Metallic and Industrial Mineral Deposits

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


19.20. All other non-patented mineral deposits must meet the non-metallic MRL Designation criteria, numbers 6 through 15, as applicable.
Designation Criteria #20 represents the current comprehensive plan language as of 4/14/2015, as amended by Whatcom County Ordinance #2015-016.

Mineral Resources – Site Selection Method

1. Sites meeting Mineral Resources Designation Criteria 1-5 (and areas enclosed by these sites greater than 50%).

2. Sites requested by owner or operator meeting designation criteria.

3. Sites that are regionally significant meeting designation criteria.

4. Sites adjacent to both roads and other proposed MRL sites meeting designation criteria.

Resource Lands – Action Plan

Agricultural Lands

1. Direct the Advisory Committee to review the existing Comprehensive Plan and zoning designations for Agriculture during subarea review to determine whether any adjustments in these boundaries are warranted. The review should include parcels within the Agriculture designation to determine if they should no longer be designated Agriculture, and should include parcels in the Rural designation (and possibly other designations) to determine if they should be designated Agriculture. The review should also include areas outside the immediate Agriculture boundary as available research and data indicate. Designation as "Agriculture Protection Overlay" maybe one tool to implement this recommendation.

Reason for Change: APO has been implemented.

2. Direct the Advisory Committee to develop a process that conserves and enhances the Agricultural resource land base.

Reason for Change: Agricultural Strategic Plan in place. See Policy 8A-1.

3. To assist staff and public in evaluating lands for possible inclusion in the Agriculture zone, develop a system such as the LESA (Land Evaluation and Site Assessment) system or a similar mechanism. This system will consider County-wide Planning Policies and Growth Management Act goals for the conservation of the agricultural resource. Other uses for such a system could include:

   • Evaluating requests for agricultural land divisions pursuant to the exceptions to the 40 acre minimum parcel size in the Agriculture zone district of Title 20.
Evaluating applications for Conditional Use Permits for non-agricultural production uses in the Agriculture zone district of Title 20.

Reason for Change: These have been done.

4. Establish buffers or setback requirements on non-agricultural lands when they are adjacent to agricultural lands. As a part of this task, establish the quality and type of buffers or setbacks.

Reason for Change: This is accomplished now, either through code or Inter-local agreements (ILAs) with cities.

5. Implement strategies that reduce negative impacts by agricultural uses on natural systems.

Reason for Change: Policies that support this are present under Goal 8E.

6. Coordinate with the members of the agricultural community when addressing issues that affect agriculture in Whatcom County. Representative entities such as the Whatcom Conservation District, the Natural Resource Conservation Service, the Whatcom County Agricultural Preservation Committee, the Whatcom County Farm Bureau, the Whatcom County Dairy Federation, the Whatcom County Cooperative Extension Service and other agriculture related organizations should be included.

Reason for Change: The Agricultural Advisory Committee contains representatives from agricultural community as listed above, and they are consulted on issues that affect agriculture. Also addressed in policy 8C-3.

7. Support educational short courses which address methods of structuring agricultural estates to minimize inheritance taxes; give special emphasis to utilization of Land Trust as a mechanism by which to protect their farmlands in perpetuity for agricultural uses by their heirs or other farmers.

Reason for Change: See Policy 8C-1.

8. Work with the drainage districts and the Washington State Department of Fish and Wildlife to resolve conflicting interests associated with fish and wildlife habitat.

Reason for Change: Created Policy 8E-7 to address this action item.

9. Encourage equity in present tax assessment systems relating to agricultural land use.

Reason for Change: Incorporated in current use tax assessment procedures.

Whatcom County Comprehensive Plan 8-49
Forest Resource Lands

1. Review criteria for Rural Forestry and Commercial Forestry and make amendments as necessary in order to conform with the requirements of the Growth Management Act.

Reason for Change: Statutorily required. No need to have as an action item.

2. Review Title 20.42 (Rural Forestry) and 20.43 (Commercial Forestry) for opportunities to provide for compatible, non-forest uses which encourage forest landowners to keep their land in productive forest uses.

Reason for Change: Moved to Policy 8F-8.

3. Review Chapter WAC 222-21 for opportunities to encourage and support small landowners to use the Small Forest Landowner Riparian Easement Program.

Reason for Change: See Policy 8F-6.

4. Review special district boundaries (e.g. fire districts, water districts) for conformance with forestry designations and make recommendations to appropriate agencies for adjustments.

Reason for Change: Moved to Policy 8F-10.

5. Establish a comprehensive program of forest land conservation incentives to offer to landowners who wish to keep their land in long-term productive forest use. Coordinate this program with private land trusts, state agencies, and federal programs.

Reason for Change: See Policy 8F-5.

6. Adopt a memorandum of agreement with the Washington State Department of Natural Resources outlining the roles and responsibilities of Whatcom County and the Department of Natural Resources with regard to regulating forest practice activities in Whatcom County.

Reason for Change: Statutory requirement upon compliance with GMA.

7. The County shall adopt standards, by December 31, 2005, for the administration and enforcement of regulations related to Class IV Forest Practice conversion activities in Whatcom County as specified in RCW 76.09.240.

Reason for Change: Statutory requirement upon compliance with GMA.

Whatcom County Comprehensive Plan

8- 50
8. Develop criteria and best management practices for establishing minimum fire prevention measures for development that takes place outside of a fire district boundary.


9. Formally review designations of productive forest land to determine if changes are necessary to meet forest land designation criteria.

Reason for Change: Statutory requirement, reviewed as part of regular update to comprehensive plan.

**Mineral Resources**

1. Investigate the problems associated with inactive and non-permitted mining sites and work with the appropriate government agencies to resolve such problems.

Reason for Change: No indications there are problems, either identifiable by staff or the SMAC.

2. Encourage mineral extraction operators in the county to voluntarily provide resource use information to nearby landowners, and to develop a good neighbor policy.

Reason for Change: Moved to Policy 8L-5.

3. Make regulatory processes more efficient and timely, while protecting the land use rights of those affected.

Reason for Change: See Policy 2D-3, which reads "Streamline development regulations to eliminate unnecessary time delays".

4. Implement a surface mining regulatory program, consistent with the comprehensive plan that addresses those areas where there is a conflict between land uses. Maintain an ongoing advisory committee consisting of representatives of diverse interests.

Reason for Change: See WCC 20.73 MRL regulations that implement MRL designations.

5. Develop and/or implement standards that optimize the life cycles of roads, bridges, and buildings, favoring durability over low, initial cost. Such standards can include improved road sub-base preparation (better
compaction), thicker road bases, reinforcement, alternative materials, and concrete surfaces for some applications.

Reason for Change: Delete. Road standards are tied to WSDOT specifications and sometimes Federal grant requirements.

6. Encourage the use of alternative materials through educational programs.

Reason for Change: See Policy 8J-2, which reads "Support the use of new technology and innovative techniques for extraction, processing, recycling and reclamation. Support recycling of concrete and other aggregate materials. Support the efficient use of existing materials and explore the use of other materials which are acceptable substitutes for mineral resources."

7. Develop a program for use of alternative methods and materials in County projects.

Reason for Change: See Policy 8J-2 (referenced above in Action Item #6).

8. The Mineral Resource Land map designations and/or designation criteria should be reviewed at least once every seven years to determine if changes are necessary to meet mineral resource goals and policies. Such review should include consideration of the removal of land from Mineral Resource Designation after mining activity is completed and the addition of new designations in order to maintain a 50-year supply of mineral resources. Review may occur through subarea plan updates provided a complete review will occur within the seven-year time-frame.

Reason for Change: Statutory requirement, reviewed as part of regular update to comprehensive plan. See Policy 8Q-6.

9. Investigate and implement methods to reduce inefficient uses of high quality gravel deposits.

Reason for Change: See Policy 8J-2 (referenced above in Action Item #6).

10. Budget for and update the Aggregate Resource Inventory study to document the short and long range availability and location of quality mineral resources, to be completed by 2010.

Reason for Change: In process and to be completed by December 31, 2014.

11. Support and encourage legislation streamlining regulatory processes and other actions to encourage appropriate utilization of gravel from the Nooksack drainage as a resource where appropriate and a method to
stabilize and/or reduce flooding events and/or reduce the loss of agricultural land-to-erosion.

Reason for Change: See Policy 8P-7 (Support the use of gravel from tributary streams for flood hazard control, provided environmental impacts are fully addressed.) and 8P-9 (Work with other jurisdictions and related agencies to reduce or eliminate redundant regulations, streamline the permitting process, and provide greater opportunities for appropriate river gravel extraction to enhance other important resources, specifically agricultural).
Proposed Council Changes to Comprehensive Plan

Chapter 8 - Resource Lands

Page and line numbers reflect Planning Commission Recommended Draft dated 1/14/16 (http://whatcomcounty.civicplus.com/DocumentCenter/View/15157). To improve clarity of Councilmember requested changes, previous edits (i.e. staff and Planning Commission) are included, but not show as edits.

Previous changes made by the Council are *underlined* or *struck-out*, but not bold. New changes are *in bold*.

1) p. 8-12; New Policy 8C-5: **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)

2) p. 8-14; Policy 8D-7: **Help resolve conflicts associated with maintaining and enhancing** fish habitat and the necessary drainage work that is annually done by agricultural drainage districts, watershed improvement districts and landowners. (Brenner, Browne, Sidhu)

3a) p. 8-15; Policy 8E-6: Encourage the maintenance and operation of drainage systems such that the **potential** habitat and **water quality** impacts from such systems are minimized and agricultural uses remain viable. (Sidhu) (alternative below)

3b) p. 8-15; Policy 8E-6: Encourage the maintenance and operation of drainage systems such that the **actual and potential** habitat and **water quality** impacts from such systems are minimized and agricultural uses remain viable. (Browne) (alternative above)

4) p. 8-15; New Policy 8E-10: **Develop and implement education and incentive programs that encourage agriculture land owners to take steps to improve habitat of threatened and endangered species.** (Brenner)

5) p. 8-15; New Policy 8E-11: **Support the Department of Agriculture in improving practices avoid adverse impacts to the habitat of threatened and endangered fish and wildlife species and to marine waters that support shellfish resources.** (Brenner)

6) p. 8-15; New Policy 8E-12: **While regulation of water quality is important, the human need for production of food, fiber, shelter and energy by agricultural resource lands is equally critical.** (Browne, Sidhu)

7) p. 8-15; lines 46 – p. 8-16, line 3: Agriculture uses a significant amount of water, most of which is pumped from wells or surface waters. Given the competition for scarce water supplies (addressed in Chapter 11, Environment, Water Resources), ways must
be found to secure an adequate long-term water supply while **reducing**
**encouraging** water usage **conservation** and improving water quality prior to it
entering the waterways. (Browne, Sidhu)

8) p. 8-31; lines 24-28: Associated mining activities such as rock-crushing on-site can greatly increase
the "industrial atmosphere" experienced by nearby property owners. This
activity, however, helps to keep material transportation costs down. In
addition, accessory uses are a necessary part of most operations, and to carry
them out on-site is cost-effective. (Brenner)

9) p. 8-32; Goal 8K: Ensure that mineral extraction industries do not adversely affect the quality of
life in Whatcom County **other properties in the vicinity**, by establishing
appropriate and beneficial designation and resource conservation policies, while
recognizing the rights of all property owners. (Brenner)

20)p. 8-35; Policy 8L-5: Encourage mineral extraction operators in the county to voluntarily provide
resource use information to nearby landowners, and to develop a good
neighbor policy. **Support improved communication and understanding**
**between mineral resource landowners and the public through mechanisms,**
such as voluntary mine management plans and community and educational
forums. (Brenner)

11) p. 8-35; New Policy 8L-6: **Reduce potential conflicts between mining and incompatible activities**
by establishing/maintaining zoning regulations that protect productive
mineral lands of long-term commercial significance from conversion to
non-compatible uses. (Brenner)

12a) p.8-45; **New Section:** **Aquatic Resource Lands – Introduction**

**Purpose**
This section contains policies to guide Whatcom County in the creation of a
new section for this chapter to ensure the conservation of functioning aquatic
resource lands of long-term commercial and recreational significance, and to
ensure that both industries requiring functioning aquatic lands, and the
cultural heritage that use of our aquatic lands represent, thrive in the years to
come.

**GMA Requirements**
Goal 8 of the GMA (RCW 36.70A.020) guides the county to “**Maintain and**
**enhance natural resource based industries, including productive timber,**
**agricultural, and fisheries industries.**” Aquatic lands have a clear nexus
regarding maintenance of fisheries industries, including commercial and
recreational shellfish harvest. While the GMA does not require specific designation of aquatic resource lands that support aquatic based industries, functioning aquatic lands are so intrinsically necessary for production of historical fish and shellfish production that these lands are identified on our GMA required critical areas maps, shoreline inventory and analysis, and integral in the state /county approved 2008 Shoreline Restoration Plan.

Issues, Goals, and Policies
The following goals and policies apply to both designated and undesignated aquatic lands and are meant to help in the creation of this section to address the issues of conserving productive aquatic land and meeting the goals of the Growth Management Act.

(Weimer)

12b) New Goal 8S: Conserve and enhance Whatcom County's aquatic land base for the long-term and sustainable production of commercial and recreational economic activities. (Weimer)

12c) New Policy 8S-1: Whatcom County Planning staff will work with the Marine Resource Committee, the Shellfish Protection Advisory Committees, and other local aquatic land experts to create a new section of this chapter to support goal 8S to be docketed and processed for consideration no later than 2017. (Weimer)

Tabled
p. 8-8; Policy 8A-2: Maintain a working agricultural land base sufficient to support a viable local agricultural industry by considering the impacts to farmers and agricultural lands as part of the legislative decision making process. Measures that can be taken to support working farms and maintain the agricultural land base may include: ...

- Maintenance of 100,000 acres of agricultural land to support a healthy agricultural industry.
- A workable transfer of development rights program (TDR) in which the development potential of a site could be transferred to another location where development is more favorable.
- The workable TDR program shall give priority to the creation of economically viable receiving areas.
- Developing a marketplace approach to strengthening agricultural practices while enhancing larger-scale watershed processes and functions by identifying feasible opportunities on agricultural land to
improve both watershed health and agricultural viability and developing incentives and tools to compensate farmers for actions that exceed minimum regulatory standards.

- Maintaining a Purchase of Development Rights (PDR) program that facilitates the removal of development rights from productive farmland and provides permanent protection of those agricultural lands through the use of conservation easements or other legal mechanisms.

13a) **Give priority in the PDR program to land with valid, adequate irrigation water rights and physical access to water sufficient to sustain economically viable irrigation based agriculture.** (Browne)

- Incentives and cooperation between landowners and public agencies such as the utilization use of the current use tax assessment provisions.
- Implementing land use policies that encourage farming on Rural lands of high agricultural productivity and potential.
- Discouraging conversion of designated agricultural lands to non-agricultural uses.
- Mitigation for loss of productive agricultural lands, including loss-Track acres lost due to conversion, development or policy implementation such as critical areas ordinance, so mitigation strategies can be implemented to offset the acres lost etc.
- Education and marketing of programs that emphasize recognition of the local and regional significance of agricultural land as a natural resource and the economic, social and ecological benefits it provides.

13b) **Working cooperatively with local farmers and coordinating with local and state agencies to address water quality impacts of agricultural activities on local streams and groundwater.** (Sidhu)

- Securing an adequate, sustainable and legal supply of irrigation water sufficient to support the long-term viability of the local agricultural industry.
- **Identify and evaluate any new or changed zoning or comprehensive plan agricultural lands of long term commercial significance designations as needed or warranted for the Rural Study Areas.**
- **Economic development assistance to agricultural-related enterprises.**
- **Recognize regulatory impacts and encourage farm friendly regulations.**
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 in bold. Previous Council changes proposed for deletion are highlighted.

**Items 14 through 19 concern replacing the term “aquatic lands” with “aquaculture” and similar changes.**

14) p. 8-1; lines 4-9: The growth and harvest of farm products, re-generation and harvesting of timber, use of aquatic aquaculture lands for shellfish harvest, and excavation of minerals all shape Whatcom County's landscape and strongly influence the economy. Resource lands, which include agriculture, forestry, aquatic resource lands, fisheries (RCW 36.70A.020) and mineral resource lands, also largely represent Whatcom County's cultural heritage. These natural resource activities have been major industries since European settlement began in the area, and the use of aquatic aquaculture lands by our indigenous citizens far predates European settlement. (Brenner, Sidhu)

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

16) p. 8-2; lines 7-8: The Agricultural Lands, Forest Resource Lands, Aquatic Aquaculture Resource Lands, and Mineral Resources sections of this chapter address Goal 8 of the GMA, which reads: ... (Brenner, Sidhu)

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

18) p. 8-14; New Policy 8D-8: Through a continuum of efforts moving from education to enforcement of regulations, that includes outreach, development of voluntary best practices, technical assistance, incentives, monitoring, and regulation, ensure that agricultural practices do not negatively impact aquatic aquaculture resource lands and critical areas. (Brenner, Sidhu)
19) p. 8-14; Goal 8E: Ensure agricultural practices avoid adverse impacts to the habitat of threatened and endangered fish and wildlife species and to aquatic aquaculture resource lands that support shellfish resources. Encourage agricultural land uses to voluntarily protect and restore habitat of threatened and endangered species through education and incentive programs. (Brenner, Sidhu)

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

21) p. 8-4; lines 44-45: Conserving productive agricultural lands in rural areas, without infringing on private property rights, without infringing on private property rights, is a primary objective of the APO. (Brenner, Sidhu)

22) p. 8-9; Policy 8A-3: The criteria for designating or de-designating lands under the Agriculture land use designation shall be considered on an area-wide basis. When applying the following criteria, the process should result in designating an amount of agricultural resource lands sufficient to maintain and enhance the economic viability of the agricultural industry in the county over the long term, and to retain agricultural support businesses, such as processors, farm suppliers, and equipment maintenance and repair facilities. The criteria are as follows:

... 

3. The land has long-term commercial significance for agriculture. In determining this factor, consider the following nonexclusive criteria:
   a. The majority of the area contains Prime Farmland Soils as determined by the Natural Resource Conservation Service (NRCS).
   b. The area may contain 100-year floodplains as delineated by the Federal Emergency Management Agency (FEMA).
   c. Land use settlement patterns, the intensity of nearby uses, and the history of approved land development permits are generally
compatible with agricultural practices. Existing land uses are primarily full-time agriculture intermixed with part-time agriculture and woodlots; and minimal commitment to non-farm uses has been made.

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

(Sidhu)

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

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

25) p. 8-11; line 14: Agriculture is one of the most important resources in Whatcom County. Whatcom County works with farmers to ensure productive agricultural land and improved nutrient management practices help reduce potentially negative impacts on aquatic lands. Whatcom County is also strongly supported by agriculture fiscally with sales and jobs. Agriculture may conflict with other land uses. (Sidhu)

26) p. 8-11; Policy 8B-6: Develop Utilize a range of results-oriented, non-regulatory programs, options, and incentives, collaboratively developed and monitored by the County and landowners, that agricultural landowners can employ so-long as such programs, options, and incentives can be shown to produce results that to which meet or exceed county environmental goals regulations. (Sidhu)

27a) p. 8-12; lines 38 Non-farm uses may conflict with agriculture. The Right-To-Farm Ordinance was created because agriculture is the priority use. Usual and accustomed farm activities create odors, dust, sprays, noise from farm machinery, etc. and are prioritized with the Right-To-Farm Ordinance. Agriculture may conflict with other land uses. Improper nutrient or manure management practices on agricultural land may impact the commercial and recreational use of aquatic lands miles away. Residents of non-farm housing adjacent to farms, and owners and patrons of nearby commercial uses, have complained of nuisances such as odors, dust, chemical sprays, and noise from machinery. Farm equipment, crops, and livestock may suffer from increased vandalism. In
addition, non-farm residential development, particularly residential subdivisions, can raise assessed valuation or lead to special assessments on adjacent farmlands, resulting in higher property taxes for farmers. The same is true of commercial uses. (Brenner) (partial alternative below)

27b) p. 8-12; lines 38 Agriculture may conflict with other land uses. Improper nutrient or manure management practices on agricultural land may impact the commercial and recreational use of aquatic lands miles away. Residents of non-farm housing adjacent to farms, and owners and patrons of nearby commercial uses, have complained of nuisances such as odors, dust, chemical sprays, and noise from machinery. (Sidhu) (partial alternative above)

28a) p. 8-23; Policy 8D-8: Encourage the fencing of livestock away from fish-bearing streams. Through a continuum of efforts moving from education to enforcement of regulations, that includes outreach, development of voluntary best practices, technical assistance, incentives, monitoring, and regulation, ensure that agricultural practices do not negatively impact aquatic resource lands and critical areas. Help farmers fence livestock away from fish bearing streams. (Brenner) (alternative below)

28b) p. 8-14; New Policy 8D-8: Through Develop a continuum of efforts moving from including education to enforcement of regulations, that includes outreach, development of voluntary best practices, technical assistance, and incentives, monitoring, and regulation, to minimize impacts when conflicts arise between agriculture and other land uses ensure that agricultural practices do not negatively impact aquatic resource lands and critical areas. (Sidhu) (alternative above)

29) p. 8-14; Goal 8E: Work with agricultural land users to find efficient and effective cooperative ways to protect and improve habitat of threatened and endangered species through education and incentive programs. Ensure agricultural practices avoid adverse impacts to the habitat of threatened and endangered fish and wildlife species and to aquatic resource lands that support shellfish resources. Encourage agricultural land users to voluntarily protect and restore habitat of threatened and endangered species through education and incentive programs. (Brenner, Sidhu)

30) p. 8-14; Policy 8E-2: Provide assistance where necessary to ensure fencing of livestock away from rivers and streams to prevent livestock from degrading riparian and instream habitat and from polluting water quality. Prevent livestock from degrading riparian and instream habitat by using best management practices for the fencing of livestock from streams and support the provision of alternative
**watering systems**: Encourage fencing along rivers and streams to prevent livestock from degrading riparian and instream habitat. (Brenner, Sidhu)

31) p. 8-15; Policy 8E-5: **Ensure** voluntary restoration to properly functioning habitat conditions for those riparian areas and stream reaches that do not currently provide such habitat conditions through voluntary restoration, technical assistance and incentives. (Sidhu)

32) p. 8-16; Policy 8F-1: Actively participate in the WRIA 1 Watershed and Salmon Recovery Programs to ensure that the agricultural sector's needs, as well as other interests, are addressed. (Sidhu)

33) p. 8-16; Policy 8F-3: **Work to encourage support that** the agricultural community's has access to sufficient in ensuring that legal direct legal water rights and other sources of water are available for agricultural uses. (Sidhu)

34) p. 8-16: New Policy 8F-4: **Balance Support** the needs of agricultural water users with while balancing needs for instream uses through such processes as the WIRA 1 Salmon Recovery Program. (Sidhu)

35) p. 8-30; lines 36 – p. 31 line 2: Surface mining can create conflicts with other land uses. Those impacts may include increased noise, dust, scenic impacts, traffic, road wear, and neighboring property devaluation. Mines can affect property values while at the same time nearby residents may use the area for shooting, dirt-bike riding, and other activities. Controlling trespassing to surface mining can be a significant safety issue for mine operators. Property rights adjacent land use issues range from the right to mine and use the value of mineral resource land to the right to live in an area with a high quality of life and retain home values. Citizens may be generally unaware of the county zoning of surrounding property and the mining uses that are allowed. Trespassing and various other activities that may conflict with other land uses are generally illegal and can cause liability for mine owners/operators. Numerous federal, state, and local regulations also mitigate impacts of noise, dust, traffic, and environmental issues. These and other factors may contribute to a climate of distrust and hostility between the aggregate industry and property owners in the vicinity. Other land uses may create conflicts with surface mining, if not zoned appropriately. If zoned appropriately, there is little chance of other uses being disturbed by usual mineral resource activities, such as noise, dust, scenic impacts, traffic, road wear, or property devaluation. (Brenner)

36) p. 8-31; lines 4-9: Environmental issues associated with surface mining may include groundwater or aquifer impacts and disruption of fish and wildlife habitat. Surface mine
reclamation can create wetlands and fish and wildlife habitat, enhance agricultural land, or provide land for parks, housing, industrial or other uses. Surface mines, when reclaimed properly, can create wetlands and fish and wildlife habitat, possible productive agricultural land, or provide land for parks, housing, industrial, or other uses. When not reclaimed properly, mines may create environmental issues, such as groundwater of aquifer impacts, and contamination or disruption of fish and wildlife habitat. (Brenner)

Changes Approved March 8 and March 22

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

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

p. 8-2; lines 7-8: The Agricultural Lands, Forest Resource Lands, Aquatic Resource Lands, and Mineral Resources sections of this chapter address Goal 8 of the GMA, which reads: ... (Weimer)

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

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

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

Conserve productive agricultural lands and agricultural resource lands, including areas with prime soils that are not now zoned agriculture, or where the areas is composed of agricultural operations that have historically been and continue to be economically viable, by developing and implementing a long range strategy. The planning horizon should be 20 years in the short term and 100 years in the long term. (Browne)

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

- Maintenance of 100,000 acres of agricultural land to support a healthy agricultural industry. (Donovan)

- A workable transfer of development rights program (TDR) in which the development potential of a site could be transferred to another location where development is more favorable. (Weimer, Donovan)

- The workable TDR program shall give priority to the creation of economically viable receiving areas. (Browne)
- Developing a marketplace approach to strengthening agricultural practices while enhancing larger-scale watershed processes and functions by identifying feasible opportunities on agricultural land to improve both watershed health and agricultural viability and developing incentives and tools to compensate farmers for actions that exceed minimum regulatory standards. (Weimer)

- Mitigation for loss of productive agricultural lands, including loss-Track acres lost due to conversion, development or policy implementation such as critical areas ordinance, so mitigation strategies can be implemented to offset the acres lost etc. (Weimer)

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

p. 8-9; Policy 8A-3: The criteria for designating or de-designating lands under the Agriculture land use designation shall be considered on an area-wide basis. When applying the following criteria, the process should result in designating an amount of agricultural resource lands sufficient to maintain and enhance the economic viability of the agricultural industry in the county over the long term, and to retain agricultural support businesses, such as processors, farm suppliers, and equipment maintenance and repair facilities. The criteria are as follows:

4. The land is not already characterized by urban growth. In determining this factor, the County should consider WAC 365-196-310 and RCW 36.70A.030(19).

5. The land is used or capable of being used for agricultural production. In making this determination, the County shall use the land-capability classification system of the U.S. Department of Agriculture Natural Resources Conservation Service. These eight classes are incorporated into map units and are based on the growing capacity, productivity, and soil composition of the land.

6. The land has long-term commercial significance for agriculture. In determining this factor, consider the following nonexclusive criteria:
   e. The majority of the area contains Prime Farmland Soils as determined by the Natural Resource Conservation Service (NRCS).
   f. The area may contain 100-year floodplains as delineated by the Federal Emergency Management Agency (FEMA).
   g. Land use settlement patterns, the intensity of nearby uses, and the history of approved land development permits are generally compatible with agricultural practices. Existing land uses are primarily full-time agriculture intermixed with part-time agriculture.
and woodlots, and minimal commitment to non-farm uses has been made.

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

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

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

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

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

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

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

o. The area’s proximity to urban growth areas.

p. The area’s proximity to agricultural markets.

q. Land values under alternative uses.

(Staff)

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

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

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

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

p. 8-13; Policy 8D-2:  Maintain the right to farm ordinance. Give priority to agricultural uses and owners of parcels zoned for agriculture priority in land use and nuisance conflicts with residents of adjacent properties and adjacent property owners. (Donovan)

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

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

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

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

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

Actively participate in the WRIA 1 Watershed and Salmon Recovery Programs to ensure that the agricultural sector’s needs, as well as other interests, are addressed. *(Weimer)*

Work to support that the agricultural community has access to sufficient in ensuring that legal direct legal water rights and other sources of water are available for agricultural uses. *(Weimer)*

**New Policy 8F-4:** Balance the needs of agricultural water users with needs for instream uses through such process as the WIRA 1 Salmon Recovery Program. *(Donovan)*

Such conversions include changing the use of forest land from commercial timber production to incompatible residential, commercial, industrial, and agricultural land uses, or parks and preserves that exclude intense forest production management. *(Brenner)*

Passed March 29

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

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

3) p. 8-24; Policy 8F-12: Maintain a working forest land base sufficient to support a viable local forestry industry by considering the impacts of working forests as part of the legislative decision making process. Measures that can be taken to support working forests may include:

3b) Mitigation for loss of forest lands from productivity, including loss due to policy implementation of critical areas ordinances, etc. *(Donovan, Weimer)*
3c) • Track acres of forest lands lost from productivity due to conversion, development or policy implementation such as critical areas ordinance, and work with the forestry advisory committee to identify economically viable mitigation strategies that can be implemented to offset the acres lost. (Weimer)

4) p. 8-26; Policy 8G-7: Encourage the United States Forest Service and the Department of Natural Resources to implement harvest practices that maximize the use of forest lands while allowing appropriate multiple uses. (Weimer)

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

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

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

8) p.8-30; lines 40-43: Controlling trespassing to surface mining can be a significant safety issue for mine operators. Adjacent land use Property rights issues range from the right to mine and use the value of mineral resource land to the right to live in an area with a high quality of life and retain home values. (Weimer)

These and other factors may contribute to a climate of distrust and hostility between the aggregate industry and property owners in the vicinity. Trespassing and various other activities that may conflict with other land uses are generally illegal and can cause liability for mine owners/operators. Numerous federal, state, and local regulations also mitigate impacts of noise, dust, traffic, and environmental impacts.

9) p. 8-31; lines 4-9: Environmental issues associated with surface mining may include groundwater or aquifer impacts and disruption of fish and wildlife habitat. Surface mine reclamation can create wetlands and fish and wildlife habitat, enhance agricultural land, or provide land for parks, housing, industrial or other uses. (Brenner)
10) p. 8-31; lines 11-15: As a natural result of geologic forces, it is not uncommon in Whatcom County to have excellent mineral deposits located under prime farmland soil and above an aquifer recharge area. Mining in these areas can substantially *impact reduce* the productive capacity of the soil and make the underlying aquifer more susceptible to contamination. *(Brenner)*

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

**Policy 8L-2:** Protect areas where existing residential uses predominate against intrusion by mineral extraction and processing operations, unless adequate buffering is provided by the mine operator. *(Donovan)*

12a) p. 8-34; Policy 8M-1: Allow mining in the agriculture zone that would enhance farming by leveling knolls and ridges when appropriate. In these areas, reclamation of mineral extraction sites shall occur in a timely fashion. The site should also be restored for uses allowed in an agricultural zone and blend with the adjacent landscape and contours. *(Weimer) (alternative below)*

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

14c) p. 8-36: **Delete Riverine Areas language or restore introduction language to original (as follows):**

The benefits of river bar scalping are local and it may have negative effects in areas surrounding the mining site. For example, if done improperly gravel removal can de-stabilize the river channel locally and increase, rather than decrease, flood damage downstream. After intensive bar scalping, floodwater that is normally stored on the floodplain of the mined reach can be concentrated and dumped on the reach immediately downstream. If gravel mining exceeds the rate of replenishment from upstream, the river bed may lower both upstream and downstream; this bed degradation can undermine bridge supports and other structures, cause adjacent banks to erode (or stabilize, depending on how much and where gravel is removed), lower groundwater tables adjacent to the river, and damage riparian vegetation.

Improper mining methods in fish spawning reaches can de-stabilize spawning gravel or clog it with silt, remove cover vegetation or trap smolts during out-migration. Over harvesting of gravel can erode the river bed and expose the
underlying substrate, reducing or eliminating pool and riffle habitat for fish and other aquatic animals. Finally, petroleum spills from mining equipment can degrade local surface water quality if not responded to properly.

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

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

Finally, many state and federal regulations restrict scalping locations and practices. The cost and time delay of duplicate regulation, environmental restrictions, royalty charges and the regulatory process are deterrents to river bar mining. (Donovan) (14a & 14b alternative)

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

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

17) p. 8-43; MRL Criteria:

17a) 1. Non-metallic deposits must contain at least 1,000,000 cubic yards of proven and extractable sand, gravel or rock material per new MRL Designation. (Donovan) (for discussion)

17b) 2. Minimum MRL Designation size is twenty acres. (Brenner, Donovan)

17c) 12. Expansion of MRL Designations to parcels contiguous to, and held by more than 1% common beneficial ownership or beneficial interest with an
existing mine, shall require that the existing mine is substantially in compliance with all operating permits and regulations before expansion of the designation will be approved. is allowed, but before extraction of the additional area may commence the existing mine must be in complete compliance with all operating permits and regulations. (Weimer)


Passed June 21

1) p. 8-3; lines 1-3: The purpose of this section is to provide a clear set of guidelines that both preserves the agricultural base in Whatcom County, prioritizes the human need for food, fiber, shelter and energy and ensures that both the agricultural industry and the cultural heritage thrive in the years to come. (Brenner, Browne, Sidhu)

2) p. 8-5; line 31: Whatcom County agriculture is widespread and diverse, ranging from small, organic farms in the Mt. Baker Foothills to cold-storage facilities in Bellingham, and includes orchards, dairies, cattle ranches, produce farms, and nurseries, to name a few. Our farms are the country’s top producers of red raspberries and are also major producers of milk, beef, blueberries, potatoes, nursery products, and many other agricultural commodities.

The economic impacts of agriculture on Whatcom County are substantial. According to the U.S. Department of Agriculture’s 2012 Census of Agriculture, 1,483, Whatcom County farms produced a market value of $326 million in crops and livestock that year, ranking eighth in the state. Milk produced locally 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.

Average annual agricultural employment in Whatcom County in 2014 was 3,512, with substantial seasonal variation within that average, according to the Washington State Employment Security Department. Locally, agricultural jobs soared to 5,661 in the third quarter of 2015. In addition, farms and support businesses, such as equipment retailers.
veterinarians, processing facilities, and feed suppliers employ many Whatcom County residents. (Brenner, Browne, Sidhu)

3) p. 8-5; lines 35-39: Agricultural activity is generally considered to be a condition or activity which occurs on agricultural land in connection with the commercial production of agricultural products. Agricultural land may include, but not be limited to can be described as the land, buildings, freshwater ponds, including the buildings, infrastructure, and machinery used in the commercial production of agricultural products. Agricultural products are those plants and animals useful to humans. Commercially viable agricultural products require generally rich and fertile soil with appropriate amounts of water to bring them to a harvestable stage.

4) p. 8-5; lines 43-46: Agricultural lands are an important resource to the people of Whatcom County and Washington State, yet if not and need to be adequately protected as necessary through zoning and other measures voluntary measures, such as PDRs, and workable TDRs programs, these lands may be converted to urban or rural uses. (Brenner, Browne, Sidhu)

5b) The state legislature has recognized that agriculture faces unprecedented international market competition and costs. Low profit margins have contributed to the decline of Whatcom County's agricultural land base from 1949 to 2012. The continued loss of working agricultural land also harms critical areas because, as the Puget Sound Partnership has noted, farm and cattle ranch lands can deliver critical area outcomes that can be superior to converted lands, in terms of water quality functions, floodplain, aquifer recharge, and food and habitat functions for fish and wildlife species. Because of this, additional regulations need to be carefully tailored to prevent additional threats that can accelerate conversion to non-agricultural uses. (Browne)

6a) p. 8-8; Policy 8A-2: Maintain a working agricultural land base sufficient to support a viable local agricultural industry by considering the impacts to farmers and agricultural lands as part of the legislative decision making process. Measures that can be taken to support working farms and maintain the agricultural land base may should include: ...

- Maintenance of 100,000 acres of agricultural land to support a healthy agricultural industry.
- A workable transfer of development rights program (TDR) in which the development potential of a site could be transferred to another location where development is more favorable.

- The workable TDR program shall give priority to the creation of economically viable receiving areas.

- Developing a marketplace approach to strengthening agricultural practices while enhancing larger-scale watershed processes and functions by identifying feasible opportunities on agricultural land to improve both watershed health and agricultural viability and developing incentives and tools to compensate farmers for actions that exceed minimum regulatory standards.

- Maintaining a Purchase of Development Rights (PDR) program that facilitates the removal of development rights from productive farmland and provides permanent protection of those agricultural lands through the use of conservation easements or other legal mechanisms.

- Incentives and cooperation between landowners and public agencies such as the utilization use of the current use tax assessment provisions.

- Implementing land use policies that encourage farming on Rural lands of high agricultural productivity and potential.

- Discouraging conversion of designated agricultural lands to non-agricultural uses.

- Mitigation for loss of productive agricultural lands, including loss-Track acres lost due to conversion, development or policy implementation such as critical areas ordinance, so mitigation strategies can be implemented to offset the acres lost etc.

- Education and marketing of programs that emphasize recognition of the local and regional significance of agricultural land as a natural resource and the economic, social and ecological benefits it provides.

- Securing an adequate, sustainable and legal supply of irrigation water sufficient to support the long-term viability of the local agricultural industry.

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

- Economic development assistance to agricultural-related enterprises. (Brenner, Sidhu)
6f) • Recognize regulatory impacts and encourage farm friendly regulations. (Brenner, Sidhu)

9a) p. 8-10; Policy 8A-7: Work cooperatively with farmers to Prioritize agricultural activity in land use decisions when land is composed of prime and/or productive agricultural soils and agriculture is the highest value resource use. ((Brenner, Browne, Sidhu)

10) p. 8-11; Policy 8A-10: The Agricultural Advisory Committee shall advise the Whatcom County Executive and Council on agricultural issues and agricultural land use. Whatcom County shall support the Agricultural Advisory Committee with staff and other resources, and shall recognize the AAC’s input with regard to agricultural resource lands. (Brenner, Sidhu)

13) p. 8-11; Policy 8B-6: Develop and utilize a range of result-oriented non-regulatory programs, options, and incentives, collaboratively developed and monitored by the County and landowners, that agricultural landowners can employ so long as such programs, options, and incentives can be shown to produce results that meet or exceed county environmental goals. (Brenner)

14) p. 8-12; Policy 8C-2: Involve those who actually are engaged in agricultural activities, and give high regard to their opinions in the County's decision-making during in the planning process and when instituting regulatory changes that would impact the agricultural community. Use groups working effectively with the agricultural community ... (Brenner, Browne, Sidhu)
WHATCOM COUNTY COUNCIL AGENDA BILL

CLEARANCES

<table>
<thead>
<tr>
<th>Originator:</th>
<th>Cliff Strong</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
<th>Assigned to:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Divisioen Head:</td>
<td>Mark Parnicius</td>
<td>Initial</td>
<td>Date</td>
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<td>Agenda Date</td>
<td>Assigned to:</td>
</tr>
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<td>Dept. Head:</td>
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<td>Initial</td>
<td>Date</td>
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<td>Agenda Date</td>
<td>Assigned to:</td>
</tr>
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<td>Initial</td>
<td>Date</td>
<td>Date Received in Council Office</td>
<td>Agenda Date</td>
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<td>Executive:</td>
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<td>Date</td>
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<td>Agenda Date</td>
<td>Assigned to:</td>
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</tbody>
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TITLHE OF DOCUMENT:

Discussion and preliminary Council direction on Comprehensive Plan Chapter 11, Environment

ATTACHMENT:

Preliminary draft, Comprehensive Plan Chapter 11, Environment

Related paperwork can be found at:

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

SEPA review required? (Y) Yes (N) No
SEPA review completed? (Y) Yes (N) No

Should Clerk schedule a hearing? (Y) Yes (N) No

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

The Whatcom County Council will hold a public hearing on May 17, 2016, regarding the periodic update of the Whatcom County Comprehensive Plan, Chapter 11, Environment (AB2016-047K). This hearing will give the public an opportunity to provide comments to the County Council relating specifically to Chapter 11.

The Council is conducting the Whatcom County Comprehensive Plan and urban growth area (UGA) review as required by the Growth Management Act under RCW 36.70A.130. It is anticipated that the County Council will adopt an ordinance amending the Whatcom County Comprehensive Plan and UGAs by the end of June 2016.

COMMITTEE ACTION:

2/23/2016: Briefed and discussed
4/5/2016: Discussed and provided preliminary direction
4/19/2016: Comments received
4/19/2016: Discussed and provided preliminary direction
5/3/2016: Comments received
5/3/2016: Discussed and provided preliminary direction
6/21/2016: Comments received; did not discuss

COUNCIL ACTION:

5/17/2016: Public Testimony Received
5/31/2016: This item was not discussed

Related County Contract #: AB2016-047
Related File Numbers: AB2016-047
Ordinance or Resolution Number:

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

Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Introduction</td>
<td>2</td>
</tr>
<tr>
<td>Chapter Organization</td>
<td>2</td>
</tr>
<tr>
<td>Purpose</td>
<td>2</td>
</tr>
<tr>
<td>GMA Goals and County-Wide Planning Policies</td>
<td>3</td>
</tr>
<tr>
<td>GMA Requirements</td>
<td>3</td>
</tr>
<tr>
<td>Environmental Setting</td>
<td>4</td>
</tr>
<tr>
<td>Environmental Management</td>
<td>6</td>
</tr>
<tr>
<td>Introduction</td>
<td>6</td>
</tr>
<tr>
<td>Background Summary</td>
<td>6</td>
</tr>
<tr>
<td>Issue, Goals, and Policies</td>
<td>6</td>
</tr>
<tr>
<td>Community and Environmental Protection</td>
<td>67</td>
</tr>
<tr>
<td>Administration and Regulation</td>
<td>8</td>
</tr>
<tr>
<td>The Environment and Property Rights</td>
<td>910</td>
</tr>
<tr>
<td>Climate Change</td>
<td>11</td>
</tr>
<tr>
<td>Natural Hazards</td>
<td>13</td>
</tr>
<tr>
<td>Introduction</td>
<td>13</td>
</tr>
<tr>
<td>Background Summary</td>
<td>1413</td>
</tr>
<tr>
<td>Issues, Goals, and Policies</td>
<td>16</td>
</tr>
<tr>
<td>Water Resources</td>
<td>2120</td>
</tr>
<tr>
<td>Introduction</td>
<td>2120</td>
</tr>
<tr>
<td>Background Summary</td>
<td>21</td>
</tr>
<tr>
<td>Whatcom County Water Resource Programs</td>
<td>22</td>
</tr>
<tr>
<td>Issues, Goals, and Policies</td>
<td>2322</td>
</tr>
<tr>
<td>Watershed Planning and Management</td>
<td>2322</td>
</tr>
<tr>
<td>Surface Water and Groundwater</td>
<td>2524</td>
</tr>
<tr>
<td>Stormwater and Drainage</td>
<td>26</td>
</tr>
<tr>
<td>Water Conservation</td>
<td>3130</td>
</tr>
<tr>
<td>Lake Whatcom Watershed</td>
<td>3130</td>
</tr>
<tr>
<td>Natural Systems</td>
<td>3332</td>
</tr>
<tr>
<td>Introduction</td>
<td>3332</td>
</tr>
<tr>
<td>Background Summary</td>
<td>3433</td>
</tr>
<tr>
<td>Fish and Wildlife Populations and Habitat</td>
<td>3433</td>
</tr>
<tr>
<td>Marine Resources Management</td>
<td>3534</td>
</tr>
</tbody>
</table>

Whatcom County Comprehensive Plan 11-1

517
Chapter 11 - Environment

Introduction
Each person in Whatcom County has a fundamental right to a healthful and safe environment in which to live and grow. With this right comes a responsibility to contribute to the protection and enhancement of our natural environment. Consequently, an important goal of the Whatcom County Comprehensive Plan is to protect or enhance the county's environmental quality. This means that, individually and collectively, we have the obligation to protect these resources for our children and their children. Essential to this is the establishment of safe development practices and patterns that do not significantly disrupt natural systems and that ensure the continuation of ample amounts of clean water, natural areas, farmlands, forest lands, and fish and wildlife habitat.

Chapter Organization
This chapter is composed of an introduction and four sections organized by topic heading. The first section, entitled "General Environmental Management," addresses general environmental goals and policies. The remaining three sections deal with Natural Hazards, Water Resources, and Natural Systems. An Action Plan at the end of the chapter recommends specific actions to implement these goals and policies. Together, the elements sections of this chapter provide the direction necessary to ensure and promote long-term sustainability of the environment in Whatcom County.

Reason for Change: Action plan has been deleted, and unaccomplished actions added to the policies.

Purpose
Whatcom County's natural environment, with its seasonally abundant supply of water, its beauty, and its other natural resources, has attracted people to our community for generations. This setting is important to our sense of well-being, to our health, to our economic well-being, and to our future. Yet sustaining these assets in the face of increasingly intense human activity has becomes more difficult over the each years. The challenge of protecting this environment while accommodating growth will requires maintaining guidelines for development, a blueprint that can help guide development so that it growth does
not ultimately overrun the very assets that brought most of us here. The purpose of this chapter is to create such a blueprint guidelines.

**Process**

This chapter was first originally produced by the Citizens' Environmental Task Force (ETF). The ETF began its task with fourteen members from diverse backgrounds, who were selected by the County Executive in October 1993. The ETF's objectives were divided into two tasks: develop an Environmental chapter for the cComprehensive pPlan, and develop regulatory and non-regulatory tools to implement the provisions of the cComprehensive pPlan.

Members of the ETF participated in the county's Visioning Process by attending town hall meetings to explain the committee's activities and to gather additional public input regarding the environment. The values and alternatives gathered through the Visioning Process are reflected in this chapter.

**GMA Goals, and County-Wide Planning Policies, and Visioning Community Value Statements**

GMA Planning Goal 10, "Environment," provides the directive for much of this chapter. It requires Whatcom County to "protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water." In addition, some of the goals and policies of this chapter support Planning Goal 9, "Open Space and Recreation," which directs the county to "conserve fish and wildlife habitat."

Relative to environmental protection, Whatcom County's County-Wide Planning Policies (CWPP) give the most attention to water issues. They state, "The quality of life and economic health of Whatcom County communities depend on the maintenance of a safe and reliable water supply. All jurisdictions and water purveyors should cooperate to ensure the protection and quality of the area's water resources." Specific policies address water, promoting inter-jurisdictional cooperation in conserving, protecting, and managing the water resource, and in reducing water pollution. The CWPP also support protecting wildlife habitat and corridors, natural drainage features, and "other environmental, cultural and scenic resources."

**GMA Requirements**

The GMA also requires Whatcom County to identify and manage critical areas in such a manner as to prevent destruction of the resource base and reduce potential losses to property and human life. The GMA has identified Critical Areas to include the following areas and ecosystems:

- Wetlands
- Areas with a critical recharging effect on aquifers used for potable water
- Critical Aquifer Recharge Areas
- Fish and wildlife habitat conservation areas
Frequently flooded areas
Geologically hazardous areas: (GMA Definition)

Background Sources
The background information contained in this chapter incorporates background information from the following documents:

- Whatcom County Environmental Resources Report Series: Hydrologic and Fishery Resources of Whatcom County. Whatcom County Planning Department, December 1994.

Reason for Deletion: These references are old. Newer, pertinent documents are referenced below and in the bibliography.

Environmental Setting
Whatcom County bedrock geology can be divided into five bedrock geologic provinces. From east to west these provinces are the Methow terrain, the Cascade Crystalline Core, the Northwest Cascades System, the Fraser Lowland, and the San Juan Island system. Tectonic activity over the past 15 million years has created the present North Cascades and the formation of Mount Baker, a 10,000-foot high composite volcano.

The mountains of Whatcom County, as well as the streams, lakes, valleys, and hills, and shoreline features, are the result of millions of years of geologic events. Over 2.5 million years ago, during the Ice Ages, glacial ice invaded the Puget Sound lowlands from the north at least four times, with the last major glacial event, the Fraser Glaciation, ending approximately 12,000 years ago. A minor advance of glacial ice, the Sumas Advance, ended approximately 10,000 years ago. The ice formed from the accumulation of snow in the British Columbia Coast Range and interior of British Columbia. Numerous glaciers are still present within the mountains of Whatcom County, and some of these mountain glaciers formerly extended far down the mountain valleys of the County. The underlying bedrock was deeply eroded during these glacial events creating very steep mountainsides, and in some areas, particularly in northwestern Whatcom County, a thick sequence of glacial related sediments was deposited. The glacial ice was approximately 6,000 feet thick in the vicinity of Bellingham.
Two main glacial advances are the most important to our area, the Salmon Springs glaciation and the later Vashon glaciation. Each time the massive glacier advanced, it dammed up the Puget lowlands to form a huge lake. As the floating ice melted, sand, gravel, clay and occasional boulders would melt out of the ice and fall to the sea floor. This deposit, the Bellingham Drift, covers the ground surface over a large area of western Whatcom County. Each time the Ice Age glacier advanced, it also compacted underlying sediments with its great weight. It created a concrete-like material called "till" (also known as "hardpan") beneath it. Because the Bellingham Drift consists primarily of clay and silt, it is relatively impermeable; water tends to accumulate on the ground surface. Wetlands are common on the Bellingham Drift.

On the bottom of the lake, "rock flour"—the finely ground remains of rocks pulverized by glacial action—settled out. These deposits became the familiar "blue clays" of the Puget lowland. The milky color of the Nooksack River is due to the same kind of rock flour, created by glacial activity on the slopes of Mount Baker.

Additionally, each time the glacier retreated, water from the melting ice deposited thick layers of sand and gravel known as "outwash." The outwash areas are typically where we find our most productive aquifers, since these loose sands and gravel are porous and drain rapidly. While these areas absorb rainwater for our later use from wells, they are also vulnerable to contamination. An example of this phenomenon is found in the outwash sands and gravels resulting from the Sumas Advance. Large melt water streams and rivers flowed from this glacier depositing the Sumas Outwash sands and gravels. The Sumas Outwash sands and gravels make up the best non-floodplain farmland in the County and some of the highest quality construction gravel deposits—as well. Abandoned outwash channels were formerly used as sources of peat.

Each of these glacial sediments—lake bed deposits, till and outwash—is present in various places from place to place and in varied combinations in Whatcom County. These sediments provide both the formations that hold the groundwater for many of the area's wells, and the parent material for most of the different soils.

Out of these long physical processes a complex natural ecology has emerged that supports a diversity of wildlife. Many of our lakes, rivers, and streams support fish including, but not limited to, native species such as the five pacific salmon (Chinook, Coho, Sockeye, Chum, Pink) as well as Steelhead, Rainbow Trout, Cutthroat (coastal and resident), Bull Trout, and Dolly Varden. Every year salmon return to spawn in the streams and rivers of Whatcom County. Bufflehead and goldeneye ducks winter here. Additionally, numerous bird species including scoters, snow geese, trumpeter swans, canvasbacks, cormorants, grebes, loons, and other migrating waterfowl pass through every spring and fall as they travel between their breeding grounds in Alaska and Canada and their wintering grounds in California and Mexico. Mallards, Canada geese, great blue herons, and numerous songbirds live in the county year-round. Maintaining these unique resources is a high priority for both present and future county residents. Whatcom County is home to a distinct subspecies of the Great Blue Heron, which is the third largest colony in the Puget Sound area. The wetlands, fields, streams, and nearshore habitat in the county
support many birds of special concern, such as the bald eagle (ESA threatened),
the pileated woodpecker (candidate for State threatened list), and the peregrine
falcon (ESA monitored). The National Audubon Society has designated Semiahmoo,
Drayton Harbor, and Birch Bay as “important Bird Areas.”

Environmental Management

Introduction

General environmental goals and policies are intended to provide guidance for
environmental management that will promote environmental protection and good
stewardship practices through a balance of public education and involvement;
incentives, acquisition, and voluntary programs; land use planning and regulations;
environmental monitoring; and intergovernmental cooperation. These goals and
policies are also intended to provide guidance to County government as it assists its
citizens in maintaining a balance between individual property rights, economic
development, and environmental protection.

GMA Requirements

See Appendix C.

Background Summary

Development in the last 100 years has had a significant impact on the natural
environment in Whatcom County. At the turn of the 20th century, the areas
surrounding Lynden, Sumas, and Ferndale were logged, drained, and converted to
agricultural land. In the intervening years, many of the remaining forests were
logged, many streams re-routed and channelized, and much of the native
vegetation removed and replaced with a wide variety of introduced vegetative
types. Roads now crisscross most areas, with homes, farms, businesses, and
industries scattered throughout the county.

Issue, Goals, and Policies

There are designated many lands in Whatcom County that can still accommodate
extensive development. The Whatcom County also has areas that are sensitive to
human activity (wetlands, streams, lakes, marine shorelines) and lands that can
pose a hazard to the community (floodplains and unstable slopes). In these These
are the areas where development must be carefully planned or limited to maintain
environmental quality and public safety. This can be done through the creation and
implementation of goals and policies that seek to reduce hazards and prevent
adverse environmental impacts.

Community and Environmental Protection

The elements of the natural environment—water, air, soil, plants, and animals—are
interconnected and interdependent, functioning as one dynamic ecosystem.
Environmental resources within this ecosystem are extensive and, in some cases,
irreplaceable. They provide important beneficial uses to the community such as: the
supply of clean drinking water; management of stormwater run-off and flood
hazard management; control; support for a wide variety of fish and wildlife; fresh
air; and a sense of place that in which residents invest in, enjoy, and expect.

Some of these same resources result in serious environmental constraints or pose a
hazard to development and a danger to the community. Flooding in the Nooksack
River is frequent and impacts much of the valley floor. There are numerous
wetlands and hydric soils throughout the lowlands that provide critical wetland
functions but and are generally unsuitable for inhibit development. The steep
gradient and geologic structure of the mountain ranges in conjunction with heavy
annual precipitation can contribute to slope instability and flood-prone drainage
basins.

Much of the environmental degradation and destruction to property occurs as a
result of a lack of information or understanding knowledge rather than willful
action. Natural systems are subtle and complex. Too often both their benefits and
hazards are not readily apparent to the community. Additionally, baseline
information is not always available to help identify project the real costs or hazards
of building in Whatcom County. There is may be a need for further research and
education.

**Goal 11A:** Protect natural resources and systems, life, and property
from potential hazards.

**Policy 11A-1:** Support good stewardship of Whatcom County lands, and apply
this principle to the management of public lands.

**Policy 11A-2:** Protect the environment through a comprehensive program that
includes voluntary activity, education, incentives, regulation, enforcement, restoration, monitoring, acquisition, mitigation,
and intergovernmental coordination.

**Policy 11A-3:** Continue to identify, and designate, and protect Environmentally
Critical Areas and other important environmental features.

**Policy 11A-4:** Manage designated Environmentally-Critical Areas (ECAs) as
needed, to minimize or protect against environmental
degradation and reduce the potential for losses to property and
human life.

**Policy 11A-5:** Actively pursue voluntary, cooperative, and mutually beneficial
efforts aimed at advancing county environmental goals.

**Policy 11A-6:** Aim to meet or exceed Adopt in accordance with national, state,
and regional regulations the required air quality standards. Work
with the Northwest Clean Air Agency to ensure compliance with
applicable air quality standards. Develop and implement
programs to monitor and assure compliance with those standards.
Reason for change: No individual jurisdiction adopts its own air monitoring programs; the Northwest Clean Air Agency performs this role.

Policy 11A-7: **Using Best Available Science**, support efforts to educate and inform the public as to the benefits of a healthy and viable environment, their ecologically fragile areas, and their economic and social value.

Policy 11A-8: **Lead and/or coordinate** efforts with property owners, citizen groups, and governmental and non-governmental agencies in furthering Whatcom County’s environmental goals and policies.

Policy 11A-9: Cooperate with state and federal agencies and neighboring jurisdictions to identify and protect threatened and endangered fish and wildlife species and their habitats.

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

Policy 11A-11: Designate high-value open space and natural areas for acquisition, conservation easements, open space, and other such programs to protect these natural areas upon request or consent of the property owner.

Policy 11A-12: Broadly inform the citizens of the Whatcom County of the locations of potential development constraints associated with natural conditions. Information should include known natural hazards, and an assessment of the potential danger to both the property owner and the public.

**Administration and Regulation**

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

Reason for Change: Amended by the P/C because they thought the language too negative.

Goal 11B: Simplify and harmonize regulations to ease the burden of excessive and confusing regulations, in instances when they are clearly identified, relating to the identification, delineation, and protection of environmental features.

Policy 11B-1: Develop, as a significant primary component of a comprehensive environmental management program, non-regulatory measures that include voluntary activity, education, incentives, restoration, acquisition, advanced mitigation (i.e., mitigation done in advance of impacts), and intergovernmental coordination.

Policy 11B-2: Provide incentives for good stewardship of the land through the use of non-regulatory and innovative land use management techniques.

Policy 11B-3: Support education as an important tool in developing public appreciation for the value of natural systems and provide the public with informational materials and presentations relating to natural system functions, regulations, and issues.

Policy 11B-4: Promote cooperation and coordination among involved government agencies when multiple agencies have jurisdiction over aspects of a single project.

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

Policy 11B-6: Provide clear, timely, appropriate, and understandable direction to citizens, developers, and property owners.

Policy 11B-7: Simplify and keep regulations as simple as possible and establish and maintain effective inspection, compliance, and enforcement measures.

Policy 11B-8: Recognize the policies of the Whatcom County Shoreline Management Program as constituting a “Shoreline Element” of this plan. The shoreline program regulations and policies shall be considered to be consistent with this plan until such time as any necessary amendments are made.

The Environment and Property Rights

Prior to the 1970s, growth in Whatcom County was relatively slow and received little management. As a result, private property owners were left to their own
resources as they determined how best to use their land. However, as increasing
numbers of people have moved to this area and settled, a greater demand was
been placed on Whatcom County’s natural resources.
The problems that arise from this situation have caused many to realize that what
one person does with his or her property may have an impact on the larger
environmental system that sustains us as a community and on the property rights
of other property owners.

Land use decisions can no longer be considered exclusively private matters. We are
aware that public actions impact every private citizen in Whatcom County and that
private actions may have public consequences as well. To that end, the law must
protect the public good from detrimental private actions. Nevertheless, the right of
the individual to use his or her property, within the bounds permitted by law, is a
value supported by law and the community and must be recognized when making
land use decisions in Whatcom County.

**Goal 11C:** In implementing Whatcom County environmental policies, provide for protection of private property rights, economic opportunities, and plan appropriately for growth.

**Policy 11C-1:** Actively pursue voluntary and cooperative efforts that advance Whatcom County’s goals in a mutually beneficial manner.

**Policy 11C-2:** Review current comprehensive When adopting new environmental protection programs, to ensure that they consider multiple economic parameters including development objectives, and impacts, and the economic benefits of the natural environment as both a resource and an amenity.

**Policy 11C-3:** Emphasize an approach to environmental protection by encouraging with the use of conservation easements, open space taxation, land acquisition, purchase/voluntary, workable transfer of development rights, and other mechanisms to assist affected property owners. Consider—mechanisms to compensate affected property owners in the event that the regulations implement these Environmental Goals and Policies prohibit or significantly restrict the use of property as otherwise permitted by law.

**Policy 11C-4** Avoid standards and procedures likely to require compensation to property owners or invalidation of such rules Avoid extreme standards and procedures that are likely to require compensation to property owners or invalidation of such rules.

Reason for change: The P/C thought it best to avoid regulations leading to compensation for takings, rather than build compensation into the system.
Climate Change

Climate change is a global phenomenon that has the potential for significant local impacts to natural resources, ecosystem functions, as well as human health, infrastructure, and the economy. In Washington State, the Climate Impacts Group (CIG), a consortium of scientists at the University of Washington, has done the most extensive analysis of potential local climate change impacts in the Pacific Northwest. Based on a range of climate change model projections, as well as peer-reviewed scientific publications, the CIG concludes that during the next 20-40 years the Pacific Northwest climate may change significantly. See Climate Change Impacts and Adaptation in Washington State: Technical Summaries for Decision Makers, Climate Impacts Group, University of Washington, December 2013. The CIG confirms that global climate models project mid-21st century temperatures in the Pacific Northwest that are higher than the natural range of temperature observed in the 20th century. The CIG reports that as a result of likely climate change—causing slightly higher average annual temperature—impacts to the Pacific Northwest will likely affect a broad spectrum of the natural environment, but most notably changes to water resources, including:

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

Climate change impacts are likely to include longer-term shifts in forest types and species, potentially increasing wildfire risk and greater exposure to insects and disease. Nearshore and riverine fisheries may be subjected to increased stress due to even lower average summer stream flows (and higher summer stream temperatures) and increased acidity in Puget Sound. Agricultural sector concerns include the cost of climate adaptation, development of more climate-resilient technologies, and management and availability of adequate water supplies. Susceptibility to natural hazards is also expected to intensify due to climate change, including increased landslides, erosion, and coastal and riverine flooding due to more winter rainfall, and potential rising sea levels.

In 2007, Whatcom County completed a Climate Protection and Energy Conservation Action Plan that laid out specific actions and targets for reducing greenhouse gas
emissions and increasing energy conservation efforts in response to potential climate change.

In addition many insurance industry experts are now factoring in the costs of climate change into insurance premiums as the increase in the frequency and severity of extreme weather events around the world results in a corresponding increase in claims costs.

Local government, residents and business must anticipate that as the climate changes, more frequent and severe damage to private and public infrastructure will occur. Maintenance costs and insurance premiums can be expected to increase accordingly. (Browne)

Reason for Change: Climate change was not addressed in the Comprehensive Plan

**Goal 11D** Strengthen the sustainability of Whatcom County’s economy, natural environment, and built communities by responding and adapting to the impacts of climate change.

**Policy 11D-1** Whatcom County’s natural resource-based economic sectors, natural systems, water resources, infrastructure, emergency management, and public health all face potentially noteworthy climate change related risks in the future. The County should consider potential long-range climate change implications into its on-going functional planning and implementation actions. The County should:

1. Study the resilience of its natural and built environments to the potential impacts of climate change;
2. Identify the relative vulnerability of these sectors to climate change; and,
3. Examine the adaptive capacity of these sectors to cope with or mitigate climate change and take advantage of any beneficial opportunities.

**Policy 11D-32** Develop strategies that encourage a diversified and sustainable economy that is resilient to the impacts of climate change.

**Policy 11D-43** Promote the efficient use, conservation, and protection of water resources.

**Policy 11D-54** Pursue strategies to reduce the vehicle miles traveled (VMT) in the county by encouraging expanded availability and use of public transportation, carpooling, and non-vehicular modes of transportation.

**Policy 11D-75** Establish land use patterns that minimize transportation-related greenhouse gas emissions and encourage the preservation of natural resource lands and the protection of water resources.
Policy 11D-6: Convene a climate impact advisory committee by 2017. The advisory committee should consist of (but not be limited to) experts in energy efficiency and carbon emission reduction, representatives from Whatcom County, and interested community members. The committee will be tasked with:

- Evaluating Whatcom County’s compliance with meeting targets set forth in the 2007 Climate Plan;
- Establishing new targets that meet or exceed state and federal climate impact goals;
- Updating the Climate Plan, at minimum every five years, or as needed to meet targets;
- Recommending updates to the Whatcom County Comprehensive Plan in accordance with meeting Whatcom County’s emission reduction goals; and
- Ensuring that Whatcom County government facilities and operations are designed to meet or exceed goals and standards resolved in the current Climate Protection and Energy Conservation Action Plan.

Policy 11D-7: Encourage sustainability by developing strategies and practices to increase the use of renewable, net-neutral carbon energy in Whatcom County facilities and County vehicles, with a goal of net zero man-made carbon emission by 2050.

Policy 11D-8: Encourage sustainability by developing strategies and practices to reduce landfill waste from Whatcom County government facilities to near zero.

Policy 11D-9: Identify responsible parties and agencies and encourage them to identify and properly seal and/or burn methane that is escaping into the atmosphere from wells.

Reason for Change: Address most current scientific assessments of potential, local climate change impacts.

Natural Hazards

Introduction

The location, climate, and geology of Whatcom County combine to create many natural hazards to people and their developments. Earthquakes, volcanoes, landslides, and flooding from streams and rivers are some of the major natural hazards found in our region. Additionally, old mines are scattered around the county that could be dangerous to the community. Natural Hazards goals and policies are intended to provide guidance to county government as it assists its citizens in effectively managing natural hazards in a manner which minimizes the danger.
to each member of this community, while continuing to provide for economic opportunities.

**Background Summary**

Natural Hazards include the following (Map 2711-4):

**Landslide Hazards** – The geologically recent retreat of glaciers from the Whatcom County landscape, **succeed by contemporaneous geomorphic processes of erosion, sediment transport, deposition, isostatic rebound and tectonic uplift**, has left many hillsides over-steepened and susceptible to naturally occurring and **human-triggered slope failure landslides and erosion**earth movements. Several large, well-known landslides **are presently active exist in Whatcom County**, such as the Swift Creek Slide on Sumas Mountain and the Darrington Slide located in the upper Jones Creek Watershed. In addition, numerous large-scale, pre-historic slope failure deposits have been mapped by past workers and are readily identified in more recently available LiDAR imagery. Various slope failure processes contribute to the mosaic of landslide hazards present in the County the large slide on Slide Mountain south of Maple Falls. These larger landslides affect significant areas with and the potential exists for a multitude of impacts ranging from periodic small- to large-scale rockfall and slides, as well as the potential for massive debris slides and avalanches, destructive debris flows, and deep-seated earthflows, slumps and slides, deposits. Numerous smaller landslides processes act on both the large- and small-scale, and though much less catastrophic in nature, smaller landslides occur more frequently and pose a continually hazard to County residents and infrastructure also exist in the county, affecting smaller areas. In addition, the presence of certain types of geologic conditions and formations are commonly cause-culprits in the occurrence of landslides, namely the Chuckanut Formation and the Darrington Phyllite, but are also frequently observed in unconsolidated glacial sediments, in the presence of day-lighting groundwater seams and springs, on slopes in excess of 35 percent, along coastal bluffs, and in areas of fluvial erosion prone susceptible to land sliding under certain conditions. In the 1970s, a portion of Interstate-5 south of Bellingham collapsed where the freeway crossed portions of unstable Chuckanut Formation.

**Reason for Change:** Updated due to updated knowledge.

**Alluvial Fan Hazards** – Alluvial fan hazards areas exist where steep mountain streams flow onto floodplains or into lakes and deposit debris and sediment. Because these streams are steep and flow in confined canyons, they can create larger sediment and debris than a similar-sized stream flowing over flat land. During a large storm, streams on alluvial fans can create catastrophic flooding and debris floods, such as were experienced in 1983 in the Lake Whatcom area. During this storm event, the Sudden Valley development on Lake Whatcom incurred significant damage to property from flooding and debris flows on the Austin Creek alluvial fan.

**Flood Hazards** – Heavy winter rains and a transient snowpack combined with the steep and sometimes unstable slopes of Whatcom County's foothills create
conditions ideal for flooding and debris flows along many of our rivers and streams. The Nooksack River floodplain alone covers 38,000 acres in Whatcom County. In 1989 and 1990, the Nooksack River overflowed and flooded lowland Whatcom County causing millions of dollars of damage. During some extreme floods, the Nooksack River overflows near Everson and adversely impacts residents along Johnson Creek in Sumas, and in the Abbotsford area of British Columbia. It is predicted that climate change will exacerbate flooding, due to increased sea level and changes in rainfall patterns. Significant damage may result from these such floods. In 1991, Whatcom County formed a countywide Flood Control Zone District to address the major flooding issues in the county.

Volcanic Hazards – The presence of Mt. Baker is an asset to our region. Its 10,778-foot peak is one of the dominant features of Whatcom County’s landscape. However, Mt. Baker is also considered one of the most potentially active volcanoes in the Cascade Range, and of the six major volcanoes in the range, Mt. Baker is considered by geologists to be very hazardous during and after an eruption. The frequency of Mt. Baker volcanic events averages once every 200 years. The last recorded significant event was about 200 years ago. Pyroclastic flows, ash flows, and especially volcanic mudflows, also called known as lahars, are believed to be the greatest dangers to human life and development in Whatcom County. Geologic evidence indicates that an eruption on Mt. Baker caused a major mudflow–lahar about 6,000–6,600 years ago which inundated the Middle Fork Nooksack Valley from its headwaters downstream past the confluence with the North Fork at Welcome. The same mudflow–lahar is now known to have been over 300 feet deep in the upper reaches of the Middle Fork and extended as far east–west as Nugent’s Corner, and likely traveled to the Puget Sound. A major mudflow–lahar along the Nooksack would divert the river from its channel and cause mass flooding. Fortunately, volcanic eruptions are infrequent with periods of hundreds and thousands of years between events, but this infrequency also makes forecasting a volcanic eruption extremely difficult. However, a major eruption of Mt. Baker would pose a serious threat to human life and property. The deeply weathered nature of the rocks forming Mt. Baker may also fail, triggering a mudflow that would travel rapidly down the stream channels ringing the volcano and result in damage similar to that from a volcanic eruption trigger. Mapping over the past decade of other Cascade volcanoes has demonstrated massive mudflows extending from the volcanoes to Puget Sound, and from Mount Rainier and Glacier Peak.

Reason for Change: According to web research, the event frequency doesn’t appear to be true; in fact there doesn’t appear to be a frequency to the known events.

Earthquake Hazards – Whatcom County lies within the influence of the convergent plate margin between the Pacific and North American Plate termed the Cascadia Subduction Zone. Regionally-extensive and damaging, a major earthquakes, termed mega-thrusts, are possible when stress generated between the subducting Pacific Plate and over-riding North American Plate is released, fault area off the coast of western North America. The Cascadia subduction zone has the
potential for a mega-thrust earthquake is capable of generating an earthquake of magnitude 9, eight or greater, and research has indicated an approximate recurrence interval of earthquakes every 500-600 years. Associated with the stresses generated at the convergent plate margin are shallow, crustal faults that are mapped. This type of earthquake is called a great interplate earthquake throughout Whatcom County. Earthquake activity on these fault systems is much more frequent than that observed at the Cascadia Subduction Zone, and these is one of the most seismically active areas in Washington. Recent research has shown that these crustal faults are capable of generating a magnitude 7 earthquake with an average recurrence interval. These types occur more frequently (30 to 50 years) than the great interplate earthquakes. While all buildings are susceptible to damage from seismic-shaking earthquakes, structures built on peat soils, and large areas of non-structural fill, or liquefiable soils are prone to more severe shaking during an earthquake. If the shaking is strong enough, or of sufficient duration, structures may collapse or become damaged due to building fatigue, ground settlement/liquefaction, and/or lateral spreading. In addition to seismic hazards posed by the Cascadia Subduction Zone, a significant mega-thrust earthquake has the potential to generate a large and destructive tsunami that has the potential to affect most low-bank areas of the County.

Reason for Change: Updated due to updated knowledge.

Mine Hazards – Mine hazard areas are sites of abandoned underground mine shafts, adits, and mine tailings. Coal mining was a major industry in Whatcom County in the early part of the 20th century, and several major mines were developed in various parts of the county. All of the formerly active mines are now no longer worked and are abandoned. For the most part these mine locations are known and mapped, such as the extensive coal mines under the northern part of the City of Bellingham and in the Blue Canyon area of South Lake Whatcom.

Issues, Goals, and Policies

Landslides – Siting human development on or adjacent to known landslide hazard areas can create health and safety risks for humans and their property, on and around these hazards, especially during extreme weather events and earthquakes. The risks can be elevated due to the release of asbestos-laden sediment poses an additional risk to public health. Development activity can de-stabilize naturally unstable slopes and impact natural systems. However, predicting the exact timing, location, or extent of a damaging landslide is difficult, and in particular areas of the County landslide hazards are not possible to completely mitigate or avoid. In some circumstances, the development of upland properties may place. While upslope landowners may develop their properties with little or no on-site impacts, downslope neighbors and natural systems may be placed at risk from rockfall or landslides as a result of the upslope land.
development. A similar relationship holds true for development at the toe of a potentially unstable slope. In either event, development in proximity to landslide hazards must proceed in consideration of potential impacts in order to ensure life safety and preserve and protect public and private infrastructure.

Reason for Change: Updated due to updated knowledge.

Alluvial Fans – Because alluvial fan areas are associated with streams, are generally gently sloping and elevated above the adjacent floodplain, and are located at the base of mountains, they have historically been popular places to develop. However, once every 10-25 years, a large storm event occurs in our area and creeks-streams flood homes and developments, causing damage to property, natural systems, and sometimes loss of lives.

Flooding – Floodwaters from the Nooksack River can damage rural homes, agricultural areas, businesses, and industries in the small cities situated along the river; fish and wildlife habitat and other natural systems; and disrupt transportation and utility corridors. Storm tides can flood homes and roads along low, exposed marine shorelines in the Birch Bay, Sandy Point, Point Roberts, and Gooseberry Point areas. Homes along Lake Whatcom, Lake Samish, and Cain/Reed Lakes have also been impacted by flooding during extreme storm events. Property and public safety are also impacted by rapid channel morphology events.

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

Note: The P/C added this text, modified from language submitted by the BIAWC.

Earthquakes – A major earthquake could—may likely and significantly affect Whatcom County. If the shaking is strong enough, buildings may collapse, roads could be damaged, and/or communications, power, and utilities could be severely disrupted, mud and rock slides could occur on unstable slopes, and local sea levels may change as shorelines assume altered post-quake elevations.

Reason for Change: Recommended changes by the Marine Resources Committee.

Mines – Some abandoned mine areas may pose a risk of ground subsidence from the collapse of abandoned mine shafts. Air and water pollution may also be hazards associated with abandoned mine tailings and trapped toxic gases. Development on or near mine hazards could be adversely impacted.

Gas wells – Several exploratory oil & gas wells have been drilled around the county over the last 70+ years. Some of these present potential environmental hazards due to ongoing leakage of gas.
Old Landfills – There are known abandoned landfills in the County and possibly some that are unknown. There are also several sites around the County that contain large numbers of abandoned vehicles and other debris. As with most landfills these locations pose some degree of risk of hazardous substances leaking into local aquifers.

Balanced Management – A central issue common to all development in natural hazard areas is the need for Whatcom County to balance the responsibility of local government to protect the public interest and provide for a safe and healthy environment while safeguarding the rights of private property owners.

Economic Impact – Damage to private and public property resulting from the siting of human development in areas of natural hazards is significant to the people of Whatcom County. The 1990 Nooksack River floods caused over $20 million dollars of damage to roads, bridges, buildings, and farmland. Disaster relief efforts are expensive and dangerous to conduct during an emergency. Public efforts to reduce hazards, such as the establishment of the Flood Control Zone District, are also expensive.

**Goal 11DF:** Minimize potential loss of life, damage to property, the expenditure of public funds, and degradation of natural systems resulting from development in hazardous areas such as floodplains, landslide-prone areas, seismic hazards areas, volcanic impact areas, abandoned mine and exploratory gas well locations, potentially dangerous alluvial fans, and other known natural hazards by advocating the use of land acquisition, open space taxation, conservation easements, growth planning, regulations, and other options to discourage, or minimize development, or prohibit inappropriate development in such areas.

**Reason for change:** We do use regulations as well as these other measures to achieve this.

**Policy 11DF-1:** Avoid or minimize public investments for future infrastructure development on known natural hazard areas.

**Policy 11DF-2:** Use the Best Available Science to research and investigate the nature and extent of known natural hazards in the county and make this information available to the general public and policy makers in an accessible and understandable form.

**Policy 11DF-3:** Broadly inform the people of Whatcom County of the locations of known natural hazards, and the potential for adverse impacts of such natural hazards to the health, safety, and welfare of people and their properties.

**Policy 11DF-4:** Establish acceptable levels of public risk for development in known natural hazard areas based upon the
nature of the natural hazard; and levels of public risk, and establish—maintain regulatory criteria for approving, disapproving, conditioning, or mitigating development activity.

Policy 11DF-5: Allow all permitted uses that do not require human habitation as long as probable adverse off-site impacts to other properties or natural systems (those impacts resulting from the interaction of the natural hazard and the proposed development) are minimized or mitigated. Probable adverse impacts should be prevented or avoided in habitats of state-sensitive or federally listed sensitive plant and animal species.

Policy 11DF-65: Prohibit the siting of critical public facilities in known natural hazard areas unless the siting of the facility can be shown to have a public benefit which that outweighs the risk of siting in the particular hazard area.

Policy 11D-7: Develop a comprehensive land use management program consistent with the findings and recommendations of the Comprehensive Flood Hazard Management Plan.

Reason for Change: Similar to and redundant with new policy 11F-15.

Policy 11DF-876: Maintain Develop a comprehensive program of regulatory and non-regulatory mechanisms to achieve Natural Hazard goals and policies. This program should include such mechanisms as education, tax incentives, zoning, land use regulations, conservation easements, purchase of development rights, transfer of development rights, and public acquisition.

Policy 11DF-987: Review and reviseBe consistent with the Natural Hazard goals and policies and consider the locations of Natural Hazard Areas when establishing or changing zoning patterns and densities.

Reason for Change: Policies 11F-9 – 15, below, were moved from the Action Items section which is being deleted.

Policy 11DF-1098: To address the causes of flooding and avoid expensive and maintenance-intensive bank protection measures, the County shall prioritize its floodplain property acquisition program, and add an emphasis of and emphasize restoring river connectivity to historic side-channels and floodplain areas. This approach addresses the causes of flooding in contrast to expensive and maintenance-intensive bank protection measures.

Policy 11DF-109: Take steps to discourage additional new floodplain development in the floodplain.

Policy 11DF-110: Require applicants for development permits located in natural hazard areas to provide development plans designed to minimize the potential to exacerbate the natural hazard as well
as the risk of damage to property or threats to human health and safety. In natural hazard areas where engineering solutions cannot be designed to withstand the forces expected to occur under the design event of a particular natural hazard, or off-site adverse impacts to adjacent properties or natural systems cannot be adequately mitigated, Whatcom County may deny development permits intended for permanent or seasonal human habitation.

**Policy 11DF-121:** Consider conducting a public process with affected citizens, technical experts, and decision-makers to establish recommended levels of public risk for each of the identified natural hazards. In developing recommended levels of public risk for natural hazards, consider the appropriate variables affecting developments in hazardous areas. These variables may include:

- Specific types of risk associated with the particular hazard area;
- The gradation of hazards associated with a particular geo-hazard;
- Level of detail necessary to map hazard areas;
- Different levels of risk associated with different ownership classes (e.g. public ownership versus private ownership);
- Different levels of risk associated with different types of land uses; and,

- Mitigation measures related to specific adverse impacts of development in hazard areas.

Once a set of risk levels have been identified, propose these risk levels for adoption by the County Council as the level to which future development must be designed and appropriate locations for them.

**Policy 11DF-132:** Formally consider establishing acceptable levels of public risk for use in approving and conditioning development activity in known natural hazard areas. The established level of risk may be expressed as the potential hazard posed as determined by scientific and historical methods applicable to each specific natural hazard.

**Policy 11DF-143:** Review the findings and recommendations of alluvial fan hazard evaluations and make appropriate recommendations for land use and zoning regulations to the County Council to assist in reducing the hazards posed on these fans. Whatcom County has
completed or nearly completed alluvial fan evaluations of Canyon Creek, Jones Creek, and Glacier-Gallop Creeks.

Policy 11DF-154: Review the findings and recommendations of the Comprehensive Flood Hazard Management Plan (CFHMP) and make appropriate recommendations for land use and zoning regulations to the County Council to assist in the implementation of the CFHMP.

Policy 11F-15: Identify known locations of abandoned wells that could produce methane and/or other hazardous substances and where immediate danger of methane and hazardous substance leaking exists, condition development approvals on affected parcels to mitigate those impacts.

Reason for Change: Policies 11F-9 – 15, above, were moved from the Action Items section which is being deleted.

Water Resources

Introduction

Water resources refer to the numerous surface waters such as lakes, streams, wetlands, groundwater; aquifers, estuaries; and marine waterbodies within Whatcom County (Map 2411-1). These waterbodies are often integrally linked through the complex network referred to as the water cycle. The water cycle describes the series of transformations that occur in the circulation of water from the atmosphere onto the surface and into the subsurface regions of the earth, and then back from the surface to the atmosphere. Water resources of Whatcom County provide: natural beauty; recreation; habitat for fish and wildlife; water for drinking, agriculture, and industry; and other benefits essential to the quality of life and economic health of the community. The quality of life and economic health of our county’s communities depend on the maintenance of a safe and reliable water supply. Decisions affecting any element of the water environment must be based on consideration of the effects on other elements.

Background Summary

Whatcom County has 16 major freshwater lakes, 3,012 miles of rivers and streams, over 37,000 acres of wetlands, 134 miles of marine shoreline, and aquifers containing an undetermined amount of groundwater. These water resources serve multiple uses, including providing a source of drinking water for the people of Whatcom County. Surface water sources such as Lake Whatcom, the Nooksack River, and Lake Samish provide water to more than half the county residents, with the remainder relying on groundwater, either from individual wells or from about 300 public water systems. Agriculture relies on both ground and surface water for irrigation, drinking water for livestock, and facility wash down. Businesses and industries may also require water, sometimes in substantial quantities, from other non-
potable as well as sand potable supplies. Water is also essential to meet many of what are referred to as "in-stream" uses, such as for recreation, shellfish growing and harvesting, habitat for fish and wildlife habitat, aesthetics, and other uses and benefits.

Groundwater is contained in aquifers, which are subterranean layers of porous rock or soil. Most of the surficial aquifers in Whatcom County are replenished by rainwater, though some may contain water trapped during glacial periods. Aquifers are often integrally linked with surface water systems and are essential for meeting in-stream and out-of-stream water needs such as for drinking water, agriculture, other and industry, and other uses.

Rainfall that does not soak into the ground or evaporate is regarded as surface water and runs into drainage courses such as ditches, streams, wetlands, rivers, lakes, and the Strait of Georgia supports local surface and marine waters. Natural and manmade drainage systems have many important functions, including storing excess water flow, purifying surface water, recharging groundwater, conveying water, and supporting important biological activities. As more areas in Whatcom County are being urbanized, natural water resource systems are being replaced with built systems, leading to permanent changes in hydrology.

Whatcom County government has a major role in helping to maintain these benefits through its many responsibilities and programs, particularly in the areas of health, safety, land use, and development. The intent of the following goals and policies is to provide guidance to Whatcom County government as it assists its citizens in effectively managing our water resources in a manner that ensures that the benefits of these resources are maintained far into the future. The water resource section focuses primarily on groundwater and surface water management. Surface water management relates generally to watershed protection and stormwater/drainage systems. However, some policy direction may indirectly be provided for areas such as wetlands, estuaries, streams, and marine waterbodies within the Water Resource section. Some of these areas are covered in more detail in other sections within the Environment Chapter.

Whatcom County Water Resource Programs

Whatcom County has and/or participates in numerous water resource programs aimed at protecting and enhancing water quality and quantity, including:

- WRIA 1 Watershed Management Project;
- Lake Whatcom Watershed Management;
- Groundwater Protection & Management;
- Flood Hazard Management; and,
- Stormwater Management.

These programs are described in Appendix G.

Reason for Change: The Planning Commission felt that the descriptions of the County's water resource and salmon recovery programs should be in an appendix.
rather than the body of this chapter, mostly for brevity's sake, but also because
their organization may be changing soon.

Issues, Goals, and Policies

Watershed Planning and Management

General

Problems exist which affect water resources in Whatcom County. Surface and
groundwater quality problems can be found in many areas of Whatcom County and
are described in various chapters of the Comprehensive Plan. There are significant
legal limitations in obtaining new consumptive water rights in a majority of the
County. Management actions between and within jurisdictions are not always well
coordinated or consistent. Additionally, there is much to learn about the physical
characteristics and availability of the resource, since water resources are heavily
linked in complex systems that are only understood in varying degrees. Sound
technical data upon which to base a thorough understanding of these complex
systems is still continuously being developed. Other issues, in the last 10 years,
there have been many updated regulations, and policies such as the Clean Water
Act, Endangered Species Act, and State water code, and tribal actions act to further
exacerbate which come into play more and more, aimed at solving and rationalizing
and lend unpredictability to the problems associated with water.

These problems and issues have already led to many impacts on the community.
The impacts include health concerns associated with drinking contaminated water;
fisheries depletion and closure of shellfish harvesting areas and other in-stream
problems; a lack of adequate water storage and delivery systems to meet the
requirements of growth and development; concerns with the availability of water to
meet existing agricultural and public water supply demands; potential difficulties
and additional costs associated with obtaining building permits and subdivision
approvals; and other related increasing financial costs to the community.

Long-term resolution of the numerous, complex, and changing water issues
requires actions in many areas. Sound technical data and a better understanding of
the water systems is are needed, including the recognition that water resources
must be managed as an integrated system. Cooperation and coordination among
the various users, jurisdictions, and those who impact the resource is necessary.
Creative solutions should be pursued which extend beyond regulatory action to
include education and technical and financial assistance.

Reason for Change: Much of the above text was incorporated into Appendix G.

Goal 11EG: Protect and enhance water quantity and quality and
promote sustainable and efficient use of water resources.

Policy 11EG-21: Maintain as a high priority the protection of water quality and
quantity, and associated features like watersheds and aquifers.
Policy 11EG-2: Actively participate in and support WRIA 1 Watershed Planning efforts associated with the coordination of local, federal, tribal, and state agencies to achieve integration or consistency between the various levels of environmental regulations relating to the County. In conjunction with the cities, other municipal corporations, tribal governments, federal and state agencies, public and private utilities, and the public, develop programs, such as WRIA Watershed Management Planning, which promote sustainable and efficient use of water resources.

Policy 11E-12: Actively participate in the development of WRIA Watershed Management Plannings efforts and the process to establish a county-wide water resources management body.

Reason for Change: Policies 11G-2 & 3 were combined.

Policy 11EG-83: Work cooperatively with Federal, State, and local jurisdictions, Tribal governments, municipal corporations, and the public to implement the goals and policies, and action items contained in of this-the chapter Comprehensive pPlan as well as state water resources and water quality laws.

Policy 11EG-4: Participate in the coordination of all local water and land management efforts, plans, and data to ensure adequate oversight of water quantity and quality issues.

Policy 11EG-5: Manage and prioritize water resources for multiple instream and out-of-stream beneficial uses, including—commensurate with instream flows set by the State Department of Ecology.

Reason for Change: Recommended change by Dept. of Ecology. When issuing water rights, the state’s surface water & groundwater codes specifically do not prioritize one beneficial use above another. Also, in-stream flows and water rights are all by priority date.

Policy 11EG-16: Actively promote and participate in education, research, and information opportunities which—that better—improve—our understanding of the county’s complex water resource systems. New information should be considered in the development and evaluation of management actions.

Policy 11EG-37: Pursue the most effective methods for protecting water quantity and quality, through both regulatory (e.g. zoning, enforcement, fines) and non-regulatory approaches (education, incentives, and technical/financial assistance). Emphasis should be placed on non-regulatory approaches where possible and effective.

Policy 11EG-98: Track the development of policies and regulations at the local, state, and federal level. Provide input to those regulations and
policies as necessary to ensure that the interests of Whatcom County are considered.

Policy 11FG-69: In conjunction with all jurisdictions, develop and adopt programs to protect water quality and quantity within watersheds, aquifers, and marine waterbodies that which cross jurisdictional boundaries.

Policy 11EG-1110: Promote awareness and participation in management and protection efforts by individual citizens and the community as a whole.

Surface Water and Groundwater

Surface water systems face sediment, nutrient, bacteria, petroleum, metals, and other contamination from a variety of point and non-point sources. Groundwater supplies in some areas are also vulnerable to contamination. Nitrates, arsenic, bacteria, elevated chlorine levels, EDB, 1,2-DCP, and other contaminants have been found in some groundwater supplies at levels that exceed those considered safe for drinking water.

Reason for Change: Background information is now provided in Appendix G.

Goal 11FH: Protect and enhance Whatcom County's surface water and groundwater quality and quantity for current and future generations.

Policy 11FH-1: Manage surface water systems, where appropriate, on a watershed basis.

Policy 11H-2: Coordinate efforts to bring all water users in Whatcom County into compliance with state and federal water laws in a way that enhances stream flows, water quality, and fish and wildlife habitat.

RFC: The P/C felt that the County should be coordinating such efforts with other agencies.

Policy 11FH-23: In conjunction with the public and appropriate local, State, Tribal, and Federal jurisdictions, define and identify, and develop management strategies for watershed basins and subbasins which may require special protection. These areas may include aquifers, critical aquifer recharge areas as defined under the Growth Management Act, Groundwater Management Areas, wellhead protection areas, and high priority watersheds such as those specified under WAC 400 (Local Planning and Management of Non-point Source Pollution), WRIA Watershed Management Planning, and under legislative policy direction (e.g. Nooksack Basin, Lake Whatcom, Lake Samish and Drayton Harbor).
Policy 11F-7: Continue identifying areas that require special protection such as wellhead protection areas, aquifers, and high priority watersheds, and incorporate that knowledge into management actions, including dissemination of the information to the general public.

Policy 11F-3: In conjunction with the public and appropriate local, State, Tribal, and Federal jurisdictions, develop management strategies for those areas requiring special protection. Management efforts should consider both water quality and quantity. Water quality efforts should help reduce the likelihood that potential contaminant sources will pollute water supplies. Water quantity efforts should include consideration and protection of recharge areas as appropriate and potential effects on stream flow.

Reason for Change: The above three policies were similar, so combined into one.

Policy 11FH-4: Support the completion and implementation of local and state Watershed Action Management Plans, the Lower Nooksack Strategy, the Lake Whatcom Management Program, NPDES Phase II Permitting, and the WRIA Watershed Management Projects as some of the means of addressing non-point source pollution.

Policy 11FH-5: Pursue the adoption and implementation of ground and/or surface water management plans and their integration into the plans into local comprehensive plans. Designate the Lake Whatcom and Lake Samish Watersheds as high priority areas in this effort.

Policy 11H-6: Oppose the use of hydraulic fracturing in oil and gas wells (also known as “fracking”) to avoid the potential degradation of water quality in aquifers and other ground water.

Stormwater and Drainage

Stormwater is that portion of rainwater that does not naturally percolate into the ground or evaporate, but flows overland or through pipes, gullies, or channels into a defined channel, or a constructed infiltration facility. In many cases, stormwater is associated with impervious surface in areas where development has taken place. In these areas, replacement of natural drainage systems with built systems results in short and long-term public costs and can lead to environmental degradation, including flooding, erosion, sedimentation, habitat loss, and degradation of water quality.

Various land uses can have significant effects on water flow. Sedimentation from ground disturbed by grading, new development, farming, and logging can reduce river or stream channel capacity, fill small lakes, and smother aquatic life and habitat. Surface water runoff from developed areas can carry pollutants such as...
petroleum products, soil, heavy metals, garden chemicals, and animal wastes into the water system; runoff from farms and forests can bring pollutants including fertilizers and pesticides.

Reason for Change: Background information is now provided in Appendix G.

Goal 11GI: Protect water resources and natural drainage systems by controlling the quality and quantity of stormwater runoff.

Policy 11GI-1: Manage stormwater runoff to minimize surface water quality and quantity impacts and downstream impacts on channel morphology, property owners, and aquatic species and habitats.

Policy 11GI-2: Maintain or enhance, when appropriate, natural drainage systems and natural water storage sites in order to better protect water quality, moderate water quantity, minimize environmental degradation, and reduce public costs.

Policy 11GI-3: Limit the alteration of natural drainage systems and natural water storage sites without mitigating measures. Such measures should not degrade water quality or fish and wildlife habitat, and should not increase hazards to the community.

Policy 11GI-4: Support the use by resource industries, such as agriculture, forestry, and mineral resource extraction, of management practices that minimize erosion and sedimentation, and significantly reduce pollutants.

Policy 11GI-5: Evaluate the role of watersheds in the maintenance of water quality and quantity and determine what cumulative impacts development activity may have on watershed hydrology.

Policy 11GI-6: Develop specific stormwater management programs for each drainage basin within the county’s jurisdiction which may be impacted by urban levels of development. Recognize the Lake Whatcom Watershed, Lake Samish, and Drayton Harbor as high priorities in this effort. Coordinate efforts with the Lake Whatcom Management Committee, the various shellfish protection districts, and other watershed management plans.

Policy 11GI-7: Establish, as a high priority, a stormwater maintenance program which ensures that stormwater systems are adequately maintained and function at or near design capacity.

Policy 11GI-8: Strongly incentivize Encourage—the use of low impact development strategies. Minimize the amount of impervious surface whenever practicable by using natural engineering design methods such as the use of open, grassed, street swales and rain gardens instead of curbs and gutters. Where feasible,
Policy 11GI-9: Develop and administer stormwater management standards as required by the NPDES Phase II Permit.

Policy 11GI-10: Develop and administer regulations and incentives such that there is no net loss of ecological functions and values of regulated wetlands and fish and wildlife habitats.

Policy 11I-11: Place a high priority on integrating impervious surface reduction incentives into policies, regulations, and standards for the Lake Whatcom and Lake Samish watersheds.

Reason for Change: Policy 11I-11 comes from the Action Plan that was removed from this chapter.

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

1. Implement the Western Washington Phase II Municipal Stormwater Permit as part of the National Pollutant Discharge Elimination System (NPDES) Program. Incorporate watershed considerations into the development of a comprehensive stormwater management strategy for designated areas.

2. Review Stormwater Special Districts Standards, Watershed Protection Districts, and other related codes that address runoff treatment from potentially polluting surfaces for their applicability to other sensitive watersheds with the Technical Advisory Committee and other appropriate agencies. Coordinate efforts for ongoing monitoring and evaluation within the sensitive watersheds and NPDES areas.

3-5. Amend subdivision, zoning, and other land use regulations and design standards to encourage that land use activities minimize the amount of impervious surface.

4. Identify and implement a long-term funding source to provide for water resource protection services, including non-point source identification and enforcement of applicable county regulations.

5. Focus on the Lake Whatcom watershed as a high priority in developing a stormwater management program. Develop a stormwater management plan that achieves a uniform level of protection throughout the Lake Whatcom watershed.
Ensure coordination and communication with the public and affected jurisdictions, such as the Lake Whatcom Water and Sewer District, the Sudden Valley Community Association, and the City of Bellingham.

2.6. Ensure that existing stormwater standards are adequately enforced within Stormwater Special Districts, Watershed Protection Districts, and the NPDES areas.

Develop a comprehensive stormwater management program designed to manage runoff from public facilities and industrial, commercial, and urban residential areas including streets and roads in compliance with NPDES requirements. Establish a stormwater management plan for rural roads.

Each component of the program shall cover both new and existing developments. Emphasis should be placed on controlling stormwater through source controls and Best Management Practices. Establish a long-term goal of minimal pollutant discharge into surface water resources.

At a minimum, the components of this program shall include:

- Identification of potentially significant pollutant sources and their relationship to the drainage system and water bodies.
- Investigation of problem drains, including sampling.
- Programs for operation and maintenance of storm drains, detention systems, ditches, and culverts.
- A water quality response program to investigate sources of pollutants, spills, fish kills, illegal hookups, dumping, and other water quality problems. These investigations should be used to support compliance/enforcement efforts.
- Assurance of adequate local funding for the stormwater program through surface water utilities, sewer charges, fees, or other revenue-generating sources.
- Local coordination arrangement such as interlocal agreements, joint programs, consistent standards, or regional boards or committees.
- Regulations requiring implementation of stormwater control for new development.
- A public stormwater educational program aimed at residents, businesses, and industries in the urban area.
- Strong inspection, compliance, and enforcement measures.
• An implementation schedule;
• Adequate design specifications and construction practices to ensure minimal on-site erosion and sedimentation during and after construction.
3. Incorporate watershed considerations into the development of a comprehensive stormwater management strategy. This should include the identification of priority watersheds relative to stormwater management and the application of Action Item 1 to each watershed in the order of their priority.
4. Review Stormwater Special Districts Standards that address runoff treatment from potentially polluting surfaces for their applicability to other sensitive watersheds.
5. Amend subdivision, zoning, and other land use regulations and design standards to require that land use activities minimize the amount of impervious surface. Low impact surfaceing options should be encouraged wherever possible.
6. Identify and implement a long-term funding source to provide for water resource protection services including non-point source identification and enforcement of applicable county regulations.
7. Focus on the Lake Whatcom watershed as a high priority in developing a stormwater management program. Develop a stormwater management plan that achieves a uniform level of protection throughout the Lake Whatcom watershed. Ensure coordination and communication with the public and affected jurisdictions such as the Lake Whatcom Water and Sewer District, the Sudden Valley Community Association, and the City of Bellingham.
8. Work with the Technical Advisory Committee and other appropriate agencies in revising or developing standards necessary to ensure watershed protection and then coordinate the effort within sensitive watersheds for ongoing monitoring and evaluation.
9. Develop and implement a stormwater maintenance program for the Lake Whatcom Watershed that would ensure that existing systems are adequately maintained.
10. Ensure that existing stormwater standards are adequately enforced within Stormwater Special Districts.

Reason for Change: The double underlined and struck out policy was an action item. The new language (underlined) is a rewrite of the policy by Public Works.
Water Conservation

Goal 11-J: Policy 11E-4: Support water conservation, reclamation, and reuse measures, and education as a means to helping ensure sufficient water supplies in the future.


Policy 11EJ-82: Support efforts to establish and protect sustainable water supplies to meet existing and future demands for water in the county.

Policy 11J-3: Develop and implement plans to comply with the Department of Ecology’s instream flow and water management rules and water resources management programs.

Lake Whatcom Watershed

Goal 2MM11-K: Prioritize the Lake Whatcom watershed area as an area in which to minimize development, repair existing stormwater problems (specifically for phosphorus), and ensure forestry practices do not negatively impact water quality. Provide sufficient funding and support to be successful.

Policy 2MM11-K-1: Work with property owners to find acceptable development solutions at lower overall densities than the present zoning allows.

Policy 2MM11-K-2: Develop a storm drainage utility district or other funding mechanism to deal with the unique problems of development in a drinking water watershed.

Policy 2MM11-K-3: Recognize that all users of Lake Whatcom water have an interest in the resource and should share in the cost of its protection.

Policy 2MM11-K-4: Work cooperatively with the City of Bellingham, and the Lake Whatcom Water and Sewer District, and applicable associations to identify, review, and, as appropriate, recommend changes to existing monitoring programs that will address the needs of the various jurisdictions. Place a particular focus on the information needed to evaluate the impacts of additional development and stormwater management measures in the watershed. Include an analysis of the diversion from the Middle Fork of the Nooksack. Coordinate efforts with the Lake Whatcom Management Committee process.
Reason for Change: “Applicable associations” added by P/C in response to the
  Sudden Valley Community Association’s request.

Policy 2MM11-K-5: Evaluate and pursue, as appropriate, the use of incentives to
  encourage voluntary lot consolidation, transfer or purchase of
  development rights, current use taxation, and participation in
  open space conservation programs.

Policy 2MM11-K-6: Do not allow density bonuses within the Lake Whatcom
  Watershed.

Policy 2MM11-K-7: Work cooperatively with the City of Bellingham and the Lake
  Whatcom Water and Sewer District to develop
  benchmarks to determine the effectiveness of management
  options; when goals have been achieved; or when additional
  actions are necessary.

Policy 2MM11-K-8: Continue to develop and refine structural and non-structural
  best management practices (BMPs), both voluntary and
  required, to minimize development impacts within the Lake
  Whatcom watershed.

Policy 2MM11-K-9: Work to keep state-owned forest lands Whatcom County Forest
  Board and Forest Purchase lands within the Lake Whatcom
  watershed in public ownership, and support managing forestry
  on these said lands in a manner that minimizes sediment and
  phosphorus yields from streams.

Policy 2MM11-K-10: Encourage the location of public services, such as schools,
  libraries, parks/open space, and post offices within Rural
  Communities that would likely reduce the vehicle miles traveled
  within the watershed.

Reason for change: This change was recommended by the County Health
  Department.

Policy 2MM11-K-11: Continue to work with Bellingham and Lake Whatcom
  Water and Sewer District to protect and manage the Lake
  Whatcom watershed in accordance with the 1998 jointly
  adopted interlocal agreement. Focus on continued
  implementation of the 5-Year Work Plans of the Lake Whatcom
  Management Program. In addition, work with the affected
  jurisdictions and secure funding for programs.

Reason for change: This text was moved from the action plan items in Chapter 2.

Policy 2MM11-K-12 Review and modify (as needed) the current development review
  process for projects in the Lake Whatcom Watershed to ensure
  coordination with other jurisdictions.

Reason for change: This text was moved from the action plan items in Chapter 2.
Policy 2BM11-K-13: The existence of sewer lines in the Rural and Rural Forestry comprehensive plan designations will not be utilized to justify rezoning property in the Lake Whatcom watershed to allow higher density land uses.

Reason for change: This text was moved from the action plan items in Chapter 2.
Note: Policies 11-K-14 through 21 were moved from Chapter 2.

Policy 2BB11-K-14: Facilitate meeting the unique needs of Sudden Valley due to its location within the Lake Whatcom Watershed.

Policy 2BB11-K-15: Recognize the existing parcelization and the commitment for development of the remaining multi-family parcels in Sudden Valley.

Policy 2BB11-K-16: Work with the Community Association towards voluntary achievement of the density reduction target of 1,400 of additional lots within Sudden Valley.

Reason for change: According to Public Works, the density reduction program has been completed; thus, this policy is no longer needed.

Policy 2BB11-K-17: If vacant lots in the Lake Whatcom watershed come available due to a tax foreclosure the County may acquire them, remove the developments rights and then place them back on the market through the public auction process to recover any residual value. If the county acquires lots through tax foreclosure, consider selling them as non-buildable lots.

Policy 2BB11-K-18: Support Lake Whatcom Water and Sewer District’s effort to maintain adequate sewer capacity and control stormwater run-off in keeping with appropriate environmental controls and the Sudden Valley Community Association's density reduction goal.

Policy 2BB11-K-2419: Work with all parties to maintain; and appropriately plan for infrastructure, public services, and stormwater retention so that Sudden Valley can develop to its appropriate potential.

Note: Policies 11-K-14 through 21 were moved from Chapter

Natural Systems

Introduction

“Natural systems” refers to the complex biological ecosystem that has grown developed from the geologic setting of Whatcom County. It includes fish and wildlife, as well as diverse vegetation that has adapted to a variety of physical and climatic conditions (Map 2511-2, Map 2611-3). Natural Systems goals and policies are intended to provide guidance to county government as it assists citizens

Whatcom County Comprehensive Plan 11-33
to effectively manage and enhance these natural systems, and ensures that the
benefits of these systems are maintained far into the future.

**Background Summary**

Whatcom County provides a wide variety of natural habitats which support and
shelter a diverse array of fish and wildlife species. The county’s wildlife is
particularly varied and abundant when compared to many other areas of
Washington State. There are a number of factors that have contributed to this:
abundant water resources, rich soils, mild climate conditions, and a moderate
degree of urbanization are among the most important. Among the habitats of
importance to fish and wildlife are the following:

- wetlands, lakes, and streams;
- nearshore, intertidal, and estuarine habitats, and marine habitats
  including, but not limited to, kelp and eelgrass beds;
- riparian areas and other travel corridors;
- snags and downed logs;
- forested habitats in a variety of successional stages;
- caves, cliffs, and talus slopes;
- grasslands and cultivated fields; and,
- thickets and fence rows.

Aquatic habitats include rivers, streams, ponds, lakes, and their riparian borders.
Together, these habitats are essential to Whatcom County’s fish and wildlife.
Twenty-six species of fish—including twelve economically important stocks of
salmon and trout—h inhabit fresh water in Whatcom County for all or part of their life
cycles. Healthy flowing streams and rivers, as well as off-channel wetland habitats,
are essential to the survival of the majority of these fish. Wetland ponds, especially
beaver ponds, provide optimal habitats for rearing and over-wintering of young
fish, particularly Coho salmon and cutthroat trout juveniles.

Most regional wildlife species regularly use aquatic and riparian habitats for
breeding, feeding, shelter, and migratory activities. Of this large grouping, over half
are dependent upon wetland habitats at some point in their life cycles, and would
decline or disappear in the absence of wetlands. Wetlands also contain unique
vegetative communities that harbor many species of rare and unusual plants.

**Native Fish and Wildlife Populations and Habitat**

Optimum habitat for Pacific Northwest salmon and other fish is one that resembles
the riparian landscape of pre-settlement times: braided streams wandering freely
through nearly continuous forest; trees overhanging and partly fallen into streams;
stream beds with abundant logs, step waterfalls, pools, and cutbanks and vegetated marine and estuarine communities. In most cases, it is not realistic to
return to that state. However, measures can be taken to retain or regain those
features which provide the minimum requirements of a viable fishery.
The best habitat for native wildlife includes native plants, which have evolved and occur naturally in the county. Native plants are more closely matched to local soils, climate, and wildlife. They provide the right kinds of food, shelter, and diversity needed by wildlife. Native plants frequently need less watering, spraying, pruning, fertilizing, and or other maintenance than do exotic or imported plants. Loss of native vegetation through conversion to ornamental vegetation and non-native species often results in loss of wildlife habitat, increased competition to native wildlife from introduced species, such as starlings, and increased maintenance needs. Loss of native vegetation also can occur through invasions such as the spread of *Spartina*, which can drastically displace important native eelgrass communities.

**Salmon Recovery Program**

The decline of salmonids throughout Washington and the Pacific Northwest over the past century is well established. Since 1991, numerous evolutionarily significant units (ESUs) of Pacific salmonids have been listed as endangered or threatened under the Endangered Species Act (ESA), including those of chinook, coho, chum, sockeye, and steelhead. Decline in salmonid abundances have been attributed to widespread loss and degradation of habitat, due to hydropower, residential and urban development, agriculture, and forestry. Fishing and hatchery production have also contributed to declines.

Whatcom County participates in the WRIA 1 Salmon Recovery Program aimed at protecting and enhancing native salmon stock, which is described in Appendix G.

Reason for Change: The Planning Commission felt that the descriptions of the County's water resource and salmon recovery programs should be in an appendix rather than the body of this chapter, mostly for brevity's sake, but also because their organization may be changing soon.

**Marine Resources Management**

Marine habitats include all salt water bodies and their shorelines, kelp beds, eelgrass meadows, salt marshes, beaches, and mudflats. These habitats play a vital role in the health of the local environment, as well as of the broader Puget Sound region. They provide spawning, rearing, and feeding grounds for a wide variety of marine life, as well as refuge for juvenile and adult fish, birds, and shellfish. The vegetation on back-shore marshes and within estuaries buffers adjacent upland areas by absorbing wave energy and slowing erosion.

Symptoms of ecosystem stress include: declining stocks of salmon, bottomfish, and forage fish; closures of recreational and commercial shellfish beds; degradation and losses of eelgrass beds, kelp forests, and other marine habitats; and dwindling populations of seabirds and marine mammals.

The Northwest Straits Marine Conservation Initiative was authorized by Congress in 1998. The Initiative established the Northwest Straits Commission and Marine Resources Committees (MRCs) in seven western Washington counties, including
Whatcom County. The MRCs’ main purpose is to guide local communities, using up-to-date information and scientific expertise, to achieve the important goals of resource conservation and habitat protection within the Northwest Straits. The Whatcom County MRC acts as an advisory committee to the Whatcom County Council.

**Shellfish Recovery**

Many of the marine waterbodies in Whatcom County support natural and cultured bivalve shellfish, including oysters and many species of clams. The warm, nutrient-rich tide flats in and around Lummi, Portage, and Birch Bays; and Drayton Harbor; and Eliza and Lummi Islands represent unique water resources in this regard. Commercial shellfish growers, recreational clam and oyster harvesters, and Native Americans have used this resource for many years. It is an important part of our community’s heritage.

Our ability to grow and harvest shellfish that is safe for human consumption is directly linked to surface water quality and the influence it has on marine waters. The primary measure of water quality for shellfish harvesting is bacterial contamination associated with human sewage and animal wastes. Potential sources of fecal bacteria include municipal sewage treatment plants, on-site sewage systems, boat waste, farm animals, pets, and wildlife. Since 1995, valuable shellfish beds in Portage Bay and Drayton Harbor have been downgraded (harvest prohibited) due to non-point pollution impacting recreational, tribal, and commercial harvesting. In 2014, Portage Bay was identified as a threatened Shellfish Growing Area by the Washington Department of Health. *(Washington Department of Health, 2014)*

**Shellfish Protection Advisory Boards**

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

**Shellfish Recovery Plans**

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

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

**Pertinent Documents**


This document outlines the MRC’s mission, vision, values, goals, and objectives, and strategies for achieving them.
Shoreline Management Program

The State Legislature passed the Washington State Shoreline Management Act (SMA) in June 1971. The SMA was overwhelmingly passed by public initiative in 1972. Under the SMA, each county and city was required to prepare a shoreline “master program” in accordance with the shoreline guidelines issued by the State Department of Ecology in 1972.

The Whatcom County Shoreline Management Program (SMP), WCC Title 23, is the document that implements the goals and policies of the SMA at the local level. It was adopted in 1976 in accordance with RCW 90.58. The goals and policies of the Whatcom County Shoreline Management Program also constitute the shoreline component of the Whatcom County Comprehensive Plan.

Under the provisions of the SMA, all development along shorelines of the state is required to comply with the provisions of local shoreline master programs. The Whatcom County Shoreline Management Program works with other chapters of the Whatcom County Code to protect and preserve saltwater and freshwater shorelines throughout the county by managing natural resources and directing development and land use suitable for the shoreline environment.

The Whatcom County Shoreline Management Program jurisdiction includes:

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

Whatcom County and the Washington State Department of Ecology (DOE) share joint authority and responsibility for the Whatcom County SMP. Whatcom County Planning and Development Services is the primary agency responsible for implementation of the Whatcom County Shoreline Management Program.

Issues, Goals, and Policies

General – Natural Systems

Growth and urbanization of the land base have and may continue to impose a risk to the degradation and reduction of natural systems. Wetlands and estuaries continue to be lost incrementally. Streams and their adjacent riparian habitat are affected by land clearing, ditching, erosion, and road building. Lakeshore development degrades the foreshore environment for waterfowl and other species, as well as negatively affecting water quality. It is estimated that Washington has also lost approximately one-third of its historic eelgrass beds from a variety of causes, including dredging, shading, and filling. Large-diameter snags and downed logs, an essential feature for dozens of wildlife species, are lost during clearing or intensive forest management. Forested habitats are lost to a number of development processes including urbanization, agriculture, increased rural/
suburban housing density, and timber harvesting. The delicate environment of cliffs
and caves may be affected by housing development, mining, and other activities.
Conversely, grasslands, thickets, fields, and fence rows are habitats largely
provided and enhanced by human activities, and are thus fairly abundant and
stable within the developing county. The existence of farms, in particular, has
contributed to an abundance of these more open, pastoral habitats.

Many stream systems in Whatcom County have been altered by agriculture,
forestry, development, and flood control practices, contributing to low stream flows,
fisheries loss, water pollution, sedimentation and other problems. These impacts
can directly affect the fisheries resources by depositing silt and debris into
spawning beds, by removing trees that shade and cool the water, bank
armor and stabilizing banks, interfering with the recruitment and establishment of
large woody debris (LWD), by obstructing fish passage with culverts and roads, by
altering natural channels through filling, bank hardening, and channelizing. In
addition, the physical processes that create functional habitats for fish life stages
are altered by increasing flows through stormwater runoff or consuming water
volume for other out-of-stream uses.

Finally, the cultural value of functioning habitats, including wetlands and the fish
and wildlife they harbor, has often been ignored in land use decisions. The
gathering of fish, game, and other natural resources forms a central aspect of many
cultures in this region. Also, the mere presence of these natural resources
constitutes a community amenity that is a substantial part of our local economic
base.

**Goal 11HL:** Protect and enhance natural systems, which provide
economic, ecological, aesthetic, and cultural benefit.

**Policy 11HL-1:** Define and identify habitats and habitat features important to a
balanced and sustainable web of life that supports fish and
wildlife.

**Policy 11HL-2:** Develop and adopt programs which protect habitats that
are essential to the conservation of species that have been
identified as endangered, threatened, or sensitive by the state
or federal government. These programs should maintain and
encourage restoration of habitat conditions for threatened-listed
species.

**Policy 11HL-3:** Develop and adopt programs which provide incentives for
the protection of environmentally fragile areas or critical wildlife
habitats and corridors.

**Policy 11HL-4:** Where feasible, incorporate fish and wildlife habitats into public
capital improvement projects, and consider for incorporation
into a mitigation banking program.
Policy 11Hl-5: Provide measures to mitigate negative water quality and quantity impacts from both public and private alterations of natural drainage systems.

Policy 11Hl-6: Consider sensitive fish, shellfish, and wildlife species and their habitats when establishing zoning densities and patterns.

Policy 11Hl-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.

Policy 11Hl-8: Give careful consideration to the siting of industrial, commercial, residential, and other land use designations when located near important marine habitats.

Policy 11Hl-9: Protect, retain, and enhance the beneficial uses and functions of streams and rivers. Define and identify the beneficial uses and functions of streams and rivers, which-including wildlife and fisheries habitat, water quality, open space, aesthetics, and recreation.

Policy 11Hl-10: Protect and enhance natural systems when flood hazard management control-measures are utilized-used.

Policy 11Hl-11: Regulate the operation of river gravel extraction activities in such a manner so as to provide long-term protection of fish and wildlife habitat and water quality.

Policy 11Hl-12: Support-Ensure that design and development of residential and industrial development that-minimizes disturbance to rivers, streams, and functioning riparian areas.

Policy 11Hl-13: Evaluate the full value of the fishery—including its cultural and economic value—in land use decisions that may impact that fishery. Unavoidable impacts to an individual habitat or fishery should-shall be mitigated.

Fish and Wildlife Populations and Habitat

Goal 11Jm: Protect and enhance natural systems that support native fish and wildlife populations and habitat.

Policy 11Jm-1: Strongly discourage any activity that might cause significant degradation of the fishery resource or habitat.

Policy 11Jm-2: Protect and enhance Support the protection and enhancement of-significant fish spawning and rearing habitat, food resources, refugia (shelter), and travel passages.
Policy 11JM-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.

Policy 11JM-4: Support protection and enhancement of fish and wildlife habitat through site design in new development.

Policy 11JM-5: Native vegetation and soils on stream banks and shorelines should be disturbed as little as possible. In situations where re-vegetation is necessary to restore stream bank or shoreline stability and provide shading, site-specific native plants should be used. Retention of vegetated riparian areas on all lake and marine shorelines should also be encouraged.

Policy 11JM-6: Discourage shoreline armoring. Instead, encourage natural or bio-engineering solutions such as planting native vegetation, engineered log jams/LWD, and beach nourishment along eroding banks to address stream and shoreline bank erosion problems. Riparian buffers should be replanted with suitable native vegetation as a part of all bank stabilization projects.

Policy 11JM-7: Encourage native vegetation and soils retention and plantings which provide or maintain the beneficial uses and functions of streams, rivers, lakes, and marine shorelines.

Policy 11JM-8: Maintain and encourage restoration of habitat functions for threatened and endangered fish species.

Policy 11M-9: Use Best Available Science to inform the creation of regulations to mitigate adverse impacts of development adjacent to rivers, streams, and marine shorelines.

Policy 11M-10: Encourage landowners to protect surface water quality with filter strips or other appropriate water cleansing mechanisms installed between lawns, landscaping, livestock pens, or agricultural fields and waterbodies.

Reason for Change: Proposed policies 11M-9 and 11M-10 were proposed by the Marine Resources Committee.

Policy 11M-11: Formulate and implement a comprehensive, watershed landscape-based, environmental management program to protect fish and wildlife. The program should include the following:

1. Formulate an administrative approach to the review of development and planning proposals that consider natural system policies.
2. Investigate and develop programs for acquisition and restoration of important fish and wildlife habitat areas.

3. Develop and enter into cooperative agreements with State and Federal agencies and neighboring jurisdictions for the purpose of identifying and protecting natural systems.

4. Identify and map important habitat corridors throughout the county.

1.5. Support the development of an educational booklet materials which lists, describes, and characterizes the appropriate use of native vegetation to enhance natural systems in Whatcom County.

Reason for Change: Proposed policy 11M-11 comes from the Action Plan that was removed from this chapter.

Policy 11M-12: Consider establishing formal meander limits for the Nooksack River, precluding additional development within this zone, and promote the River and Flood property acquisition program within these areas.

Reason for Change: Proposed policy 11M-12 comes from the Action Plan that was removed from this chapter.

Policy 11M-13: Diligently work to prevent and reduce the spread of invasive species.


Policy 11M-14: Actively participate in and support WRIA 1 Salmon Recovery efforts to return self-sustaining salmonid runs to harvestable levels through: the restoration of healthy rivers, marine shorelines, and natural processes; the careful use of hatcheries; and responsible harvest.

Reason for Change: There were no policies acknowledging the County’s position regarding salmon recovery or its work with the Salmon Recovery Board.

Wetlands

Wetlands are crucial environmental features in Whatcom County. Once thought of as waste areas and unproductive lands, it is now known that wetlands provide invaluable functions in aquifer recharge, groundwater storage, floodwater detention, pollutant removal and purification of water supplies, as well as provision of fish and wildlife habitat. Loss of wetlands has been due to many factors, including urbanization, and to a large degree to agricultural development and associated drainage projects.
A plethora of complex and often confusing laws govern the definition, delineation, and protection of wetlands. These laws originate at national, state, and county levels. Land managers and private citizens often experience difficulty in interpreting, synthesizing, and applying wetland regulations. In general, however, state regulations must comply with federal standards and local regulations must comply with both federal and state standards.

**Goal 11KN:** Conserve and enhance important-regulated wetlands.

**Policy 11KN-1:** Recognize natural wetlands such as swamps, bogs, saltwater marshes, and ponds for their value in cleaning water, reducing flood damage, providing valuable habitat for plants, fish and wildlife, and as sites for groundwater recharge.

**Policy 11KN-2:** Develop and adopt criteria to identify and evaluate wetland functions that meet the Best Available Science standard and that are consistent with state and federal guidelines.

**Policy 11KN-3:** Biological functions of wetlands are complex and interwoven. Evaluate the full range of potential and immediate economic impacts in land use decisions relating to wetlands, including fisheries, wildlife, recreation, farmlands, sustainable resources, air and water quality, flood hazard management control, real estate, cultural attributes, and other entities uses.

**Policy 11KN-4:** Encourage land development to avoid or mitigate wetland impacts. Impacts to important-regulated wetlands should be contingent upon full mitigation measures that equitably compensate for wetlands impacts, on a case-by-case basis. Approved mitigation measures shall include resources for long-term monitoring and adaptive management of mitigation outcomes to assure effectiveness. Strongly discourage alteration of land that results in the degradation of type 1 and 2 significant wetlands.

**Reason for Change:** The P/C felt that mitigation monitoring should last longer than 5 years, and that the applicant should pay for it. They also agreed that “significant” should be replaced with “type 1 and 2,” as it better defines what the County would consider significant.

**Policy 11KN-5:** Property rights and public services are an essential component of our political and economic system. Where such rights and public services are significantly compromised by the goal of wetland preservation, adverse wetland impacts may be permitted through standardized mitigation. This may include avoidance, impact minimization, restoration, enhancement, creation, or off-site compensation for loss of wetland functions in accordance with mitigation sequencing.
Policy 11KN-6: Recognize beneficial wetland uses, functions, and values. Support protection of fish and wildlife habitat, water quality, plant diversity, flood attenuation and low-flow contribution, and water storage through planning, acquisition, incentive programs, and mitigation.

Policy 11KN-7: Development proposals-applications should be assessed on a case-by-case basis so that marginal wetlands are not preserved at the expense of upland areas with higher habitat value.

Marine Habitat

Marine habitats include all salt water bodies and their shorelines, kelp beds, eelgrass meadows, salt marshes, beaches, and mudflats. These habitats play a vital role in the health of the local environment as well as of the broader Puget Sound region. They provide spawning, rearing, and feeding grounds for a wide variety of marine life as well as refuge for juvenile and adult fish, birds, and shellfish. The vegetation on back-shore marshes and within estuaries buffers adjacent upland areas by absorbing wave energy and slowing erosion.

Symptoms of ecosystem stress include declining stocks of salmon, bottomfish, and forage fish; closures of recreational and commercial shellfish beds; degradation and losses of eelgrass beds, kelp forests, and other marine habitats; and dwindling populations of seabirds and marine mammals.

The Northwest Straits Marine Conservation Initiative was authorized by Congress in 1998. The Initiative established the Northwest Straits Commission and Marine Resources Committees (MRCs) in seven western Washington counties, including Whatcom County. The MRCs' main purpose is to guide local communities, using up-to-date information and scientific expertise, to achieve the important goals of resource conservation and habitat protection within the Northwest Straits. The Whatcom County MRC acts as an advisory committee to the Whatcom County Council.

Reason for Change: This text was moved to an earlier section of this chapter.

Goal 11LQ: Protect and enhance marine resources in Whatcom County.

Policy 11LQ-1: Support the Whatcom County Marine Resources Committee in its pursuit of the Northwest Straits Commission benchmarks as follows:

- Broad county participation in MRC's
- A net gain in high-value habitat and ecosystem functions
- A net reduction in shellfish bed closures
- Measurable increases in factors supporting bottomfish recovery
- Population increases in other key indicator species
- Coordination of scientific data
Successful public education and outreach efforts.; and,
The establishment of a regional system of Marine Protected
Areas (MPA's).
Policy 11O-3: Promote naturalized shoreline buffers and restoration of riparian
vegetation.
Reason for Change: Policy 11O-3 was added by the P/C.

Shellfish Habitat
Many of the marine water bodies in Whatcom County support natural and cultured
bivalve shellfish, including oysters and many of species of clams. The warm,
nutrient-rich tideflats in and around Lummi, Portage, and Birch Bay, and Drayton
Harbor, and Eliza and Lummi Islands represent unique water resources in this
regard. Commercial shellfish growers, recreational clam and oyster harvesters, and
Native Americans have utilized this resource for many years. It is an important part
of our community's heritage.

Our ability to grow and harvest shellfish that is safe for human consumption is
directly linked to surface water quality and the influence it has on marine waters.
The primary measure of water quality for shellfish harvesting is bacterial
contamination associated with human sewage and animal wastes. Potential sources
of fecal bacteria include municipal sewage treatment plants, on-site sewage
systems, boatwaste, farm animals, pets, and wildlife.. Since 1995, valuable shellfish
beds in Portage Bay and Drayton Harbor have been downgraded (harvest
prohibited) due to non-point pollution impacting recreational, tribal, and commercial
harvesting. In July 20032014, Birch Portage Bay was added identified as a
threatened Shellfish Growing Area by the Washington Department of Health the
Washington State list of threatened shellfish harvesting areas. (Washington
Department of Health, 2014)

Reason for Change: This text was moved to an earlier section of this chapter.

Goal 11MP: Protect and enhance shellfish habitat in commercial and
recreational areas in order to ensure a productive
resource base for long-term use.
Policy 11MP-1: Identify and designate marine shellfish habitat for commercial
and recreational uses.
Policy 11MP-2: Restore degraded waters within the drainage basins of shellfish
growing areas to a level that allows/supports shellfish
harvesting by work with the Department of Ecology, Tribes,
Department of Health, and affected property owners to improve
water quality.
Reason for Change: Suggestion by Dept. of Ecology.
Policy 11MP-3: Protect shellfish resources by means of pollution prevention and
enforcement when necessary. This should include surface and
groundwater monitoring for early detection of pollution which minimize the damage and cost of resource restoration.

Policy 11MP-4: Improve knowledge of the importance of protecting, preserving, and improving the quality of shellfish habitat within the County. Seek out valuable partnerships that will raise awareness, provide education, and enhance shellfish habitat.

Policy 11MP-5: Develop Low Impact Development standards in shellfish habitat areas.

Policy 11MP-6: Identify and encourage the use of stormwater treatment systems and Best Management Practices that will help reduce fecal coliform bacteria levels in stormwater discharging directly into shellfish habitat areas and encourage their use and construction.

Policy 11MP-7: Solicit input from the Puget Sound Action Team staff and Shellfish Protection District advisory committees and appropriate state, federal, and tribal agencies when considering updates to the Comprehensive Plan that relate to shellfish protection.

Policy 11MP-8: Identify and restore functions, selected through best available landscape-based science, of key wetland areas, which are selected through best available landscape-based science.

Policy 11MP-9: Modify county roadside ditch maintenance procedures to protect water quality.

Policy 11MP-10: Continue to partner with jurisdictions in British Columbia to minimize impacts on water quality, including what affectsing shellfish habitat.

Reason for change: Proposed Policies 11P-11 through 16 were moved from Action Plan, which has been deleted.

Policy 11MP-11: Work within the structure of County programs such as the WRIA Watershed Management Planning process to achieve improvements in land use Best Management Practices that will positively affect change in marine water quality.

Policy 11MP-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.

Policy 11MP-13: Develop educational tools and opportunities to raise public awareness of marine issues and to inform them of how they can have a positive impact by helping preserve these marine resources.
Policy 11MP-14: Identify areas (such as wetlands and the nearshore environment) that are important to shellfish habitat preservation. Also identify river and stream processes that adversely impact shellfish habitat. Use this information when making land use management and preservation decisions.

Policy 11MP-15: Create a tracking mechanism to document progress made toward improving downgraded shellfish areas. This information will be useful not only in helping to supporting an upgrade when water quality shows improvement, but also in helping to preventing degradation in currently approved shellfish areas.

Policy 11MP-16: Work with other County Shellfish Advisory Boards eCommittees, programs, or processes, such as MRCMarine Resources Committee, Salmon Recovery Fund Board, and WRIA Watershed Management Board, and other local, state, federal, and tribal agencies Planning to address issues associated with shellfish, shellfish area closures, and shellfish habitat.

Reason for change: Proposed Policies 11P-11 through 16 were moved from Action Plan, which has been deleted.

Policy 11MP-17: Consider establishing the Drayton Harbor Watershed as a sending area when considering a transferrable transfer of development rights (TDR) program sending area in the Drayton Harbor Watershed.

Reason for change: Policy 11P-17 was moved from Policy 2F-7 and edited. It was tabled by Council over the wording "voluntary, workable" added by Brenner throughout Ch. 11 wherever TDR was used.

Policy 11P-18: Support the Department of Health's On-Site Sewage System (OSS) Program as a means to lower degradation of our waterways.

Reason for Change: Monitoring septic systems is an important component of helping keep our waters clean.

Other Marine and Marine Dependent Organisms and Systems

Our marine system supports not only local, critical, and global fisheries resources, but also a myriad of interdependent organisms, the importance of which we lack the capacity to fully grasp. The marine ecosystem is a complex web of life that is increasingly affected by anthropogenic impacts. Toxics, hormones, heavy metals, and other harmful substances flushed into nearshore and marine environments with storm water have been shown to have deleterious cumulative impacts on a range of aquatic and marine dependent organisms. Whatcom County will take steps to halt the practice of treating its streams and rivers as a storm sewer and the marine system as a water treatment facility.
Policy 11-Q: Promote Best Management Practices, land use, and stormwater policies that result in a minimal release of harmful chemicals and metallic substances into surface water and the marine environment.

Reason for Change: Recommended addition by the Marine Resources Committee.

Environment—Action Plan

Note: The Action Plans in each of the Comprehensive Plan elements is proposed for deletion, as many of the items have been accomplished. Those that have not been accomplished are being considered for adding into the policies, above.

Environmental Management

Community Protection and Environmental Preservation

Work with the community to develop and implement a comprehensive environmental management strategy. The result of these efforts should be a Comprehensive Environmental Management Program that identifies both regulatory and non-regulatory elements. These elements should be organized, developed, and implemented consistent with the three sections of the Environmental chapter. They include Water Resources, Natural Systems, and Natural Hazards.

Explore and develop a funding source for environmental management efforts. The development of a management strategy should include evaluation of resource availability to ensure realistic goals and efficiency in implementation.

Reason for deletion: This work has been accomplished through the adoption of the Critical Areas Regulations, participation in the WRIA 1 planning process and development of the Watershed Plan, participation in the Salmon Recovery planning process and development of the Salmon Recovery Plan, and other similar plans.

Environmental Management Program Development

Regulatory Action

Ensure that local regulations are not in conflict with each other, are in compliance with the comprehensive plan, meet the GMA requirements, and are capable of being administered in an efficient and fair manner. Successful integration of Whatcom County environmental regulations must include the following:

- Whatcom County Code
- Title 16 Environment
- Critical Areas Regulations
- SEPA Regulations
- Agriculture Nutrient Management Plan
- Title 17 Flood Damage Prevention
Chapter 11 - Environment

- Flood Hazard Management
- Title 20 Zoning
- Water Resource Protection Overlay Districts
- Stormwater Special Districts
- Water Resource Special Management Areas
- Clearing Regulations
- Title 21 Land Division Regulations
- Title 23 Shoreline Management Program
- Title 15 Building and Construction
- Whatcom County Comprehensive Plan (agriculture, forestry, mining)
- Whatcom County Coordinated Watershed Plan
- Other Local Environmental Regulations or Standards

Reason for deletion: This action has been accomplished.

- Development Standards: As a subset of regulations, update the existing development standards to provide the detailed specifications to implement the necessary regulatory and non-regulatory environmental programs in Whatcom County. At a minimum, these should include or compliment the following:
  - Whatcom County Road Standards
  - Chapter 2: Stormwater Management
  - Chapter 3: Land Clearing
  - Low Impact Development Standards

Because standards only provide the technical guidance for implementation of those activities allowed by regulatory authority, the development of these standards must follow both comprehensive plan and regulatory development.

Reason for deletion: This action has been accomplished.

- Continue to participate and support WRIA Watershed Planning efforts associated with the coordination of local, federal, tribal, and state agencies to achieve integration or consistency between federal, tribal, state, and local environmental regulations relating to the county. The objective should be to reduce confusion, conflicts, and duplication in administrative interpretation and at the counter during the permitting process.

Reason for deletion: This action item has been moved to Policy 11E-5.

- Take steps to discourage additional floodplain development.

Reason for deletion: This has been largely accomplished through the adoption of the Critical Areas Regulations, WCC Chapter 17 (Flood Damage Prevention), and the Comprehensive Flood Hazard Management Plan. Additionally, it has been included to Policy 11D-11.

Whatcom County Comprehensive Plan 11-48

564
• Non-regulatory Action

- Develop a comprehensive and streamlined system of permitting and approval of building and land development projects which incorporates environmental protection. All effort should be made to make the permitting process accessible and understandable to the public. To this end, the application and permitting process should be housed in one accessible location. Additionally, a uniform, step-by-step procedure should be developed for the permitting process. This procedure should be available as a printed handout to prospective applicants and other interested parties.

Reason for deletion: This action item has been accomplished.

- Develop systems for tracking development in sensitive areas such as the Lake Whatcom, Lake Samish, Drayton Harbor, and Birch Bay watersheds or priority areas containing habitats used by federally listed threatened or endangered species.

Reason for deletion: This action item has been accomplished.

- Maintain a working relationship with a local Land Trust and/or other similar organizations. In doing so, Whatcom County should seek assistance in the development and implementation of such non-regulatory elements as education, acquisition, mitigation and mitigation banking, conservation easements, and other non-regulatory tools.

Reason for deletion: This action item has been accomplished.

- Develop non-regulatory programs for consideration of adoption by the County Council. In achieving these non-regulatory elements, Whatcom County should endeavor to reach cooperative arrangements with landowners, jurisdictions, and other interests. The programs will be comprised of a number of elements, including:

  Education
  Free-Market-Mechanisms
  Technical-Assistance
  Restoration and Preservation
  Acquisition
  Innovative-Development-Alternatives
  Incentives such as Development Rights Transfer, Tax-Deferrals, etc.
  Mitigation-Banking

A technical committee should be established to develop these options and offer further recommendations to the County Council. Additionally, consideration should be given to the
merits of using other sources of expertise in developing a non-
regulatory program of this type.

Reason for deletion: This action item has been accomplished.

- Administrative Procedure
  - Improve existing administrative procedures as follows:
  - Enforcement: Establish strong education inspection, compliance, and
    enforcement measures for each of the three programs—(Natural
    Hazards, Water Resources, and Natural Systems). An analysis of
    existing enforcement effectiveness should establish the requirements
    for additional enforcement needs.
  - Staffing: Provide adequate staffing to administer and enforce the
    programs outlined above. The county should analyze staffing needs
    and provide adequate staffing to meet these needs.
  - Permits: Develop a streamlined permit process so that the applicant
    can readily understand what is required (in simple, straightforward
    language), can fill out the application without expending large
    amounts of time and money, and does not have to wait unacceptable
    periods of time. In meeting this objective, the county should pursue
    the following:
    - One stop service.
    - Clear permit information and instructions.
    - Well thought out and reasonable permit requirements.
    - Acceptable permit processing time.
    - Code flexibility when necessary to provide for a reasonable use of
      property while still protecting environmental values.
    - Review by pre-approved, private sector professionals, where
      appropriate, to provide choice of reviewing options for applications.
  - Accountability: Review and modify existing policies, regulations, and
    administrative processes to ensure efficiency, effective service to the
    community, and implementation of the environmental goals of the
    Comprehensive Plan. Provide a timetable for the environmental review
    portion of permits to ensure predictable and expeditious processing of
    permits.

Reason for deletion: This action item has been accomplished.

The Environment and Private Rights
- Develop working relationships with development, environmental
  protection, and property rights organizations, with a clear vision of
  promoting the greatest public good and environmental health.

Reason for deletion: This action item has been accomplished.

Natural Hazards
- Require applicants for development permits located in identified
  natural hazard areas to provide development plans designed to
minimize the potential to exacerbate the natural hazard as well as the
risk of damage to property or threats to human health and safety
according to the following ordered preference:

- Avoid the identified hazard area if possible:
- If not,
  - Provide a qualified professional assessment of the hazard, type, frequency,
potential magnitude, and adequate mitigation.
  - Provide an engineered structural design to withstand calculated forces
associated with the design event applicable to a specific natural hazard while
creating no off-site impacts to adjacent property owners or natural systems.
  - If off-site impacts are likely to occur as a result of the engineered design,
provide mitigation plans for identified adverse off-site impacts to adjacent
property owners and natural systems along with the above engineered structural
design.
  - In natural hazard areas where engineering solutions cannot be designed to
withstand the forces expected to occur under the design event of a particular
natural hazard, or off-site adverse impacts to adjacent properties or natural
systems cannot be adequately mitigated, Whatcom County may deny
development permits intended for permanent or seasonal human habitation.

Reason for deletion: This action item has been moved to Policy 11D-12.
Reason for deletion: Moved to policies.

- Include identified natural hazard areas in areas designated for density
reduction.

Reason for deletion: In considering any density changes, natural hazard areas are
always considered.

Water Resources

- Promote and participate in efforts to protect and manage water quality
and quantity through non-regulatory actions such as education,
incentives, and technical/financial assistance. Particular emphasis
should be placed on efforts that increase and enhance efficiency
among existing programs. Programs that emphasize multiple solutions
to water resource questions should receive top priority.

- Use processes such as the WRIA Watershed Management Planning and
the Lake Whatcom Management Program to actively promote and
participate in education, research, and information opportunities that
better our understanding of the county’s complex water resource
systems. New information should be considered in the development
and evaluation of management actions.
Promote more efficient use of resources by supporting and/or participating in efforts of the Countywide Conservation Committee, the Whatcom Water Utilities Committee (WWUC), WRIA Watershed Management Planning, and other avenues as they may arise.

Reason for deletion: These items are similar to policies already included above.

Continue identifying areas that require special protection such as wellhead protection areas, aquifers, and high-priority watersheds, and incorporate that knowledge into management actions, including dissemination of the information to the general public.

Reason for deletion: This item has been moved to Policy 11F-7.

Pursue adoption and implementation of ground and/or surface water management plans and protection efforts, and integrate the plans into local comprehensive plans.

Support existing and pending programs such as those directed at Lake Whatcom, the Nooksack Basin, Abbotsford/Sumas Aquifer, Blaine Groundwater Management Area, Drayton Harbor and Portage Bay Shellfish Protection Districts, Samish Bay Watershed, Critical Aquifer Recharge Areas, WRIA Watershed Management Planning, and Wellhead Protection (Sumas, Blaine and Everson are currently under development). The level of support for these programs must be consistent with County budgeting priorities.

Reason for deletion: These items are similar to policies already included above.

Support/build upon the implementation and completion of local/state Watershed Action Plans, the Lake Whatcom Management Program, and WRIA Watershed Management Planning as some of the means of addressing non-point source pollution.

Reason for deletion: This item has been moved to Policy 11F-8.

Identify critical aquifer recharge areas and develop management options for review by the County Council.

Develop criteria for establishing water resource protection areas, and adopt measures to protect those areas.

Encourage metering of public water systems with Urban Growth Areas.

Actively participate in the current process to establish a countywide water resources management body.

Reason for deletion: These items are similar to policies already included above.

Stormwater

Develop a comprehensive stormwater management program designed to manage runoff from public facilities and industrial, commercial, and
urban residential areas including streets and roads in compliance with NPDES requirements. Establish a stormwater management plan for rural roads. Each component of the program shall cover both new and existing developments. Emphasis should be placed on controlling stormwater through source controls and Best Management Practices. Establish a long-term goal of minimal pollutant discharge into surface water resources.

- At a minimum, the components of this program shall include:
- Identification of potentially significant pollutant sources and their relationship to the drainage system and water bodies.
- Investigation of problem drains, including sampling.
- Programs for operation and maintenance of storm drains, detention systems, ditches, and culverts.
- A water quality response program to investigate sources of pollutants, spills, fish kills, illegal hookups, dumping, and other water quality problems. These investigations should be used to support compliance/enforcement efforts.
- Assurance of adequate local funding for the stormwater program through surface water utilities, sewer charges, fees, or other revenue-generating sources.
- Local coordination arrangement such as interlocal agreements, joint programs, consistent standards, or regional boards or committees.
- Regulations requiring implementation of stormwater control for new development.
- A public stormwater educational program aimed at residents, businesses, and industries in the urban area.
- Strong inspection, compliance, and enforcement measures.
- An implementation schedule.
- Adequate design specifications and construction practices to ensure minimal on-site erosion and sedimentation during and after construction.
- Incorporate watershed considerations into the development of a comprehensive stormwater management strategy. This should include the identification of priority watersheds relative to stormwater management and the application of Action Item 1 to each watershed in the order of their priority.
- Review Stormwater Special Districts Standards that address runoff treatment from potentially polluting surfaces for their applicability to other sensitive watersheds.
- Amend subdivision, zoning, and other land use regulations and design standards to require that land use activities minimize the amount of impervious surface. Low impact surfacing options should be encouraged wherever possible.
- Identify and implement a long-term funding source to provide for water resource protection services including non-point source identification and enforcement of applicable county regulations.
Focus on the Lake Whatcom watershed as a high priority in developing a stormwater management program. Develop a stormwater management plan that achieves a uniform level of protection throughout the Lake Whatcom watershed. Ensure coordination and communication with the public and affected jurisdictions such as the Lake Whatcom Water and Sewer District, the Sudden Valley Community Association, and the City of Bellingham.

Work with the Technical Advisory Committee and other appropriate agencies in revising or developing standards necessary to ensure watershed protection and then coordinate the effort within sensitive watersheds for ongoing monitoring and evaluation.

Develop and implement a stormwater maintenance program for the Lake Whatcom Watershed that would ensure that existing systems are adequately maintained.

Ensure that existing stormwater standards are adequately enforced within Stormwater Special Districts.

Reason for deletion: This item has been moved to Policy 11G-12.

Place a high priority on integrating impervious surface reduction incentives into policies, regulations, and standards for the Lake Whatcom and Lake Samish watersheds.

Reason for deletion: This item has been moved to Policy 11G-11.

Prioritize project review in the Lake Whatcom, Lake Samish and Drayton Harbor watersheds. Continue to implement an administrative review process for new development projects within the Lake Whatcom, Lake Samish, and Drayton Harbor watersheds to clearly resolve potential stormwater problems prior to construction.

Reason for deletion: This action has already been incorporated into PDS procedures.

Natural Systems

General

Formulate and implement a comprehensive watershed-based environmental management program to protect fish and wildlife. The program will include the remaining action items.

Reason for deletion: This item has been moved to Policy 11J-11.

Formulate an administrative approach to the review of development and planning proposals that consider natural system policies.

Investigate and develop programs for acquisition and restoration of important fish and wildlife habitat areas.
- Develop and enter into cooperative agreements with State and Federal agencies and neighboring jurisdictions for the purpose of identifying and protecting natural systems.

Reason for deletion: These items have been accomplished via other means.

- Identify and map important habitat corridors throughout the county.
- Support the development of an educational booklet which lists, describes, and characterizes the appropriate use of native vegetation to enhance natural systems in Whatcom County.

Reason for deletion: This action item has been accomplished.

**Fish and Wildlife**

- Update the County fish and wildlife folio.
- Develop an outreach program with landowners and citizens for the purpose of further identifying, understanding, and supporting stewardship of wildlife species and their habitats. This program may include open space tax incentives, cooperative arrangements, volunteer stewardship programs, site-specific management plans, conservation easements, and provision of educational materials.
- Support the development of educational programs to reduce adverse cumulative impacts to fish and wildlife from incremental riparian vegetation removal on marine and freshwater shorelines, especially in areas of higher-density development.
- Develop geographically-based wildlife management plans for important habitat conservation areas. These plans should take into full account the unique environmental qualities of the area as well as the existing or planned surrounding land use activities and constraints. These plans should be used as a basis for both the formulation and administration of regulations that address fish and wildlife protection.
- Amend the existing Whatcom County Development Standards to provide design standards and specifications for the passage of fish through culverts where necessary and feasible. Implement a program that corrects existing obstructions to fish passage.

Reason for deletion: These action items have been accomplished.

- Develop and distribute educational materials to the public that describe the characteristics of healthy and viable fish and wildlife habitats.

Reason for deletion: This action item has been accomplished.
Identify existing and historically important fish habitats. Include a component that seeks to protect and restore these habitats and to mitigate future impacts to fish habitats.

Reason for deletion: This action item has been accomplished.

Determine appropriate stream and river buffer widths, based upon Best Available Science that will optimize fish and wildlife habitat and water quality.

Reason for deletion: This action item has been accomplished.

Coordinate the various jurisdictional interests and the responsibilities of Whatcom County.

Reason for deletion: This action item has been accomplished.

Amend the Whatcom County Shoreline Management Program to protect threatened and endangered species, consistent with RCW 90.58 and Department of Ecology rules (WAC 173-26).

Reason for deletion: This action item has been accomplished.

Amend the Critical Areas regulations to protect threatened and endangered species, consistent with RCW 36.70A.172, which calls for giving special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries, and Department of Ecology rules relating to Best Available Science (WAC 365-195, Part IX).

Reason for deletion: This action item has been accomplished.

Amend the Whatcom County Land Division Regulations approval criteria to 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.

Reason for deletion: This action item has been accomplished.

Review and consider amendments to the Whatcom County Development Standards, Stormwater Management chapter, to protect threatened and endangered species. Review and consider amendments to the Stormwater Management chapter consistent with the Department of Ecology’s new manual.

Reason for deletion: This action item has been accomplished.

Review and consider amendments to the Whatcom County Development Standards, Land Clearing chapter, to protect threatened and endangered species.

Reason for deletion: This action item has been accomplished.
Establish formal meander limits for the Nooksack River, preclude additional development within this zone, and promote the River and Flood property acquisition program within these areas.

Reason for deletion: This item has been moved to Policy 11J-12.

Wetlands

- Consider rezoning of areas of the County that are largely comprised of critical areas.
- Develop a system of classifying wetlands, assigning buffers, and addressing riparian wetlands and habitat for listed species that follows state guidelines.
- Incorporate Best Available Science to support criteria for buffer reductions and mitigation.

Reason for deletion: These items have been accomplished.

- Formulate a comprehensive watershed-based wetlands protection component of the management program that incorporates both regulatory and non-regulatory elements in order to protect wetlands in Whatcom County. This component will include the remaining action statements.
- Describe, inventory, and categorize wetland systems in Whatcom County. Assess the functions and values of these systems as they relate to fish, wildlife, water quality, and water quantity.

Reason for deletion: These action items have been accomplished.

- Synthesize the myriad federal, state and local regulations relating to wetlands into a single, unified local policy document that meets the intent and direction of the comprehensive plan. This document should be as brief and concise as possible.

Reason for deletion: This action item has been accomplished.

- Develop a mitigation program that will allow for full build-out of designated Industrial and Commercial zoning districts. The program should include provisions for the creation of off-site wetland mitigation and for the creation and use of mitigation banking.

Reason for Change: There are other options for achieving this.

Marine

- Work within the structure of County programs such as the WRIA Watershed Management Planning process to achieve improvements in land use Best Management Practices that will positively affect change in marine water quality.
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.

Develop educational tools and opportunities to raise public awareness of marine issues and to inform them of how they can have a positive impact by helping preserve these marine resources.

Identify areas (such as wetlands and the nearshore environment) that are important to shellfish habitat preservation. Also identify river and stream processes that adversely impact shellfish habitat. Use this information when making land use management and preservation decisions.

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 helping to prevent degradation in currently approved shellfish areas.

Reason for deletion: Moved to policies Policy 11M-11 through 11M-16.
Proposed Council Changes to Comprehensive Plan

Chapter 11 - Environment

Page and line numbers reflect Planning Commission Recommended Draft dated 1/14/2016 (http://whatcomcounty.civicplus.com/DocumentCenter/View/15160). To improve clarity of Councilmember requested changes, previous edits (i.e. staff and Planning Commission) are included, but not show as edits.

Previous changes made by the Council are underlined or struck out, but not bold. New changes are in bold.

Items 1 through 14 concern a proposal to change the term “natural systems” to “ecosystems” throughout the document.

1) p. 11-2; lines 9-19: Essential to this is the establishment of safe development practices and patterns that do not significantly disrupt natural systems ecosystems and that ensure the continuation of ample amounts of clean water, natural areas, farmlands, forest lands, and fish and wildlife habitat. (Brenner)

2) p. 11-2; lines 13-16: This chapter is composed of an introduction and four sections organized by topic heading. The first section, entitled "General Environmental Management," addresses general environmental goals and policies. The remaining three sections deal with Natural Hazards, Water Resources, and Natural Ecological Systems. (Brenner)

3) p. 11-7; lines 13-15: Much of the environmental degradation and destruction to property occurs as a result of a lack of information rather than willful action. Natural systems ecosystems are subtle and complex. (Brenner)

4) p. 11-9; Policy 11B-3: Support education as an important tool in developing public appreciation for the value of natural systems ecosystems and provide the public with informational materials and presentations relating to natural system functions, regulations, and issues. (Brenner)

5) p. 11-12; Policy 11D-1: Whatcom County's natural resource-based economic sectors, natural systems ecosystems, water resources, infrastructure, emergency management, and public health all face potentially noteworthy climate change related risks in the future. The County should consider potential long-range climate change implications into its on-going functional planning and implementation actions. (Brenner)
6) p. 11-16; lines 16-17: Development activity can de-stabilize naturally unstable slopes and impact **natural systems ecosystems**. (Brenner)

7) p. 11-16: lines 20-23: In some circumstances, the development of upland properties may place downslope neighbors and **natural systems ecosystems** at risk from rockfall or landslides. (Brenner)

8) p. 11-16: lines 34-36: However, once every 10-25 years, a large storm event occurs in our area and streams flood homes and developments, causing damage to property, **natural systems ecosystems**, and sometimes loss of lives. (Brenner)

9) p. 11-17; Goal 11F: Minimize potential loss of life, damage to property, the expenditure of public funds, and degradation of **natural systems ecosystems** resulting from development in hazardous areas... (Brenner)

10) p. 11-19; Policy 11F-11: ... In natural hazard areas where engineering solutions cannot be designed to withstand the forces expected to occur under the design event of a particular natural hazard, or off-site adverse impacts to adjacent properties or **natural systems ecosystems** cannot be adequately mitigated, Whatcom County may deny development permits intended for permanent or seasonal human habitation. (Brenner)

11) p. 11-33; lines 30-40: **Natural Systems Ecosystems**

Introduction

"Natural systems" refers to the complex biological ecosystem that has developed from the geologic setting of Whatcom County. It includes fish and wildlife, as well as diverse vegetation that has adapted to a variety of physical and climatic conditions (Map 11-2, Map 11-3). Natural Systems goals and policies are intended to provide guidance to county government as it assists citizens to effectively manage and enhance these natural systems, and ensures that the benefits of these systems are maintained far into the future.

Ecological systems, or ecosystems, refer to the natural systems that have developed within the geologic and geographic setting of Whatcom County. Whatcom County contains a significant number of distinct ecosystem types, with associated fish, wildlife, and plant species, as well as many other living organisms. This biodiversity has evolved and adapted according to the specific physical and climatic conditions of the county (Map 11-2, Map 11-3). Ecosystem goals and policies are intended to provide guidance to county government as it assists people to manage and protect these ecosystems. Additionally they ensure other benefits are maintained far into the future. (Brenner)
12) p. 11-37; lines 33-39: Issues, Goals, and Policies

   General – **Natural Ecological Systems**

   Growth and urbanization of the land base have and may continue to impose a risk to the degradation and reduction of **natural systems ecosystem functions**. Wetlands and estuaries continue to be lost incrementally. **(Brenner)**

13) p. 11-38; Goal 111: Protect and enhance **natural systems ecosystems**, which provide economic, ecological, aesthetic, and cultural benefit. **(Brenner)**

14) p. 11-39; Policy 111-10: Protect and enhance **natural systems ecosystem functions** when flood hazard management measures are used. **(Brenner)**

15) p. 11-3; lines 7-12: GMA Planning Goal 10, "Environment" **(RCW 36.70A.020(10))**, provides the directive for much of this chapter. It requires Whatcom County to "protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water." In addition, some of the goals and policies of this chapter support Planning Goal 9, "Open Space and Recreation" **(RCW 36.70A.020(9))**, which directs the county to "conserve fish and wildlife habitat." **(Brenner)**

16) p. 11-3; lines 18-22: Specific policies address water, promoting inter-jurisdictional cooperation in conserving, protecting, and managing the water resource, and in reducing water pollution **(CWPP Policies N.1 – 6)**. The CWPPs also support protecting wildlife habitat and corridors, natural drainage features, and "other environmental, cultural and scenic resources." **(Brenner)**

17) p. 11-5; lines 30-32: Every year salmon return to spawn in the streams and rivers of Whatcom County. **Whatcom County is located within the Pacific Migratory Flyway and serves as a stopover and critical habitat area for many migratory birds.** Bufflehead and goldeneye ducks winter here. **(Brenner)**

18) p. 11-5; lines 38-43: Whatcom County is home to a distinct subspecies of the Great Blue Heron, which **is has** the third largest colony in the Puget Sound area. The wetlands, fields, streams, and nearshore habitat in the county support many birds of special concern, such as the bald eagle **(ESA-threatened-protected under the Bald and Golden Eagle Protection Act)**, the pileated woodpecker (candidate for State threatened-listing), and the peregrine falcon **(ESA monitored-candidate species)**. **(Brenner)**

19) p. 11-6; lines 20-23: Development in the last 100 years has had a significant impact on the natural environment in Whatcom County. At the turn of the 20th century, **the same**
areas surrounding Lynden, Sumas, and Ferndale were logged, drained and converted to agricultural land and other types of development. (Brenner, Sidhu)

20) p. 11-6; lines 31-34: There are designated lands in Whatcom County that can still accommodate development. Whatcom County also has areas that are sensitive to human activity, including wetlands, streams, lakes, marine shorelines, and lands that can pose a hazard to the community, including floodplains and unstable slopes. (Brenner)

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

22) p. 11-8; Policy 11A-8: Lead and/or coordinate voluntary efforts with property owners, citizen groups, and governmental and non-governmental agencies in furthering Whatcom County's environmental goals and policies. (Sidhu)

23) p. 11-8; lines 42 – p. 11-9, line 2: Regulatory inspection and enforcement of environmental regulations are currently inconsistent and lack effectiveness. The combination of complex regulations and inadequate enforcement have led to a lack of administrative predictability, widespread violations, and ultimately to environmental deterioration. Thoughtful, comprehensible, and efficient regulations play an important part in educating the public and protecting the environment. (Brenner, Sidhu)

24) p. 11-9; Policy 11B-7: Keep Ensure regulations are as simple and easy to understand as possible and maintain effective inspection, compliance, and enforcement measures as necessary. (Brenner, Sidhu)

25) p. 11-10; lines 12-15: The problems that arise from this situation have caused many to realize that what one person does with his or her property may have an impact on the larger environmental system that sustains us as a community and on the property rights of other property owners. (Brenner, Sidhu)

26) p. 11-10; lines 17-20: Land use decisions can no longer be considered exclusively private matters. We are aware that public actions impact every private citizen in Whatcom County and that private actions may have public consequences as well. To that end, to the extent allowed by law, regulations should the law must protect the public good from detrimental private actions. (Sidhu)
27) p. 11-12; Goal 11D: Strengthen the sustainability of Whatcom County’s economy, natural environment, and built communities by responding and adapting to potential the impacts of climate change. (Brenner, Sidhu)

28) p. 11-12; Policy 11D-3: Promote the efficient use, conservation and protection of water resources, without infringing on anyone’s water rights. (Brenner, Sidhu)

29) p. 11-13; New Policy 11D-6: Convene a climate impact advisory committee by 2017. The advisory committee should consist of (but not be limited to) experts in energy efficiency and carbon emission reduction, representatives from Whatcom County, and interested community members. The committee will be tasked with:

- Evaluating Whatcom County’s compliance with meeting targets set forth in the 2007 Climate Plan;
- Establishing new targets that meet or exceed state and federal climate impact goals;
- Updating the Climate Plan, at minimum every five years, or as needed to meet targets;
- Recommending updates to the Whatcom County Comprehensive Plan in accordance with meeting Whatcom County’s emission reduction goals; and
- Ensuring that Whatcom County government facilities and operations are designed to meet or exceed goals and standards resolved in the current Climate Protection and Energy Conservation Action Plan.

- Recommend updates to Whatcom County land use policies and development regulations to support renewable energy development goals. (Mann)

30) p. 11-13; New Policy 11D-10: Create updates to Whatcom County land use policies and development regulations to support renewable energy development goals. (Brenner)

31) p. 11-14; lines 19-30: Flood Hazards – Heavy winter rains and a transient snowpack combined with the steep and sometimes unstable slopes of Whatcom County’s foothills create conditions ideal for flooding and debris flows along many of our rivers and streams. The Nooksack River floodplain alone covers 38,000 acres in Whatcom County. In 1989 and 1990, the Nooksack River overflowed and flooded lowland Whatcom County causing millions of dollars of damage. During some extreme floods, the Nooksack River overflows near Everson and adversely impacts residents along Johnson Creek in Sumas, and in the Abbotsford area of British Columbia. It is predicted that climate change will exacerbate flooding, flood risk is projected to increase, due to increased sea level and changes in rainfall patterns. Significant damage may result from such floods. In 1991, Whatcom County formed a countywide Flood Control Zone District to address the major flooding issues in the county. (Brenner)
32) p. 11-14; lines 31-35: The presence of Mt. Baker is an asset to our region. Its 10,778-foot peak is one of the dominant features of Whatcom County's landscape. However, Mt. Baker is also considered one of the most potentially active volcanoes in the Cascade Range, and of the six major volcanoes in the range, Mt. Baker is considered by geologists to be very hazardous during and after an eruption. (Brenner)

33) p. 11-18 Policy 11F-2: Use Best Available Science data to research and investigate the nature and extent of known natural hazards in the county and make this information available to the general public and policy makers in an accessible and understandable form. (Brenner)

34) p. 11-19; Policy 11F-11: Require applicants for development permits located in natural hazard areas to provide development plans designed to minimize the potential to exacerbate the natural hazard as well as the risk of damage to property or threats to human health and safety, in natural hazard areas where engineering solutions cannot be designed to withstand the forces expected to occur under the design event of a particular natural hazard, or off-site adverse impacts to adjacent properties or natural systems cannot be adequately mitigated. Whatcom County may deny development permits intended for permanent or seasonal human habitation. (Sidhu)

35) p. 11-20; Policy 11F-12: Consider conducting a public process with affected citizens, technical experts, and decision-makers to establish recommended levels of public risk for each of the identified natural hazards. In developing recommended levels of public risk for natural hazards, consider the appropriate variables affecting developments in hazardous areas. These variables may include:

- Specific types of risk associated with the particular hazard area;
- The gradation of hazards associated with a particular geo-hazard;
- Level of detail necessary to map hazard areas;
- Different levels of risk associated with different ownership classes (e.g. public ownership versus private ownership);
- Different levels of risk associated with different types of land uses; and
- Mitigation measures related to specific adverse impacts of development in hazard areas.

Once a set of risk levels have been identified, propose these risk levels for adoption of legislation by the County Council as the levels to which future development must be designed and appropriate locations for them. (Brenner, Sidhu)

36) p. 11-21; lines 19-23: Surface water sources such as Lake Whatcom, the Nooksack River, and Lake Samish provide water to more than half the county residents with the remainder relying on groundwater either from individual wells or from about 300 public water systems. Agriculture relies on both ground and surface water for a variety of uses, including irrigation, and drinking water for livestock, and facility wash down. (Brenner, Sidhu)
37) p. 11-21; lines 30-39: Groundwater is contained in aquifers, which are subterranean layers of porous rock or soil. Most of the surficial aquifers in Whatcom County are replenished by rainwater, though some may contain water trapped during glacial periods. Aquifers are often integrally linked with surface water systems and are essential for meeting in-stream and out-of-stream water needs such as for drinking water, agriculture, other industry, and other uses.

Rainfall that does not soak into the ground or evaporate is regarded as surface water and runs into drainage courses such as ditches, streams, wetlands, rivers, lakes, and the Strait of Georgia supports local surface and marine waters. (Brenner, Sidhu)

38) p. 11-23; Policy 11G-2: Actively participate in and support WRIA 1 Watershed Planning efforts associated with the coordination of to coordinate local, federal, tribal, and state agencies to achieve integration and/or consistency between the various levels of environmental regulations relating to the County. (Brenner)

39) p. 11-24; Policy 11G-6: Actively promote and participate in education, research, and information opportunities that better improve our understanding of the county's complex water resource systems. New information should be considered in the development and evaluation of management actions. Specifically, research available data and create more data regarding desalination as a likely potable water source in the future to compliment the impacts of climate change. (Brenner)

40) p. 11-24; Policy 11G-7: Pursue the most effective methods for protecting water quantity and quality, through both regulatory (e.g. zoning, enforcement, fines) and non-regulatory approaches (education, incentives, and technical/financial assistance). Emphasis should—shall be placed on non-regulatory approaches where possible and effective. (Brenner, Sidhu)

41) p. 11-25; Policy 11H-2: Coordinate efforts to bring all water users in Whatcom County into compliance with state and federal water laws in a way that enhances stream flows, water quality, and fish and wildlife habitat while ensuring adequate water for existing agriculture prior to any efforts that would shut it down. (Brenner, Sidhu)

42) p. 11-26; Policy 11H-4: Support the implementation of local and state Watershed Management Plan, the Lower Nooksack Strategy, the Lake Whatcom Management Program, NPDES Phase II Permitting, and the WRIA 1 Watershed Management Plan Projects. (Brenner)

43) p. 11-26; New Policy 11H-6: Monitor, prevent, and reduce the establishment of invasive species in Whatcom County waterbodies. (Brenner)
44) p. 11-26; **New Policy 11H-8**: Identify areas that require special protection such as wellhead protection areas, critical aquifer recharge areas, and high-priority watersheds, and incorporate that knowledge into Comprehensive Plan goals and policies. This information shall be available to the public. (Brenner)

45) p. 11-27; **Policy 11I-2**: Maintain or enhance, when appropriate, natural drainage systems and natural water storage sites in order to better protect water quality, moderate water quantity, minimize environmental degradation, and reduce public costs. (Sidhu)

46) p. 11-28; **Policy 11I-10**: Develop and administer regulations and incentives via WCC 16.16, the County’s Critical Areas Ordinance, such that there is no net loss of ecological functions and values of regulated wetlands and fish and wildlife habitats. (Sidhu)

47) p. 11-30; **New Policy 11J-4**: Coordinate local water and land management efforts, plans, and data to ensure adequate oversight of water quality and quantity issues. (Brenner)

48) p. 11-30; **New Policy 11J-5**: Encourage commercial and agricultural water users to quantify water use to promote conservation. (Donovan)

49) p. 11-30; **New Policy 11J-6**: Utilize water use data to reward conservation and maintain availability of water for agriculture and instream flow. (Donovan)

50) p. 11-30; **New Policy 11J-7**: Implement a plan with the Department of Ecology by 2025 to measure and record commercial and agricultural water usage. (Donovan)

51) p. 11-30; **New Policy 11J-8**: Provide adequate oversight of water quantity and quality issues. (Brenner)

52) p. 11-30; **New Policy 11J-9**: Request the Department of Ecology to determine how much water is being used in Whatcom County and provide the information to the WRIA 1 Planning Unit to assist in its recommendations to the Whatcom County Council. (Brenner)

53) p. 11-31; **Policy 11K-2**: Develop a storm drainage utility district or other funding mechanism to deal with the unique problems of development in a drinking water watershed and implement funding mechanisms proposed in the 2008 Lake Whatcom Comprehensive Stormwater Plan to support lake water quality protections by 2020. (Brenner)

54) p. 11-31; **Policy 11K-7**: Work cooperatively with the City of Bellingham and the Lake Whatcom Water and Sewer District to develop and track benchmarks to determine; the effectiveness of management options; when goals have been achieved; and/or when additional actions are necessary. (Brenner)

55) p. 11-32; **Policy 11K-9**: Work to keep state-owned forest lands within the Lake Whatcom watershed in public ownership, and support managing forestry on these lands in a manner
that minimizes sediment and phosphorus yields from streams, and is consistent with Best Available Science (BAS) data, in order to protect and enhance water quality. (Brenner)

56) p. 11-32; Policy 11K-10: Encourage the location of public services, such as schools, libraries, parks/open space, and post offices within Rural Communities Sudden Valley that would likely in an attempt to reduce the vehicle miles traveled within the watershed. (Brenner)

57) p. 11-32; Policy 11K-11: Continue to work with Bellingham and Lake Whatcom Water and Sewer District to protect and manage the Lake Whatcom watershed in accordance with the 1998 jointly adopted interlocal agreement. Focus on continued implementation of the 5-Year Work Plans of the Lake Whatcom Management Program. In addition, work with the affected jurisdictions and secure funding for programs that protect and enhance water quality. (Brenner)

58) p. 11-32; Policy 11K-12: Review and modify (as needed) the current development review process for projects in the Lake Whatcom Watershed to ensure coordination with other jurisdictions to streamline regulations that improve and protect water quality. (Brenner)

59) p. 11-33; New Policy 11K-20: Urban Growth Areas shall not be designated or expanded within the Lake Whatcom Watershed. (Brenner)

60) p. 11-34; lines 4...12: Among the habitats of importance to fish and wildlife are the following:

   ... - caves, cliffs, rocky balds, and talus slopes; (Brenner)

61) p. 11-34; lines 25-26: Most regional terrestrial wildlife species regularly use aquatic and riparian habitats for breeding, feeding, shelter, and migratory activities. (Brenner)

62) p. 11-34; lines 46 – p. 11-35 line 5: Loss of native vegetation through conversion to ornamental vegetation and non-native species often can results in loss of wildlife habitat, increased competition to native wildlife from introduced species such as starlings, and increased maintenance needs. Loss of native vegetation also can occur through invasions of non-native species, such as the spread of Spartina, which can drastically displace important native eelgrass and mudflat communities. (Brenner)

63) p. 11-35; lines 12-15: Decline in salmonid abundances have been attributed to widespread loss and degradation of habitat, due to hydropower, residential and urban development, agriculture, and forestry, and fishing and hatchery production. Fishing and hatchery production have also contributed to declines. (Brenner, Sidhu)
64) p. 11-35; lines 27-28: Marine habitats include all salt water bodies and their shorelines, kelp and microalgae beds, eelgrass meadows, salt marshes, beaches, and mudflats. (Brenner)

65) p. 11-36; lines 16-22: The primary measure of water quality for shellfish harvesting is bacterial contamination associated with human sewage and animal wastes fecal coliform. There are many potential sources of fecal bacteria, such as include municipal sewage treatment plants, on-site sewage systems, boat waste, farm animals, pets, and wildlife. Since 1995, valuable shellfish beds in Portage Bay and Drayton Harbor have been downgraded (harvest prohibited) due to non-point pollution impacting recreational, tribal, and commercial harvesting. (Brenner, Sidhu)

66) p. 11-37; lines 37-39: Growth and development of the land base have and may continue to impose a risk to result in the degradation and reduction of natural systems ecosystem functions. Wetlands and estuaries continue to be lost incrementally. (Brenner)

67) p. 11-38; lines 9-19: Many stream systems in Whatcom County have been altered by agriculture, forestry, development, and flood control practices, contributing to low stream flows, fisheries loss, water pollution, sedimentation and other problems. These impacts can directly affect the fisheries resources by depositing silt and debris into spawning beds, by removing trees that shade and cool the water, stabilizing banks, interfering with the recruitment and establishment of large woody debris (LWD), by obstructing fish passage with culverts and roads, by altering natural channels through filling, bank hardening, and channelizing. In addition, the physical processes that create functional habitats for fish life stages are altered by increasing flows through stormwater runoff or consuming water volume for other out-of-stream uses. (Sidhu)

68) p. 11-38; line 20, new paragraph: Agriculture can enhance or restore natural systems as undeveloped open spaces and current forestry practices can, and do in many cases provide shade and cool water for salmon habitat, and stabilize banks. With agriculture and forestry being so important to our survival, it is imperative we acknowledge this in our environmental chapter. (Brenner)

69) p. 11-38; lines 21-26: Finally, the cultural value of functioning habitats, including wetlands and the fish and wildlife they harbor, has often been ignored in land use decisions. The gathering of fish, game, and other natural resources forms a central aspect of many cultures in this region. Also, the mere presence of these natural resources constitutes a community amenity that is a substantial part of our local economic base. Finally, a healthy and functioning ecosystem, including
forests, wetlands, fish, wildlife, and native plants they harbor, is an identified resource. A healthy ecosystem supports diverse and abundant wildlife, fish, and plant populations, and is necessary. The gathering of fish, game, and other natural resources forms a central aspect of many cultures in Whatcom County. The mere presence of these natural resources constitutes a community amenity that is a substantial part of our local economic base. (Brenner)

70) p. 11-38; Policy 11L-1: Define and identify habitats and habitat features important to a balanced and sustainable web of life that supports fish and wildlife. Define and identify species, habitats, and habitat features important to a balanced and sustainable web of life, biodiversity, and especially important to fish, native plants, and wildlife. Create, and regularly update an Ecosystem Report. (Brenner)

71) p. 11-38; Policy 11L-2: Develop and adopt programs that protect habitats essential to the conservation of species that have been identified as endangered, threatened, or sensitive by the state or federal government as well as habitats identified as necessary in the Ecosystem Report. These programs should maintain and encourage restoration of habitat conditions for listed species of concern, as well as habitats identified as having significant biodiversity, connectivity and other important features and functions. (Brenner)

72) p. 11-38; Policy 11L-3: Develop and adopt programs that provide incentives for the protection of environmentally fragile areas or critical plant and wildlife habitats and corridors as well as habitats that provide connectivity (corridors). (Brenner, Sidhu)

73) p. 11-39; Policy 11L-7: Promote voluntary fish and wildlife habitat enhancement projects through educational and incentive programs, such as purchase of development rights or habitat conservation easements. These projects, which can be done by individuals, organizations, and businesses, should will buffer and expand fish, plant, and wildlife habitat. (Brenner)

74) p. 11-39; Policy 11L-8: Give careful consideration to the siting of industrial, commercial, residential, and other land use designations when located near important marine, terrestrial, or other critical habitats. (Brenner)

75) p. 11-39; New Policy 11L-14: Consider the value of wildlife populations in land use decisions that may impact them, their associated habitats, and connectivity. (Brenner)

76) p. 11-40; Goal 11M: Protect and enhance natural systems ecosystems that support native fish, plant, and wildlife populations and habitat. (Brenner)

77) p. 11-40; Policy 11M-2: Protect and enhance significant fish spawning and rearing habitat, food resources, refugia (shelter), and travel passages. (Sidhu)
78) p. 11-40; Policy 11M-10: Encourage landowners to voluntarily protect surface water quality with filter strips or other appropriate water cleansing mechanisms installed between lawns, landscaping, livestock pens, or agricultural fields and waterbodies. (Sidhu)

79) p. 11-41; Policy 11M-11: Formulate and implement a comprehensive, landscape-based, environmental management program to protect fish and wildlife. The program should include the following:
1. Formulate an administrative approach to the review of development and planning proposals that consider natural system policies;
2. Investigate and develop programs for acquisition and restoration of important fish, plant, and wildlife habitat areas;
3. Work cooperatively with local, state, and federal jurisdictions and departments (such as the Department of Natural Resources, Department of Fish and Wildlife, and Department of Ecology), tribal entities, local jurisdictions, organizations, and individuals for the purpose of developing and entering into cooperative agreements with State and Federal agencies and neighboring jurisdictions for the purpose of identifying and protecting natural systems ecosystems;
4. Identify and map important habitat corridors and connectivity throughout the county; and
5. Support the development of educational materials which lists, describes, and characterizes the appropriate use of native vegetation to enhance natural systems ecosystem functions in Whatcom County. (Brenner)

80) p. 11-41; Policy 11M-13: Diligently work to prevent and/or reduce the establishment and/or the spread of invasive species. (Brenner)

81) p. 11-41; New Policy 11M-15: Participate in protection and improvement of biodiversity. (Brenner)

82) p. 11-41; New Policy 11M-16: Consider establishing important habitat areas as sending areas after creating a voluntary, workable transfer of development rights (TDR) program. (Brenner)

83) p. 11-42; lines 6-10: Wetlands are crucial environmental features in Whatcom County. Once thought of as waste areas and unproductive lands, it is now known that wetlands provide invaluable functions in aquifer recharge, groundwater storage, floodwater detention, pollutant removal and purification of water supplies, as well as provision of fish and wildlife habitat. (Brenner)

84) p. 11-42; lines 10-12: Loss of wetlands has been due to many factors including urbanization, and to a large degree to agricultural development and associated drainage projects, especially urbanization. (Brenner, Sidhu)

85) p. 11-44; Goal 11O: Protect and enhance marine ecosystems and resources in Whatcom County. (Brenner)
86) p. 11-45; Policy 11P-2: Restore degraded waters within the drainage basins of shellfish growing areas to a level that allows/supports shellfish harvesting by work with the Department of Ecology, Tribes, Department of Health, Department of Fish and Wildlife, and affected property owners to improve water quality. (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.

87) p. 11-7; Policy 11A-4: Manage designated Critical Areas (ECAs) as needed, as needed to minimize or minimize or protect against environmental degradation and reduce the potential for loss to property and human life. (Brenner, Sidhu)

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

89) p. 11-11; lines 29-30:

- Higher winter streamflow in rain-fed river basins resulting in scouring floods that negatively affect salmon populations if winter precipitation and rain on snow events increases in the future as projected (Brenner, Sidhu)

90) p. 11-12; lines 4- : In 2007, Whatcom County completed a Climate Protection and Energy Conservation Action Plan that laid out specific actions and targets for reducing greenhouse gas emissions and increasing energy conservation efforts in response to potential climate change. Increase research and implementation of desalination with many other coastal communities to potentially provide more potable water and offset the impacts of climate change.

In addition many insurance industry experts are now factoring in the costs of climate change into insurance premiums as the increase in the frequency and severity of extreme weather events around the world results in a corresponding increase in claims costs.
Local government, residents and businesses must anticipate, that as the climate changes, more frequent and severe damage to private and public infrastructure will may occur. Maintenance costs and insurance premiums can be expected to may increase accordingly. (Brenner, Sidhu)

91) p. 11-12; Policy 11D-1: Whatcom County’s natural resource-based economic sectors, natural systems, water resources, infrastructure, emergency management, and public health all face potentially noteworthy climate change related risks in the future. The County should consider potential long-range climate change implications into its on-going functional planning and implementation actions. (Brenner, Sidhu)

92) p. 11-17; lines 1-6: Volcanos – A volcanic eruption or mudflow at Mount Baker could potentially severely affect river flow on the Nooksack River or Baker River and cause severe property damage near the volcanoes or along lahars routes. A lahar is an extremely rare and unpredictable occurrence. Evacuation routes should be planned and made public. Development should be regulated according to the Critical Areas Ordinance. Development should be regulated according to the Critical Areas Ordinance. (Brenner, Sidhu)

93) p. 11-18; Restore Policy 11F-5: Allow permitted uses that do not require human habitation, so long as probable adverse off-site impacts to other properties or natural systems (those impacts resulting from the interaction of the natural hazard and the proposed development) are minimized or mitigated. Probable adverse impacts should be prevented or avoided in habitats of state or federally listed sensitive plant and animal species. Allow permitted uses that do not require human habitation, so long as probable adverse off-site impacts to other properties or natural systems (those impacts resulting from the interaction of the natural hazard and the proposed development) are minimized or mitigated. Probable adverse impacts should be prevented or avoided in habitats of state or federally listed sensitive plant and animal species. (Brenner, Sidhu)

94) p. 11-31; Policy 11K-4: Work cooperatively with the City of Bellingham, and the Lake Whatcom Water and Sewer District, and applicable associations and organizations to identify, review, and, as appropriate, recommend changes to existing monitoring programs that will address the needs of the various jurisdictions to better improve lake water quality. Place a particular focus on the information needed to evaluate the impacts of additional development and stormwater management measures in the watershed. Include an analysis of the diversion from the Middle Fork of the Nooksack. Coordinate efforts with the Lake Whatcom Management Committee process. (Brenner)
Changes Approved April 5

1) p. 11-4; lines 23-26: Over 2.5 million years ago, during the Ice Ages, glacial ice invaded the Puget Sound lowlands from the north at least four times, with the last major glacial event, the Fraser Glaciation, ending approximately 12,000 years ago. (Brenner)

2) p. 11-6; lines 5-12: General environmental goals and policies are intended to provide guidance for environmental management that will promote environmental protection and good stewardship practices through a balance of public education and involvement; incentives, acquisition, and voluntary programs; land use planning and regulations; environmental monitoring; and intergovernmental cooperation. These goals and policies are also intended to provide guidance to County government as it assists its citizens in maintaining a balance between individual property rights, economic development, and environmental protection. (Brenner)

3) p. 11-6; lines 21-23: At the turn of the 20th century, the areas surrounding Lynden, Sumas, and Ferndale were logged, drained, and converted to agricultural land. (Brenner)

4) p. 11-8; Policy 11A-11: Designate high-value open space and natural areas for acquisition, conservation easements, open space, and other such programs to protect these natural areas upon request or consent of the property owner. (Brenner)

5) p. 11-8; lines 38-40: There are currently a multitude of regulations and administrative processes at the federal, state, and local level that, together, have become excessive and difficult to understand. (Brenner)

6) p. 11-11; lines 9-11: Climate change is a global phenomenon that has the potential for significant local impacts to natural resources, ecosystem functions, as well as human health, infrastructure, and the economy. (Brenner)

7) p. 11-11; lines 14-16: Based on a range of climate change model projections, as well as peer-reviewed scientific publications, the CIG concludes that during the next 20-40 years the Pacific Northwest climate may change significantly. (Brenner)

8) p. 11-11; lines 39 – p. 11-12, line 2: Agricultural sector concerns include the cost of climate adaptation, development of more climate-resilient technologies, and management and availability of adequate water supplies. Susceptibility to natural hazards is also expected to intensify due to climate change, including
increased landslides, erosion, and coastal and riverine flooding due to more winter rainfall, and potential rising sea levels. (Brenner)

9) p. 11-12; Policy 11D-1: Whatcom County’s natural resource-based economic sectors, natural systems, water resources, infrastructure, emergency management, and public health all face potentially noteworthy climate change related risks in the future.... (Brenner)

10) p. 11-12; Policy 11D-3: Promote the efficient use, conservation, and protection of water resources. (Brenner)

11) p. 11-14; lines 37-39: Pyroclastic flows, ash flows, and especially volcanic mudflows, (also known as lahars), are believed to be the greatest dangers to human life and development in Whatcom County. (Brenner)

12) p. 11-27; Policy 11I-3: Limit the alteration of natural drainage systems and natural water storage sites without mitigating measures. Such measures should not degrade water quality or fish and wildlife habitat, and should not increase hazards to the community. (Brenner)

13) p. 11-27; Policy 11I-8: Strongly incentivize the use of low impact development strategies. Minimize the amount of impervious surface whenever practicable by using natural engineering design methods such as the use of open, grassed, street swales and rain gardens instead of curbs and gutters. Where feasible, encourage alternate surfacing options and other techniques associated with low impact development (see Glossary). (Brenner)

14) p. 11-32; Policy 11K-10: Encourage the location of public services, such as schools, libraries, parks/open space, and post offices within Rural Communities that would likely reduce the vehicle miles traveled within the watershed. (Brenner)

15) p. 11-34; lines 46 – p. 11-35, line 3: Loss of native vegetation through conversion to ornamental vegetation and non-native species often results in loss of wildlife habitat, increased competition to native wildlife from introduced species, such as starlings, and increased maintenance needs. (Brenner)

16) p. 11-42; lines 10-12: Loss of wetlands has been due to many factors, including urbanization, and to a large degree to agricultural development and associated drainage projects. (Brenner)

17) p. 11-43; Policy 11N-6: Recognize beneficial wetland uses, functions, and values. Support protection of fish and wildlife habitat, water quality, plant diversity, flood attenuation, and low-flow contribution, and water storage through planning, acquisition, incentive programs, and mitigation. (Brenner)
18) p. 11-10; lines 6-15: Prior to the 1970s, growth in Whatcom County was relatively slow and received little management. As a result, private property owners were left to their own resources as they determined how best to use their land. However, as increasing numbers of people have moved to this area and settled, a greater demand has been placed on Whatcom County's natural resources.

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

19) p. 11-10; lines 17-19: Land use decisions can no longer be considered exclusively private matters. We are aware that public actions impact every private citizen in Whatcom County and that private actions may have public consequences as well. (Brenner)

20) p. 11-10; Policy 11C-2: When adopting new environmental protection programs, consider multiple economic parameters including development objectives, and impacts, and the economic benefits of the natural environment as both a resource and an amenity. (Brenner)

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

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

22) p. 11-13; Policy 11D-5: Establish land use patterns that minimize transportation-related greenhouse gas emissions and encourage the preservation of natural resource lands and the protection of water resources. (Brenner)

23) p. 11-13; lines 34-35: Various slope failure processes contribute to the mosaic of landslide hazards present in the county and the potential exists for a multitude of impacts ranging from periodic small- to large-scale rockfalls and slides, massive debris slides and avalanches, destructive debris flows, and deep-seated earthflows, slumps, and slides. These landslide processes act on both the large- and small-scale, and though much less catastrophic in nature, smaller landslides occur
more frequently and pose a continually hazard to County residents and infrastructure. Certain types of geologic conditions and formations are common culprits in the occurrence of commonly cause landslides, namely the Chuckanut Formation and the Darrington Phyllite, ... (Brenner)

24) p. 11-14; lines 43-45: The same lahar is now known to have been over 300 feet deep in the upper reaches of the Middle Fork and extended as far west as Nugent’s Corner. (Brenner)

25) p. 11-15; lines 8-10: Mapping over the past decade of other Cascade volcanoes has demonstrated massive mudflows extending from the volcanoes to Puget Sound, and from Mount Rainier and Glacier Peak. (Brenner)

26) p. 11-15; lines 30-32: Recent research has shown that these crustal faults are capable of generating a magnitude 7 earthquake with an average recurrence interval of 30 to 50 years. (Brenner)

28) p. 11-17; lines 30-31: The 1990 Nooksack River floods caused over $20 million dollars of in damage to roads, bridges, buildings, and farmland. (Brenner)

29) p. 11-19; Policy 11F-9: To address the causes of flooding and avoid expensive and maintenance-intensive bank protection measures, the County should prioritize its floodplain property acquisition program. (Brenner)

30) p. 11-21; lines 5-8: Water resources of Whatcom County provide: natural beauty; recreation; habitat for fish and wildlife; water for drinking, agriculture, and industry; and other benefits essential to the quality of life and economic health of the community. (Brenner)

31) p. 11-21; lines 15-21: Whatcom County has 16 major freshwater lakes, 3,012 miles of rivers and streams, over 37,000 acres of wetlands, 134 miles of marine shoreline, and aquifers containing an undetermined amount of groundwater. These water resources serve multiple uses, including providing a source of drinking water for the people of Whatcom County. Surface water sources such as Lake Whatcom, the Nooksack River, and Lake Samish provide water to more than half the county residents, with the remainder relying on groundwater, either from individual wells or from about 300 public water systems. (Brenner)

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

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

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

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

(Brenner)

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

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

(Brenner)

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

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

39) p. 11-31; Policy 11K-4: Work cooperatively with the City, and Lake Whatcom Water and Sewer District, and applicable associations to identify, review, and, as appropriate, recommend changes to existing monitoring programs that will address the needs of the various jurisdictions. Place a particular focus on the information needed to evaluate the impacts of additional development and stormwater management measures in the watershed. Include an analysis of the diversion from the Middle Fork of the Nooksack. Coordinate efforts with the Lake Whatcom Management Committee process. (Brenner)
40) p. 11-31; Policy 11-K-7: Work cooperatively with the City and the Lake Whatcom Water and Sewer District to develop benchmarks to determine the effectiveness of management options; when goals have been achieved; or when additional actions are necessary. (Brenner)

41) p. 11-33; Policy 11-K-18: Work with all parties to maintain and appropriately plan for infrastructure, public services, and stormwater retention so that Sudden Valley can develop to its appropriate potential. (Brenner)

42) p. 11-33; lines 37-40: Natural Systems goals and policies are intended to provide guidance to county government as it assists citizens to effectively manage and enhance these natural systems and ensures that the benefits of these systems are maintained far into the future. (Brenner)

43) p. 11-34; lines 6-14:

- wetlands, lakes, and streams;
- nearshore, intertidal, estuarine habitats, and marine habitats including, but not limited to, kelp and eelgrass beds;
- riparian areas and other travel corridors;
- snags and downed logs;
- forested habitats in a variety of successional stages;
- caves, cliffs, and talus slopes;
- grasslands and cultivated fields; and
- thickets and fence rows. (Brenner)

44) p. 11-34; lines 36-37: ...stream beds with abundant logs, step waterfalls, pools, and cutbanks, and vegetated marine and estuarine communities. (Brenner)

45) p. 11-35; lines 28-36: These habitats play a vital role in the health of the local environment, as well as the broader Puget Sound region. They provide spawning, rearing, and feeding grounds for a wide variety of marine life, as well as refuge for juvenile and adult fish, birds, and shellfish. The vegetation on back-shore marshes and within estuaries buffers adjacent upland areas by absorbing wave energy and slowing erosion.

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

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

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

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

Pertinent Documents


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

(adjust formatting as appropriate)

(Brenner)

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

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

(Brenner)

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

(Brenner)

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

(Brenner)

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

(Brenner)

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

(Brenner)

53) p. 11-41; Policy 11M-14: Actively participate in and support WRIA 1 Salmon Recovery efforts to return self-sustaining salmonid runs to harvestable levels through the restoration of healthy rivers, marine shorelines, **and** natural processes, careful use of hatcheries, and responsible harvest.

(Brenner)
54) p. 11-41; Policy 11M-11: Formulate and implement a comprehensive, landscape-based, environmental management program to protect fish and wildlife. The program should include the following:
6. Formulate an administrative approach to the review of development and planning proposals that consider natural system policies;
7. Investigate and develop programs for acquisition and restoration of important fish and wildlife habitat areas;
8. Develop and enter into cooperative agreements with State and Federal agencies and neighboring jurisdictions for the purpose of identifying and protecting natural systems;
9. Identify and map important habitat corridors throughout the county; and
10. Support the development of educational materials which lists, describes, and characterizes the appropriate use of native vegetation to enhance natural systems in Whatcom County. (Brenner)

55) p. 11-43; Policy 11N-5: Property rights and public services are an essential components of our political and economic system. Where such rights and public services are significantly compromised by the goal of wetland preservation, adverse wetland impacts may be permitted through standardized mitigation. This may include avoidance, impact minimization, restoration, enhancement, creation, or off-site compensation for loss of wetland functions in accordance with mitigation sequencing. (Brenner)

56) p. 11-43; Policy 11N-7: Development proposals applications should be assessed on a case-by-case basis so that marginal wetlands are not preserved at the expense of upland areas with higher habitat value. (Brenner)

57) p. 11-44; Policy 11O-1: Support the Whatcom County Marine Resources Committee in their its pursuit of the Northwest Straits Commission benchmarks as follows:
- Broad county participation in MRC's;
- A net gain in high-value habitat and ecosystem functions;
- A net reduction in shellfish bed closures;
- Measurable increases in factors supporting bottomfish recovery;
- Population increases in other key indicator species;
- Coordination of scientific data;
- Successful public education and outreach efforts; and
- The establishment of a regional system of Marine Protected Areas (MPA’s). (Brenner)

58) p. 11-45; Goal 11P: Protect and enhance shellfish habitat in commercial and recreational areas in order to ensure a productive resource base for long-term use. (Brenner)

59) p. 11-46; Policy 11P-10: Continue to partner with jurisdictions in British Columbia to minimize impacts on water quality, including that affecting what effects shellfish habitat. (Brenner)
60) p. 11-47; lines 31-33: Whatcom County will take steps to halt the practice of treating its streams and rivers as a storm sewer and the marine system as a water treatment facility. (Brenner)

61) p. 11-2; lines 13-20: This chapter is composed of an introduction and four sections organized by topic heading. The first section, entitled "General Environmental Management," addresses general environmental goals and policies. The remaining three sections deal with Natural Hazards, Water Resources, and Natural Systems. Together, the sections of this chapter provide the direction necessary to ensure/promote long-term sustainability of the environment in Whatcom County. (Brenner)

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

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

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

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

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

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

68) p. 11-9; Policy 11B-7: Keep Ensure regulations are as simple as possible and maintain effective inspection, compliance, and enforcement measures. (Brenner)

69) p. 11-10; Policy 11C-3: Emphasize an approach to environmental protection by encouraging the use of conservation easements, open space taxation, land acquisition, purchase voluntary, workable transfer of development rights, and other mechanisms that assist affected property owners. Avoid extreme standards and procedures that are likely to require compensation to property owners or invalidation of such rules. (Brenner)

70) p. 11-10 lines 17-23: Land use decisions can no longer be considered exclusively private matters. We are aware public actions impact every private citizen in Whatcom County and private actions avoid standards and procedures that are likely to require compensation to property owners or invalidation of such rules may have public consequences as well. To that end, the law must protect the public good from detrimental private actions. Nevertheless, the right of the individual to use his or her property, within the bounds permitted by law, is a value supported by law and the community and must be recognized when making land use decisions in Whatcom County.

71) p. 11-11; lines 18-21: The CIG confirms that global climate models project mid-21st century temperatures in the Pacific Northwest that are will be higher than the natural range of temperature observed in the 20th century. (Brenner)

72) p. 11-11; lines 29-30:

- Higher winter streamflow in rain-fed river basins resulting in scouring floods that negatively affect salmon populations if winter precipitation and rain-on-snow events increases in the future as projected (Donovan)

73) p. 11-12; Policy 11D-1: Whatcom County's natural resource-based economic sectors, natural systems, water resources, infrastructure, emergency management and public health all face potentially noteworthy climate change related risks in the future.... (Donovan)
74) p. 11-13; New Policy 11D-6: **Convene a climate impact advisory committee by 2017.** The advisory committee should consist of (but not be limited to) experts in energy efficiency and carbon emission reduction, representatives from Whatcom County, and interested community members. The committee will be tasked with:

- Evaluating Whatcom County's compliance with meeting targets set forth in the 2007 Climate Plan;
- Establishing new targets that meet or exceed state and federal climate impact goals;
- Updating the Climate Plan, at minimum every five years, or as needed to meet targets;
- Recommending updates to the Whatcom County Comprehensive Plan in accordance with meeting Whatcom County's emission reduction goals; and
- Ensuring that Whatcom County government facilities and operations are designed to meet or exceed goals and standards resolved in the current Climate Protection and Energy Conservation Action Plan. (Weimer)

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

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

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

78) p. 11-17; lines 1-6: **Volcanos** – A volcanic eruption or mudflow at Mount Baker could potentially severely affect river flow on the Nooksack River or Baker River and cause severe property damage near the volcanoes or along lahar routes. A lahar is an extremely rare and unpredictable occurrence. Evacuation routes should be planned and made public. Development should be regulated according to the Critical Areas Ordinance. (Donovan)
79) p. 11-18; Policy 11F-3: Broadly inform the people of Whatcom citizens of the County residents of the locations of known natural hazards, and the potential for adverse impacts of such natural hazards to the health, safety, and welfare of people and their properties. (Brenner)

80) p. 11-18; Policy 11F-5: Allow permitted uses that do not require human habitation so long as probable adverse off-site impacts to other properties or natural systems (those impacts resulting from the interaction of the natural hazard and the proposed development uses) are minimized or mitigated. Probable adverse impacts should be prevented or avoided in habitats of state or federally listed sensitive plant and animal species. (Brenner)

Approved April 19

1) p. 11-12; lines 4-: In 2007, Whatcom County completed a Climate Protection and Energy Conservation Action Plan that laid out specific actions and targets for reducing greenhouse gas emissions and increasing energy conservation efforts in response to potential climate change.

In addition many insurance industry experts are now factoring in the costs of climate change into insurance premiums as the increase in the frequency and severity of extreme weather events around the world results in a corresponding increase in claims costs.

Local government, residents and business must anticipate that as the climate changes, more frequent and severe damage to private and public infrastructure will occur. Maintenance costs and insurance premiums can be expected to increase accordingly. (Browne)

2) p. 11-13; New Policy 11D-9: Identify responsible parties and agencies and encourage them to identify and properly seal and/or burn methane that is escaping into the atmosphere from wells. (Browne)

3) p. 11-17; line 22, insert new paragraphs:

Gas wells - Several exploratory oil & gas wells have been drilled around the county over the last 70+ years. Some of these present potential environmental hazards due to ongoing leakage of gas.

Old Landfills - There are known abandoned landfills in the County and possibly some that are unknown. There are also several sites around the County that contain large numbers of abandoned vehicles and other debris. As with most landfills these locations pose some degree of risk of hazardous substances leaking into local aquifers. (Browne)
4) p. 11-17; Goal 11F: Minimize potential loss of life, damage to property, the expenditure of public funds, and degradation of natural systems resulting from development in hazardous areas such as floodplains, landslide-prone areas, seismic hazards areas, volcanic impact areas, abandoned mine **and exploratory gas well** locations, potentially dangerous alluvial fans, and other known natural hazards by advocating the use of land acquisition, open space taxation, conservation easements, growth planning, regulations, and other options to discourage or minimize development, or prohibit inappropriate development in such areas. *(Browne)*

5) p. 11-19; Policy 11F-12: Consider conducting a public process with affected citizens, technical experts, and decision-makers to establish recommended levels of public risk for each of the identified natural hazards. In developing recommended levels of public risk for natural hazards, consider the appropriate variables affecting developments in hazardous areas. These variables may include:
   - Specific types of risk associated with the particular hazard area;
   - The gradation of hazards associated with a particular geo-hazard;
   - Level of detail necessary to map hazard areas;
   - Different levels of risk associated with different ownership classes (e.g. public ownership versus private ownership); and
   - Different levels of risk associated with different types of land uses.

   Once a set of risk levels have been identified, propose these risk levels for adoption by the County Council as the levels to which future development must be designed. *(Brenner)*

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

8) p. 11-26; **New Policy 11H-6:** Oppose the use of hydraulic fracturing in oil and gas wells (also known as "fracking") to avoid the potential degradation of water quality in aquifers and other ground water. *(Mann)*

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

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

   3. Amend subdivision, zoning, and other land use regulations and design standards to **encourage** that land use activities minimize the amount of impervious surface.
4. Identify and implement a long-term funding source to provide for water resource protection services, including non-point source identification and enforcement of applicable county regulations.

5. Focus on the Lake Whatcom watershed as a high priority in developing a stormwater management program. Develop a stormwater management plan that achieves a uniform level of protection throughout the Lake Whatcom watershed. Ensure coordination and communication with the public and affected jurisdictions, such as the Lake Whatcom Water and Sewer District, the Sudden Valley Community Association, and the City of Bellingham.

6. Ensure that existing stormwater standards are adequately enforced within Stormwater Special Districts, Watershed Protection Districts, and the NPDES areas.

(Brenner)

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

(Brenner)

12) p. 11-30; New Policy 11J-3: Develop and implement plans to comply with the Department of Ecology's instream flow and water management rules and water resource management programs.

(Donovan)

13) p. 11-33; Restore Policy 2K-16 with edits: Work with the community association towards voluntary achievement of the density reduction additional lots within Sudden Valley.

(Brenner)

Approved May 3

1) p. 11-18; Delete 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.

(Brenner)

3) p. 11-36; lines 26-31: 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.

(Weimer)
4) p. 11-38; lines 9-11: Many stream systems in Whatcom County have been altered by agriculture, forestry, development, and flood control practices, contributing to low stream flows, fisheries loss, water pollution, sedimentation, and other problems. These impacts can directly affect the fisheries resources by depositing silt and debris into spawning beds, by removing trees that shade and cool the water, 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. (Brenner)

5) p. 11-38; Policy 11L-7: Promote voluntary fish and wildlife habitat enhancement projects through educational and incentive programs. These projects, which can be done by individuals, organizations, and businesses, should will buffer and expand fish and wildlife habitat. (Brenner)

6) p. 11-38; Policy 11L-13: Evaluate the full value of the fishery—including its cultural and economic value—in land use decisions that may impact that fishery. Unavoidable impacts to an individual habitat or fishery should shall be mitigated. (Brenner)

7) p. 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. (Brenner)

8) p. 11-40; Policy 11M-5: Native vegetation and soils on stream banks and shorelines should be disturbed as little as possible. In situations where re-vegetation is necessary to restore stream bank or shoreline stability and provide shading, site-specific native plants should be used. Retention of vegetated riparian areas on all lake and marine shorelines should shall also be encouraged. (Brenner)

9) p. 11-41; Policy 11M-13: Diligently work to prevent and reduce the spread of invasive species. (Brenner)

10) p. 11-42; Policy 11N-3: Biological functions of wetlands are complex and interwoven. Evaluate the full range of potential and immediate economic impacts in land use decisions relating to wetlands, including fisheries, wildlife, recreation, farmlands, sustainable resources, air and water quality, flood hazard management, real estate, cultural attributes, and other entities uses. (Brenner)

11) p. 11-45; Policy 11P-3: Protect shellfish resources by means of pollution prevention and enforcement when necessary. This should include surface and groundwater monitoring for early detection of pollution that will to minimize the damage and cost of resource restoration. (Brenner)
12) p. 11-45; Policy 11P-6: Identify and encourage the use of stormwater treatment systems and Best Management Practices that will help to reduce fecal coliform bacteria levels in stormwater discharging directly into shellfish habitat areas. (Brenner)

13) p. 11-46; Policy 11P-12: Continue to develop programs that help identify potential pollution sources and ensure timely and science-based approaches are used in response to problems as they arise. (Brenner)

14) p. 11-46; Policy 11P-15: Create a tracking mechanism to document progress made toward improving downgraded shellfish areas. This information will be useful, not only in helping to support an upgrade when water quality shows improvement, but also in helping to prevent degradation in currently approved shellfish areas. (Brenner)

15) p. 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-in. (Brenner)

1) p. 11-20; New Policy 11F-16: Identify known locations of abandoned wells that could produce methane and/or other hazardous substances and where immediate danger of methane and hazardous substance leaking exists, condition development approvals on affected parcels to mitigate those impacts. (Browne)

2) p. 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 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. (Browne)
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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<tr>
<th>CLEARANCES</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
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<td>5/19/16</td>
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**RECEIVED**

MAY 24 2016

WHATCOM COUNTY COUNCIL

**TITLE OF DOCUMENT:**

Briefing and discussion on Comprehensive Plan Chapter 10 (Design).

**ATTACHMENT:**

1. Cover letter

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

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

Under the Growth Management Act, Whatcom County and the seven cities within the County must complete the periodic update of their comprehensive plans and review urban growth areas 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:**

6/14/2016: Briefed and discussed
6/21/2016: Comments received; did not discuss

**COUNCIL ACTION:**

5/31/2016: SCOTW: Item not disuccsed
6/14/2016: Public Testimony Received

**Related County Contract #:**

**Related File Numbers:**

AB2016-047

**Ordinance or Resolution Number:**

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

Council Chair Barry Buchanan called the meeting to order at 6:30 p.m. in the Council Conference Room, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

Present: Barbara Brenner, 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 POTENTIAL LITIGATION, COMPREHENSIVE PLAN REVIEW 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 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.

Donovan 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 approximately 6:59 p.m.

The Council approved these minutes on ______ 2016.
Dana Brown-Davis, Council Clerk

Barry Buchanan, Council Chair

Jill Nixon, Minutes Transcription
WHATCOM COUNTY COUNCIL
Regular County Council Meeting

May 31, 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

PUBLIC HEARINGS

1. WHATCOM COUNTY COMPREHENSIVE PLAN, CHAPTER 9, RECREATION (AB2016-047I)

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

Larry Helm stated most of the county is a park. The chapter on recreation should encourage people to use that property instead of charging taxpayers for more parks. The area is underused.

Hearing no one else, Buchanan closed the public hearing and stated the Council will continue to take written testimony.

OPEN SESSION

The following person spoke:

- Larry Helm spoke about not being able to use a percentage of his land for grazing due to buffer requirements.

OTHER ITEMS

4. 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)

Buchanan moved to adopt the ordinance.

The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

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 APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT AMENDMENT BETWEEN WHATCOM COUNTY AND COVENANT CONSULTANTS, INC. FOR THE PROVISION OF CONTINUING CONSULTANT SERVICES REGARDING THE RESEARCH AND VALUATION DEFENSE OF THE RECENT PROPERTY APPRAISAL APPEALS BY BP OIL REFINERY, IN THE AMOUNT OF $45,000 (AB2016-184)

2. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND ROBERT W. DROLL, LANDSCAPE ARCHITECT, PS FOR PROFESSIONAL DESIGN SERVICES FOR BIRCH BAY COMMUNITY PARK, IN THE AMOUNT OF $50,000 (AB2016-185)

3. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND REICHHARDT AND EBE ENGINEERING, INC. FOR THE DESIGN AND PREPARATION OF A CONSTRUCTION BID PACKAGE ASSOCIATED WITH THE WEST BADGER ROAD/BERTRAND CREEK BRIDGE NO. 50 REPLACEMENT PROJECT, IN THE AMOUNT OF $252,077.50 (AB2016-186)

4. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO AN AGREEMENT BETWEEN WHATCOM COUNTY AND ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC. (ESRI) FOR PRELIMINARY CONSULTING SERVICES TO ASSIST WITH A DESIGN AND METHODOLOGY TO MIGRATE THE ASSESSOR’S OFFICE CURRENT LAND RECORDS GEOGRAPHIC INFORMATION SYSTEM (GIS) INTO THE ESRI LOCAL GOVERNMENT INFORMATIONAL DATA MODEL, IN THE AMOUNT OF $24,988 (AB2016-187)
5. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT AMENDMENT BETWEEN WHATCOM COUNTY AND THE COMMUNITIES IN SCHOOLS PROGRAM TO SUPPLY SUPPORT SERVICES FOR STUDENTS, IN AN AMOUNT NOT TO EXCEED $71,000 (AB2016-108A)

OTHER ITEMS

1. REQUEST APPROVAL OF THE CITY OF BELLINGHAM’S REQUEST FOR ECONOMIC DEVELOPMENT INVESTMENT (EDI) PROGRAM GRANT FUNDING IN SUPPORT OF THE WATERFRONT - GRANARY/LAUREL STREET PROJECT, IN THE AMOUNT OF $1.1 MILLION (AB2016-182)

   Browne reported for the Finance and Administrative Services Committee and moved to approve the request.
   Donovan stated he supports the waterfront project, but he won’t support the request because the application is confusing, incorrect, and incomplete, and the project would normally score only 7 out of 25 points.
   Tyler Schroeder, Executive’s Office, stated City staff attended today’s committee meeting to provide additional information. This was approved by the EDI Board in 2008. A two-week delay to answer questions may be fine.
   Browne stated the fund balance is unclear. He shares the concern about the score. This isn’t a community priority for economic development. He moved to hold in Council for two weeks.

   The motion to hold in Council was seconded.

   Sidhu stated he would like the City to submit an updated application that reflects the current status of the project.

   Browne stated this Council is being bound by a decision of the 2007 Council. Schroeder stated the City moved forward based on that Council’s decision. He described the balance of the EDI fund and committed funds.

   Mann stated the County Council approved this request once before, so the Council made an agreement they should honor now. That is why he will vote for the request.

   Browne stated the numbers in the application don’t make sense. The revenue numbers can’t be negative amounts.

   Brenner stated she supports the motion to hold in Council.

   Sidhu asked why this is coming to the Council again if it was approved in 2008. Schroeder stated the funds have been committed since 2007.

   Buchanan stated at that time, all the work was suspended because the economy collapsed.
Schroeder stated the County decided in 2007 or 2008 to bring the request back to the County Council when the City was ready to move forward, which is why it’s being requested again now.

Buchanan stated there’s no documentation in the Council packet about previous approval from the EDI Board and Council. He would like to see that information.

The motion to hold in Council for two weeks carried by the following vote:
Ayes: Donovan, Brenner, Mann, Sidhu, Browne, and Buchanan (6)
Nays: Weimer (1)

2. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO GRANT A UTILITY EASEMENT TO PUGET SOUND ENERGY FOR THE PURPOSE OF PROVIDING ELECTRICITY FOR ATHLETIC FIELD LIGHTING FOR THE NEW FIELDS AT THE PHILLIPS 66 SOCCER PARK (AB2016-183)

Browne reported for the Finance and Administrative Services Committee and moved to approve the request.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

3. CONFIRMATION OF COUNCIL’S MAY 17, 2016, APPROVAL OF RESOLUTION 2016-018, A 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 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 request.

Brenner stated she is concerned about mixed feelings from the South Fork Valley residents. Regarding the real estate excise tax (REET) money, it should fund more essential services. She’s not comfortable supporting the resolution.

The motion carried by the following vote:
Ayes: Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)
Nays: Brenner (1)

INTRODUCTION ITEMS

Mann moved to accept Introduction Items one through five.

The motion was seconded.
The motion carried by the following vote:

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

**Nays:** None (0)

1. **ORDINANCE AMENDING WHATCOM COUNTY CODE CHAPTER 2.06.090 TO REVISE MEDICAL EXAMINER ADVISORY COUNCIL MEMBERSHIP DESIGNATION (AB2016-188)**

2. **ORDINANCE AMENDING ORDINANCE 2011-049 (ESTABLISHMENT OF THE LUMMI NATION FERRY LEASE FUND) TO ESTABLISH A PROJECT BASED BUDGET AND APPROVE PROJECT BUDGET (AB2016-189)**

3. **ORDINANCE AUTHORIZING THE PUBLIC WORKS DIRECTOR AND THE COUNTY ENGINEER TO CLOSE OR RESTRICT USE OF COUNTY ROADS ON A TEMPORARY BASIS (AB2016-190)**

4. **ORDINANCE AMENDING WHATCOM COUNTY CODE 3.08, PURCHASING SYSTEM (AB2016-191)**

5. **RESOLUTION RELATING TO THE WHATCOM COUNTY COORDINATED WATER SYSTEM PLAN UPDATE (AB2016-192)**

**COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES**

Weimer reported for the Natural Resources Committee.

Browne reported for the Finance and Administrative Services Committee.


Councilmembers gave updates on recent activities and upcoming events.

**ADJOURN**

The meeting adjourned at 7:40 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
Public hearing on amendments to development regulations, the official zoning map, and related Comprehensive Plan amendments, proposed as part of the Comprehensive Plan periodic update.

1. Cover letter
2. Draft Planning Commission Findings

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 and urban growth area reserve boundaries, and rescinding the short term planning area zoning.

6/14/2016: Briefed and discussed

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: 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.
- 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 and urban growth area reserve boundaries, and rescinding the short term planning area zoning.

The attached Planning Commission Findings provide more detailed discussion of each proposed amendment.

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
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.
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. **Consistency.** The Growth Management Act (GMA), at RCW 36.70A.070, requires, "The comprehensive plan of a county or city...shall consist of a map or maps, and descriptive text covering objectives, principles, and standards used to develop the comprehensive plan. The plan shall be an internally consistent document and all elements shall be consistent with the future land use map." RCW 36.70A.040 requires that a "county and each city that is located within the county shall adopt a comprehensive plan and development regulations that are consistent with and implement the comprehensive plan..." The purpose of the proposed development regulation amendments is to maintain internal consistency within the WCCP, and to maintain consistency between the WCCP and the County development regulations (WCC)

6. **WCC Chapter 20.36 Rural District – Surface Mining Reclamation Plans.** WCCP Policy 8K-4, as amended in the current periodic update, requires reclamation of mineral resource lands to other compatible uses on an ongoing basis, using best management practices. Consistent with this policy, the proposed amendments add requirements for surface mining reclamation plans in WCC 20.36.159.

7. **WCC Chapter 20.43 Commercial Forestry District – Lot Coverage.** WCCP Policy 8F-9, as amended in the current periodic update, discourages inappropriate conversion of designated forest land to incompatible uses. The policy states that incompatible uses include those that permanently alter or remove a significant portion of a parcel from forest product production, and defines a significant portion as greater than 20% of the lot. The proposed amendment to WCC 20.43.450 changes the maximum percentage of a lot area that can be removed from forest product production from 25% to 20%, consistent with WCCP Policy 8F-9.

8. **WCC Chapter 20.82 Public Utilities – Sewer Lines.** To aid capital facility planning near current and proposed urban growth area boundaries, the proposed amendments clarify language to WCC 20.82.030(4) stating that 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. This provision is consistent with WAC 365-196-425(4)(b).

9. **Point Roberts Character Plan – Signs and Review of Building Permits.** In accordance with the Point Roberts Character Plan Advisory Committee’s desire to have PDS administer sign permit review instead of the Committee, the proposed amendments delete Section 11, the “sign ordinance” portion of the Character Plan. Also at the suggestion of the Committee, the amendments
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
requirements remaining in WCC Title 22, the proposed amendments would repeal it. According to its original 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. Therefore repeal of Title 22 is also an amendment to the Whatcom County Comprehensive Plan and its subset, the Urban Fringe Subarea Plan.

14. **Official County Zoning Map – Short Term Planning Areas.** The current periodic update deletes “Short Term Planning Area” zoning in urban growth areas. Short and long term planning areas were used in previous editions of the WCCP to differentiate between portions of urban growth areas that were more ready for urban development than others (based largely on availability of utilities). Long term planning areas were deleted from the WCCP in 2009. The proposed amendments update the zoning maps for all urban growth areas, noting that short term planning area zoning is rescinded.

**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.

3. The proposed amendments to the development regulations are consistent with the comprehensive plan.

**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 Code Titles 20, 21, and 22, and the Official Zoning Map.
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 Rowison, 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 37, Bennett Drive Residential Area, Urban Fringe Subarea Land Use Plan.

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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.

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Chapter 20.36
RURAL (R) DISTRICT

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20.36.150 Conditional Uses

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.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.

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Chapter 20.80
SUPPLEMENTARY REQUIREMENTS
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20.80.210 Setback Requirements (Adopted by reference in WCCP Chapter 2)
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(5) Setbacks. For the purposes of this chapter, the road classification used to determine setback requirements shall be as set forth in this section. In the event a particular road is not listed in this section, the department of public works shall determine the classification, which classification shall be based on the Whatcom County Development Standards or such other local, state or federal roadway
standards as the department of public works deems appropriate. Dead-end or loop streets providing access to 16 or fewer lots shall be classified as minor access streets.

(b) Setbacks Table.

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<tr>
<th>Gateway Industrial (GI)</th>
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<table>
<thead>
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<td></td>
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<tr>
<td>Collector Arterials or Major Collectors</td>
<td></td>
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<tr>
<td>Minor Collectors</td>
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<tr>
<td>Local Access Streets</td>
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<td>Neighborhood Collector</td>
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<tr>
<td>Minor Access Streets</td>
<td></td>
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<tr>
<td>Side Yard</td>
<td>10'</td>
</tr>
<tr>
<td>Rear Yard</td>
<td>10'</td>
</tr>
</tbody>
</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

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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.

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Chapter 21.04
SHORT SUBDIVISIONS

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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.

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Whatcom County Code Title 22

AMENDMENTS

Chapter 20.22

GUIDE-MERIDIAN-IMPROVEMENT-PLAN

(Reserved)

*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.]
CONTENTS

Introduction ........................................................................... 2
Section 1. Character Objectives ........................................ 3
Section 2. Scope ................................................................. 3
          Character Map ......................................................... 4
Section 3. Administrative Requirements
          And Regulations
          3-002. How the process works .................................. 5
          3-003. Plans and other
          information required ............................................. 5
          3-004. Plan information ........................................... 5
Section 4. Architectural Design Criteria
          4-002. Introduction ................................................ 6
          4-003. Relationship of buildings
          and site to adjoining area ..................................... 6
          4-004. Building mass ............................................ 7
          4-005. Height ....................................................... 8
          4-006. Roof design .............................................. 9
          4-007. Roof materials ......................................... 9
          4-008. Exterior finish ......................................... 10
          4-009. Materials ................................................ 10
          4-010. Windows ................................................... 10
          4-011. Doors ....................................................... 10
          4-012. Vents ......................................................... 10
          4-013. Porches and awnings ............................. 10
          4-014. Colors ....................................................... 11
          4-015. Hardware ................................................ 11
          4-016. Other features ........................................ 11
          4-017. Exterior Finish and Detail ..................... 11
          4-017. Glossary .................................................. 12
Section 5. Landscaping ...................................................... 13
Section 6. Lighting .......................................................... 15
Section 7. Parking ............................................................... 16
Section 8. Miscellaneous .................................................... 16
Section 9. Advisory Committee .......................................... 17
Section 10. Sample of Checklist ........................................... 19
Section 11. Sign Ordinance ................................................ 20
Section 12. Flag Ordinance ................................................ 30

Pt. Roberts Post Office, early 1900's
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](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 (e.g. 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.

Lighthouse Packing Co.
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 Zones, for the Community of Point Roberts as directed by Whatcom County Council, May 1994.

SECTION 11.003. PURPOSE

The purpose of this article is:

1. To 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, obstructions, or to read traffic signs, and
   b. Do not create hazards due to collapse, fire, collision, decay or abandonment.
   c. Do not 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.
   d. Information - Promote the efficient transfer of general public and commercial information through the use of signs.
   e. Public Welfare - Protect the public welfare and enhance the overall appearance, aesthetic 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 purposes of this article, certain words or terms used are defined as follows:

1. Abandoned sign: A permitted sign 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 support with message visible on any side, provided that the double message boards are physically contiguous.

4. Banners, pennants and balloons: Any animated, rotating, or fluttering, or non-stationary device made of flexible materials 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 herein.

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, erected 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 sound, has detectable 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 Whatcom County or the community of Point Roberts, the State of Washington, or the Federal Government to denote the name of any thoroughfare, city, town, village, educational institution, public building, historic place, shrine, monument, medical facility, to direct and regulate traffic, bridge, ferry or other transportation or transmission company for the direction or safety of the public. |
| 14. Existing sign: | Any sign that was erected, mounted, or displayed prior to the adoption of this article. |
| 16. Facade: | The entire building wall, including main street wall face, and parapet, fascia, windows, doors, canopy and roof on any complete elevation. |
| 17. Fixed projecting sign: | A sign other than a flat sign which extends outward for more than six (6) inches from the facade of any building and is rigidly fixed thereto. |
| 18. Flashing sign: | Any lighted or electrical sign which emits light in transient bursts. |
| 19. Flat sign: | A sign erected parallel to and extending not more than twelve (12) inches from the facade of any building to which it is attached and supported throughout its entire length by the facade of the building and not extending above the building. |
| 20. 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. |
| 21. Frontage: | The length of the property line of any one premises parcel serving as a public right-of-way line. |
| 22. Frontage wall face: | The building facade, excluding parapet, façade, solit, mansard and roof, which faces a frontage of the premises. |
| 23. Height of sign: | The vertical distance measured from ground level to the top of the sign face or sign structure, whichever is greater. |
| 24. Illuminated sign, external: | Any sign which is directly lighted by and external source. |
| 25. Illuminated sign, internal: | Any sign which transmits light through its face or any part thereof. |
| 26. Inflatable sign: | A sign that is either expanded to its full dimensions or supported by gasses contained within the sign or sign parts at a pressure greater than atmospheric pressure. |
| 27. 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 "NO EXIT." |
| 28. Moving message board: | Any electrical sign having a continuous message flash across its face by utilization of lights 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 herein and do not conform with any provisions 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 on such sign is 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 in 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 if otherwise permitted by this article within the plat 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**: Refers to definition of flag, pennant, and balloon.

38. **Permitted signs**: A sign or a sign 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 on 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 plat 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 or repair by an architect, contractor, developer, finance organization, subcontractor, or materials vendor upon which property, such individual or furnishing labor, services or materials.

43. **Public right-of-way line**: The line where the property meets the public right-of-way at a public street or public waterway, provided that this 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 of or custom, or by use of two or more common owners.

45. **Real estate sign**: A temporary sign erected by the owner or its 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 or 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 of:** 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 a visual representation which attracts the attention of the public for any purpose. Sign face includes any background material, panel, trim, color and direct or self illumination used that differentiates the sign from the building, structure, backdrop 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. **Signpost:** A sign which is hocked, nailed, posted, pasted, glued 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, or 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, attached to, or projected upon or within the exterior or interior of a building, glass area including doors, whose identification message, symbol, design, visual representation, logotype, or any other form which communicates information can be read off premises, continuously visible 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. ILLEGAL SIGNS
Any sign 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, W.A. shall be 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 signage requires structural alteration, alteration of the 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 Development Services, but which does not conform to the provisions of this article, or any sign pursuant to Section 11-002(b) is hereby deemed to be a non-conforming sign. A non-conforming 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 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 areas 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 hereinafter specifically permitted, it shall be unlawful, after the effective date of this article, or any amendment hereto, for any person to erect, place or use within the community, when visible from any public way or beach, any of the following:

1. Smoke sign.
2. Signs or displays or banners, clusters of flags, posters, pennants, except yacht club and marine-style pennants, ribbons, streamers, strings of lights, streamers, twisters or propellers, flashing, rotating or blinking lights, chasing or semblinked lights, flares, balloons, or containing elements creating sound or smell. Exception—These devices are permitted on a limited and temporary basis as seasonal decorations or for grand openings of new business.
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 a governmental or traffic direction/safety sign.
7. Signs using the words "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 signage 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 on 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 discontinued signs.
13. Any sign which exhibits statements or pictures of obscene or pornographic subject.
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 (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 11.011, 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 informational 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. SIGN ALTERATIONS EXEMPT FROM PERMIT REQUIREMENTS
A permit is not required prior to engaging in sign alterations if such alterations involve only:
1. The changing of copy on a permitted changeable copy sign.
2. The painting or refinishing of the surface of a sign face or sign structure of a permitted sign so as to keep the appearance of such sign as it existed on the date such sign received a permit tag of approval.
3. The alteration of a sign face of a permitted sign to reflect changes in land use, type of business or ownership, corporate identity, wording or color.

SECTION 11.012. SETBACK FROM RIGHT-OF-WAY
In order to provide room for future bicycle paths or sidewalks, all signs shall be required to be set back at least ten (10) feet from the street right-of-way.

SECTION 11.013. SIGN ILLUMINATION
a. Electrical requirements. Electrical requirements pertaining to signs shall be described as follows:
   1. If illuminated, signs shall be illuminated by a steady white light of reasonable intensity, shielded and directed solely at the sign.
   2. Light sources to illuminate signs shall be shielded from all adjacent residential buildings and streets and shall not be of such brightness as to cause glare hazardous to pedestrians or vehicle drivers, or so as to create a nuisance to adjacent residential districts.
   3. No sign shall be illuminated internally or with the use of neon filaments.

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 or 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. Excepting that if the commercial use herein is mixed with residential use which exceeds two hundred (200) dwelling units, the provisions of sub-paragraph 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 is hereinafter 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 sign size 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) percent.

d. Where feasible, 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 services

3. Land subdivision development or building development signs

4. Signs advertising the sale or 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-five (25) 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 fourteen (14) 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 intrices, progress points and 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.

POINT ROBERTS CHARACTER PLAN
e. 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

Real estate signs, 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 frontages shall be permitted one additional sign per frontage.

SECTION 11-019. CANOPY SIGNS

A commercial center 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 (umbrella) 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 that 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 of the total signage area at said center or mall, and the sign shall not be visible from any public way.
   3. 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.

b. 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 bulk petroleum products by pump shall be permitted one additional sign on the same premises announcing the price per gallon of no more than four (4) products. Stations 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 signs 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.

POINT ROBERTS CHARACTER PLAN
SECTION 11.023. FREE-STANDING SIGNS: LOCATION IDENTIFICATION

The location for a new free-standing sign shall be clearly identified by a white stake(s) visible above the ground line at each location at which a support pole will be imbedded in the ground.

PART E — 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:

b. 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 facade, awning or canopy, provided further, the relationship to other existing adjunct 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 it believes 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, and advisory report shall be made to Code Enforcement with 7 days.

- Any private individual(s) who believes 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 11-001. 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. Sandblasting or painting creates interest.

NAUTICAL ELEMENTS
(Ropes, hardware) supports nautical theme.

Signs can also be applied directly to buildings.
MATERIALS USED SHOULD HAVE A NATURAL APPEARANCE, e.g., WOOD, STONE, BRICK, ETC.

STYLES OF LETTERING SHOULD BE SELECTED THAT REFLECT THOSE USED IN THE EARLY 1900'S, e.g., TIMES, BOIDON, GOUZY, FUTURA, EGYPTIAN

GAS STATION SIGN WITH LANDSCAPING.

RELIEF WOODEN SIGNS HELP WITH THE HISTORICAL THEME.

BUSINESS DIRECTIONAL SIGN WITH NAUTICAL APPEARANCE CAN HELP SHOPPERS.
DELETE

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

- Minor 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.
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.
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**

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<th>Initial</th>
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**TITLE OF DOCUMENT:**
Appointment of Members to Serve on the Jail Stakeholder Workgroup

**ATTACHMENTS:**
Resolution establishing the Jail Stakeholder Workgroup

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

**COMMITTEE ACTION:**
6/21/2016: Introduced

**COUNCIL ACTION:**

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Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: [www.co.whatcom.wa.us/council](http://www.co.whatcom.wa.us/council).
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 provide a recommendation to the Council for the financial agreements required for development of a new jail, including the cost of the facility; the funding mechanism; and the allocation and funding of operating expenses between jurisdictions.

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 meetings of the workgroup will be open and accessible to the public and will be subject to the Open Public Meetings Act.

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

APPROVED this 14th day of June, 2016.

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Barry Buchanan, Council Chair

Dana Brown-Davis, Clerk of the Council

APPROVED AS TO FORM:

Civil Deputy Prosecutor
TITLE OF DOCUMENT: Appointment to the Marine Resources Committee.

ATTACHMENTS: Application for Appointment; Recommendation memorandum from staff

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.)

County Executive Jack Louws requests the confirmation of his appointment of Laura Hanna to the Whatcom County Marine Resources Committee.

COMMITTEE ACTION:  

COUNCIL ACTION:

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

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

THROUGH: Jon Hutchings, Director

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

RE: Marine Resources Committee appointment recommendation

DATE: June 13, 2016

There is currently one position open on the Marine Resources Committee (MRC) due to the recent resignation of Mr. Ken Carrasco who represented a Conservation-Environmental interest position. It was decided at a previous MRC meeting by the full committee that the Executive Subcommittee would serve as a "Nominations" committee by reviewing applications and submitting recommendations. The MRC Executive subcommittee reviewed recent applications kept on MRC files to choose an appropriate candidate to recommend for the open position.

The MRC Executive Subcommittee chose the applicant Ms. Laura Hanna to recommend for the open position. The recommendation was approved by the full committee at the June MRC meeting. Ms. Hanna has been regularly attending MRC meetings and has volunteered to help with MRC activities. Her experience working with the Washington Conservation Corps completing restoration projects on public lands to improve habitat for fish and wildlife proves her relevant knowledge and experience with environmental conservation. Ms. Hanna's keen interest in volunteer service, citizen science projects, and restoration of marine and freshwater environments will be an important asset to the committee.

If you have any questions regarding this recommendation, please contact Austin Rose at extension 6286.
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          Laura
Last Name           Hanna
Date                1/6/2016
Street Address      1600 22nd St #1
City                Bellingham
Zip                 98225
Do you have a different mailing address? Field not completed.
Primary Telephone   509-607-9772
Secondary Telephone Field not completed.
Email Address       laura0401@live.com

Step 2
1. Name of Board or Committee Marine Resource Committee
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? District 1
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:

I currently work for the Washington Conservation Corps, which is an Americorps program housed within the Department of Ecology. I work as part of a team to complete restoration projects on public lands to improve habitat for fish and wildlife. I have worked on three separate crews with the Washington Conservation Corps and each crew is funded by a variety of sponsors. I am currently working for the Skagit Fisheries Enhancement Group and the San Juan Preservation Trust. Last year, our sponsor was the City of Bellingham, and the year before that, I worked for the Nooksack Salmon Enhancement Association, the Whatcom Land Trust, and the Department of Natural Resources. I have gained many valuable experiences through my job in the Washington Conservation Corps: -Designed, constructed, installed, and monitored a smolt trap in Squalicum Creek -Conducted salmon spawner surveys in Cemetery Creek in Bellingham -Over 200 hours of beach seining experience in Bellingham Bay working with NOAA and the Skagit River Systems Cooperative -Aided in the safe capture and relocation of salmon and other native fish, over the course of three months, during the Squalicum Creek reroute and the Padden creek reroute so that construction could proceed I am quite active in the volunteer community and have been consistently for almost three years now. The majority of volunteering I do is focused on citizen science projects and restoration of marine and freshwater environments. Some of my volunteer activity: -Attended over 25 volunteer work parties with the Nooksack Salmon Enhancement Association, City of Bellingham, and Whatcom Land Trust -Helped with forage fish spawner surveys in Skagit county -Currently involved in a storm surge monitoring project for the US Geologic Survey -I am a registered oil spill response volunteer through the Department of Ecology; I have my 40 hour HAZWOPER certification plus an additional 24 hours of oil spill specific HAZWOPER training, and have attended two oil
spill response workshops - Completed 18 hours of Community Emergency Response Team training in Skagit county - Monitored shellfish harvester activity in Drayton Harbor - Conducted some water quality monitoring around Whatcom county - Volunteered at two Whatcom Water Weeks 2015 events, Meet your Underwater Neighbors and Shuckin' on the Farm - Attended 4 Whatcom MRC meetings since June 2015 - Received the Presidential Service Award, Gold Level for over 250 hours of volunteer service in 2015

9. Please describe why you’re interested in serving on this board or commission

Over the last three years, I have developed a strong passion for volunteer service. I am always looking for opportunities within my community and beyond to help study and restore important marine and freshwater resources. I currently volunteer frequently with a wide variety of agencies to complete restoration work and citizen science projects. Within the MRC, I would be able to focus my volunteer efforts and accomplish more than I could on my own. As a citizen-at-large representative, I want to take the fascination I have found with marine ecosystems and share it with those around me. In the volunteer work that I do, I rarely see people my age getting involved. Through my time with the Washington Conservation Corps, I know that there is a large population of young adults in the area that would be thrilled to get involved if there were projects to be done and if they knew how to help. I would like to continue to bridge that gap and connect my friends and family with the important issues in the environment around us. I am interested in helping the MRC carry out events and projects that both benefit our marine resources and motivate our community to care about them as much as we do.

References (please include daytime telephone number):

Lyle Skaar, City of Bellingham: (360) 739-5734 Mitchell Biggs, Skagit Fisheries Enhancement Group: (360) 460-4979

Signature of applicant: Laura Hanna

Place Signed / Submitted: Bellingham, WA
Whatcom County Council Agenda Bill No. 2016-212

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**TITLE OF DOCUMENT:** Appointment to the Whatcom County Appeals Board

**ATTACHMENTS:** Application for Appointment

**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.)

County Executive Jack Louws requests confirmation of his appointment of Gerald Veltkamp to the Whatcom County Appeals Board.

**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).
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Gerard Veltkamp Date: 6-07-14
Street Address: 317 Bogue Water Lane
City: Lynden Zip Code: 98264
Mailing Address (if different from street address):
Day Telephone: 360-815-6278 Evening Telephone: Same Cell Phone: Same
E-mail address: gerard @ homewarddesigns.com

1. Name of board or committee-please see reverse: County Appeals Board
2. You must specify which position you are applying for. Please refer to vacancy list: Alternate - Greg Hinter
3. Do you meet the residency, employment, and/or affiliation requirements of the position for which you’re applying? (If applicable, please refer to vacancy list.) ☑ yes ( ) no
4. Which Council district do you live in? One ( ) Two ( ) Three
5. Are you a US citizen? ☑ yes ( ) no
6. Are you registered to vote in Whatcom County? ☑ yes ( ) no
7. Have you ever been a member of this Board/Commission? ( ) yes ( ) no
   If yes, dates:
8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County? ( ) yes ( ) no
   If yes, please explain:

You may attach a résumé or detailed summary of experience, qualifications, & interest in response to the following questions.

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.

   www.homewarddesigns.com

10. Please describe why you’re interested in serving on this board or commission:

References (please include daytime telephone number):

Signature of applicant:

THIS IS A PUBLIC DOCUMENT: As a candidate for a public board or commission, the above information will be available to the County Council, County Executive, and the public. All board and commission members are expected to be fair, impartial, and respectful of the public, County staff, and each other. Failure to abide by these expectations may result in revocation of appointment and removal from the appointive position.
TITLE OF DOCUMENT: Appointment to the Whatcom County Agricultural Advisory Committee.

ATTACHMENTS: Application for Appointment from Anna Martin

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 Anna Martin to the Whatcom County Agricultural Advisory Committee.
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
Anna

Last Name
Martin

Date
6/13/2016

Street Address
5800 Saxon Road

City
Acme

Zip
98220

Do you have a different mailing address?
Field not completed.

Primary Telephone
360-595-9134

Secondary Telephone
Field not completed.

Email Address
ospreyhillfarm@yahoo.com

1. Name of Board or Committee
Agricultural Advisory Committee

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?
District 1

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

8. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education

I'm an owner/manager of a 15 acre diversified farm (livestock & vegetables) as well as the owner of a butchering business—both in Acme. Prior to starting our family farm, I worked for 7 years as a cheese maker at an organic dairy in Bow. In 2000, I graduated from Seattle Pacific University with a BS in Food and Nutritional Sciences and have been working in the food & farming industry since. I'm also very involved in my community: 2005-2007 served on the Bellingham Farmers Market board and chaired the Marketing & Advertising Committee; 2010-present - founded a state non-profit to protect the aquifer in the South Fork Valley and serving as president; 2011-present - board member and volunteer book keeper for Three Rivers Educational Coop; 2012 Nooksack Valley Farmers Coop treasurer; 2013-2014 Nooksack Valley Farmers Coop president; 2014-2016 Puget Sound Food Hub Farmer Advisory Committee

9. Please describe why you’re interested in serving on this board or commission

There is a growing number of farmers producing crops on smaller acreage than previously thought possible. Our needs as well as our contributions to the ag landscape are unique and I'd like to represent them on the county level.

References (please include daytime telephone number):

Tom Thornton, Cloud Mountain Farm Center 360-815-4150  
Sara Southerland, Sustainable Connections 817-657-3803

Signature of applicant:  
Anna Martin

Place Signed / Submitted  
Acme, WA
WHATCOM COUNTY COUNCIL AGENDA BILL

CLEARANCES | Initial | Date | Date Received in Council Office | Agenda Date | Assigned to:
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Originator: | MK | | | | 
Division Head: | JW | 6/15/16 | | 6/28 | Introduction
Dept. Head: | | | | 7/12/16 | Hearing
Prosecutor: | RB | 6/13/16 | | | 
Purchasing/budget: | | | | 6.21.16 | 

Executive:

TITLE OF DOCUMENT:
Amendment to WCC 24.05 On-site Sewage System Rules & Regulations.

ATTACHMENTS:
Memorandum
Ordinance
Exhibit A: WCC24.05.220 (C) amendment

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

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

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

Amendment of WCC 24.05 section 220(C) providing the Health Officer authority to suspend or revoke an operations and maintenance specialist license as a necessary regulatory component consistent with 220(A) installer and 220(B) pumper licensing of this section.

COMMITTEE ACTION:

COUNCIL ACTION:

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

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

TO: Jack Louws
   County Executive

FROM: Regina A. Delahunt
      Health Department Director

SUBJECT: Amendment to WCC 24.05.220 On-Site Sewage Regulations, Licensing

DATE: June 16, 2016

Attached is the proposed amendment to WCC 24.05.220 which would allow the Health Officer to suspend or revoke an operations and maintenance specialist license for cause. The Health Officer is provided this authority in the code for both installers and pumpers. This should also have been included for operations and maintenance specialists but was omitted due to an oversight.

The proposed language amendment will provide that authority consistent with existing code language for both licensed installers and pumpers.

If you have any questions, please call John Wolpers, Environmental Health Manager, at extension 6026.

Attachments:

   Exhibit A: WCC 24.05.220 language amendment
   Ordinance
ORDINANCE NO. ________

AMENDMENT TO WHATCOM COUNTY CODE 24.05 ON-SITE SEWAGE SYSTEM RULES & REGULATIONS

WHEREAS, WCHD licenses installers, pumpers, and operation and maintenance specialists in accordance with WCC 24.05; and,

WHEREAS, WCC 24.05.220 (A) and (B) allow for suspension or revocation of licenses for installers and pumpers under certain circumstances; and,

WHEREAS, there may be times when it will be necessary to suspend or revoke an operation and maintenance specialist license; and,

WHEREAS, language allowing the Health Officer to suspend or revoke an operation and maintenance specialist license was inadvertently omitted from WCC 24.05.220(C).

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council, acting as the Board of Health, that WCC 24.05 On-Site Sewage Regulations section .220(C) - Licensing is amended as outlined in Exhibit A.

ADOPTED this ____ day of ________, 20____.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Clerk of the Council

Barry Buchanan, Council Chair

WHATCOM COUNTY EXECUTIVE
APPROVED AS TO FORM:

WHATCOM COUNTY, WASHINGTON

Civil Deputy Prosecutor

Jack Louws, County Executive

( ) Approved       ( ) Denied

Date Signed:                                               

677
Exhibit A

24.05.220 Licensing.

A. The applicant for an installer’s license shall provide the following:

1. Application for an installer’s license shall be made on forms provided by the health officer. Application fees shall be paid at the time of application.

2. The health officer shall determine by written and/or oral examination the applicant’s knowledge of public health problems involved in the treatment and dispersal of sewage and necessary standards of design, construction and installation. If the applicant does not receive a passing mark of 70 percent in any such examination, the applicant shall be denied a license.

3. The installer’s license shall expire on December 31st. Fees are not prorated. The applicant shall apply for renewal on forms provided by the health officer.

4. Three continuing education units shall be required every three years for license renewal. The applicant shall provide proof to the health officer that continuing education courses were attended either by the license holder or a designated qualified professional employee.

5. Before the issuance of an installer’s license, the applicant shall file with the health officer satisfactory evidence demonstrating that said installer is a registered contractor as provided by Chapter 18.27 RCW and has the required surety bond. In the event the installer’s contractor registration shall lapse for any reason or the contractor’s bond shall become impaired, then licensing by the health officer of said installer shall be suspended until the installer’s registration as a contractor is reinstated and the contractor’s bond is unimpaired.

6. The health officer may suspend or revoke any installer’s license if there has been a finding of incompetency, negligence, willful misrepresentation, or failure to comply with this chapter or other applicable laws, rules and regulations. The installation of a sewage disposal system for which a permit has not been obtained shall be cause for the suspension or revocation of an installer’s license.

7. An installer whose license has been revoked shall be ineligible to reapply for recertification until 60 days have passed from the date of revocation of the certificate.

B. The applicant for a pumper’s license shall provide the following:
1. Application for a pumper’s license shall be made on forms provided by the health officer. Application fees shall be paid at the time of application.

2. The health officer shall determine by written and/or oral examination the applicant’s knowledge of public health problems arising from the handling of sewage and the safe disposal of the cleanings of sewage disposal systems. If the applicant does not receive a passing mark of 70 percent, the applicant shall be denied a license.

3. Before the issuance of a pumper’s license, the applicant shall file with the WCHD a surety bond issued by a surety insurer in a form acceptable to the health officer running to WCHD. Said bond shall be conditioned that the applicant will pay all amounts that may be adjudged against applicant by reason of negligent or improper work or breach of contract. The bond shall be conditioned that the holder of the license and his or her agents in performing work shall exercise reasonable care and skill and comply with this chapter. The surety upon the bond shall not be liable in an aggregate amount in excess of the amount named in the bond. The bond shall be kept in effect during the period of time for which the license is issued. In the event the bond is cancelled or any final judgment shall impair the liability of the surety upon the bond so furnished so that there shall not be in effect a bond undertaking in the full amount of $2,000, the health officer shall suspend the license of such pumper until the full bond liability has been restored.

4. The applicant’s equipment shall meet the requirements of WCC 24.05.200(B)(1) and (2) before a license may be issued.

5. The pumper’s license shall expire on December 31st. Fees are not prorated. Application for renewal shall be made on forms provided by the health officer.

6. The health officer may suspend or revoke any pumper’s license if there has been finding of incompetency, negligence, willful misrepresentation or failure to comply with this chapter or other applicable laws, rules and regulations.

7. A pumper whose license has been revoked shall be ineligible to reapply for a license until 60 calendar days shall have passed from the date of this license revocation.

8. Three continuing education units shall be required every three years for license renewal. The applicant shall provide proof to the health officer that continuing education courses were attended either by the license holder or a designated qualified professional employee.

C. The applicant for an operation and maintenance specialist license shall provide the following:
1. Application for an operation and maintenance specialist license shall be made on forms provided by the health officer. Application fees shall be paid at the time of application.

2. The health officer shall determine by written and/or oral examination the applicant’s knowledge of the operation and maintenance of on-site sewage systems. If the applicant does not receive a passing mark of 70 percent, the applicant shall be denied a license.

3. The operation and maintenance specialist license shall expire on December 31st. Fees are not prorated. The operation and maintenance license is not transferable. Application for renewal shall be made on forms provided by the health officer.

4. Before the issuance of an operation and maintenance specialist license, the applicant shall file with the WCHD a surety bond issued by a surety insurer in a form acceptable to the health officer running to WCHD. Said bond shall be conditioned that the applicant will pay all amounts that may be adjudged against the applicant by reason of negligent or improper work or breach of contract. The bond shall be conditioned that the holder of the license shall exercise reasonable care and skill and comply with this chapter. The surety upon the bond shall not be liable in an aggregate amount in excess of the amount named in the bond. The bond shall be kept in effect during the period of time for which the license is issued. In the event the bond is cancelled or any final judgment shall impair the liability of the surety upon the bond so furnished so that there shall not be in effect a bond undertaking in the full amount of $2,000, the health officer shall suspend the license of such operation and maintenance specialist until the full bond liability has been furnished.

5. Three continuing education units shall be required every three years for license renewal. The applicant shall provide proof to the health officer that continuing education courses were attended. (Ord. 2008-015 Exh. A; Ord. 2006-056 Exh. A).

6. The Health Officer may suspend or revoke any operation and maintenance specialist license if there has been finding of incompetency, negligence, willful misrepresentation, or failure to comply with this chapter or other applicable laws, rules and regulations.

7. An operations and maintenance specialist whose license has been revoked shall be ineligible to reapply for a license until 60 calendar days shall have passed from the date of this license revocation.
**TITLE OF DOCUMENT:** 2016 Supplemental Budget Request #11

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

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

Supplemental #11 requests funding from the Election Reserve Fund:

1. To appropriate $10,000 to fund statewide primary local voter pamphlet.
ORDINANCE NO.
AMENDMENT NO. 11 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:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Expenditures</th>
<th>Revenues</th>
<th>Net Effect</th>
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<tbody>
<tr>
<td>Election Reserve Fund</td>
<td>10,000</td>
<td>-</td>
<td>10,000</td>
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<tr>
<td>Total Supplemental</td>
<td>10,000</td>
<td>-</td>
<td>10,000</td>
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ADOPTED this ___ day of ________________, 2016.

ATTEST:

Dana Brown-Davis, Council Clerk

Barry Buchanan, Chair of the Council

APPROVED AS TO FORM:

Civil Deputy Prosecutor

( ) Approved ( ) Denied

Jack Louws, County Executive

Date: ____________________
### Summary of the 2016 Supplemental Budget Ordinance No. 11

<table>
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<tr>
<th>Department/Fund</th>
<th>Description</th>
<th>Increased (Decreased) Expenditure</th>
<th>(Increased) Decreased Revenue</th>
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<tr>
<td>Election Reserve Fund</td>
<td>To fund statewide primary local voter pamphlet.</td>
<td>10,000</td>
<td>-</td>
<td>10,000</td>
</tr>
<tr>
<td>Total Supplemental</td>
<td></td>
<td>10,000</td>
<td>-</td>
<td>10,000</td>
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MEMORANDUM

To: Jack Louws, County Executive
    Members of County Council

From: Debbie Adelstein, Whatcom County Auditor

Date: June 21, 2016

Re: Supplemental Budget Request
    Publication of Local Voters’ Pamphlet for Primary Election

I am requesting supplemental budget authority for an additional $10,000 to cover the cost of an “expanded” version of the Primary Local Voters’ Pamphlet. At your last meeting, you determined that you would like me to proceed with printing such an expanded version to include state and federal items that will be on the primary ballot.

Since 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 and federal races as well as the local races which we always cover.

This requested amount is the additional cost for printing and layout of the pamphlet since a certain amount was included in the annual budget already.

Thank you for your attention to this matter.
Supplemental Budget Request

Auditor

<table>
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<tr>
<th>Supp'l ID #</th>
<th>Fund</th>
<th>Cost Center</th>
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<tr>
<td>2161</td>
<td>109</td>
<td>10916</td>
<td>Debbie Adelstein</td>
</tr>
</tbody>
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Expenditure Type: One-Time  Year: 2016  Add'l FTE  Add'l Space  Priority: 1

Name of Request: Statewide Primary Local Voter Pamphlet

[Signature]  6/24/16

Department Head Signature (Required on Hard Copy Submission)  Date

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<th>Object</th>
<th>Object Description</th>
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<td></td>
<td>$10,000</td>
</tr>
<tr>
<td>Request Total</td>
<td></td>
<td></td>
<td>$10,000</td>
</tr>
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1a. Description of request:
Printing of a local voter pamphlet for 2016 primary election, including all state and federal races (not presidential).

1b. Primary customers:
All voters in Whatcom County. After the last statewide primary and the failure of the state to provide a hardcopy pamphlet, the Council requested a complete pamphlet be prepared by the Auditor’s Office in future elections.

2. Problem to be solved:
Lack of statewide hardcopy pamphlet leaves too many voters without a source of information and the Council prefers to supplement this in our regular county pamphlet. This request is for the additional funding needed to do the "expanded" version.

3a. Options / Advantages:
This is what the Council requested from the past experience.

3b. Cost savings:
There are no cost savings; it is an increase in expenditures to offer the statewide/federal races. The additional funding required is to supplement what was already in the budget for the primary pamphlet. The increase is only an additional $10,000.

4a. Outcomes:
Expanded voters’ pamphlet being distributed to all households in Whatcom County. The number required will be deposited in the mail.

4b. Measures:
The pamphlets are mailed.

5a. Other Departments/Agencies:
None other.

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

6. Funding Source:
Election Reserve Fund Balance
**WHATCOM COUNTY COUNCIL AGENDA BILL**

<table>
<thead>
<tr>
<th>CLEARANCES</th>
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<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
<th>Assigned to</th>
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<td>Prosecutor:</td>
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<td>Executive:</td>
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**TITLE OF DOCUMENT:**
Ordinance Repealing & Replacing WCC Chapter 1.12, Council District Boundaries

**ATTACHMENTS:**

<table>
<thead>
<tr>
<th>SEPA review required?</th>
<th>( ) Yes</th>
<th>( ) NO</th>
<th>Should Clerk schedule a hearing?</th>
<th>( ) Yes</th>
<th>( ) NO</th>
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</thead>
<tbody>
<tr>
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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.)
Ordinance Repealing & Replacing WCC Chapter 1.12, Council District Boundaries

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

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

**Please Note:** Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: [www.co.whatcom.wa.us/council](http://www.co.whatcom.wa.us/council).
ORDINANCE NO. ________

REPEALING AND REPLACING WHATCOM COUNTY CODE CHAPTER 1.12, COUNCIL DISTRICT BOUNDARIES

WHEREAS, in the November 2015 General Election the voters of Whatcom County approved an amendment to the County Charter requiring that Whatcom County be divided into five equal council districts; and

WHEREAS, per Whatcom County Charter Section 4.41, council district boundary lines are set by an appointed districting committee; and

WHEREAS, on January 26, 2016, the County Council appointed four members (two members from each major political party) to serve on the 2016 Whatcom County Districting Committee; and

WHEREAS, on February 24, 2016, the four council-appointed committee members selected a fifth member to serve as committee chair, and appointed a qualified Districting Master to draw a new districting plan for Whatcom County; and

WHEREAS, the Districting Committee held several meetings to review council district boundaries and discuss options for producing a districting plan comprised of compact districts that are geographically contiguous, contain approximately equal population (using 2010 Census data), and, to the extent feasible, consist of boundaries that coincide with existing recognized natural boundaries and preserve communities of interest; and

WHEREAS, on April 20, 2016, the Whatcom County Districting Committee adopted a five-district districting plan for Whatcom County; and

WHEREAS, the newly adopted plan became effective upon filing with the Whatcom County Auditor on April 21, 2016; and

WHEREAS, council district boundaries are defined in Whatcom County Code Chapter 1.12 and this chapter needs to be amended to include legal descriptions for the new five districts.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that Whatcom County Code Chapter 1.12, Council District Boundaries, shall be repealed in its entirety and replaced by Exhibit A to this ordinance.

ADOPTED this ____ day of ________, 2016.

ATTEST:

Dana Brown-Davis
Clerk of the Council

APPROVED AS TO FORM:

Karen Frakes
Civil Deputy Prosecutor

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Barry Buchanan
Council Chair

( ) Approved  ( ) Denied

Jack Louws
County Executive
EXHIBIT A
(ORDINANCE REPEALING AND REPLACING WCC 1.12, COUNCIL DISTRICT BOUNDARIES)

COUNCIL DISTRICT BOUNDARIES

Sections:
1.12.010 Boundary lines.

1.12.010 Boundary lines.

A. DISTRICT 1 – SOUTH BELLINGHAM

District 1 shall be defined as follows:
Beginning at the intersection of the centerline of Lakeway Drive and the 2016 city limits of Bellingham; Thence southerly and westerly along the city limits of Bellingham to the N/S center section line of Township 38 North, Range 3 East, Section 33; Thence southerly to the southern section line of Township 38 North, Range 3 East, Section 33; Thence easterly along said section line to the northeast corner of Township 37 North, Range 3 East, Section 4; Thence southerly along said section line to the southeast corner of said section; Thence westerly along the southern section line of Township 37 North, Range 3 East, Section 4 to the N/S center section line of Township 37 North, Range 3 East, Section 9; Thence southerly along said center section line to the city limits of Bellingham; Thence easterly, southerly, westerly, and northerly along the city limits of the city of Bellingham to the centerline of Roeder Ave; Thence northwesterly along the centerline of Roeder Avenue to the centerline of E Street; Thence northeasterly along the centerline of E Street and extended to the centerline of Jenkins Street; Thence southeasterly along the centerline of Jenkins Street to the centerline of B Street; Thence northeasterly along the centerline of B Street to the centerline of Cornwall Avenue; Thence northerly the centerline of Cornwall Avenue to the intersection with of Carolina Street; Thence easterly along the centerline of Carolina Street to the intersection of King Street; Thence northerly along the centerline of King Street to the centerline of Texas Street; Thence easterly along the centerline of Texas Street to the centerline of the northbound lane of Interstate 5; Thence southerly along the centerline of northbound lane of Interstate 5 to its intersection with the centerline of Fraser Street; Thence easterly along the centerline of Fraser Street to the centerline of Woburn Street; Thence northerly along the centerline of Woburn Street to center of Whatcom Creek; Thence easterly and northerly along the centerline of Whatcom Creek to the intersection with Silver Beach Street; Thence southerly and westerly along the centerline of Silver Beach Road to the centerline of Lakeway Drive; Thence easterly along the centerline of Lakeway Drive to the point of beginning.

B. DISTRICT 2 – NORTH BELLINGHAM

District 2 shall be defined as follows:
Beginning at the intersection of Guide Meridian Road and Horton Road and the 2016 city limits of Bellingham Township 38 North, Range 3 east, Section 6; Thence easterly, southerly, and westerly along the city limits Bellingham to the intersection with Lakeway Drive; Thence westerly along the centerline of Lakeway Drive to the centerline of Silver Beach Road; Thence northerly along the centerline of Silver Beach Road to the intersection with the centerline of Whatcom Creek; Thence westerly along Whatcom Creek to the intersection with Woburn Street; Thence southerly along the centerline of Woburn Street to the centerline of Woburn Street; Thence westerly along the centerline of Fraser Street to
the intersection of the centerline of the northbound lane of Interstate 5; Thence northerly along the centerline of the northbound lane of Interstate 5 to the intersection of Texas Street; Thence westerly along the centerline of Texas Street to the intersection with King Street; Thence southerly along the centerline of King Street to the centerline of Carolina Street; Thence westerly along the centerline of Carolina Street to the intersection or Cornwall Avenue; Thence southerly along the centerline of Cornwall Avenue to the intersection of B Street; Thence southwesterly along the centerline of B Street to the centerline of Jenkins Street; Thence northwesterly along the centerline of Jenkins Street to the centerline of E Street; Thence southwesterly along the centerline of E Street extended to the centerline of Roeder Ave; Thence southeasterly along the centerline of Roeder Avenue to Whatcom Creek; Thence southwesterly to the shoreline of Bellingham Bay; Thence northwesterly along the shoreline of Bellingham Bay to a point 1,600 feet west of the C.F Roberts Donation Land Claim; Thence northerly along said line to the centerline of BNRR line; Thence northwesterly along said centerline to a point 660’ east of the centerline of Wynn Road; Thence northerly 620’; Thence easterly 2,000 feet; Thence southerly 1,525 feet; Thence southeasterly, parallel and 260 feet northeasterly to Marine Drive to the centerline of Alderwood Avenue; Thence northerly and easterly along the centerline of Alderwood Avenue to the centerline of Hollywood Avenue; Thence northerly along the centerline of Hollywood Avenue to the centerline of McLeod Road; Thence easterly along the centerline of McLeod Road to the city limits of Bellingham; Thence northerly, easterly, and northerly along the city limits of Bellingham to the centerline of Bakerview Road; Thence easterly along the centerline of Bakerview Road to the intersection with Guide Meridian; Thence northerly along the centerline of Guide Meridian to the point of beginning.

C. DISTRICT 3 – FOOTHILLS

District 3 shall be defined as follows:
Beginning at the intersection of the eastern 2016 city limits of Sumas with the Forty-Ninth parallel, Township 41 North, Range 4 East, Section 35; Thence easterly, southerly, westerly and northerly along the boundary of Whatcom County to the southern city limits of the city of Bellingham, approximately the center of Township 37 North, Range 2 East, Section 13; Thence easterly and northerly along the city limits of Bellingham to the intersection with the centerline of Samish Way; Thence northwesterly long the centerline of Samish Way to the intersection with the N/S center section line of Township 37 North, Range 3 East, Section 9; Thence northerly along said N/S center section line to the north section line of Township 37 North, Range 3 East, Section 9; Thence easterly along said section line to the southwest section corner of Township 37 North, Range 3 East, Section 3; Thence northerly along said section line to the southeast section corner of Township 38 North, Range 3 East, Section 33; Thence westerly along the southern section line of Township 38 North, Range 3 East, Section 33 2,780 feet; Thence northerly to the city limits of Bellingham; Thence easterly and northerly and westerly along the city limits of Bellingham to the centerline of Guide Meridian and the western section line of Township 38 North, Range 3 East, Section 6; Thence northerly along the centerline of Guide Meridian to the centerline of East Wiser Lake Road and the northwest corner of Township 39 North, Range 3 East, Section 6; Thence easterly along the northern section lines of Township 39 north, Range 3 East, Sections 6, 5, 4, 3, 2, and 1 to the intersection with the city limits of Everson; Thence southerly, easterly, and northerly along the city limits of the cities of Everson and Nooksack to the intersection with the northern section line of Township 40 North, Range 4 East, Section 29; Thence easterly along said N/S section line to the center section line of township 40 North, Range 4 East, Section 21; Thence northerly along said N/S center section lines of Township 40 North, Range 4 East, Sections 21 and 16 to the northern section line of Township 40
North, Range 4 East, Section 16 and the centerline of East Badger Road; Thence easterly along the centerline of East Badger Road to the southwest corner section of Township 40 North, Range 4 east, Section 10;

Thence northerly along west section line of Township 40 North, Range 4 East, Sections 10 and 3 to the intersection with the southern 2016 city limits of Sumas; Thence easterly and northerly along the city limits of Sumas to the point of beginning.

D. DISTRICT 4 – FARMLANDS

District 4 shall be defined as follows:
Beginning at the intersection of the eastern 2016 city limits of Sumas with the Forty-Ninth parallel, Township 41 North, Range 4 East, Section 35; Thence southerly, easterly, and westerly along the city limits of Sumas to the centerline of Garrison Road; Thence southerly along the centerline of Garrison Road to the centerline of SR546 E. Badger Rd.; Thence westerly along the centerline of E. Badger Rd. to the northeast corner of the northwest quarter of Township 40 North, Range 4 East, Section 16; Thence south along this quarter section line and the quarter section line of Township 40 North, Range 4 East, Section 21 to the centerline of Sorenson Rd.; Thence west along Sorenson Rd. extended to the city limits of Nooksack; Thence southerly and westerly along the city limits of Nooksack to the city limits of Everson; Thence westerly, southerly, and northerly along the city limits of Everson to the southern section line of Township 40 North, Range 3 East, Section 36; Thence west along the southern section line of Township 40 North, Range 3 East, Sections 36, Section 35, Section 34, Section 33, Section 32, and Section 31 to the centerline of SR 539 Guide Meridian; Thence southerly along the centerline of Guide Meridian to the centerline of W. Bakerview Rd.; Thence westerly along the centerline of W. Bakerview Road to the intersection with the city limits of Bellingham; Thence southerly and westerly along the city limits of Bellingham to intersection with McLeod Road; Thence westerly along the centerline of McLeod Road to Hollywood Avenue; Thence south along Hollywood Avenue to Alderwood Road; Thence westerly along the centerline of Alderwood Road to point 260 feet northeast of the centerline of Marine Drive; Thence northwesterly parallel to Marine Drive to the center section line of Township 38 North, Range 2 East, Section 15; Thence northerly along said center section line 1,525 feet; Thence westerly 2,000 feet; Thence north to the northern section line of Township 38 North, Range 2 East, Section 15; Thence west along said section line to the centerline of Wynn Road and the eastern section line of Township 38 North, Range 2 East, Section 9; Thence north along the eastern section line of Section 9 and Section 4 of Township 38 North, Range 2 East to the intersection with the city limits of Ferndale; Thence easterly, northerly, and westerly along the city limits of Ferndale to the centerline of Enterprise Road, also the N/S centerline of Township 38 North, Range 2 East, Section 8; Thence northerly along the centerline of Enterprise Rd. to the centerline of Harksell Road; Thence westerly along the centerline of Harksell Road to the centerline of Delta Line Road and the southwest corner of Township 40 North, Range 2 East, Section 31; Thence northerly along the western section lines of Section 31, Section 30, and Section 19, Township 40 North Range 2 East, to the southwest corner of Township 40 North, Range 21 East, Section 18 and the centerline of Loomis Trail Road; Thence westerly along the centerline of Loomis Trail Road to the centerline of White Road; Thence northwesterly along the centerline of White Road to the to the northwest corner of the southeast quarter of Township 40 North, Range 1 East, Section 16; Thence easterly along said quarter section line to the northeast of the southwest quarter of Township 40 North, Range 1 East, Section 15; Thence northerly along said quarter section to the northwest corner of the southwest quarter of the northeast quarter of Township 40 North, Range 1 East, Section 10; Thence easterly along said quarter quarter line to the west section line of Township 40 North,
Range 1 East, Section 11; Thence northerly along said section line and Valley View Road to the 2016 city limits of Blaine; Thence easterly and northerly along the city limits of Blaine to the Forty-Ninth parallel; Thence east along the Forty-Ninth parallel to the point of beginning.

E. **DISTRICT 5 - COASTAL**

District 5 shall be defined as followed:
Commencing at the intersection of the Forty-Ninth parallel with the eastern city limits of Blaine, Township 41 North, Range 1 East, Section 35; Thence southerly along the city limits of Blaine to the centerline of H Street Road; Thence westerly along the centerline of H Street Road to the centerline of Valley View Road; Thence southerly along the centerline of Valley View Road, extended to the southeast corner of the northeast quarter of the northeast quarter, Township 40 North, Range 1 East, Section 10; Thence west to the southwest corner of the northwest quarter of the northeast quarter, Township 40 North, Range 1 East, Section 10; Thence south to the southeast corner of the northwest quarter, Township 40 North, Range 1 East, Section 15; Thence westerly to the centerline of White Road; Thence southeasterly along the centerline of White Road to the centerline of Loomis Trail; Thence easterly along the centerline of Loomis Trail Road to the centerline of Delta Line Road; Thence southerly along the centerline of Delta Line Road, to the intersection with Harksell Road; Thence easterly along the centerline of Harksell Road to the intersection with Enterprise Road; Thence southerly along the centerline of Enterprise Road to the Ferndale city limits; Thence easterly and southerly along the Ferndale city limits to where it intersects with the eastern section line of Township 38 North, Range 2 East, Section 4; Thence southerly along said section line to the southeast section corner of Township 38 North, Range 2 East, Section 9; Thence easterly 660 feet along the northern section line of Township 38 North, Range 2 East, Section 15; Thence southerly to the intersection with the Burlington Northern Railroad Line; Thence southeasterly along the center line of said rail line to a point 1,600 feet west of the east line of the C.E. Roberts Donation Land Claim; Thence south to the ordinary high water mark of Bellingham Bay; Thence westerly and northerly along the coastline to the Forty Ninth parallel; Thence east along the Forty-Ninth parallel to the point of beginning. Includes Point Roberts; Lummi Island; Eliza Island; and Portage Island.
### WHATCOM COUNTY COUNCIL AGENDA BILL

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**TITLE OF DOCUMENT:**
Ordinance amending WCC 2.22.040, Commission on Salaries for Elected Officials

**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.)

Ordinance amending WCC 2.22.040, Whatcom County Commission on Salaries for Elected Officials (Membership - Term of Office)

**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)
ORDINANCE NO. ______

AMENDING WHATCOM COUNTY CODE SECTION 2.22.040, WHATCOM COUNTY COMMISSION ON SALARIES FOR ELECTED OFFICIALS
(MEMBERSHIP – TERM OF OFFICE)

WHEREAS, the voters of Whatcom County approved a proposed amendment to the Whatcom County Charter at the November 2011 General Election to create an independent citizens’ commission to set salaries for the county executive, assessor, auditor, prosecuting attorney, sheriff, treasurer, and county council members; and

WHEREAS, this newly formed commission was established under Whatcom County Code Chapter 2.22 as the Whatcom County Commission on Salaries for Elected Officials (Salary Commission); and

WHEREAS, Whatcom County Code Section 2.22.040 outlines membership criteria for Salary Commission members and currently requires that six members be chosen by lot and of those six, two shall be selected from each of three county council district; and

WHEREAS, it is necessary to amend Whatcom County Code Section 2.22.040 in response to passage of a voter-approved amendment to the Whatcom County Charter that increased the number of council districts from three to five.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that Whatcom County Code Section 2.22.040 is hereby amended as outlined in "Exhibit A" to this ordinance.

ADOPTED this ____ day of ____________________, 2016.

ATTEST:

Dana Brown-Davis, Clerk of the Council

APPROVED AS TO FORM:

Civil Deputy Prosecutor

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Barry Buchanan, Council Chair

( ) Approved ( ) Denied

Jack Louws, County Executive

Date: ____________________________
EXHIBIT A
(ORDINANCE AMENDING WCC 2.22.040, COMMISSION ON SALARIES - MEMBERSHIP)

2.22.040 Membership – Term of office.
(1) The commission shall consist of ten members. Six members shall be selected by lot and appointed and confirmed as provided in subsection (2) of this section. The remaining four members shall be appointed and confirmed as provided in subsection (3) of this section. The members of the commission may not include any officer, official, or employee of the county or any of their immediate family members. For the purposes of this section, "immediate family member" means parent, spouse, domestic partner, sibling, child, or dependent relative of an officer, official, or employee of the county, whether or not living in the same household.

(2) Six of the ten commission members shall be selected by lot by the county auditor from among those registered voters eligible to vote at the time persons are selected for appointment to full terms on the commission. Of these six commission members, two shall be selected from each county council district established under Whatcom County Code 1.12. The county auditor shall establish policies and procedures for conducting the selection by lot. The policies and procedures shall include, but not be limited to, those for notifying persons selected and for providing a new selection if a person declines appointment or if, following the person's appointment, the person's position on the commission becomes vacant before the end of the person's term of office. The county auditor shall forward the names of persons selected under this subsection to the county executive who shall appoint those persons to the commission. Appointments made by the county executive shall be confirmed by the county council.

(3) Four of the ten commission members shall be selected and appointed by the county executive and confirmed by the county council. The members under this subsection shall be residents of the county and shall all have experience in personnel management. Of these four members, one member shall be selected from each of the following fields of expertise: business, professional personnel management, legal profession, and organized labor. The county council may confirm or reject appointments made under this subsection. If the council rejects an appointment the county executive shall promptly appoint another person meeting the requirements of this subsection.

(4) The members of the commission shall serve two-year terms, with their terms ending on December 31, 2014. Thereafter, all members shall serve for two years. No person may be appointed to more than two terms. Members of the commission may be removed by the county executive, with the approval of the county council, only for cause of incapacity, incompetence, neglect of duty, malfeasance in office, or for a disqualifying change of eligibility. Upon a vacancy in any position on the commission, a successor shall be appointed and confirmed to fill the unexpired term. The appointment and confirmation shall be concluded within thirty days of the date the position becomes vacant and shall be conducted in the same manner as the original appointment.
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**TITLE OF DOCUMENT:**
Ordinance amending WCC 2.118.060, Wildlife Advisory Committee, Term of Office

**ATTACHMENTS:**

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<th>SEPA review required?</th>
<th>( ) Yes ( ) NO</th>
<th>Should Clerk schedule a hearing?</th>
<th>( ) Yes ( ) NO</th>
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<td>SEPA review completed?</td>
<td>( ) Yes ( ) NO</td>
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**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:** (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)
Ordinance amending WCC 2.118.060, Wildlife Advisory Committee, Term of Office

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

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ORDINANCE NO. 1

AMENDING WHATCOM COUNTY CODE SECTION 2.118.060, WILDLIFE ADVISORY COMMITTEE, TERM OF OFFICE

WHEREAS, On July 7, 2015, the Whatcom County Council adopted Ordinance 2015-031, establishing the Wildlife Advisory Committee; and

WHEREAS, the Wildlife Advisory Committee has spent much of the last year reviewing and discussing Chapter 11 of the Comprehensive Plan (Environment) and Article 7 of the Critical Areas Ordinance (Habitat Conservation Areas); and

WHEREAS, due to the amount of time spent reviewing the Comprehensive Plan and Critical Areas Ordinance, the Committee has been unable to complete its work on updating the Existing Condition Report, as requested in Ordinance 2015-031; and

WHEREAS, the Wildlife Advisory Committee has submitted a request for a one-year extension to its term of office in order to complete work on the Existing Condition Report and present findings and recommendations to the County Council and Whatcom County Planning and Development Services staff.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that Whatcom County Code Section 2.118.060, Wildlife Advisory Committee, Term of Office, is hereby amended as follows:

2.118.060 Term of Office.
The committee shall serve until July 31, 2016

ADOPTED this _____ day of __________, 2015.

ATTEST:

Dana Brown-Davis, Clerk of the Council

BARING BUCKSHAN, Council Chair

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON

APPROVED AS TO FORM:

Civil Deputy Prosecutor

Jack Louws, County Executive

( ) Approved ( ) Denied

Date Signed: ___________________
WHATCOM COUNTY

Wildlife Advisory Committee (WAC)

Members
Vikki Jackson, chair
Barry Wenger, vice-chair
Chris Kazimer
John McLaughlin
Fenner Yarborough
Joel Ingram
Wendy Harris
Paul Woodcock
Guy Ochiogrosso
Frank Bob

Memorandum

TO: Honorable Councilmembers
FROM: Vikki Jackson, Wildlife Advisory Committee Chair
DATE: June 17, 2016
SUBJECT: Continuation of the Wildlife Advisory Committee

Dear Honorable Councilmembers ~

The Whatcom County Wildlife Advisory Committee (WAC) was created by Ordinance 2015-031 on July 7, 2015. The function of this committee is to “provide recommendations on integrating wildlife management and protection issues relative to fulfilling goal nine (9) of the Washington State Growth Management Act (GMA): to retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities. The full committee shall provide a recommendation on the need for an ongoing wildlife advisory committee.”

WAC members, in cooperation with long range planning staff, have spent a significant amount of time discussing the Chapter 11 of the Comprehensive Plan and Article 7 of the Critical Areas Ordinance. Comments on Chapter 11 have been submitted to Council and comments on Article 7 are forthcoming. Due to the significant amount of time discussing and making recommendations on these documents, the WAC technical committee will be unable to complete the Existing Ecosystem Report, as requested in Ord 2015-031, by the time the committee is scheduled to sunset.

Members of the WAC would like to respectfully request a one year extension of the committee term of office to complete the Existing Ecosystem Report and present its findings and recommendations to Council and Whatcom County Planning and Development Services staff.

Our proposed timeline for continuation of these work products is outlined below.

- July through December, 2016 ~ Continue development of the Existing Ecosystem Report
- January 2017 ~ Complete draft Existing Ecosystem Report and present to County staff and to Council for initial review and comment period.
• January through July 2017 ~ Review and refine Existing Ecosystem Report based on feedback
• July 2017 ~ Submit final Existing Ecosystem Report, make recommendations regarding wildlife planning and management considerations in Whatcom County, and make a recommendation regarding continuation or termination of the Wildlife Advisory Committee.

Thank you for your time and consideration. Please allow the Wildlife Advisory Committee additional time to complete the valuable Existing Ecosystem Report. This report will support planning efforts in Whatcom County and will improve our ability to plan for a stable and healthy ecosystem.

Sincerely,

Vikki Jackson
Chair, Wildlife Advisory Committee