Ordinance Amending WCC 3.08. Purchasing System

MEMO, Ordinance, Code Revision

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
TO: Members of the Whatcom County Council
THROUGH: Jack Louws, County Executive
FROM: Tyler Schroeder, Deputy Executive and Jon Hutchings, Public Works Director
RE: Purchasing Policy Amendment
Date: July 7, 2016

Requested Action:
Consider and approve proposed amendments to WCC 3.08 Purchasing System that establishes administrative procedures for advertising and approving public contracts.

Background and Purpose:
Whatcom County Council and Executive share responsibility under WCC 3.08 for transparent, predictable, and efficient procurement of goods and services necessary to execute authorized County work. Certain provisions in the existing Purchasing Policy expose the County to contract claims and escalating procurement costs. This amendment is intended to preserve appropriate Council oversight of expenditures, incorporate 2015 changes to State purchasing laws, improve competitive access to public contracting opportunities, streamline project delivery, and reduce financial risk associated with contract administration. The amended ordinance:

- Improves advertising of requests for proposals, requests for qualifications, and invitations to bid
- Adjusts thresholds for soliciting price quotations and bids for professional services to $10,000 and $50,000, respectively, pursuant to State law
- Requires Council authorization for professional services contracts and other non-capital contracts of greater than $50,000
- Authorizes Executive approval for contracts and contract amendments identified in a Council-approved Capital Budget Authorization Ordinance, and for certain supplies.

As part of the Administration’s effort to provide a more transparent and program-oriented budget approval process, the 2017-2018 budget documents will contain a separate capital program showing specific capital expenditures for the budget cycle. This coincides with online access to all contracts and quarterly project expenditure updates.

Financial Implications:
These amendments reduce the likelihood of cost escalation associated with project delivery delays resulting from untimely change order approvals and associated contractor claims.

Please contact Tyler Schroeder at extension 5207 or Jon Hutchings at extension 6205 for questions or concerns regarding this amendment.

Enc.: Proposed amendment to existing WCC Chapter 3.08
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. Ensure the Promote a competitive procurement process/environment by actively soliciting subscribers to the county’s web-based purchasing notification system.
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 to $10,000 but not exceeding $25,000 to $50,000 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.

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 to $50,000, 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 a competitive process and 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 to $50,000 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. All invitations for bids, requests for proposals, and requests for qualifications will be posted on the county’s website. Project announcements and bid solicitations or proposals that written specifications are on file and available for public inspection shall be published in the official county newspaper, and when in the county’s best interest, other regional publications. Additionally, the county will offer complementary bid packets to multiple northwest and national plan centers. 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. Instructions on how to obtain additional information, including the complete bid packet.

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 materials, location of the source, and proximity to the delivery point.

M. Contracts that require county council approval per RCW 36.08.120 or exceed $25,000 may be administratively amended to a cumulative amount not to exceed $20,000 or 15% of contract amount, whichever is greater; larger amounts require council approval. No administrative contract amendment may exceed authorized expenditure authority. (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).

E. Forgo the advertisement of a contract awarded through use of the small works roster. (Ord. 2013-029
3.08.100 Council approval required.

Contracts for professional services exceeding $25,000, and or bid awards 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 is 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.

C. Contract or bid award for supplies or rental equipment approved in a capital budget appropriation ordinance.

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

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

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

3.08.110 Unregistered or unlicensed contractors prohibited.

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

3.08.120 Joint purchasing.

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

3.08.130 Amendments to chapter.

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

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

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

## Executive Contract Authority

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

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1 Source: County Charter/Code
## WHATCOM COUNTY COUNCIL AGENDA BILL

**Title:** 2016 Supplemental Budget Request #12

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

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

<table>
<thead>
<tr>
<th>Should Clerk schedule a hearing?</th>
<th>( ) Yes</th>
<th>( X ) NO</th>
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</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.

### Supplemental #12 requests funding from the General Fund:

1. To appropriate $15,646 in the Sheriff’s Office to fund ballistic helmets from grant proceeds.
2. To appropriate $4,185 in the Sheriff’s Office to fund SWAT equipment from vendor refund.
3. To appropriate $42,793 in the Sheriff’s Office to fund the reinstatement of one patrol deputy.
4. To appropriate $123,508 in Non Departmental to fund Opportunity Council public services grant project.

### From the Real Estate Excise Tax I Fund:

5. To appropriate $3,871 in AS – Facilities to fund completion of the Sun House renovation project.

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**Committee Action:**

7/12/2016: Introduced 7-0
ORDINANCE NO.
AMENDMENT NO. 12 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>General Fund</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sheriff's Office</td>
<td>62,624</td>
<td>(19,831)</td>
<td>42,793</td>
</tr>
<tr>
<td>Non Departmental</td>
<td>123,508</td>
<td>(123,508)</td>
<td>-</td>
</tr>
<tr>
<td>Total General Fund</td>
<td>186,132</td>
<td>(143,339)</td>
<td>42,793</td>
</tr>
<tr>
<td>Real Estate Excise Tax I Fund</td>
<td>3,871</td>
<td>-</td>
<td>3,871</td>
</tr>
<tr>
<td>Total Supplemental</td>
<td>190,003</td>
<td>(143,339)</td>
<td>46,664</td>
</tr>
</tbody>
</table>

In addition, the Authorized Position listing in the 2015-2016 Budget Ordinance should be
amended to provide for the following FTE change:
- Add 1 FTE Deputy in the Sheriff's Office.

ADOPTED this ___ day of _________________, 2016.

ATTEST:

Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Barry Buchanan, Chair of the Council

APPROVED AS TO FORM:

Daniel L. Gibson, Civil Deputy Prosecutor

( ) Approved      ( ) Denied

Jack Louws, County Executive

Date: ________________

I:\BUDGET\SUPPLS\2016_Suppl\Supplemental #12-2016.docx
## Summary of the 2016 Supplemental Budget Ordinance No. 12

<table>
<thead>
<tr>
<th>Department/Fund</th>
<th>Description</th>
<th>Increased (Decreased) Expenditure</th>
<th>Decreased Revenue</th>
<th>Net Effect to Fund Balance (Increase) Decrease</th>
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</thead>
<tbody>
<tr>
<td>General Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sheriff's Office</td>
<td>To fund ballistic helmets from grant proceeds.</td>
<td>15,646</td>
<td>(15,646)</td>
<td>-</td>
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<tr>
<td>Sheriff's Office</td>
<td>To fund SWAT equipment from vendor refund.</td>
<td>4,185</td>
<td>(4,185)</td>
<td>-</td>
</tr>
<tr>
<td>Sheriff's Office</td>
<td>To fund reinstatement of patrol deputy.</td>
<td>42,793</td>
<td>-</td>
<td>42,793</td>
</tr>
<tr>
<td>Non Departmental</td>
<td>To fund Opportunity Council public services grant project.</td>
<td>123,508</td>
<td>(123,508)</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total General Fund</strong></td>
<td></td>
<td>186,132</td>
<td>(143,339)</td>
<td>42,793</td>
</tr>
<tr>
<td>Real Estate Excise Tax I Fund</td>
<td>To fund completion of Sun House renovation project.</td>
<td>3,871</td>
<td>-</td>
<td>3,871</td>
</tr>
<tr>
<td><strong>Total Supplemental</strong></td>
<td></td>
<td>190,003</td>
<td>(143,339)</td>
<td>46,664</td>
</tr>
</tbody>
</table>
Memorandum

TO: Jack Louws, County Executive
FROM: Sheriff Bill Elfo
DATE: June 27, 2016
SUBJECT: Supplemental Budget ID #2160
        City of Bellingham 2016 Justice Assistance Grant – Ballistic Helmets

The attached Supplemental Budget requests budget authority to use Edward Byrne Memorial Justice Assistance Grant (JAG) funds from the City of Bellingham Edward Byrne Memorial Justice Assistance Grant (JAG) FY2016 to purchase replacement ballistic helmets for SWAT.

Background and Purpose
The continued trend of violent attacks on innocent citizens at schools and public venues around the country reaffirms that law enforcement personnel must be prepared and equipped to deal with armed suspects in order to effectively mitigate threats to the public. It is essential that all Whatcom County Sheriff’s Office uniformed personnel have sufficient ballistic protective equipment to protect them from gunfire. Sheriff’s Office SWAT uses specialized helmets that not only provide ballistic protection, but are modified to accommodate hearing protection and communications headgear. The new helmets provide that enhanced capability.

The City of Bellingham has agreed to provide the County $15,646 from the Edward Byrne Memorial JAG FY2016 award to purchase ballistic helmets.

Funding Amount and Source
Funding of $15,646 will be provided by the City of Bellingham. Funds originate from the U.S. Department of Justice Edward Byrne Memorial Justice Assistance Grant (JAG) Program FY2016, CFDA No. 16.738.

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

Thank you.
Supplemental Budget Request

Sheriff Operations

Status: Pending

Supp # 2180 Fund 1 Cost Center 1003515006 Originator: Dawn Pierce

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

Name of Request: SO Grant COB 2016 JAG - Ballistic Helmets

X

Department Head Signature (Required on Hard Copy Submission) Date

<table>
<thead>
<tr>
<th>Costs:</th>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
</tr>
</thead>
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<tr>
<td>4333.1673</td>
<td>Byrne JAG Grant</td>
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<tr>
<td>6320.001</td>
<td>Office &amp; Op Supplies</td>
<td>$15,646</td>
<td></td>
</tr>
<tr>
<td>Request Total</td>
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<td>$0</td>
<td></td>
</tr>
</tbody>
</table>

1a. Description of request:
The Sheriff’s Office will utilize grant funds to purchase and replace ballistic helmets that have exceeded the standard operational life. The helmets are NIJ certified and meet the current .06 Level IIIA standards of protection.

The continued trend of violent attacks on innocent citizens at schools and public venues around the country reaffirms that law enforcement personnel must be prepared and equipped to deal with armed suspects in order to effectively mitigate threats to the public. It is essential that all Whatcom County Sheriff’s Office uniformed personnel have sufficient ballistic protective equipment to protect them from gunfire.

The Sheriff’s Office is required to provide ballistic protective equipment to uniformed personnel who are subject to occupational hazards that include gunfire/ballistic threats and currently issues ballistic resistant vests and helmets to all deputy sheriffs. The SWAT helmets need to be replaced with specialized helmets that accommodate and integrate with hearing protection/communications gear which is necessary to carrying out their duties during critical missions.

The Sheriff’s Office will utilize allocated funds to upgrade current ballistic helmets with specialized helmets for SWAT team members. The current SWAT helmets could be repurposed and issued to other members of the Sheriff’s Office.

1b. Primary customers:
Whatcom County Sheriff’s Office SWAT team members

2. Problem to be solved:
The Sheriff’s Office requires budget authority to use grant funds to purchase ballistic protective equipment.

3a. Options / Advantages:
The Sheriff’s Office will use grant funds rather than local funds to purchase ballistic helmets.

3b. Cost savings:
Cost savings of $15,646.

4a. Outcomes:
SWAT members will receive specialized helmets designed for their assignment and operational needs.

4b. Measures:

5a. Other Departments/Agencies:

Monday, June 27, 2016

14
Supplemental Budget Request

Status: Pending

<table>
<thead>
<tr>
<th>Sheriff</th>
<th>Operations</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Supp ID # 2190**  
Funding 1  
Cost Center 1003515006  
Originator: Dawn Pierce

The City of Bellingham will administer the grant and provide $15,646 to Whatcom County Sheriff's Office to purchase ballistic helmets.

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

6. **Funding Source:**  
$15,646 from City of Bellingham. Funds originate from U.S. Department of Justice Edward Byrne Memorial Justice Assistance Grant (JAG) Program Fiscal Year (FY) 2016, CFDA No. 16.738.
Memorandum

TO: Jack Louws, County Executive
FROM: Sheriff Bill Elfo
DATE: June 27, 2016
SUBJECT: Supplemental Budget ID #2163
         SWAT Equipment and Supplies - 2016

The attached supplemental budget requests budget authority to use refunds from EO Tech to purchase new equipment and supplies for SWAT.

Background and Purpose
The Sheriff’s Office received and deposited refunds from EO Tech totaling $4,185. Rifle sights purchased in prior years were refunded due to a settlement for defective products. The refunds were deposited as revenue (prior year refund of expenditures) and the Sheriff’s Office requires expenditure authority to use these refunds to purchase new equipment and supplies for SWAT.

Funding Amount and Source
$4,185 refunded from EO Tech.

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

Thank you.
Supplemental Budget Request

Sheriff

Supp ID # 2163

Fund 1

Cost Center 2922

Originator: Dawn Pierce

Expenditure Type: One-Time

Year 2 2016

Add'l FTE □

Add'l Space □

Priority 1

Status: Pending

Name of Request: SWAT Equipment and Supplies - 2016

Costs:

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<th>Object Description</th>
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<tr>
<td>4369.9092</td>
<td>Prior Yr Refund of Expe</td>
<td>($4,185)</td>
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<td>6320</td>
<td>Office &amp; Op Supplies</td>
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<tr>
<td>6510</td>
<td>Tools &amp; Equip</td>
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<tr>
<td>Request Total</td>
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</table>

1a. Description of request:
The Sheriff's Office will use refunds from EO Tech to purchase new equipment and supplies needed for SWAT.

1b. Primary customers:
Sheriff's Office

2. Problem to be solved:
The Sheriff's Office received and deposited refunds from EOTech totaling $4,185. Rifle sights purchased in prior years were refunded due to a settlement for defective products. The Sheriff's Office requires budget authority to use these refunds to purchase new equipment and supplies.

3a. Options / Advantages:

3b. Cost savings:

4a. Outcomes:

4b. Measures:

5a. Other Departments/Agencies:

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

6. Funding Source:
EO Tech refunds totaling $4,185 deposited as revenue (prior year refund of expenditures) on Treasurer's Receipt No. 302317 dated 06/14/16.
Memorandum

TO: Jack Louws, County Executive

FROM: Sheriff Bill Elfo

DATE: June 27, 2016

SUBJECT: Supplemental Budget ID #2164
Reinstate Patrol Deputy - 2016

The attached supplemental budget requests budget authority to reinstate Sheriff’s Office Patrol Deputy.

Background and Purpose
The Sheriff’s Office has been operating under reduced staffing levels (three Deputy Sheriff positions) for 2015-2016. Two Deputy positions were reinstated in 2015 and the third has been recently authorized for second half of 2016.

Funding Amount and Source
General Fund.

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

Thank you.
Supplemental Budget Request

Status: Pending

Sheriff

Operations

<table>
<thead>
<tr>
<th>Supp'l ID #</th>
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<td></td>
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<td>2920</td>
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Expenditure Type: One-Time

Year 2 2016

Add'l FTE □ Add'l Space □ Priority 1

Name of Request: Reinstate Patrol Deputy 2016

X

Department Head Signature (Required on Hard Copy Submission)

6/28/16

Date

Costs:

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<td>Worker's Comp-Interfund</td>
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<td>Tools &amp; Equip</td>
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<td>6969</td>
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1a. Description of request:
Reinstatement of Sheriff's Office Patrol Deputy with target hire date of September 1, 2016. Tools & Equipment needed for new hire: $3800 Mobile Data Terminal (MDT), $3685 Portable Radio, $890 Ballistic Vest, $300 Ballistic Helmet, and $945 for new hire gear provided in accordance with W.C. Deputy Sheriff's Collective Bargaining Agreement including two handcuff cases, a magazine pouch, two sets of handcuffs, one aerosol restraint case, four gun belt keepers, a duty weapon, and a holster.

1b. Primary customers:
Citizens of Whatcom County

2. Problem to be solved:
The Sheriff's Office has been under reduced staffing (three Deputy Sheriff positions) for the 2015-2016 Budget. Two Deputy positions were reinstated in 2015 and the third has been authorized for 2016 (this request).

3a. Options / Advantages:
N/A

3b. Cost savings:

4a. Outcomes:
The Sheriff's Office will be fully staffed with all previously authorized positions for full commissioned personnel of 86 upon hire.

4b. Measures:

5a. Other Departments/Agencies:
Brings Sheriff's Office Full Commissioned allotment back to full strength (previous level).

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

Tuesday, June 28, 2016

Rpt: Rpt Suppl Regular
## Supplemental Budget Request

**Status:** Pending

<table>
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### 6. Funding Source:

General Fund
MEMORANDUM

To: Whatcom County Council Members
From: Jack Louws
Subject: Budget Supplemental, Opportunity Council Grant
Date: June 24, 2016

The attached supplemental request for $123,508 is for the purposes of establishing budget authority in order to pass-through an available grant from the Washington State Department of Commerce to the Opportunity Council. This grant was applied for and authorized by the County Council in March, and has been granted for the delivery of direct services by the Opportunity Council as the local community action agency.

This grant is a HUD formula grant, issued annually, and passed through Dept. of Commerce for Community Development Block Grant Programs, for which Opportunity Council qualifies for this financial assistance. Whatcom County has been designated by the Dept. of Commerce as the grantee for the purpose of contracting with the Opportunity Council as a subrecipient for this grant award of $123,508.

This funding is intended to support new or increased levels of service to low- and moderate-income level homeowners and residents in Whatcom, Island and San Juan Counties for a one year period.

Whatcom County has executed a contract with the State Department of Commerce for this funding. Council’s authorization for this supplemental request will result in the execution of a Subrecipient Agreement with the Opportunity Council to implement the designated services noted herein.
Supplemental Budget Request

Executive

<table>
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<tr>
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<td>1</td>
<td>4280</td>
<td>Suzanne Midner</td>
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Expenditure Type: One-Time  Year: 2016  Add'l FTE □  Add'l Space □  Priority: 1

Name of Request: OppCo Public Services CDBG Grant 2016-17

X  
6/24/16  
Department Head Signature (Required on Hard Copy Submission)  Date

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</table>

1a. Description of request:
This request is for grant revenue from the Washington State Department of Commerce, for pass through to the Opportunity Council as subrecipient. This is an annual formula grant called CDBG Public Services, for delivery of direct housing services to low- and moderate-income residents in Whatcom, Island and San Juan Counties.

1b. Primary customers:
Low- and moderate-income residents of Whatcom, Island and San Juan Counties

2. Problem to be solved:
The public services provided include community outreach, resource referral, client housing education, energy conservation education and other housing services.

3a. Options / Advantages:
N/A

3b. Cost savings:
N/A

4a. Outcomes:
Accomplish HUD’s objective of increasing the availability and accessibility of housing public services. This is an annual formula grant and the contract period is July 1, 2016 to June 30, 2017.

4b. Measures:
Opportunity Council will submit ongoing reports regarding service delivery and numbers of persons served. A final report will be issued at grant closeout.

5a. Other Departments/Agencies:
Opportunity Council is our local action agency, and 3 community resource centers in San Juan County.

5b. Name the person in charge of implementation and what they are responsible for:
Sheri Emerson, Associate Director of Opportunity Council, is responsible for overseeing the programming services which benefit from this grant.

6. Funding Source:
Federal grant from HUD through the State Department of Commerce’s CDBG Program

Friday, June 24, 2016
1a. Description of request:

AS-Facilities has managed the Sun House Renovation Project on behalf of Sun Community Services. The County owns the building. Renovations and repairs include replacing the boiler and water heater, rebuilding the front porch and repairing rot, replacing a panic door and doorframe, replacing cabinetry and flooring in the kitchen, replacing windows, gutters and downspouts, adding a drain, installing bathtub doors, replacing carpeting in all bedrooms and on the main floor, recaulking siding and trim, tuck pointing the brick chimney, painting siding and trim. In addition to $133,796 of REET funding already authorized in the 2015-2016 budget, this project is funded by two external donations. The two external donations are from the Bellingham Rotary ($105,794) and the Chuckanut Health Foundation ($13,400). Sun House is located at 515 Chestnut Street, Bellingham WA.

This request is needed to demolish the existing garage and to build a new garage to be used for client storage. The old garage/storage was built over the property line and the foundation slab has upheaved to the point that it is neither safe nor useable. The cost for the demo and to build a new garage/storage building will be $50,500. The current funding available is $33,884 so an additional $16,616 is needed. Due to a calculation error in Supplemental 2016-2 (approved December 2015), there is $12,745 more budget authority available than there is funding (for a total of $46,629 available budget). Therefore this request is for $3,871 ($16,616 - $12,745) to bring the total available funding and budget authority to the $50,500 needed to construct the new garage/storage facility. The total cost of the Sun House renovation will be $269,606.

1b. Primary customers:
Transitional housing for the chronically homeless mentally ill with local incarceration history.

2. Problem to be solved:
The Sun House is a 100 year old building that has gone through a critical remodel to prolong its life and survivability and reduce the demands on the Jail. This additional funding will allow us to complete the project in whole and give this program a clean fresh start.

3a. Options / Advantages:
To attempt to remodel the garage/storage building would be more costly, than demolishing it and starting fresh. Also, the existing building is over the property line and the setback does not conform to code.

3b. Cost savings:
The building as it stands now is unsafe and does not meet the need of the program. The construction of a new garage/storage building will meet the needs of the program and proved a safe area for their storage.

4a. Outcomes:
We hope to see another 100 years of use from this program and the building.
When the project is complete.

---

Tuesday, June 28, 2016
4b. Measures:
When the project is complete.

The completion of this project will provide the needed space for transitional housing for the chronically homeless mentally ill with local incarceration history. This garage/storage is an important and much needed storage area for the program.

5a. Other Departments/Agencies:
This program is handled by our Whatcom County Health Department and the construction will be handled by Facilities Management.

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

6. Funding Source:
REET 1
**WHATCOM COUNTY COUNCIL AGENDA BILL**

<table>
<thead>
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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>Executive:</td>
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**TITLE OF DOCUMENT:**
Ord amending WCC Title 2, to reflect an increase in number of Council Districts

**ATTACHMENTS:**

<table>
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<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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<td>SEPA review completed?</td>
<td>( ) Yes</td>
<td>( ) NO</td>
<td>Requested Date:</td>
<td></td>
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</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.)

Ordinance amending Whatcom County Code Title 2, Administration and Personnel, to reflect an increase in the number of County Council Districts

**COMMITTEE ACTION:**
7/12/2016: Discussed and amended

**COUNCIL ACTION:**
7/12/2016: Substitute Introduced 7-0

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

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

AMENDING WHATCOM COUNTY CODE TITLE 2, ADMINISTRATION AND PERSONNEL, TO ADD LANGUAGE RELATED TO AN INCREASE IN THE NUMBER OF WHATCOM COUNTY COUNCIL DISTRICTS

WHEREAS, at the November 2015 General Election the voters of Whatcom County approved an amendment to the Whatcom County Charter to increase the number of county council districts from three to five; and

WHEREAS, in April 2016 a new five-district districting plan for Whatcom County was adopted by the 2016 Whatcom County Districting Committee; and

WHEREAS, the new districting plan divides Whatcom County into five council districts of approximately equal size; and

WHEREAS, Whatcom County Code Title 2, Administration and Personnel, contains district residency requirement language for the county council and select Whatcom County boards and commissions that must be amended to reflect the new five-district districting plan adopted for Whatcom County.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that Whatcom County Code Title 2, Administration and Personnel, is hereby amended as outlined in "Exhibit A" to this ordinance.

BE IT FINALLY ORDAINED that these amendments will not disqualify a current board or commission member from holding office during the remainder of the term for which that member was appointed.

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
(AMEND WCC TITLE 2 RELATED TO DISTRICT REQUIREMENT)

CHAPTER 2.02
COUNTY COUNCIL

2.02.005 Council – Composition.
The council shall consist of seven members, two one councilmembers from each of the three-five
council districts and one two councilmembers at-large.

CHAPTER 2.21
BOARD OF EQUALIZATION
2.21.010 Established
The Whatcom County board of equalization is established to consist of three primary members and
two alternates, none of whom shall be members of the Whatcom County legislative authority.

2.21.020 Residency of members.
No more than one member of the board of equalization shall reside in each council district. (Ord. 95-
044).

2.21.030 Residency of alternates.
Alternate members to the board of equalization shall be appointed on an at-large basis. (Ord. 95-
044).

Board members shall be appointed by the county council on an at-large basis as vacancies occur,
provided that no two members shall reside in the same council district. Member terms shall be three
years pursuant to RCW 84.48.026

2.21.040 Compensation for meeting attendance.
As authorized by RCW 84.48.010, members of the board of equalization are to shall receive $75.00
per day for each day of actual attendance at a meeting of the board. (Ord. 95-044).

CHAPTER 2.29
PARKS AND RECREATION DEPARTMENT

2.29.050 Parks and recreation commission.
B. The parks and recreation commission shall consist of seven members, two one members-appointed
from each county council district and one two members appointed at-large. All terms of office shall be
for four years. All appointments for the purpose of filling vacancies shall be for the remaining portion
of the unexpired term. No member shall serve more than two consecutive full terms.

CHAPTER 2.31
PLANNING COMMISSION

2.31.030 Membership.
There shall be nine members of the planning commission, three of whom shall be appointed from each
county council district. The planning commission shall consist of nine members appointed by the
county council, one member from each council district and the other four representing:
1. The development community,
2. The environmental community,
3. Transportation,

Members shall be citizens not serving in elective county offices. Appointment shall be in compliance
with Chapter 2.03 of the Whatcom County Code.
**WHATCOM COUNTY COUNCIL AGENDA BILL**

**TITLE OF DOCUMENT:** Setting a hearing to declare property surplus

**ATTACHMENTS:** Resolutions & list of property to be declared surplus

**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 list of equipment has been determined to be surplus and available for disposal by public auction. The Council may find by resolution, following a public hearing that it is in the public interest to declare the property surplus and make said property available to sell by public auction.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

---

<table>
<thead>
<tr>
<th>Related County Contract #:</th>
<th>Related File Numbers:</th>
<th>Ordinance or Resolution Number:</th>
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</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.
RESOLUTION NO. _________

A RESOLUTION IN THE MATTER OF
THE SALE OF SURPLUS PROPERTY
AND THE SETTING OF A DATE FOR PUBLIC HEARING THEREON
PURSUANT TO WCC 1.10

WHEREAS, the following described property listed in Exhibit "A", hereby incorporated by reference, is now and has been the property of Whatcom County; and

WHEREAS, the County Purchasing Agent has determined that it is in the best interest of the County to sell such property;

NOW, THEREFORE, BE IT RESOLVED by the Whatcom County Council that a public hearing on the matter of the sale of such property be held on ______________, 2016 or as soon thereafter as is possible, in the Whatcom County Council Chambers at 311 Grand Avenue, Bellingham, Washington, for the purpose of admitting testimony for and against the propriety of selling such equipment; and

BE IT FURTHER RESOLVED that the Clerk of the County Council is directed to give notice of such hearing in the manner prescribed by law.

APPROVED this __________ day of __________, 2016

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

________________________
Barry Buchanan, Council Chair

ATTEST:

________________________
Dana Brown-Davis, Council Clerk

APPROVED AS TO FORM:

________________________
Civil Deputy Prosecuting Attorney
## PUBLIC WORKS – EQUIPMENT SERVICES

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## PUBLIC WORKS – EQUIPMENT SERVICES

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### DESCRIPTION

Miscellaneous broken and unusable tools, parts, and supplies
- Spray equipment from vehicle #356 (Obsolete)
- PTO generator (Obsolete)
- 3 hydraulic tanks with pumps from old trash compactors (Obsolete)

Used & unsalvageable bridge decks

Miscellaneous inventory items (culvert, timbers, etc.)

Miscellaneous mower items

---

### GENERAL FUND – SURPLUS EQUIPMENT

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<th>MAKE</th>
<th>MODEL / DESCRIPTION</th>
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<th>PROPERTY TAG #</th>
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### DESCRIPTION

Miscellaneous worn or broken office equipment & furniture

Miscellaneous worn or broken computer components
 назначенным на 7.18.16.

**TITLE OF DOCUMENT:**

GIS and Data Management Assistance – Fee Roll Contract

**ATTACHMENTS:**

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

**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.)

Contract with FLO Analytics to provide GIS and data management assistance with the 2016 and 2017 Birch Bay Watershed and Aquatic Resources Management District (BBWARM) Annual Fee Roll.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

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

TO: The Honorable Jack Louws, Whatcom County Executive, and Honorable Flood Control Zone District Board of Supervisors

THROUGH: Jon Hutchings, Public Works Director

FROM: Robert Nye, Special Programs Manager
       Kirk N. Christensen, P.E., Stormwater Supervisor

DATE: July 12, 2016

RE: Contract for Services with FLO Analytics for GIS/Data Management Assistance with BBWARM Fee Roll Billing System

Enclosed for your review and signature are two (2) originals of a contract for services between FLO Analytics and Whatcom County for Geographic Information System (GIS) and data management assistance with the 2016 and 2017 Birch Bay Watershed and Aquatic Resources Management (BBWARM) District Annual Fee Roll.

▪ Background and Purpose

Whatcom County Public Works-Stormwater uses a highly-customized billing system to generate the annual fee roll for the BBWARM District, a sub-flood zone of the Flood Control Zone District. This system was developed by Whatcom County staff with assistance from an IT consultant over the past seven years and uses a combination of GIS and Access databases.

This project will streamline the fee roll process, improve accuracy and upgrade database functionality and expandability. Through a competitive selection process (RFQ 16-01), FLO Analytics was selected to assist with these process enhancements, as well as generate the 2016 and 2017 BBWARM fee rolls and associated reports.

▪ Funding Amount and Source

Contract total of $49,950 will be funded by existing authority in the BBWARM District budget (cost center 169250, work order 17275).

Please contact Holly Faulstich at extension 6290 if you have any questions regarding this agreement.

Enclosures
### WHATCOM COUNTY CONTRACT INFORMATION SHEET

**Public Works**

**Program/Project:** BBWARM (Stormwater)

**Contractor's/Agency Name:** FLO Analytics

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<td>Is this the result of a RFP or Bid process?</td>
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**Contract**

**Contract Amount:** $49,950.00

**This Amendment Amount:**

**Total Amended Amount:**

**Summary of Scope:**
FLO Analytics will provide GIS and data management assistance to generate the 2016 Birch Bay Watershed and Aquatic Resources Management (BBWARM) District Annual Fee Roll and its associated report, and to implement the Phase 1 recommendations to enhance the fee roll maintenance and production process.

**Term of Contract:**

<table>
<thead>
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<th>Table Completion Code</th>
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<tr>
<td>1. Prepared by</td>
<td>H. Faulstich</td>
</tr>
<tr>
<td>2. Attorney signoff</td>
<td>Daniel L. Gibson</td>
</tr>
<tr>
<td>3. AS Finance reviewed</td>
<td>bbennett</td>
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<td>4. IT reviewed (if IT related):</td>
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<td>5. Contractor signed:</td>
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<tr>
<td>6. Submitted to Exec.:</td>
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<td>7. Council approved (if necessary):</td>
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<td>8. Executive signed:</td>
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<td>9. Original to Council:</td>
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CONTRACT FOR SERVICES
GIS/DATA MANAGEMENT ASSISTANCE WITH BBWARM STORMWATER FEE ROLL BILLING SYSTEM

FLO Analytics, hereinafter called Contractor, and Whatcom County Flood Control Zone District, hereinafter referred to as County, agree and contract as set forth in this Agreement, including:

General Conditions, pp. 3 to 8 ,
Exhibit A (Scope of Work), pp. 9 to 15 ,
Exhibit B (Compensation), pp. 16 to 17 ,
Exhibit C (Certificate of Insurance).

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

The term of this Agreement shall commence on the 27th day of July, 2016, and shall, unless terminated or renewed as elsewhere provided in the Agreement, terminate on the 31st day of December, 2017.

The general purpose or objective of this Agreement is to assist Whatcom County with GIS and data management assistance with the BBWARM Stormwater Fee Roll Billing System, as more fully and definitively described in Exhibit A hereeto. The language of Exhibit A controls in case of any conflict between it and that provided here.

The maximum consideration for the initial term of this agreement or for any renewal term shall not exceed ***FORTY-NINE THOUSAND, NINE HUNDRED FIFTY AND NO/100 DOLLARS*** $49,950.00***). The Contract Number, set forth above, shall be included on all billings or correspondence in connection therewith.

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

IN WITNESS WHEREOF, the parties have executed this Agreement this 13th day of July, 2016.

CONTRACTOR:
FLO Analytics

Justin L. Clary, Puget Sound Operations Director

STATE OF WASHINGTON
County of Whatcom

On this 13th day of July, 2016, before me personally appeared Justin L. Clary to me known to be the Puget Sound Operations Director of FLO Analytics and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

Stephanie Lynne Draper

NOTARY PUBLIC in and for the State of Washington, residing at Blaine, WA. My commission expires 8/13/2017.

Contract for Services
GIS/Data Management Assistance with BBWARM Stormwater Fee Roll Billing System
WHATCOM COUNTY:

Recommended for Approval:

Jon Hutchings Date 7/14/16
Public Works Director

Approved as to form:

Daniel L. Gibson Date 07/14/16
Chief Civil Deputy Prosecutor

Approved:
Accepted for Whatcom County Flood Control Zone District:

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

STATE OF WASHINGTON                     )
COUNTY OF WHATCOM                         ) ss

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

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

CONTRACTOR INFORMATION:

FLO Analytics
Justin L. Clary, Puget Sound Operations Director

Address:
1329 North State Street, Suite 301
Bellingham, WA 98225

Contact Phone: (360) 594-6260

Contact Email: jclary@maulfoster.com

Contract for Services
GIS/Data Management Assistance with BBWARM Stormwater Fee Roll Billing System
GENERAL CONDITIONS

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

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

Series 10-19: Provisions Related to Term and Termination

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

10.2 Extension: Not Applicable

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

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

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

Series 20-29: Provisions Related to Consideration and Payments

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

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

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

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

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

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

*Series 30-39: Provisions Related to Administration of Agreement*

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

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

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

30.2 Assignment and Subcontracting:

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

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

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

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

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

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

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

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

2) Professional Liability - $1,000,000 per occurrence.

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

34.3 **Defense & Indemnity Agreement:**

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

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

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

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

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

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

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

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

37.1 Administration of Contract:
This Agreement shall be subject to all laws, rules, and regulations of the United States of America, the State of Washington, and political subdivisions of the State of Washington. The Contractor also agrees to comply with applicable federal, state, county or municipal standards for licensing, certification and operation of facilities and programs, and accreditation and licensing of individuals.
The County hereby appoints, and the Contractor hereby accepts, the Whatcom County Executive, and his or her designee, as the County’s representative, hereinafter referred to as the Administrative Officer, for the purposes of administering the provisions of this Agreement, including the County’s right to receive and act on all reports and documents, and any auditing performed by the County related to this Agreement. The Administrative Officer for purposes of this agreement is:

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

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

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

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

38.3 E-Verify: Not Applicable

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

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

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

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

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

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

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

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

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

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

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

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

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

July 12, 2016
Project No. PP0744.03.03

Holly Faustich
Whatcom County Public Works—Stormwater
322 N Commercial Street, Suite 301
Bellingham, Washington 98225

Re: GIS Data Management and Assistance — Fee Roll

Dear Ms. Faustich,

At your request, FLO Analytics (FLO) has prepared this scope of work and project budget to implement the Phase 1 recommendations to enhance the Whatcom County Public Works— Stormwater (the County) Birch Bay Watershed and Aquatic Resources, Management (BBWARM) District Annual Stormwater Fee Roll system, and to generate the 2016 and 2017 Fee Rolls and associated reports.

The proposed work will focus on the implementation of both data management and processing upgrades previously identified as Phase 1 work, including geodatabase migration, data consolidation, evaluating and combining processing steps, incorporating quality control checks, and updating the Customer Service database. The Phase 1 recommendations are designed to improve the data management and processing required in order to optimize the generation of the Fee Roll. A list of the Phase 1 tasks and descriptions is attached to this document. In addition, FLO will generate the 2016 and 2017 BBWARM Fee Roll, with technical support available following this to address any feedback or issues that may arise.

SCOPE OF WORK

Task 1—Kickoff Meeting
This task involves an on-site meeting with County staff to formally kick off the project. In addition to a discussion of the scope of work and project timeline, a primary goal of the meeting will be to confirm project goals, deadlines, communications channels and the identification and transfer of appropriate data and materials relevant to updating the Fee Roll.

In general, the objectives for the kickoff meeting are:

- Refining, as necessary, the mutually agreed-upon goals and expectations for the project.
- Confirming transfer of last year’s final Fee Roll, along with discussing, as necessary, the details of the files transferred.

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• Setting an initial goal for scheduling of the staff training (Task 6).

Task Deliverables:
• Kickoff Meeting (1 hour)

Task 2—Phase 1 Data and Repository Updates
This task involves updating and reorganizing the existing data structures. During this stage, the current personal geodatabases will be converted to file geodatabases, and datasets will be combined as appropriate. Other data, such as supporting spreadsheets, will be consolidated as needed. The Customer Service database will be consolidated, and the forms modified to improve data research capabilities. Change documentation will be generated and compiled as part of Task 7. Throughout the process, close coordination with County staff will be maintained.

Task Deliverables:
• Updated file geodatabases and schema
• Updated Excel® spreadsheets
• Updated Customer Service database and forms

Task 3—Phase 1 Process Updates & Dry Run
This task involves the evaluation and combining of datasets for processing tasks, the development and documentation of updated processes as necessary, evaluating the triggers for fee changes, and developing and documenting guidance for property categorization. Datasets will also be evaluated for concurrent or combined processing opportunities and these will be implemented into the processing as appropriate. In addition, processes will be modified to incorporate quality assurance and quality control checks, such as determining which parcels are new and which have been dropped from the previous year. Appropriate documentation to describe changes, updated processing and quality control steps, tools and scripts, will be generated as needed and compiled as part of Task 7. A dry run will be conducted to test the updated processes and data structures. A sampling of fees will be made and compared with the 2015 Fee Roll to ensure that accuracy is comparable.

Task Deliverables:
• Updated processes and tools
• Dry Run of Fee Roll completed
Task 4—Generate the 2016 Fee Roll and On-Call Technical Support

This task involves updating and processing the 2016 Fee Roll, using updated data sources and processes. Updated input data will be generated and incorporated at this point. The Fee Roll will be generated, along with a report documenting the basis for rate changes and a processing log. The Customer Service database export process will be updated to match the changes made in Tasks 2 and 3, and an updated dataset will be imported to reflect the 2016 Fee Roll. Updated Fee Roll documentation and a processing log will also be created. Throughout the process, close coordination with County staff will be maintained.

As requested by the County, FLO will provide on-call technical assistance and GIS services to meet ongoing needs related to the 2016 Fee Roll.

Task Deliverables:
- Updated 2016 Fee Roll
- Customer Service database update
- Assessor Export
- Annual Fee Roll Report documenting the basis for any rate changes
- Technical Support

Task 5—Generate the 2017 Fee Roll and On-Call Technical Support

This task involves processing the 2017 Fee Roll, using updated data sources and processes. Updated input data will be generated and incorporated at this point. The Fee Roll will be generated, along with a report documenting the basis for rate changes and a processing log. The Customer Service database will be updated with the final Fee Roll export. The process developed for running the Fee Roll for 2016 is expected to be used without modification for the 2017 Fee Roll. Throughout the process, close coordination with County staff will be maintained.

As requested by the County, FLO will provide on-call technical assistance and GIS services to meet ongoing needs related to the 2017 Fee Roll.

Task Deliverables:
- Updated 2017 Fee Roll
- Customer Service database update
- Assessor Export
• Annual Fee Roll Report documenting the basis for any rate changes
• Technical support

Task 6—Staff Training
This task involves developing staff training materials and providing up to 2 hours of on-site staff training on fee roll data management and processes.

Task Deliverables:
• Training documentation
• On-site training

Task 7—Final Documentation
Documentation is an important deliverable from this project. This task involves compiling and organizing documentation generated from the various tasks and related to the project. This will include descriptions of what was changed from the previous Fee Roll processes, data organization, along with higher level summaries as required. This task also includes an on-site meeting with County staff (to be conducted in conjunction with Task 6) to deliver the documentation, databases and other materials as required.

Task Deliverables:
• Detailed Data and Repository Technical Documentation
• Detailed Process Technical Documentation
• Summary process and Fee Roll documentation
• On site meeting conducted in conjunction with Task 6

BUDGET
The estimated cost to perform the proposed work is $49,950 (see attached estimated budget). This cost estimate does not represent a lump sum. FLO Analytics bills for time and materials, consistent with the attached schedule of charges. Charges for work that is not part of the proposed scope of work are not included in the budget estimate. FLO Analytics may apply money from one task to another to complete the scope of work.
The estimated cost and proposed scope of work are based on information available to FLO Analytics at this time. If conditions change, unforeseen circumstances are encountered, or work efforts are redirected, the cost estimate may require modification.

**SCHEDULE**
FLO Analytics will begin work upon receiving authorization to proceed. This proposal is valid for 60 days.

**SCHEDULE OF DELIVERABLES**
The table below represents an approximate schedule of deliverables for this project.

<table>
<thead>
<tr>
<th>Deliverable</th>
<th>Approximate Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kickoff meeting</td>
<td>August 1 2016</td>
</tr>
<tr>
<td>Updated Customer Service Database</td>
<td>August 22 2016</td>
</tr>
<tr>
<td>Draft Filegeodatabases</td>
<td>August 26 2016</td>
</tr>
<tr>
<td>Dry Run Results</td>
<td>September 2 2016</td>
</tr>
<tr>
<td>2016 Fee Roll</td>
<td>October 12 2016</td>
</tr>
<tr>
<td>2016 Assessor Export</td>
<td>October 15 2016</td>
</tr>
<tr>
<td>2016 Fee Roll Report</td>
<td>October 15 2016</td>
</tr>
<tr>
<td>Training</td>
<td>November 8 2016</td>
</tr>
<tr>
<td>Final Documentation</td>
<td>November 18 2016</td>
</tr>
<tr>
<td>2017 Fee Roll</td>
<td>October 13 2017</td>
</tr>
<tr>
<td>2017 Customer Service DB Update</td>
<td>October 20 2017</td>
</tr>
<tr>
<td>2017 Assessor Export</td>
<td>October 20 2017</td>
</tr>
<tr>
<td>2017 Fee Roll Report</td>
<td>October 20 2017</td>
</tr>
</tbody>
</table>
After you have reviewed this submittal, please feel free to call us to discuss the proposal in further detail. Please indicate your approval of the proposal by signing below and returning to us (electronic or hard copy). Please also retain a copy for your records.

Sincerely,

FLO Analytics

[Signature]

Grant Herbert
Senior GIS Analyst

Tyler Vick
Principal

Attachments: Estimated Budget
Phase 1 Task List
Schedule of Charges
### Phase 1 Task List

<table>
<thead>
<tr>
<th>Task Name</th>
<th>Task Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Customer Database</td>
<td>Consolidate the data tables and simplify the lookup forms hosted in the MS Access customer service database.</td>
</tr>
<tr>
<td>Consolidation</td>
<td>Move data storage from personal geodatabases to file geodatabases.</td>
</tr>
<tr>
<td>Geodatabase</td>
<td></td>
</tr>
<tr>
<td>Migration</td>
<td>Combine the currently separate databases to minimize the number of databases in the process. Datasets can be imported directly. This will enable querying improvements to be made.</td>
</tr>
<tr>
<td>Unify Databases</td>
<td></td>
</tr>
<tr>
<td>Consolidate Rate Adjustment Tables</td>
<td>Consolidate the rate adjustment tables in the geodatabase into one table, with the rate as an attribute.</td>
</tr>
<tr>
<td>Consolidate Spreadsheets</td>
<td>Consolidate the MS Excel spreadsheets and create archive PDFs. Rates and variables should be extracted and linked within the sheets to simplify future updating</td>
</tr>
<tr>
<td>Check Triggers</td>
<td>Check that current triggers as documented are being used. Specify where triggers are not used for all processes, eg commercial vs residential.</td>
</tr>
<tr>
<td>Evaluate Process Combine</td>
<td>Evaluate datasets which could be combined for processing.</td>
</tr>
<tr>
<td>Residential Other guidance</td>
<td></td>
</tr>
<tr>
<td>Consolidate Simple Condominium</td>
<td>Simple condominiums (1 parcel and multiple owners) could be consolidated for processing. The density and ESU can be calculated</td>
</tr>
<tr>
<td>Processing</td>
<td></td>
</tr>
<tr>
<td>Document Legal Description Parsing</td>
<td>Document the fractional parsing process.</td>
</tr>
<tr>
<td>Development Other Documentation</td>
<td>Document the definition of development simple properties.</td>
</tr>
<tr>
<td>Improve Commercial Guidance</td>
<td></td>
</tr>
<tr>
<td>Customer Service Export</td>
<td>Update the customer service database.</td>
</tr>
<tr>
<td>Migrate Parcel Checks</td>
<td></td>
</tr>
<tr>
<td>Technical Documentation</td>
<td>Update the existing documentation.</td>
</tr>
</tbody>
</table>
## Estimated Budget

<table>
<thead>
<tr>
<th>Task</th>
<th>FLO Analytics, Inc</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Hours</td>
<td>Labor</td>
</tr>
<tr>
<td>1 Project Kick Off</td>
<td>10</td>
<td>$1,450</td>
</tr>
<tr>
<td>2 Phase 1 Data and Repository Updates</td>
<td>48.5</td>
<td>$5,060</td>
</tr>
<tr>
<td>3 Phase 1 Process Updates &amp; Dry Run</td>
<td>120</td>
<td>$12,645</td>
</tr>
<tr>
<td>4 2016 Fee Roll and On Call Support*</td>
<td>136</td>
<td>$14,050</td>
</tr>
<tr>
<td>5 2017 Fee Roll and On Call Support*</td>
<td>136</td>
<td>$14,050</td>
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<tr>
<td>6 Training</td>
<td>15</td>
<td>$1,635</td>
</tr>
<tr>
<td>7 Final Documentation</td>
<td>10</td>
<td>$1,060</td>
</tr>
</tbody>
</table>

*On-call support: $1590/year

**Total Estimated Cost:** $49,950

### Budget Narrative

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

PERSONNEL CHARGES

Principal ................................................................. $140–180/hour
Senior ................................................................. $120–150/hour
Project ................................................................. $100–120/hour
Staff ................................................................. $85–105/hour
Technical Writer/Editor ........................................... $70–85/hour
Administrative Assistant ........................................... $70–85/hour

Depositions and expert witness testimony, including preparation time, will be charged at 150 percent of the above rates.

Travel time will be charged in accordance with the above rates.

OUTSIDE SERVICES

Charges for outside services, equipment, and facilities not furnished directly by FLO Analytics will be billed at cost plus 10 percent. Such charges may include, but shall not be limited to the following:

- Printing and photographic reproduction
- Rented vehicles
- Transportation on public carriers
- Special fees, permits, insurance, etc.
- Rented equipment
- Shipping charges
- Meals and lodging
- Consumable materials

SUBCONTRACTORS

Charges for subcontractors will be billed at cost plus 10 percent.
DIRECT CHARGES

Vehicle per mile .................................................. $0.54

RATE CHANGES

Schedule of Charges and Standard Equipment Rates are subject to change without notice.

BILLING AND PAYMENT

Invoices will be submitted monthly and shall be due and payable upon receipt. Interest at the rate of one and one-half percent (1.5%) per month, but not exceeding the maximum rate allowable by law, shall be payable on any amounts that are due but unpaid within (60) days from receipt of invoice, payment to be applied first to accrued late payment charges and then to the principal unpaid amount.
**EXHIBIT "C"**
(INSURANCE)

**CERTIFICATE OF LIABILITY INSURANCE**

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

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

**PRODUCER**
Durham and Bates Agencies, Inc.  
720 SW Washington St. Ste260  
Portland, OR 97209

**CONTACT**
Kristi Calvin  
PHONE: (503) 241-9219  
EMAIL: kristic@dabates.com

**INSURED**
FLO Analytics  
2001 NW 15th Avenue, Suite 200  
Portland, OR 97210

**CERTIFICATE NUMBER:**

**REVISION NUMBER:**

**COVERAGE**

<table>
<thead>
<tr>
<th>INSURER</th>
<th>TYPE OF INSURANCE</th>
<th>ADD. SUB.</th>
<th>ADD. SUB.</th>
<th>POLICY NUMBER</th>
<th>POLICY EFF.</th>
<th>POLICY EXPIRATION</th>
<th>LIMITS</th>
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</thead>
<tbody>
<tr>
<td>A</td>
<td>COMMERCIAL GENERAL LIABILITY</td>
<td>CLAIMS-MADE</td>
<td>X OCCUR</td>
<td>PGIARK06149-00</td>
<td>04/25/2016</td>
<td>04/25/2017</td>
<td>$1,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>DENTAL AGGREGATE LIM ABS APPLIES PER</td>
<td>POLICY</td>
<td>X</td>
<td>LOC</td>
<td></td>
<td></td>
</tr>
<tr>
<td>B</td>
<td>AUTOMOBILE LIABILITY</td>
<td>ANY AUTO</td>
<td>X OCCUR</td>
<td>52UEC72223</td>
<td>04/25/2016</td>
<td>04/25/2017</td>
<td>$1,000,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td>ALL OWNED AUTOS</td>
<td>SCHEDULED AUTOS</td>
<td>X</td>
<td>OCCURED</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>HIRED AUTOS</td>
<td>X</td>
<td>OCCURED</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C</td>
<td>UMBRELLA LIABILITY</td>
<td>OCCUR</td>
<td>CLAIMS-MADE</td>
<td>52WECRR1259</td>
<td>10/01/2015</td>
<td>10/01/2016</td>
<td>$1,000,000</td>
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<tr>
<td></td>
<td>EXCESS LIABILITY</td>
<td>DED RETENTION</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</td>
<td>Y/N</td>
<td>N/A</td>
<td>52WECRR1259</td>
<td>10/01/2015</td>
<td>10/01/2016</td>
<td>$1,000,000</td>
</tr>
<tr>
<td></td>
<td>ANY PROPRIETOR, PARTNER, EXECUTIVE OFFICER, MEMBER EXCLUDED</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES**

Whatcom County - See attached form(s) containing provisions for: General Liability Additional Insured, Primary and Non-Contributory.

**CERTIFICATE HOLDER**
Whatcom County Public Works - Stormwater  
Civic Center Annex  
322 N. Commercial Street, Suite 301  
Bellingham, WA 98225

**CANCELLATION**

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

**AUTHORIZED REPRESENTATIVE**

© 1988-2014 ACORD CORPORATION. All rights reserved.

ACORD 25 (2014/01) The ACORD name and logo are registered marks of ACORD
THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – OWNERS, LESSEES OR CONTRACTORS – SCHEDULED PERSON OR ORGANIZATION

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

<table>
<thead>
<tr>
<th>Name of Person or Organization:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blanket as required by written contract.</td>
</tr>
</tbody>
</table>

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

A. Section II – Who is An Insured is amended to include as an insured the person or organization shown in the Schedule, but only with respect to liability arising out of your ongoing operations performed for that insured.

B. With respect to the insurance afforded to these additional insureds, the following exclusion is added:

2. Exclusions

This insurance does not apply to “bodily injury” or “property damage” occurring after:

1. All work, including materials, parts or equipment furnished in connection with such work, on the project (other than service, maintenance or repairs) to be performed by or on behalf of the additional insured(s) at the site of the covered operations has been completed, or

2. That portion of “your work” out of which the injury or damage arises has been put to its intended use by any person or organization other than another contractor or subcontractor engaged in performing operations for a principal as a part of the same project.
THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED – OWNERS, LESSEES OR CONTRACTORS – COMPLETED OPERATIONS

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

<table>
<thead>
<tr>
<th>Name of Person or Organization:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blanket as required by written contract.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Location And Description of Completed Operations:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Additional Premium:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

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

Section II – Who Is An Insured is amended to include as an insured the person or organization shown in the Schedule, but only with respect to liability arising out of “your work” at the location designated and described in the schedule of this endorsement performed for that insured and included in the “products-completed operations hazard”.

PRIMARY AND NON-CONTRIBUTORY ENDORSEMENT

This endorsement, effective attaches to and forms a part of Policy Number.

This endorsement changes the Policy. Please read it carefully.

SCHEDULE

Name of Person or Organization:

Any person(s) or organization(s) whom the Named Insured agrees, in a written contract, to provide Primary and/or Non-contributory status of this insurance. However, this status exists only for the project specified in that contract.

In consideration of the premium charged, it is hereby agreed that this policy shall be considered primary to any similar insurance held by third parties in respect to work performed by you under any written contractual agreement with such third party. It is further agreed that any other insurance which the person(s) or organization(s) named in the schedule may have is excess and non-contributory to this insurance.
### Construction Contract Award – Marietta Structures Removal

**Project No. 712005; Bid No. 16-28**

#### ATTACHMENTS:

1. Bid Award Memo
2. Approval for Contract Award
3. Bid Tabulation
4. Low Bid Proposal

---

#### 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.)

Award of a construction contract to JT Muenscher for the Marietta Structures Removal in the amount of $72,695.00 including all taxes.
MEMORANDUM

TO: The Honorable Members of the Whatcom County Flood Control Zone District Board of Supervisors
THROUGH: Joe P. Rutan, P.E., County Engineer, Assistant Director
FROM: Paula J. Harris, P.E., River and Flood Manager
RE: Marietta Structures Removal
DATE: July 13 2016

Attached for your review and signature is a construction contract award package for the Marietta Structures Removal Project. The package includes the Bid Award, Bid Tabulation, and Low Bid Proposal.

Requested Action
Public Works respectfully requests that the County Council, acting as the Flood Control Zone District Board of Supervisors (FCZD), authorize the County Executive to award the bid and execute a contract for the Marietta Structures Removal to the low bidder, JT Muenscher, in the amount of $72,695.00 including all taxes. Seven (7) bid proposals for the project were received at the bid opening on Tuesday July 12, 2016.

Background and Purpose
The Lower Nooksack River Comprehensive Flood Hazard Management Plan, adopted in 1999 by the FCZD Board of Supervisors, recommends acquisition of flood-prone properties in Marietta as they become available. Public Works recently acquired three (3) properties in Marietta through the Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (HMGP). As a requirement of the grant, all structures and improvements have to be demolished and the properties restored to open space for perpetuity. The Board of Supervisors approved the HMGP grant during the March 31, 2015 meeting.

Funding Amount and Source
Total funding for this contract is $72,695.00. The grant agreement, currently in place, provides for the reimbursement of 87.5% of the project cost, with 75% federal funds through FEMA, matched by 12.5% of state funds through the Washington State Military Department, and 12.5% of FCZD funds. This project is included in the current Flood Control Zone District budget.

Please contact Paula Harris at extension 6285, if you have any questions or concerns regarding the terms of this agreement.

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

Sara Winger, Purchasing Coordinator

Date 07/13/2016

Encl.
APPROVAL FOR CONTRACT AWARD

PROJECT: Marietta Structures Removal

PROJECT NO. 712005

BID NO. 16-28

TO: JT Muenscher

In the amount of their bid proposal of $ 72,695.00 including all taxes.

Jack Louws
Whatcom County Executive
Acting on behalf of the Flood Control Zone
Board of Supervisors

Daniel L. Gibson
Chief Deputy Prosecutor

Date
07/13/16
Date
<table>
<thead>
<tr>
<th>Item No.</th>
<th>Description</th>
<th>Quantity</th>
<th>Unit</th>
<th>Engineer's Estimate</th>
<th>JT Muencher</th>
<th>Anderson Environmental Contracting</th>
<th>Carman's Construction</th>
<th>P&amp;P Excavating</th>
<th>North Hill Resources</th>
<th>Upland Developers</th>
<th>Ram Construction</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Unit Price</td>
<td>Total Amount</td>
<td>Unit Price</td>
<td>Total Amount</td>
<td>Unit Price</td>
<td>Total Amount</td>
<td>Unit Price</td>
<td>Total Amount</td>
</tr>
<tr>
<td>1</td>
<td>DEMOLITION of SHOP STRUCTURE and ALL IMPROVEMENTS AT: 1828 Marine Drive Bellingham, WA 98226</td>
<td>LS</td>
<td>LS</td>
<td>$20,000.00</td>
<td>$16,250.00</td>
<td>LS</td>
<td>23,277.81</td>
<td>LS</td>
<td>19,999.00</td>
<td>LS</td>
<td>20,000.00</td>
</tr>
<tr>
<td>2</td>
<td>DEMOLITION of RESIDENTIAL STRUCTURE and ALL IMPROVEMENTS AT: 1827 Marine Drive Bellingham, WA 98226</td>
<td>LS</td>
<td>LS</td>
<td>$15,000.00</td>
<td>$16,500.00</td>
<td>LS</td>
<td>17,329.64</td>
<td>LS</td>
<td>19,000.00</td>
<td>LS</td>
<td>20,000.00</td>
</tr>
<tr>
<td>3</td>
<td>DEMOLITION of FORMER MARIETTA ORANGE STRUCTURE and ALL IMPROVEMENTS AT: 1801 Bayon Road Bellingham, WA 98226</td>
<td>LS</td>
<td>LS</td>
<td>$25,000.00</td>
<td>$19,250.00</td>
<td>LS</td>
<td>17,418.84</td>
<td>LS</td>
<td>19,999.00</td>
<td>LS</td>
<td>20,000.00</td>
</tr>
<tr>
<td>4</td>
<td>Misc. Force Account Work</td>
<td>EST. DOLLAR</td>
<td></td>
<td>$1.00</td>
<td>$15,000.00</td>
<td>$1.00</td>
<td>$15,000.00</td>
<td>$1.00</td>
<td>$15,000.00</td>
<td>$1.00</td>
<td>$15,000.00</td>
</tr>
</tbody>
</table>

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., July 12, 2016, for the Marietta Structures Removal Project No. 712005.

Paula J. Harris, P.E.
Whatcom County River and Flood Manager

STATE OF WASHINGTON
COUNTY OF WHATCOM

On this day personally appeared before me, Paula J. Harris, P.E., to me known to be the individual described in and who executed the instrument this day of July 12, 2016.

[Signature]

NOTARY PUBLIC

Residing At: Bellingham, WA

My Commission Expires: 06-30-2017

BOLD DENOTES CORRECTED BID AMOUNTS
- North Hill Resources total bid amount was corrected due to rounding issues
- Upland Developers total bid amount was corrected
BID PROPOSAL

MARIETTA STRUCTURES REMOVAL

PROJECT NO. 712005

BID NO. 16-28

DATE July 12, 2016

TO: Whatcom County Flood Control Zone District Board of Supervisors
Whatcom County Courthouse
311 Grand Avenue
Bellingham, Washington 98225

Gentlepersons:

This certifies that the Undersigned: has examined the location of the project site and the conditions of work; and has carefully read and thoroughly understands the contract documents entitled: "Marietta Structures Removal, Project No. 712005" Whatcom County, Washington, including the "Bid Procedures and Conditions," "Specifications and Conditions," "Contract Forms," "Construction Plans," and "Appendices," governing the work embraced in this project, and the method by which payment will be made for said work. The Undersigned hereby proposes to undertake and complete the work embraced in this project in accordance with said contract documents, and agrees to accept as payment for said work, the schedule of lump sum, force account and unit prices as set forth in the "Bid" below.

The Undersigned acknowledges that payment will be based on the actual work performed and material used as measured or provided for in accordance with the said contract documents, and that no additional compensation will be allowed for any taxes (except state sales tax) not included in each lump sum or unit price, and that the basis for payment will be the actual work performed and measured or provided for in accordance with the said contract documents.

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

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>UNIT MEASURE</th>
<th>ITEM DESCRIPTION</th>
<th>APPROX. QUANTITY</th>
<th>UNIT PRICE IN FIGURES</th>
<th>EXTENDED PRICE IN FIGURES</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>LUMP SUM</td>
<td>DEMOLITION of SHOP STRUCTURE and ALL IMPROVEMENTS AT: 1828 Marine Drive Bellingham, WA 98226</td>
<td>L.S.</td>
<td>L.S.</td>
<td>$16,250.00</td>
</tr>
<tr>
<td>2</td>
<td>LUMP SUM</td>
<td>DEMOLITION of RESIDENTIAL STRUCTURE and ALL IMPROVEMENTS AT: 1857 Marine Drive Bellingham, WA 98226</td>
<td>L.S.</td>
<td>L.S.</td>
<td>$16,500.00</td>
</tr>
<tr>
<td>3</td>
<td>LUMP SUM</td>
<td>DEMOLITION of FORMER MARIETTA GRANGE STRUCTURE and ALL IMPROVEMENTS AT: 1801 Bayou Road Bellingham, WA 98226</td>
<td>L.S.</td>
<td>L.S.</td>
<td>$19,250.00</td>
</tr>
<tr>
<td>4</td>
<td>DOLLAR</td>
<td>MISC. FORCE ACCOUNT WORK</td>
<td>EST.</td>
<td>$1.00</td>
<td>$15,000.00</td>
</tr>
</tbody>
</table>

SUBTOTAL BID AMOUNT (Bid Items 1-4) $67,000.00
STATE SALES TAX @ 8.5% $5,695.00
TOTAL BID AMOUNT (Bid Items 1-4 plus tax) $72,695.00

MARIETTA STRUCTURES REMOVAL
PROJECT NO. 712005

- B7 -
CERTIFICATION REGARDING LOBBYING

Certification for Contracts, Grants, Loans, and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Statement for Loan Guarantees and Loan Insurance

The undersigned states, to the best of his or her knowledge and belief, that:

If any funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this commitment providing for the United States to insure or guarantee a loan, the undersigned shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions. Submission of this statement is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required statement shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

Applicant's Organization: J TMuenscher General Contractor Inc.

Name: John T. Muenscher

Title: President

Signature: [Signature]

Date: July 12, 2016

MARIETTA STRUCTURES REMOVAL
PROJECT NO. 712005

-B8-
NON-COLLUSION DECLARATION

MARIETTA STRUCTURES REMOVAL

PROJECT NO. 712005

BID NO. 16-28

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

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

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

NOTICE TO ALL BIDDERS

To report bid rigging activities call:

1-800-424-9071

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

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

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

Firm Name: J T Muenscher General Contractor Inc.

Address: 1902 E. Hemmi Rd.
          Everson WA 98247

Telephone: 360-398-8038

Contractor's WA Registration Number: JTMUEGCO6501

Contractor's WA UBI Number: 601 565 698

Contractor's WA Employment Security Department Number: 814534005

Contractor's WA Excise Tax Registration Number: 91 1652956

The Firm submitting this proposal is a: 

X  Corporation

Sole Proprietorship

Partnership

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

John T Muenscher

President

John T Muenscher

Vice President

John T Muenscher

Secretary / Treasurer

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

MARIETTA STRUCTURES REMOVAL
PROJECT NO. 712005

-B10-
BID PROPOSAL SIGNATURE AND ADDENDUM ACKNOWLEDGMENT

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

Bid Proposal Deposit Options:

☐ CASHIER'S CHECK $______________________________PAYABLE TO WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT

☐ CERTIFIED CHECK $______________________________PAYABLE TO WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT

☐ PROPOSAL BOND IN THE AMOUNT OF 5% OF THE BID.

Receipt is hereby acknowledged by addendum(s) No.(s) 1, 2, & N/A

SIGNATURE OF AUTHORIZED OFFICIAL(S)

(ProposAL MUST BE SIGNED)

John T. Muenscher

FIRM NAME: JT Muenscher General Contracting

STATE OF WASHINGTON )
COUNTY OF (Whatcom ) ss.

On this 11 day of July, 2016, before me personally appeared

John T. Muenscher to me personally known to be the person described in and who executed the above instrument and who was acknowledged to me the act of signing thereof

Marilyn N. Russell

NOTARY PUBLIC, in and for the
State of Washington, residing at: Everson
My Commission Expires: 12/14/2017

This proposal form is not transferable and any alteration of the firm's name entered hereon without prior permission from Whatcom County Flood Control Zone District will be cause for considering the proposal irregular and for subsequent rejection of the bid.

MARIETTA STRUCTURES REMOVAL
PROJECT NO. 712005 - B11 -
BID BOND

KNOW ALL MEN BY THESE PRESENTS, that we,

of J.T. Muenchert General Contractor, Inc. as principal, and the Contractors Bonding and Insurance Company

a corporation duly organized under the laws of the State of Illinois

and having its principal place of business

at P.O Box 3967 Peoria, IL 61612-3967

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

The condition of this bond is such that, whereas, the principal herein is herewith submitting his or its bid proposal for "Marietta Structures Removal, Project No. 712005, Bid No. 16-28", bid proposal, by reference thereto, being hereby made a part hereof.

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

SIGNED AND SEALED this 12th day of July, 2016.

J.T. Muenchert General Contractor, Inc.

Principal

By ________________________________ (Seal)

John T. Muenchert, President

Contractors Bonding and Insurance Company

Surety

By ________________________________

Brad Neiling, Attorney-In-Fact

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

MARIETTA STRUCTURES REMOVAL
PROJECT NO. 712005
POWER OF ATTORNEY
Contractors Bonding and Insurance Company

Bond No.: BID

Know All Men by These Presents:

That the Contractors Bonding and Insurance Company, a corporation organized and existing under the laws of the State of Illinois, and authorized and licensed to do business in all states and the District of Columbia does hereby make, constitute and appoint: BRAD NEILLING, in the City of BELLINGHAM, State of WASHINGTON, as Attorney in Fact, with full power and authority hereby conferred upon him/her to sign, execute, acknowledge and deliver for and on its behalf as Surety, in general, any and all bonds, undertakings, and recognizances in an amount not to exceed Ten Million and 00/100 Dollars ($10,000,000.00) for any single obligation, and specifically for the following described bond:

Principal: J.T. MUENSCHER GENERAL CONTRACTOR, INC.
Obligee: WHATCOM COUNTY FLOOD CONTROL DISTRICT
Type Bond: MARIETTA STRUCTURES REMOVAL PROJECT NO. 712005 BID #16-28
Bond Amount: 5.00 % Of Total Amount Bid
Effective Date: 07/12/2016

The Contractors Bonding and Insurance Company further certifies that the following is a true and exact copy of a Resolution adopted by the Board of Directors of Contractors Bonding and Insurance Company, and now in force to-wit:

"All bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation shall be executed in the corporate name of the Company by the President, Secretary, any Assistant Secretary, Treasurer, or any Vice President, or by such other officers as the Board of Directors may authorize. The President, any Vice President, Secretary, any Assistant Secretary, or the Treasurer may appoint Attorneys in Fact or Agents who shall have authority to issue bonds, policies or undertakings in the name of the Company. The corporate seal is not necessary for the validity of any bonds, policies, undertakings, Powers of Attorney or other obligations of the corporation. The signature of any such officer and the corporate seal may be printed by facsimile."

IN WITNESS WHEREOF, the Contractors Bonding and Insurance Company has caused these presents to be executed by its Vice President with its corporate seal affixed this 12 day of JULY 2016.

ATTEST:

Cynthia S. Doan
Assistant Secretary

Contractors Bonding and Insurance Company

On this 12 day of JULY 2016 before me, a Notary Public, personally appeared Barton W. Davis and Cynthia S. Doan, who being by me duly sworn, acknowledged that they signed the above Power of Attorney as Vice President and Assistant Secretary, respectively, of the said Contractors Bonding and Insurance Company, and acknowledged said instrument to be the voluntary act and deed of said corporation.

Notary Public
TITLE OF DOCUMENT:
South Fork Park – Parking Lot and Trailhead Improvements

ATTACHMENTS:
South Fork Park Parking Lot and Trailhead Improvements Contract

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.)
Parks requests approval for the County Executive to award Bid Number 16-36 and enter into a contract with low bidder, Dirt Works Bellingham, Inc. for the construction of the South Fork Park, Parking Lot and Trailhead Improvements project in the amount of $314,809.50

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: Michael McFarlane

DATE: July 6, 2016

RE: Contract for construction services for South Fork Park: Parking Lot and Trailhead improvements

Enclosed are two (2) originals of a proposed contract amendment for construction services for South Fork Park: Parking Lot and Trailhead Improvements between Whatcom County and Dirt Works Bellingham, Inc. for your review and signature.

- **Background and Purpose**
  Parks recommends approval of the attached contract amendment for construction services for the proposed trailhead improvements at South Fork Park. Dirt Works Bellingham, Inc. was one of ten bids received for the proposed project. Dirt Works Bellingham was the lowest bid, and meets all of the qualification requirements for award of the contract.

- **Funding Amount and Source**
  This project is funded by REET II funds. ASR 2015-5016 ($688,000) approved by County Council on November 25, 2014 (Ordinance No. 2014-079)

- **Differences from previous Contract**
  This is a new contract.

Please contact Rod Lamb at extension 5858, if you have any questions or concerns regarding the terms of this agreement.
<table>
<thead>
<tr>
<th>Originating Department:</th>
<th>Parks &amp; Recreation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract or Grant Administrator:</td>
<td>Rod Lamb</td>
</tr>
<tr>
<td>Contractor's / Agency Name:</td>
<td>Dirt Works Bellingham, Inc.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Is this a New Contract?</th>
<th>Yes ☒ No □</th>
<th>If not, is this an Amendment or Renewal to an Existing Contract?</th>
<th>Yes ☐ No ☐</th>
</tr>
</thead>
</table>

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 the result of a RFP or Bid process? Yes ☒ No □ If yes, RFP and Bid number(s): 16-36 Cost Center: 363100

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

$ 314,809.50

This Amendment Amount:

$ N/A

Total Amended Amount:

$ 314,809.50

Summary of Scope: This project includes construction of South Fork Park parking lot and trailhead improvements. Specific improvements include new paved access road, single unit parking area, gravel paved equestrian trailer parking area, and installation of a new vault toilet.

Term of Contract: 6 months Expiration Date: January 31st, 2017

Contract Routing:

1. Prepared by: Rod Lamb Date: 7/6/2016
2. Attorney signoff:
3. AS Finance reviewed: 7/7/16
4. IT reviewed (if IT related):
5. Contractor signed: 7/5/16
6. Submitted to Exec.:
7. Council approved (if necessary):
8. Executive signed: 7/7/16
9. Original to Council: Last Edited 060414
CONTRACT

SOUTH FORK PARK
PARKING LOT AND TRAILHEAD IMPROVEMENTS

WHATCOM COUNTY BID #16-36

This Contract, made and entered into this ___ day of __________________, 20___ by and between Whatcom County, Washington, a municipal Corporation and a Charter County in the State of Washington, hereinafter called the "County" and ____________ hereinafter called the "Contractor."

WITNESSETH:

That in consideration of the terms and conditions contained herein and attached and made a part of this Contract, the parties hereto covenant and agree as follows:

The Contractor shall do all of the work and furnish all of the labor, materials, tools and equipment for the construction of the improvements and shall perform any changes in the work, all in full compliance with the contract documents entitled "SOUTH FORK PARK PARKING LOT AND TRAILHEAD IMPROVEMENTS, WHATCOM COUNTY BID #16-36" "Bid Proposal," "Specifications and Conditions," "Contract Forms," and the "Plans and Details" section contained in said contract documents are hereby referred to and by reference made a part hereof.

The County hereby promises and agrees with the Contractor to employ, and does employ the Contractor to furnish the labor, materials, tools and equipment, and to do and cause to be done the above-described work, and to complete and finish the same in accordance with the said contract documents and the terms and conditions herein contained, and hereby contracts to pay for the same, according to the said documents, including the schedule of estimated quantities, and unit and lump sum prices in the Bid Proposal, the approximate sum of $ 314,809.50 the total amount of bid, subject to the actual quantity of work performed, at the time and in the manner and upon the conditions provided for in this contract.

The Contractor for himself, and for his agents, successors, assigns, subcontractors and/or employees, does hereby agree to the full performance of all the covenants herein contained upon the part of the Contractor.

The County hereby appoints and the Contractor hereby accepts the Whatcom County Engineer, as the County's representative for the purpose of administering the provisions of this Contract, including the County's right to receive and act on all reports and documents related to this Contract, to request and receive additional information from the Contractor, to assess the general performance of the Contractor under this Contract, to determine if the contracted services are being performed in accordance with Federal, State or local laws, and to administer any other right granted to the County under this Contract. The County expressly
reserves the right to terminate this Contract as provided in the contract documents, and also expressly the reserves the right to commence civil action for the enforcement of this contract.

This Contract 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 Contract.

The Contractor agrees to comply with all applicable Federal, State, County or municipal standards for the licensing, certification, operation of facilities and programs, and accreditation and licensing of individuals.

The Contractor shall not assign or subcontract any portion of the work provided for under the terms of this Contract without obtaining prior written approval of the County Engineer. All terms and conditions of this Contract shall apply to any approved subcontract or assignment related to this Contract.

The parties intend that an independent Contractor-County relationship will be created by this Contract. The County is interested only in the results to be achieved, and the implementation of the work will lie solely with the Contractor. No agent, employee, servant, or representative of the Contractor shall be deemed to be an employee, agent, servant, or representative of the County for any purpose. Employees of the Contractor are not entitled to any of the benefits the County provides for County employees. The Contractor will be solely and entirely responsible for its acts and for the acts of its agents, employees, servants, subcontractors, or otherwise during the performance of this Contract. In the performance of the work herein contemplated, the Contractor is an independent Contractor with regard to the performance of the details of the work; however, the components of and the results of the work contemplated herein must meet the approval of the County Engineer and shall be subject to the County Engineer's general rights of inspection and review to secure the satisfactory completion thereof.

The Contractor agrees and covenants to indemnify, defend, and save harmless, the County and those persons who were, now are, or shall be duly elected or appointed officials or employees thereof, hereinafter referred to as the "County" against and from any loss, damage, costs, charge, expense, liability, claims, demands or judgments, of whatsoever kind or nature, whether to persons or to property, arising wholly or partially out of any act, action, neglect, omission, or default on the part of the Contractor, his agents, successors, assignees, subcontractors and/or employees, except only such injury or damage as shall have been caused by or resulted from the sole negligence of the County. In case any suit or cause of action shall be brought against the County on account of any act, action, neglect, omission, or default on the part of the Contractor, his agents, successors, assignees, subcontractors and/or employees the Contractor hereby agrees and covenants to assume the defense thereof and to pay any and all costs, charges, attorney's fees and other expenses and any and all judgments that may be incurred or obtained against the County.

a. In the event the County is required to institute legal action and/or participate in the legal action to enforce this Indemnification and
Hold Harmless Clause, the Contractor agrees to pay the County's legal fees, costs and disbursements incurred in establishing the right to indemnification.

b. If the claim, suit, or action for injuries, death, or damages as provided for in the preceding paragraphs of this specification is caused by or results from the concurrent negligence of (a) the indemnitee or the indemnitee's agents or employees and (b) the indemnitee or the indemnitee's agents for employees the indemnity provisions provided for in the preceding paragraphs of this specification shall be valid and enforceable only to the extent of the indemnitee's negligence.

This Contract has been and shall be construed as having been made and delivered within the State of Washington, and it is mutually understood and agreed by each party hereto that this Contract shall be governed by the laws of the State of Washington, both as to interpretation and performance. Any action in law, suit and equity or judicial proceedings for the enforcement of this contract, or any provisions thereof, shall be instituted and maintained in the courts of competent jurisdiction located in Whatcom County, Washington.

The failure of the County to insist upon strict performance of any of the covenants and agreements of this Contract or to exercise any option herein conferred in any one or more instances shall not be construed to be a waiver or relinquishment of any such obligation, or any other covenants or agreements, but the same shall be and remain in full force and effect.

It is understood and agreed by the parties hereto that if any part of this agreement is determined to be illegal, the validity of the remaining portions shall be construed as if the agreement did not contain the particular illegal part.

No change or addition to this Contract shall be valid or binding upon either party unless such change or addition shall be in writing, executed by both parties.
IN WITNESS WHEREOF, the Contractor has executed this instrument, on the day and year first below written and the County Executive has caused this instrument to be executed by and in the name of the said County, the day and year first above written.

Executed by the Contractor this 5th day of July 2016.

By: [Signature] (SEAL)

Title: President

Contractor: Dirt Works Bellingham Inc

STATE OF WASHINGTON )
COUNTY OF Whatcom ) ss.

On this 5th day of July 2016, before me personally appeared James E LeBlonde, to me personally known to be the person described in and who executed the above instrument and who acknowledged to me the act of signing thereof.

[Signature]

Notary Public, in and for the State of Washington, residing at:

Bellingham WA

My commission expires: April 13, 2019
Executed by Whatcom County this ____ day of ____________, 20__.

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 personally known to be the Executive of Whatcom County described
in and who executed the above instrument and who acknowledged to me the act of
signing thereof.

__________________________
Notary Public, in and for the
State of Washington, residing at:

__________________________
My commission expires: __________

Approved as to form: __________________________
Chief Civil Deputy Prosecutor
**WHATCOM COUNTY COUNCIL AGENDA BILL**

<table>
<thead>
<tr>
<th>CLEARANCES</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
<th>Assigned to:</th>
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<tr>
<td>Originator:</td>
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<td>07.15.16</td>
<td></td>
<td>07.26.16</td>
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<td>Purchasing/Budget:</td>
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<td>Executive:</td>
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**TITLE OF DOCUMENT:**

Addendum to Advanced Life Support Agreement (#201312008) with Fire Protection District #7

**ATTACHMENTS:**

Memo and Contract Addendum

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

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

Request authorization for the County Executive to amend the Advanced Life Support (ALS) Agreement between Whatcom County and Fire Protection District #7 specifically for the purpose of increasing the annual service fee in 2017 should the EMS Levy not pass. The increase is consistent with CPI-U inflation multiplied by 1.15 as outlined in section 5(c) of the ALS agreement.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

<table>
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<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).
MEMORANDUM

TO: Whatcom County Council Members
FROM: Tyler Schroeder, Deputy Executive
DATE: July 15, 2016
SUBJECT: Addendum to Advanced Life Support with Fire Protection District #7

Background:
The Interlocal Agreement for Advanced Life support Services (contract #201312008), through which Fire Protection District #7 provides paramedic services in Whatcom County with one Medic Unit and is effective through calendar year 2018.

Originally a three-year contract for the period 2014-2016, the contract has a provision for automatic renewal for successive one year periods, continuing a three-year rolling term. The original contract had a specified ALS service fee amount for calendar years 2014, 2015 and 2016 and a provision for determining the fee for successive years beyond 2016, should the contract be extended.

The current contract requires the Fire Chief and County Executive to begin meeting in April of 2016 to determine an ALS service fee amount for successive years. The jointly recommended ALS service fee amount for 2017 is set forth in a proposed addendum to the contract, which requires approval by the Fire District 7 Board of Commissioners and the County Council; see the accompanying Addendum to Interlocal Agreement for Advanced Life Support Services.

It is recognized that through separate resolutions the District and County have confirmed support for placement of the EMS Levy on the November 16 general election ballot. If the levy is passed by the voters, the 2017 ALS service fee for ALS services will be modified and incorporated in a successor contract that will be developed following the election. The successor contract will be based upon the funding model and provisions of the EMS funding Work Group recommendations. Approval of the recommended ALS service fee amount for 2017 is a good faith measure in accordance with the existing contract and will be necessary should voters not approve the levy.
ADDENDUM TO
Interlocal Agreement for Advanced Life Support Services,
Fire District #7 and
Whatcom County Contract #201312008

Pursuant to the Interlocal Agreement for Advanced Life Support Services
("Agreement"), Section 5.c, the County Executive and the Fire Chief of Fire District #7
shall formulate a joint recommendation to their respective council and commissioners
for the ALS Service Fee for 2017.

The recommendation is for the annual ALS Service Fee to be adjusted on January 01,
2017 by the same percentage increase as the increase in the Seattle-Tacoma-
Bremerton CPI-U inflation adjusted index multiplied by one point one five (1.15). The
last available December to December CPI-U will be used, providing:

December 2014 - December 2015 Seattle-Tacoma-Bremerton CPI-U = 2.18%

2017 Annual Service Fee Increase = (1.15) x (2.18%) = 2.50%

2017 increase = $38,882.

The ALS Service Fee for calendar year 2017 shall be: $1,594,151

The City of Bellingham and Whatcom County hereby agree to the ALS Service Fee of
$1,594,151 for the calendar year 2017.

Executed this ___ day of ____________, 2016 for WHATCOM COUNTY.

_____________________________________
Jack Louws, County Executive

Approved as to form:

_____________________________________
County Civil Prosecuting Attorney
Executed this 14th day of July, 2016 for WHATCOM COUNTY FIRE DISTRICT #7.

Al Saab, Board Chair

Attest:

Patty R. Markel
Board Secretary
**TITLE OF DOCUMENT:** Amendment No. 3- Lease and Operations Agreement Between Whatcom County and Opportunity Council

**ATTACHMENTS:** Amendment No. 3

**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 approval of amendment number 3 to the Lease and Operations Agreement between Whatcom County and Opportunity Council for the East Whatcom Regional Resource Center.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**
201109006, 201109006-1, 201109006-2

**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: Michael McFarlane, Director

RE: Opportunity Council Lease & Operations Agreement for the East Whatcom Regional Resource Center- Amendment No. 3

DATE: July 11th, 2016

Enclosed are two (2) originals of Amendment No. 3 to the Lease and Operations Agreement for the East Whatcom Regional Resource Center between the Opportunity Council and Whatcom County for your review and signature.

- **Background and Purpose**
  The County entered into a lease and operations agreement with the Opportunity Council in 2011 for the operation of the East Whatcom Regional Resource Center. Amendment No. 3 addresses the following:

  a) Due to increasing costs, the County’s annual support has been increased from $98,700 to $105,412 for the next five years.

  b) The agreement’s 25 year term with five year review periods is clarified. This clarification will enable the Opportunity Council to pursue grant funding for capital improvements. WCC 1.10.450 pertaining to long term leases is now referenced in the agreement.

  c) Maintenance responsibilities of the parties are further clarified.

- **Funding Amount and Source**
  The County previously provided $98,700 annually for support of maintenance and operations. This amount has been adjusted to $105,412 to account for cost increases. The general fund has been the source for funding for this agreement and is proposed to continue to be the funding source. The Parks & Recreation Department’s proposed 2017 and 2018 budget will reflect the increased rate.

Please contact Michael McFarlane at extension 5855, if you have any questions or concerns regarding the terms of this agreement.

Encl.
WHATCOM COUNTY CONTRACT INFORMATION SHEET

<table>
<thead>
<tr>
<th><strong>Originating Department:</strong></th>
<th>Parks &amp; Recreation</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Contract or Grant Administrator:</strong></td>
<td>Michael McFarlane</td>
</tr>
<tr>
<td><strong>Contractor’s / Agency Name:</strong></td>
<td>Opportunity Council</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 #:** | 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):** | Contract Cost Center: |

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

| **If YES, indicate exclusion(s) below:** | |
| **☐ Professional services agreement for certified/licensed professional.** | **☐ Contract for Commercial off the shelf items (COTS).** |
| **☐ Contract work is for less than $100,000.** | **☐ Work related subcontract less than $25,000.** |
| **☐ Contract work is for less than 120 days.** | **☐ Public Works - Local Agency/Federally Funded FHWA.** |
| **☐ Interlocal Agreement (between Governments).** | **Contracts that require Council Approval (incl. agenda bill & memo)** |
| **☐ Professional Services Agreement above $20,000.** | - Professional Services Agreement above $20,000. |
| **☐ Bid is more than $50,000.** | - 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)** | - Amendments that have either an increase greater than 10% or provide a $10,000 increase in amount (whichever is greater) |
| **☐ Local Agreement/Federally Funded FHWA.** | **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):** | **$ 98,700 annually** |
| **This Amendment Amount:** | **$ 105,412 annually** |
| **Total Amended Amount:** | **$ 105,412 annually** |

| **Summary of Scope:** Amendment No. 3 to the Lease and Operations Agreement for the East Whatcom Regional Resource Center clarifies the 25 year term of the original agreement, increases the County's annual support from $98,000 to $105,412 over the next five years and outlines maintenance responsibilities of the parties. |

| **Term of Contract:** | 25 years |
| **Expiration Date:** | 9/30/36 |

| **Contract Routing:** | 1. Prepared by: MGM | Date: 7/11/16 |
| 2. Attorney signoff: | [Signature] | Date: 7/13/16 |
| 3. AS Finance reviewed: | | Date: 7/15/16 |
| 4. IT reviewed (if IT related): | | |
| 5. Contractor signed: | [Signature] | Date: 7/12/16 |
| 6. Submitted to Exec.: | | Date: 7/15/16 |
| 7. Council approved (if necessary): | | |
| 8. Executive signed: | | |
| 9. Original to Council: | | |

| **Last Edited:** | 060414 |

83
Amendment No. 3
Whatcom County Contract No. 201109006
CONTRACT BETWEEN WHATCOM COUNTY AND
OPPORTUNITY COUNCIL

THIS AMENDMENT is to the Contract between Whatcom County (Lessor) and the Opportunity Council (Lessee) dated October 1st, 2011 and designated “Whatcom County Contract No. 201109006”. In consideration of the mutual benefits to be derived, the parties agree to the following:

This amendment modifies paragraphs 1.1, 2.1, 2.2, 2.3, 2.6 and 3.10 of the current lease and operations agreement.
Unless specifically amended by this agreement, all other terms and conditions of the original contract and prior amendments shall remain in full force and effect.

This Amendment takes effect: July 27th, 2016, regardless of the date of signature.

Amendment Number 3 is attached as Exhibit “A”.

IN WITNESS WHEREOF, Whatcom County and the Opportunity Council have executed this Amendment on the date and year below written.

DATED this 12th day of July, 2016.

CONTRACTOR:

CONTRACTOR/LESSEE: Opportunity Council

Greg Winter, Executive Director Opportunity Council

STATE OF WASHINGTON  )
COUNTY OF WHATCOM  ) ss.

On this 12th day of July, 2016, before me personally appeared Greg Winter to me known to be the Executive Director of the Opportunity Council and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

LEAH WAINMAN  
Notary Public  
State of Washington  
My Appointment Expires Sep 24, 2016

NOTARY PUBLIC in and for the State of Washington, residing at Bellingham, WA. My commission expires Sept 24, 2016
WHATCOM COUNTY:

Approved as to form:

[Signature] 7/13/16
Prosecuting Attorney  Date

Approved:

Accepted for Whatcom County:

By: ________________________________
   Jack Louws, Whatcom County Executive

STATE OF WASHINGTON  
COUNTY OF WHATCOM

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


CONTRACTOR INFORMATION:

OPPORTUNITY COUNCIL
1111 Cornwall Avenue
Bellingham WA 98225

Greg Winter, Executive Director
PHONE: (360) 734-5121
EXHIBIT “A” (Amendment No. 3)

Current:

1.1 Basic Lease Provisions

LESSOR: Whatcom County, a municipal corporation
ADDRESS OF LESSOR: Whatcom County Courthouse, 311 Grand Avenue, Bellingham, WA 98225-4038

LESSEE: Opportunity Council, 501 c3 non-profit organization
ADDRESS OF LESSEE: 1111 Cornwall Avenue Suite C
Bellingham WA 98225

LEASED PREMISES: Building: 8251 Kendall Road, Kendall WA

COMMENCEMENT DATE: October 1, 2011

LEASE TERM: This lease shall commence on October 1, 2011 and terminate 5 years after this date on September 30, 2016, unless sooner terminated according to this agreement.

RENT AMOUNT: The Lessor provides the facility as described in section 2.3 of this agreement.

PERMITTED USES: The purpose of this lease is to provide for a Community Resource Center used by non-profit agencies to principally serve low to moderate income and otherwise disadvantaged children and families and seniors for a period of up to 25 years or more.

Lessee, in consideration of the granting of this lease by Lessor for the benefit of the citizens of Whatcom County, hereby understands and agrees to act as primary tenant; recruit additional tenants that meet identified community needs and maximize the use of rental space consistent with the goals outlined in the Community Development Block Grant. Lessee agrees that permitted uses or activities to be conducted upon the leased premises will include social, health, recreational, and community services that support the people of Whatcom County. Failure of Lessee to perform this type of business within the facility, or cessation of such services, or carrying on other uses or activities without first obtaining a lease modification with Lessor’s written approval, shall constitute cause for default under the terms of this lease.

As further consideration for the granting of this lease, Lessee hereby agrees to the properly and fairly serve the public, provide suitable services, and manage and operate the EWRRC. Failure of Lessee to so serve the public shall be considered a breach of this clause and thereby constitute a cause for default. The Lessee agrees to maintain any required licenses, and or permit in good standing and, should the Lessee lose any license, and or permits required to provide facility services for any reason, it shall be considered a basis for terminating this lease as called for in section 5.8 of this lease.
Change to:

1.1 Basic Lease Provisions

LESSOR: Whatcom County, a municipal corporation
ADDRESS OF LESSOR: Whatcom County Courthouse, 311 Grand Avenue, Bellingham, WA 98225-4038

LESSEE: Opportunity Council, 501 (c)(3) non-profit organization
ADDRESS OF LESSEE: 1111 Cornwall Avenue, Bellingham WA 98225

LEASED PREMISES: Buildings: 8251 Kendall Road, Kendall WA

COMMENCEMENT DATE: October 1, 2011

LEASED TERM: This lease shall commence on October 1, 2011 and terminate 25 years after on September 30, 2036, unless sooner terminated according to this agreement.

RENT AMOUNT: The Lessor provides the facility as described in section 2.3 of this agreement.

PERMITTED USES: The purpose of this lease is to provide for a Community Resource Center used by non-profit agencies to principally serve low-to moderate income and otherwise disadvantaged children and families and seniors for a period of up to 25 years or more.

Lessee, inconsideration of the granting of this lease by Lessor for the benefit of the citizens of Whatcom County, hereby understands and agrees to act as primary tenant; recruit additional tenants that meet identified community needs and maximize the use of rental space consistent with the goals outlined in the Community Development Block Grant. Lessee agrees that permitted uses or activities to be conducted upon the leased premises will include social, health, recreational, and community services that support the people of Whatcom County. Failure of Lessee to perform this type of business within the facility, or cessation of such services, or carrying on other uses or activities without first obtaining a lease modification with Lessor’s written approval, shall constitute cause for default under the terms of this lease.

As further consideration for the granting of this lease, Lessee hereby agrees to the properly and fairly serve the public, provide suitable services, and manage and operate the EWRRC. Failure of Lessee to so serve the public shall be considered a breach of this clause and thereby constitute a cause for default. The Lessee agrees to maintain any required licenses, and or permit in good standing and, should the Lessee lose any license, and or permits required to provide facility services for any reason, it shall be considered a basis for terminating this lease as called for in section 5.8 of this lease.
Current:

2.1 **Term of Lease:** The term of this Lease ("Term") shall be for five years beginning on the first day of October 2011.

2.2 **Renewal:** Lessor intends to re-lease the facility to the Opportunity Council for succeeding 5 years based on review of services provided and needed along with projected costs of the maintenance and operations.

2.3 **Rent:** The Lessee will contribute $1,250 per month rent for Head Start classrooms and other agency programming into the Facility Reserve Fund identified in section 2.6 below.

2.6 **Facility Reserve Fund:** The Lessee will maintain a Facility Reserve Fund. The Lessee will report monthly deposits, outlay and the balance of the fund. Rents paid pursuant to section 2.3 will be deposited to the fund. All rent from subleases as provide in section 2.4 and all user fees as provided in section 2.5 will be deposited into the fund. The fund may be used for the following costs:

1) Operation and maintenance expenses to the extent these expenses exceed the annual budget of $98,000.

2) Purchase of goods and materials to furnish the facility, equip the kitchen and improve access to technology.

3) To provide services at the facility.

No expenditures shall be made from the fund for items 2 and 3 unless the Lessee is reasonably certain there is an adequate balance in the fund to cover any expenses pursuant to item 1.

Any furnishing or equipment purchased with the Facility Reserve Fund shall be for the exclusive use and benefit of the East Whatcom Regional Resource Center and related activities.

At termination of the lease the Lessee shall remit any unexpended balance of the Facility Reserve Fund to the Lessor.

2.7 **Condition of Premises:** This was a brand new facility. Thus the Lessor assumes that like conditions will exist in the first 5 years. Lessee agrees to keep the Premises and all Lessor owned improvements thereon continually in good condition throughout the term of the Lease. The Lessee is responsible for the coordination of maintenance and inspection requirements as directed by the Lessor represented by the Facilities Manager and Parks Director and communicated in the initial building handover. Lessee further agrees to maintain the exterior appearance of the Premises during the term of the Lease in as good of condition as they exist on the commencement date of the Lease.

Change to:

2.1 **Term of Lease:** The term of this Lease ("Term") shall be for twenty five years beginning on the first day of October 2011.
2.2 **Review:** Lessor and lessee will meet to review the Lease and Operations Agreement a minimum of every 5 years to ensure the terms of the agreement are being upheld and services properly provided.

2.3 **Rent:** The Lessee will contribute $1,250 per month rent for Head Start classrooms and other agency programming into the Facility Reserve Fund identified in section 2.6 below. Pursuant to the requirements in Whatcom County Code, 1.10.450, rental payments may be adjusted and fixed by Whatcom County every five years and more frequent readjustments may occur.

2.6 **Facility Reserve Fund:** The Lessee will maintain a Facility Reserve Fund. The Lessee will report monthly deposits, outlay and the balance of the fund. Rents paid pursuant to section 2.3 will be deposited to the fund. All rent from subleases as provide in section 2.4 and all user fees as provided in section 2.5 will be deposited into the fund. The fund may be used for the following costs.

1) Operation and maintenance expenses to the extent these expenses exceed the annual budget of $105,412.

2) Purchase of goods and materials to furnish the facility, equip the kitchen and improve access to technology.

3) To provide services at the facility.

No expenditures shall be made from the fund for items 2 and 3 unless the Lessee is reasonably certain there is an adequate balance in the fund to cover any expenses pursuant to item 1.

Any furnishing or equipment purchased with the Facility Reserve Fund shall be for the exclusive use and benefit of the East Whatcom Regional Resource Center and related activities.

At termination of the lease the Lessee shall remit any unexpended balance of the Facility Reserve Fund to the Lessor.

2.7 **Condition of Premises:** Lessee agrees to keep the Premises and all Lessor owned improvements thereon continually in good condition throughout the term of the Lease. The Lessee is responsible for the coordination of maintenance and inspection requirements as directed by the Lessor represented by the Facilities Manager and Parks Director and communicated in the initial building handover. Lessee further agrees to maintain the exterior appearance of the Premises, including landscaping and general cleanliness of the walls and windows, during the term of the Lease in as good of condition as they exist on the commencement date of the Lease. The Lessor, as Landlord shall be responsible for all major external maintenance such as paint, siding, roof and structural needs of the parking area(s).

**Current:**

3.10 **Operations and Maintenance Budget:** The Lessor will provide financial support for operations and maintenance of the building and property for the period of October 1, 2011 to December 31, 2011 at a rate of $24,675, and $98,700 for the period of January 1, 2012 to December 31, 2012 based on estimated amount of $8,225 per month. Annual contributions for years 2013, 2014, and 2015 will be determined after a review by
Lessor and Lessee of the costs associated with maintenance, operations and support of the premises. Allowable expenses will be reimbursed on a monthly basis upon presentation of an invoice and required supporting documentation. Request for reimbursements of wages must be supported by payroll summaries identifying employee, hours worked and amount of compensation. Requests for reimbursement of allowed expenses as described in Exhibit “A” must be accompanied by copies of paid invoices itemizing costs incurred. Compensation shall not exceed $98,700. Eligible cost incurred for purchase of propane fuel will be reimbursed back to June 1, 2011.

- Year  Maintenance and Operation Support provided by Whatcom County
  - 2011: $24,675.
  - 2012: $98,700.00/annually
  - 2013: $ To be determined following review of costs by Lessor and Lessee
  - 2014: $ To be determined following review of costs by Lessor and Lessee
  - 2015: $ To be determined following review of costs by Lessor and Lessee

Change to:

3.10 Operations and Maintenance Budget: The Lessor will provide financial support for operations and maintenance of the building and property for the period of January 1st, 2017 to December 31st, 2021 at a rate of $105,412 annually. Compensation shall not exceed the approved annual rate. Financial support for subsequent years 2022 through 2036 will be determined after a review by Lessor and Lessee of the costs associated with maintenance, operations and support of the premises.

YEAR  Maintenance and Operation Support provided by Whatcom County
2017: $105,412/annually
2018: $105,412/annually
2019: $105,412/annually
2020: $105,412/annually
2021: $105,412/annually

Allowable expenses will be reimbursed on a monthly basis upon presentation of an invoice and required supporting documentation. Request for reimbursements of wages must be supported by payroll summaries identifying employee, hours worked and amount of compensation. Requests for reimbursement of allowed expenses as described in Exhibit “A” must be accompanied by copies of paid invoices itemizing costs incurred. Compensation shall not exceed the approved annual budget amount.
WHATCOM COUNTY COUNCIL AGENDA BILL

COUNCILLOR

CLEARANCES  Initial  Date       Date Received in Council Office  Agenda Date  Assigned to:
Originator:
James Karcher, P.E.  GPK  7-13-16
Division Head:
Joe Rutan, P.E.  7-13-16
Dept. Head:
Jon Hutchings  7-14-16
Prosecutor:
Daniel Gibson  07/14/16
Purchasing/Budget:
Brad Bennett  7/18/16
Executive:
Jack Louws  7.18.16

RECEIVED
JUL 19 2016

WHATCOM COUNTY COUNCIL

TITLE OF DOCUMENT:
Approval for Contract Award of the construction contract for the South Pass Road Failure Repair Project, CRP 915018, to Granite Construction Company: Bid 16-41

ATTACHMENTS:
1. Memo
2. Bid Tabulation
3. Project Narrative
4. Project Cost Breakdown
5. Approval for Contract Award

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

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

Public Works respectfully requests that the County Council authorize the County Executive to sign the Approval for Contract Award of the construction contract for the South Pass Road Failure Project, CRP No. 915018 to Granite Construction Company; Bid 16-41

COMMITTEE ACTION:

COUNCIL ACTION:

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

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

To: The Honorable Jack Louws, Whatcom County Executive and The Honorable 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: July 13, 2016

Re: South Pass Road Failure Repair, CRP No. 915018 Federal Aid No. ER-1503(004) Construction Contract for Award

Attached for your review and signature is the standard construction contract award package for the South Pass Road Failure Repair, CRP 915018. This package consists of the following: agenda bill, approval for contract award, tabulation of all bids, project cost breakdown, and project narrative.

Requested Action
Public Works respectfully requests that the County Council authorize the County Executive to award and enter into a contract with the low bidder, Granite Construction Company. 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, July 12, 2016. A total of nine (9) responsive bids were received, with Granite Construction Company being the lowest responsible bidder in the amount of $429,651.25. The project is listed as Item No. 21 on the 2016 Annual Construction Program.

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

Please contact Kevin Thompson at extension 6278 if you have any questions or concerns regarding this contract.

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

Sara Winger, Purchasing Coordinator

Date: 07/18/2016
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<th>Description</th>
<th>Quantity</th>
<th>Unit</th>
<th>Gage</th>
<th>Note</th>
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<th>QWANITE CONSTRUCTION COMPANY</th>
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<th>BOARD OF CONTRACTORS</th>
<th>CARLSON'S CONSTRUCTION, INC.</th>
<th>LASTY-BROWN CONSTRUCTION, INC.</th>
<th>DUNWODIE CONSTRUCTION, INC.</th>
<th>SHRAE CONSTRUCTION CO., INC.</th>
<th>MCGUIRE CONSTRUCTION</th>
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Note: Amounts in bold and italic represent the change to the contractors submitted bid.
South Pass Road Failure Repair  
CRP #915018

Construction Funding Year(s): 2016

Project Narrative: 
This project will consist of excavating the existing roadway to install roadway stabilizing geogrid wraps to repair damage caused by severe winter rains in February 2015. Also, guardrail will be installed where warranted and drainage upgrades. This project is listed #R29 in the 2016-2021 Six-Year Transportation Improvement Program.


Total Estimated Project Cost: $782,500
Expenditures to Date: $87,800

Funding Sources:

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<td>Local</td>
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Environmental Permitting

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<td>Land Disturbance</td>
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Right-of-Way Acquisition (Estimate) $0
County Forces (Estimate) $0
### Project Cost Breakdown

**South Pass Road Failure Repair**  
CRP No. 915018; Federal Aid No. ER-1503 (004)  
Bid No. 16-41

<table>
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<th>Project Phase</th>
<th>Whatcom County</th>
<th>FHWA - ER</th>
<th>Total</th>
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<tbody>
<tr>
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South Pass Road Failure Repair  
CRP No. 915018  
Federal Aid No. ER-1503(004)

APPROVAL FOR CONTRACT AWARD

Approval is hereby granted to award the Contract as follows:

Project: South Pass Road Failure Repair, CRP No. 915018

To: Granite Construction Company

In the amount of their bid proposal $429,651.25 including all taxes.

Whatcom County Executive  
Approving Authority  

Daniel L. Gibson  
Chief Civil Deputy Prosecutor

Date  

Daniel L. Gibson  
Chief Civil Deputy Prosecutor

Date  

July 14, 2016
Plantation Indoor Range HVAC Replacement Design and Construction Services Contract

ATTACHMENTS:
1. Plantation Indoor Range HVAC Replacement Design and Construction Services Contract

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.)

Parks requests approval of the attached contract with SAZON Group for design and construction services for Plantation Indoor Range HVAC Replacement.
MEMORANDUM

TO: Jack Louws, County Executive
FROM: Michael McFarlane
RE: Design and Construction Services for Plantation Indoor Range HVAC Replacement
DATE: July 14, 2016

Enclosed are two (2) originals of Design and Construction Services for Plantation Indoor Range HVAC Replacement for your review and signature.

- **Background and Purpose**
Parks requests approval of the attached contract with SAZAN Group for professional design and construction services required for replacement of the Plantation Indoor Range HVAC system.

This contract will complete design, permitting, construction cost estimate, bid documents, and construction services for replacement of the Plantation Indoor Range HVAC system.

- **Funding Amount and Source**
This project is funded through a combination of Washington State Recreation and Conservation Office grant (49%) and REET 1 (51%) funds ASR 2015-5355 ($290,000).

- **Differences from Previous Contract**
This is a new contract.

Please contact Christ Thomsen at extension 5865, if you have any questions or concerns regarding the terms of this agreement,

Encl.
**WHATCOM COUNTY CONTRACT INFORMATION SHEET**

<table>
<thead>
<tr>
<th>Originating Department:</th>
<th>Parks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract or Grant Administrator:</td>
<td>Christ Thomsen</td>
</tr>
<tr>
<td>Contractor's / Agency Name:</td>
<td>SAZAN Group</td>
</tr>
<tr>
<td>Is this a New Contract?</td>
<td>Yes ☒ No ☐</td>
</tr>
<tr>
<td>If Amendment or Renewal, (per WCC 3.08.100 (a)) Original Contract #:</td>
<td></td>
</tr>
<tr>
<td>Does contract require Council Approval?</td>
<td>Yes ☒ No ☐</td>
</tr>
<tr>
<td>(see Whatcom County Codes 3.06.010, 3.08.090 and 3.08.100)</td>
<td></td>
</tr>
<tr>
<td>Is this a grant agreement?</td>
<td>Yes ☒ No ☐</td>
</tr>
<tr>
<td>Is this contract grant funded?</td>
<td>Yes ☒ No ☐</td>
</tr>
<tr>
<td>Is this contract the result of a RFP or Bid process?</td>
<td>Yes ☒ No ☐</td>
</tr>
<tr>
<td>Contract</td>
<td>Cost Center: 3260615001</td>
</tr>
<tr>
<td>Is this agreement excluded from E-Verify?</td>
<td>Yes ☒ No ☐</td>
</tr>
<tr>
<td>If YES, indicate exclusion(s) below:</td>
<td></td>
</tr>
<tr>
<td>☒ Professional services agreement for certified/licensed professional.</td>
<td>☐ Contract for Commercial off the shelf items (COTS).</td>
</tr>
<tr>
<td>☐ Contract work is for less than $100,000.</td>
<td>☐ Work related subcontract less than $25,000.</td>
</tr>
<tr>
<td>☐ Contract work is for less than 120 days.</td>
<td>☐ Public Works - Local Agency/Federally Funded FHWA.</td>
</tr>
<tr>
<td>☐ Interlocal Agreement (between Governments).</td>
<td></td>
</tr>
<tr>
<td>Contract Amount:(sum of original contract amount and any prior amendments):</td>
<td></td>
</tr>
<tr>
<td>$ 64,983</td>
<td>Contracts that require Council Approval (incl. agenda bill &amp; memo)</td>
</tr>
<tr>
<td>This Amendment Amount:</td>
<td></td>
</tr>
<tr>
<td>$ N/A</td>
<td></td>
</tr>
<tr>
<td>Total Amended Amount:</td>
<td></td>
</tr>
<tr>
<td>$ N/A</td>
<td>RENEWALS: Council approval is not required when exercising an option to renew that is provided in the original contract.</td>
</tr>
</tbody>
</table>

**Summary of Scope:** This professional services contract will complete design, permitting, development of bid documents, and construction services for the replacement of the Plantation Indoor Range HVAC system.

<table>
<thead>
<tr>
<th>Term of Contract:</th>
<th>7 months</th>
<th>Expiration Date:</th>
<th>2/29/2017</th>
</tr>
</thead>
</table>

**Contract Routing:**

1. Prepared by: C. Thomsen Date: 7/14/2016
2. Attorney signoff: Date: 7/15/16
3. AS Finance reviewed: Date: 7/18/16
4. IT reviewed (if IT related): Date: 7-15-16
5. Contractor signed: Date: 7-18-16
6. Submitted to Exec.: Date: 7-18-16
7. Council approved (if necessary): Date: |
8. Executive signed: Date: |
9. Original to Council: Date: |
Contract for Services Agreement
Plantation Indoor Range HVAC Replacement

COUNTY ORIGINAL

CONTRACT FOR SERVICES AGREEMENT
Plantation Indoor Range HVAC Replacement Design and Construction Services

SAZAN Group, hereinafter called Contractor, and Whatcom County, hereinafter referred to as County, agree and contract as set forth in this Agreement, including:

General Conditions, pp. 3 to 9,
Exhibit A (Scope of Work), p. 10,
Exhibit B (Compensation), p. 11,
Exhibit C (Certificate of Insurance).

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

The term of this Agreement shall commence on the 29th day of July 2016, and shall, unless terminated or renewed as elsewhere provided in the Agreement, terminate on the 29th day of February, 2017.

The general purpose or objective of this Agreement is to: provide Design and Construction Services for the Plantation Indoor Range HVAC replacement, as more fully and definitively described in Exhibit A hereto. The language of Exhibit A controls in case of any conflict between it and that provided here.

The maximum consideration for the initial term of this agreement or for any renewal term shall not exceed $64,993. The Contract Number, set forth above, shall be included on all billings or correspondence in connection therewith.

Contractor acknowledges and by signing this contract agrees that the Indemnification provisions set forth in Paragraphs 11.1, 21.1, 30.1, 31.2, 32.1, 34.1, 34.2, and 34.3, if included, are totally and fully part of this contract and have been mutually negotiated by the parties.
IN WITNESS WHEREOF, the parties have executed this Agreement this 15th day of July, 2016.

CONTRACTOR:
SAZAN Group

[Signature]
Nader Dabestani, President
Date: 7-15-16

STATE OF WASHINGTON
COUNTY OF King

On this 15th day of July, 2016 before me personally appeared Nader Dabestani, President of SAZAN Group (Company) and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

[Signature]
Kevin Alger

WHATCOM COUNTY:
Recommended for Approval:

[Signature] 7-14-16
Department/Director  Date

Approved as to form:

[Signature] 7/15/16
Prosecuting Attorney  Date

Approved:
Accepted for Whatcom County:

By: _________________________
Jack Louws, Whatcom County Executive

STATE OF WASHINGTON  )
COUNTY OF WHATCOM  ) ss

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

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

____________________________. My commission expires ________________.

CONTRACTOR INFORMATION:

SAZAN Group

Nader Dabestani, President
Address:
600 Stewart St., STE. 1400
Seattle, WA, 98101

Mailing Address:
600 Stewart St., Ste. 1400
Seattle, WA, 98101

Contact Name: C. Erik Larson
Contact Phone: (206) 267-1700
Contact FAX: (206) 267-1701
Contact Email: elarson@sazan.com
Contract for Services Agreement
Plantation Indoor Range HVAC Replacement

v2.0
GENERAL CONDITIONS

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

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

Series 10-19: Provisions Related to Term and Termination

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

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

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

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

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

Series 20-29: Provisions Related to Consideration and Payments

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

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

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

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

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

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

**Series 30-39: Provisions Related to Administration of Agreement**

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

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

Contractor will defend, indemnify and hold harmless the County, its officers, agents or employees from any loss or expense, including, but not limited to, settlements, judgments, setoffs, attorneys’ fees or costs incurred by reason of claims or demands because of breach of the provisions of this paragraph.
30.2 Assignment and Subcontracting:
The performance of all activities contemplated by this agreement shall be accomplished by the Contractor. No portion of this contract may be assigned or subcontracted to any other individual, firm or entity without the express and prior written approval of the County.

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

31.1 Ownership of Items Produced:
Any and all data, reports, analyses, documents, photographs, pamphlets, plans, specifications, surveys, films or any other materials created, prepared, produced, constructed, assembled, made, performed or otherwise produced by the Contractor or the Contractor’s subcontractors or consultants for delivery to the County under this Agreement shall be the sole and absolute property of the County. Such property shall constitute “work made for hire” as defined by the U.S. Copyright Act of 1976, 17 U.S.C. § 101, and the ownership of the copyright and any other intellectual property rights in such property shall vest in the County at the time of its creation. Ownership of the intellectual property includes the right to copyright, patent, and register, and the ability to transfer these rights. Material which the Contractor uses to perform this Agreement but is not created, prepared, constructed, assembled, made, performed or otherwise produced for or paid for by the County is owned by the Contractor and is not “work made for hire” within the terms of this Agreement. All the Contractor’s or subcontractor’s records relied on, utilized or prepared for purposes of completing this contract must be made available to the County upon request and are subject to the County’s legal obligations of the Public Disclosure Records Act. If the Contractor fails to obtain and provide the County with any records requested in a manner and time requested by the County, and such failure results in legal and monetary liability of the County under the Public Disclosure Records Act, the Contractor agrees to indemnify the County for any judgement and/or penalty against the County.

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

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

34.1 Proof of Insurance:
The Contractor shall carry for the duration of this Agreement general liability and property damage insurance with the following minimums:
Property Damage per occurrence - $500,000.00.
General Liability & Property Damage for bodily injury- $1,000,000.00.

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

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

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

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

34.3 Indemnification by Contractor:
To the fullest extent permitted by law, the Contractor agrees to indemnify, defend and hold the County and its departments, elected and appointed officials, employees, agents and volunteers, harmless from and against any and all claims, damages, losses and expenses, including but not limited to court costs, attorney’s fees and alternative dispute resolution costs, for any personal injury, for any bodily injury, sickness, disease or death and for any damage to or destruction of any property (including the loss of use resulting therefrom) which 1) are caused in whole or in part by any act or omission, negligent or otherwise, of the Contractor, its employees, agents or volunteers or Contractor’s subcontractors and their employees, agents or volunteers; or 2) are directly or indirectly arising out of, resulting from, or in connection with performance of this Agreement; or 3) are based upon the Contractor’s or its subcontractors’ use of, presence upon or proximity to the property of the County for the value of the contract or $1,000,000, whichever is less. This indemnification obligation of the Contractor shall not apply in the limited circumstance where the claim, damage, loss or expense is caused by the sole negligence of the County. In the event of the concurrent negligence of the Contractor, its subcontractors, employees or agents, and the County, its employees or agents, this indemnification obligation of the Contractor shall be valid and enforceable only to the extent of the negligence of the Contractor, its subcontractors, employees and agents. This indemnification obligation of the Contractor shall not be limited in any way by the Washington State Industrial Insurance Act, RCW Title 51, or by application of any other workmen’s compensation act, disability benefit act or other employee benefit act, and the Contractor hereby expressly waives any immunity afforded by such acts. The foregoing indemnification obligations of the Contractor are a material inducement to County to enter into this Agreement, are reflected in the Contractor’s compensation, and have been mutually negotiated by the parties.

a. Participation by County – No Waiver.
The County reserves the right, but not the obligation, to participate in the defense of any claim, damages, losses or expenses and such participation shall not constitute a waiver of Contractor’s indemnity obligations under this Agreement.

b. Survival of Contractor’s Indemnity Obligations.
The Contractor agrees all Contractor’s indemnity obligations shall survive the completion, expiration or termination of this Agreement.

c. Indemnity by Subcontractors.
In the event the Contractor enters into subcontracts to the extent allowed under this Agreement, the Contractor’s subcontractors shall indemnify the County on a basis equal to or exceeding Contractor’s indemnity obligations to the County.

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

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

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

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

36.2 Conflict of Interest:

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

37.1 Administration of Contract:

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

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

Whatcom County, Parks and Recreation
Christ Thomsen, Operations Manager

3373 Mt. Baker Hwy
Bellingham, WA 98226
360-778-5860

37.2 Notice:

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

38.1 Certification of Public Works Contractor's Status under State Law:

Contractor certifies that it has fully met the responsibility criteria required of public works contractors under RCW 39.04.350 (1), which include: (a) having a certificate of registration in compliance with RCW 18.27; (b) having a current state unified business identifier number; (c) if applicable, having insurance coverage for its employees working in Washington as required in Title 51 RCW, an employment security department number as required in Title 50 RCW, and a state excise tax registration number as required in Title 82 RCW; and (d) not being disqualified from bidding on any public works contract under RCW 39.06.010 or 39.12.085 (3).

38.2 Certification Regarding Federal Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions:

The Contractor further certifies, by executing this contract, that neither it nor its principles is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or Agency.

The Contractor also agrees that it shall not knowingly enter into any lower tier covered transactions (a transaction between the Contractor and any other person) with a person who is proposed for debarment, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, and the Contractor agrees to include this clause titled "Certification Regarding Federal Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction" without modification, in all lower tier covered transactions and in all solicitations for lower tier transactions.

The "Excluded Parties List System in the System for Award Management (SAM) website is available to research this information at WWW.SAM.GOV. Contractor shall immediately notify Whatcom County if, during the term of this Contract, Contractor becomes debarred.

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

Contract for Services Agreement
Plantation Indoor Range HVAC Replacement

V2.0
40.1 Modifications:
Either party may request changes in the Agreement. Any and all agreed modifications, to be valid and binding upon either party, shall be in writing and signed by both of the parties.

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

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

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

42.1 Disputes:

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

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

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

d. Arbitration:
Other claims for injunctive relief brought by a party hereto (which may be brought either in court or pursuant to this arbitration provision), and consistent with the provisions hereinafore, any claim, dispute or controversy between the parties under, arising out of, or related to this Agreement or otherwise, including issues of specific performance, shall be determined by arbitration in Bellingham, Washington, under the applicable American Arbitration Association (AAA) rules in effect on the date hereof, as modified by this Agreement. There shall be no arbitrator selected by the parties within ten (10) days of the arbitration demand, or if not, by the AAA or any other group having similar credentials. Any issue about whether a claim is covered by this Agreement shall be determined by the arbitrator. The arbitrator shall apply substantive law and may award injunctive relief, equitable relief (including specific performance), or any other remedy available from a judge, but shall not have the power to award punitive damages. Each party shall pay its own costs of arbitration including attorneys' fees. The arbitrator's fee and any administrative expenses imposed by the arbitrator shall be shared equally by the parties. The decision of the arbitrator shall be final and binding and an order confirming the award or judgment upon the award may be entered in any court having jurisdiction. The parties agree that the decision of the
arbitrator shall be the sole and exclusive remedy between them regarding any dispute presented or pled before the arbitrator. At the request of either party made not later than forty-five (45) days after the arbitration demand, the parties agree to submit the dispute to nonbinding mediation, which shall not delay the arbitration hearing date; provided, that either party may decline to mediate and proceed with arbitration.

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

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

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

45.1 Public Records Act:
This Agreement and all public records associated with this Agreement shall be available from the County for inspection and copying by the public where required by the Public Records Act, Chapter 42.56 RCW (the "Act"). To the extent that public records then in the custody of the Contractor are needed for the County to respond to a request under the Act, as determined by the County, the Contractor agrees to make them promptly available to the County. If the Contractor considers any portion of any record provided to the County under this Agreement, whether in electronic or hard copy form, to be protected from disclosure under law, the Contractor shall clearly identify any specific information that it claims to be confidential or proprietary. If the County receives a request under the Act to inspect or copy the information so identified by the Contractor and the County determines that release of the information is required by the Act or otherwise appropriate, the County’s sole obligations shall be to notify the Contractor (a) of the request and (b) of the date that such information will be released to the requester unless the Contractor obtains a court order to enjoin that disclosure pursuant to RCW 42.56.540. If the Contractor fails to timely obtain a court order enjoining disclosure, the County will release the requested information on the date specified.

The County has, and by this section assumes, no obligation on behalf of the Contractor to claim any exemption from disclosure under the Act. The County shall not be liable to the Contractor for releasing records not clearly identified by the Contractor as confidential or proprietary. The County shall not be liable to the Contractor for any records that the County releases in compliance with this section or in compliance with an order of a court of competent jurisdiction.

46.1 Entire Agreement:
This written Agreement, comprised of the writings signed or otherwise identified and attached hereto, represents the entire Agreement between the parties and supersedes any prior oral statements, discussions or understandings between the parties.
SEE ATTACHED
SAZAN Fee Proposal
Dated July 14, 2016
EXHIBIT "B"
(COMPENSATION)

The maximum consideration for the initial term of this AGREEMENT or for any renewal term shall not exceed $64,933.

The Contract Number, set forth, shall be included on all invoices or correspondence in connection therewith.

Invoices shall include a monthly statement of work performed. This statement must give the actual quantity and cost of the completed work as listed in the scope of work or by executed change order.

The CONTRACTOR must submit invoices to the County no later than the 5th day of the month following the month in which the work was completed. The County will process and issue warrants for the completed work by the end of the month in which the statement was submitted. Invoices submitted later than the above date will be paid at the end of the next month or within 60 days.

The CONTRACTOR shall send invoices to:
Whatcom County Parks & Recreation
Attn: Christ Thomsen
3373 Mt. Baker Hwy
Bellingham, WA 98226

CONTRACTOR may invoice the COUNTY progressively not more than once per month. Progressive billings will be for the amount of work completed.

CONTRACTOR may invoice the COUNTY upon completion of the project in its entirety for the full contract amount upon acceptance of the project by the Contract Administrator.
July 14, 2016

Mr. Christ Thomsen
Whatcom County Parks & Recreation
3373 Mt. Baker Hwy
Bellingham, WA 98226

Project: Plantation Indoor Range HVAC Replacement
         RCO #14-1127D

Subject: Fee Proposal

Dear Christ:

We appreciate the opportunity to provide design services to Whatcom County Parks and Recreation and are pleased to provide this proposal for the subject project. We propose to provide professional services for this project in accordance with the following.

Scope of Basic Services

A. Project scope of work shall be as follows:

1. The project is primarily an HVAC Replacement project, but will include lead survey and abatement design, electrical revisions, as well as minor structural and architectural modifications.

2. There are 2 mechanical systems that will be replaced – one for the indoor gun range, and the other for the support spaces, which include a registration office, lobby/entry, and meeting/observation room, with adjoining restrooms. This project will not condition the existing storage rooms. The new HVAC system shall comply with state, federal, and local code and regulations, including applicable lead containment / collection requirements (L&I, etc.). Heating, Ventilating, and Air Conditioning (HVAC) system design shall be in compliance with minimum requirements of the IBC, IMC, UPC, and State of Washington Energy Code. New HVAC systems for the indoor range will be ground-mounted – site prep and equipment support pad is by others. Civil design effort is excluded, and is anticipated to be by others.

3. Design for a new Direct Digital Control system to control the new HVAC equipment. There is no preference regarding a system supplier, but web-based access with E-mail notification is required. The project will not include modifications to the site communications utilities (internet or phone).

4. As part of the preliminary design effort, Sázán Group will address the potential cost impact (both capital cost and operating/energy cost) to utilize propane as the primary heat source for the building (in lieu of electric power).

5. Sázán Group and our subconsultants will attend a one-day on-site kick-off meeting, which will include detailed site investigation and field verification of existing conditions. In addition to the kick-off meeting and field verification, we will also attend a meeting with Whatcom County Planning & Development Services to
present the project and discuss their expectations for design and design documentation.

6. There will be two design review periods at approximately the 50% and 90% design levels. These review periods will commence with the receipt of design documentation by Whatcom County Parks & Recreation. Following each of the design periods, Sázän Group will deliver and present the design submittal at a design presentation meeting in the Bellingham area. Following the meeting, Whatcom County Parks & Recreation will have one week to provide written comments related to the design. Following this period, and within 2 business days after receipt of written comments, Sázän Group will attend a design review meeting to discuss these comments and any additional information which may be needed to proceed with the design.

7. To maintain project schedule, the 90% design submittal will be suitable for building permit application and bidding at the completion of the 90% design review period. If necessary to incorporate comments from Whatcom County Parks & Recreation, we will re-issue the 90% design submittal prior to permit submittal or bidding. Comments that do not impact the building permit application will be addressed in the 100% design submittal. All changes between the 90% and 100% design submittals will be clouded.

8. Following receipt of building permit comments, we will update the 90% design to address comments from the permit authority, responses to contractor questions received during the bid period, or design deficiencies. If addenda are issued during the bid period, these will also be incorporated in the 100% design submittal, which will be suitable for construction.

9. Construction cost estimates are required at the 50% and 90% design submittals. Costs for HVAC upgrades for the indoor range itself should be kept separate from the support spaces.

10. The basic services design effort will include definition of a contractor bid alternate for the replacement of the HVAC equipment serving the support spaces. It is understood that the support space HVAC replacement may be eliminated from the contractor’s scope of work if overall funding is not adequate to replace both systems.

11. Architectural scope of work includes roof repairs following removal of the existing roof-mounted mechanical equipment, as well as design for new roof/wall penetrations, flashing, and sealing. No other architectural scope is anticipated other than possibly removal of an existing roof access ladder.

12. Structural engineering will be limited to new penetrations of the building envelope and review of the design for an outdoor equipment pad to support the new HVAC equipment.
13. Refer to attached scope of work for Environmental Services, including regulated materials surveys, abatement design, and requirements for follow-up testing. Note that Environmental Services are not included in the Basic Services fee.

14. Electrical scope of work is limited to the power revisions necessary to support the new mechanical equipment. The proposed scope assumes that a decision will be made to utilize propane or electric power as the HVAC system heat source immediately after the preliminary design review period.

15. Sázän Group will provide commissioning as required to satisfy energy code requirements. Note that this effort is not included in the Basic Services fee (see below).

16. Sázän Group will generate all necessary AutoCAD background files for this work from record drawing information provided by Whatcom County Parks & Recreation. At the completion of the design period, we will issue electronic media, including native files, for all design deliverables.

17. The project schedule should allow completion of construction no later than 12-31-2016. The preliminary (tentative) project schedule allows 8-10 weeks for preparation of construction documents, 2 weeks for a pre-bid phase, a 3-4 week bid period, then 2 weeks to the start of construction.

18. Scope of work during Construction Administration and closeout includes the following:

a. Submittal Review related to our scope of work.

b. RFI Responses and Office Consultation related to our scope of work.

c. Final Punchlist Inspection and report.

d. Record drawings based on contractor red-lined as-built drawings.

e. Site visits during construction (5 site visits maximum).

Fee

A. Basic Services Fee: Time-and-Expense Not-To-Exceed $42,857. This amount includes $32,020 in Sázän Group Labor Effort plus $10,837 in subconsultant effort and expenses.

B. Environmental Services: Lead survey, abatement design and closeout services. See attached proposal from PBS Environmental. Effort will be billed on a time-and-materials basis at our cost plus a 7% administrative cost. The total maximum cost for this effort will be $13,773. This amount is not included in the Basic Services fee.

C. Commissioning Services: Design phase and construction phase commissioning services will be provided by Sázän Group in accordance with Washington State Energy
Code requirements. The effort will be billed on a time-and-expense basis, and will not exceed $8,680. This amount is not included in the Basic Services fee.

D. Effort will be billed at our standard hourly rates (see Attachment C). Subconsultant effort will be billed on a time and expense basis in accordance with our subconsultant agreements. All subconsultant effort will be invoiced at our cost plus a 7% administrative expense.

E. Reimbursables: Expenses will be invoiced at our cost plus a 7% administrative expense. We have allowed up to $1,100 for mileage and printing expenses (printing costs will include a 7% mark-up). Mileage will be invoiced at $0.54/mile.

F. Basic Services estimated value for each phase of design and construction is as follows:

| Construction Documents: | $33,182 |
| Construction Administration: | $9,675 |
| **Total:** | **$42,857** |

G. Fee Summary

<table>
<thead>
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<th></th>
<th>Design</th>
<th>Administration</th>
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<td><strong>TOTAL:</strong></td>
<td><strong>$33,182</strong></td>
<td><strong>$9,675</strong></td>
<td><strong>$42,857</strong></td>
</tr>
</tbody>
</table>

| Environmental              | $8,160  | $4,360 | $12,520 |
| Sub Mark-up                | $571    | $305  | $876    |
| **Total, Environmental**   | **$8,731** | **$4,665** | **$13,396** |

| Commissioning              | $840    | $7,840 | $8,680  |
| **TOTAL:**                 | **$64,933** |

**Fee Basis**

Our fee is based on the following:

A. No significant changes will be made to the design program after the 50% design review period is complete.

B. No changes will be made to design documents after the 90% design is issued, except to
respond to building permit review comments or contractor questions, or to incorporate necessary design revisions or clarifications.

C. Evaluation of alternate design proposals by Contractor after Construction Documents are issued will be considered Additional Services.

D. Preparation of multiple bid packages is not required.

E. The existing outdoor dust collector serving the indoor range bullet trap/lead collection room will be retained.

F. Air conditioning is not required for the new HVAC systems.

G. New HVAC system design for the electrical room/storage room is not included in this effort.

H. Plumbing design is not required. We do not anticipate any requirement to upgrade the existing plumbing systems as a part of this work effort.

I. Fire Protection: Fire protection design is not included in this fee proposal. As part of the design effort, Sázán will confirm that the addition of fire protection systems is not required.

J. Electronic drawing files (PDF) will be provided for each design deliverable to Whatcom County Parks & Recreation. Sázán Group will provide hard copies of design deliverables within the limit of our reimbursable expenses defined above. Additional document reproduction will be considered an additional service.

K. Full time project representation during the Construction Phase is not required. Refer to the extent of representation identified above.

L. Relocation of existing site utilities is not required. Civil/site design is not required.

M. Services beyond the initially agreed upon Project Schedule time period will be considered Additional Services.

N. Travel out of the Puget Sound/Bellingham region is not required.

O. It is understood that the total project budget (including design/construction administration/commissioning costs) is $289,900.

**Additional Services**

Following is a listing of potential Additional Services that are not included in our Basic Services. These services could be provided, subject to additional compensation.

A. Regulated material surveys other than as described herein.

B. Additional meetings or site visits during design/construction.

C. Energy or Life Cycle Cost Analysis.
D. Design of bid alternatives requiring multiple designs (other than as defined above).
E. Evaluation of alternate design proposals by Contractor after Construction Documents Phase.
F. Participation in value engineering studies.
G. Participation in third party constructability reviews.
H. Participation in a third party code compliance reviews.
I. Architectural or other lighting systems design
J. Communication systems design.
K. Submittal of advanced permit sets.
L. Electrical system metering is not included in this proposal. We do not anticipate that it will be required.

We appreciate this opportunity to be of service to Whatcom County Parks & Recreation. If this proposal is satisfactory, please sign below and return a copy to us as authorization to proceed, or issue other documentation as you deem necessary.

Sincerely,
Säzän Group, Inc.

C. Erik Larson, P.E.
Associate Principal

APPROVED: Whatcom County Parks & Recreation

By: 

Title: 

Date: 

Attachments:
A. Environmental Services Fee Proposal
B. Säzän Group Standard Hourly Rates
July 18, 2016

Erik Larson
Sazan Group
600 Stewart Street, Suite 1600
Seattle, WA 98101

RE: Proposal for Hazardous Materials Consulting Services
Plantation Range HVAC Replacement Fee Proposal (RCO#14-1127D)
Bellingham, Washington
PBS Proposal No.: WA26935 Rev 2

Dear Mr. Larson:

PBS is pleased to provide this proposal to the Sazan Group for Hazardous Materials Consulting Services related to the above referenced project. This proposal outlines our proposed services and fees related to asbestos-containing materials (ACMs), lead dust and lead-containing paint (LCP).

Our project approach and associated fees are based on our preliminary telephone discussions with the Sazan Group concerning the scope of the project. The building is approximately 6,000 square feet in floor plan area and constructed of slab on grade, wood framing and a flat built up roof. It is our understanding that the scope of the project includes the following:

Sazan provided the following project work scope:

1. Remove all of the existing roof-mounted mechanical equipment, and patch/repair the roof accordingly. Abate all portions of the removed materials (assume everything to be removed is contaminated with lead).
2. Architectural, other than roof repairs, there will be new roof and possibly wall penetrations. We'll need architectural design for the roof repairs, penetrations, flashing, and sealing. No other architectural scope is anticipated other than possibly demo of an existing roof access ladder.
3. Structurally, with the new equipment being ground-supported, we'll need design for new wall/roof openings, and evaluation of a new concrete pad that will be furnished and installed by the Parks Department. We're only planning to remove equipment off the roof, so not expecting a need to analyze the existing structure.
4. There are 2 mechanical systems that will be replaced – one for the indoor gun range, and the other for the support spaces, which include a registration office, lobby/entry, and meeting/observation room, with adjoining restrooms. This project will not impact the existing storage rooms.
5. Electrical power revisions to support the new mechanical equipment (note we may convert from electric heat to propane as part of the project).

Following is an outline of our proposed services and associated fees:
I. TASK 01 - INVESTIGATION PHASE

The following tasks shall be completed during the investigation phase and the information gathered will be used in the design development process:

1. PBS will review previous hazardous materials survey data provided to PBS by Sazan to become familiar with known (or presumed) asbestos-containing materials (ACMs) in areas of planned renovation and to determine sampling strategy. Included in this activity is one trip to the site for a scoping meeting.

2. The information gathered will be used to develop sampling and inspection strategies. As appropriate, PBS will collect and analyze additional bulk samples of suspect ACMs previously assumed to contain asbestos, not previously identified, or inadequately tested according to AHERA protocols. Analysis will be performed using Polarized Light Microscopy (PLM). Included in the scope of these services is the collection and analysis of up to twenty (20) asbestos samples. Credit will be provided for samples not collected.

3. PBS has been requested to presume all surfaces lead-contaminated; however, baseline information will be an important factor in determining cleanup and disposal procedures. Baseline information includes sampling painted coatings and dust for lead content. PBS will sample representative painted coatings for the presence of lead. Analysis will be performed using atomic absorption methodology (AA). Included in the scope of these services is the collection and analysis of up to five (5) lead samples. PBS will collect additional wipe samples from representative building surfaces for the presence of lead in dust. Analysis will be performed using atomic absorption methodology (AA). Included in the scope of these services is the collection and analysis of up to five (5) lead wipe samples.

4. PBS will provide a report satisfying the WISHA requirement for the completion of a "good faith inspection" prior to demolition or renovation. This report will outline quantities and locations of ACMs, the extent of lead dust contamination and lead-containing paint.

5. An abatement cost estimate will be provided at the conclusion of the investigation phase. This document will be in a spreadsheet format, and will be provided separately from the survey report.

II. TASK 02 - CONTRACT DOCUMENT DEVELOPMENT

Contract requirements for work related to asbestos and lead will be developed based upon data gathered during the investigation and testing. As appropriate, PBS will develop technical specifications governing asbestos and lead abatement activities, as necessary. The following tasks will be performed in the design development process.

1. Develop technical specifications and hazardous materials abatement plans representing locations and quantities of ACMs to be abated, sampling information, particular means and methods, and appropriate references to other specification sections.

2. PBS will produce hazardous materials abatement plans utilizing base plans to be provided by Sazan. This includes two drawing sheets.

3. Develop specifications addressing lead decontamination of the indoor firing range (IFR)
work areas. Specification requirements will be consistent with the EPA and WISHA guidelines for lead cleanup and exposure.

4. PBS will submit the documents outlined above to the design team for inclusion in the contract documents. PBS will provide draft documents at 90% CD for review and final bid documents.

5. PBS will respond to written questions from bidders through Sazan, to further clarify the scope of work.

III. TASK 03 - ABATEMENT OBSERVATION, MONITORING AND CLOSEOUT SERVICES

PBS proposes the following services to occur during the Abatement Period of the project:

1. PBS will provide limited oversight during the abatement phase. The project manager will review the abatement work plan for specification compliance and ensure that technical issues are properly addressed. The PBS project manager will review and respond in writing to abatement contractor questions. This does not include site visits.

2. An experienced industrial hygienist will perform the following tasks when onsite:
   a. Communication with project team members, client representative and other concerned parties;
   b. Review and respond to RFIs from contractors, as necessary;
   c. Observation of abatement activities including inspection of each work area;
   d. Completion of field observation reports for each site visit;
   e. Advise Sazan if the contractor is not in compliance with specifications and governing regulations;
   f. Perform post abatement visual inspections and clearance sampling;

3. PBS will collect asbestos clearance air samples inside the contained/regulated work areas after abatement activities. Air monitoring will be conducted by PBS in accordance with the Construction Documents and applicable Federal, State and local regulations for asbestos removal. Air samples will be collected and analyzed using Phase Contrast Microscopy (PCM), in accordance with the NIOSH 7400 Method of analysis. All field inspectors are highly qualified PCM analysts. All PCM samples will be analyzed on site so that results are immediately available. Costs for air sample collection and analysis are included in the hourly rate.

4. PBS will collect lead wipe clearance samples inside the contained/regulated work areas after abatement/cleaning activities in accordance with the Construction Documents and applicable Federal, State and local regulations for lead dust cleanup.

5. Hand written reports will be made available immediately following each site visit. Air sampling results will be posted at the job site and will be reported to the building owner representative upon request. All air sample results will be included in the closeout report at the project completion.

6. The fee anticipates up to two (2) site visits which include all observation and clearance sampling efforts. Services will be billed on a time-and-material basis not to exceed basis. PBS’s expenditure during the Construction Period is directly related to the schedule implemented by the Contractor over which PBS has no control or authority to control.
IV. ASSUMPTIONS TO THE SCOPE OF WORK

The scope of work and associated labor and sample budgets outlined in this proposal are based upon our preliminary understanding of the work. The following outlines PBS's limitations of scope for our proposed services:

1. PBS will inspect only accessible areas of the structures to be renovated or demolished. Inaccessible areas are those requiring confined space protocols or fall protection or destructive investigations. Should inspection of such areas be required, PBS will notify Sazan and submit a proposal for additional inspection services.

   PBS will summarize conditions that, in our opinion, warrant further investigation and may require over-height access or confined space entry. Examples include over-height locations on ceiling and walls, etc.

2. PBS will collect and analyze only the number of particular types of samples as outlined above. Should conditions warrant additional sample collection and/or analysis, PBS will notify Sazan and provide such services at our standard rates. Sample turnaround is presumed to be non-rush.

3. Drafting services include the preparation of up to two (2) drawing sheets as part of each submittal, including investigation reporting and design documents. Should Sazan wish to utilize a drawing format that requires additional sheets, PBS will evaluate the impact to our budget and provide a proposal for additional fees as necessary.

4. PBS is including two site visits during construction, which also includes clearance activities. PBS's expenditure during the Construction Period is directly related to the schedule implemented by the Contractor and issues that arise, over which, PBS has no control or authority to control. This does not include additional sampling or site visits due to failed clearance wipes samples.

V. ESTIMATED FEES

Following is a breakdown of PBS's estimated fees for each task outlined above:

**Task 01 – Investigation Period Services**

Senior Project Manager (10 hrs @ $130/hr) ...........................................$1,300.00
AHERA Inspector (16 hrs @ $85/hr) ...................................................$1,360.00
Administrative (3 hrs @ $65/hr) .......................................................$195.00
PLM Asbestos Analysis - 2 day TAT (20 @ $20/ea) .........................$400.00
Lead Wipe Sample Analysis - 5 day TAT (5 @ $25/ea) ..................$125.00
AA Lead Paint Chip/Wipe Analysis - 5 day TAT (5 @ $25/ea) .......$125.00
Reimbursable Expenses (eqpt, sampling supplies, mileage, etc.) ...$300.00

**TASK 01 TOTAL.................................................................$3,805.00**

**Task 02 – Design Period Services**
Project Designer (24 hrs @ $130/hr) ........................................... $3,120.00
AHERA Inspector (4 hrs @ $85/hr) ........................................... $340.00
CAD Drafting (8 hrs @ $75/hr) ............................................... $600.00
Administrative Support (3 hrs @ $65/hr) ............................... $195.00
Reimbursables (Reproduction, mileage etc.) ........................ $100.00

**TASK 02 TOTAL** .............................................................. $4,355.00

**Task 03 – Construction Period Services**

Senior Project Manager (8 hrs @ $130/hr) ............................... $1,040.00
Industrial Hygienist (20 hrs @ $85/hr) ................................... $1,700.00
Administrative Support (4 hrs @ $65/hr) ................................ $260.00
Clearance Lead Wipe Analysis - 2 day TAT (10 @ $25/ea) ........ $250.00
Closeout Report (6 hrs @ $85/hr) ............................................ $510.00
Reimbursables (Sampling supplies, mileage, courier, etc) ........ $600.00

**TASK 03 TOTAL** .............................................................. $4,360.00

**TOTAL ESTIMATED FEE** .................................................. $12,520.00

All services will be billed on a time-and-materials, not-to-exceed basis. Sample budgets outlined above are only estimates. Additional sampling may be required to comply with AHERA and EPA protocols or failed clearance samples. Additional sampling will be performed at our standard rates. PBS will only invoice for those samples collected and analyzed.

The above fees will be billed on a time-and-material NTE basis. The fees and the terms under which our services are provided will be in accordance with the attached General Terms and Conditions dated 03/2015, which together with this proposal comprise the entire agreement between the parties.

If this proposal is acceptable, please sign and return a copy to our Seattle office or provide us with a notice to proceed. We look forward to working with you on this project. Please call me if you have any questions.

Thank you for the opportunity to submit our proposal and we look forward to working with you on this project.

Respectfully,
PBS Engineering and Environmental,

accepted by:

[Signature]
Gregg Middaugh
Senior Project Manager
Industrial Hygiene Group

<table>
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<tr>
<th>Name</th>
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<th>Signature</th>
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GENERAL TERMS AND CONDITIONS FOR PROFESSIONAL SERVICES

These General Terms and Conditions for Professional Services ("Terms and Conditions") are attached to and made part of the letter proposal from PBS Engineering and Environmental Inc. ("PBS") outlining PBS' specific scope of services ("PBS Proposal"). This Agreement represents the entire and integrated agreement between the Client and PBS and supersedes all prior negotiations, representations or agreements, either written or oral. Hereafter the PBS Proposal once signed by both PBS and Client (together the "Parties") and these Terms and Conditions shall be read and interpreted together and referred to together as the "Agreement" between the Parties. If there are any inconsistencies between language in the PBS Proposal and these Terms and Conditions, the language of these Terms and Conditions shall prevail.

The purpose of these Terms and Conditions is to identify basic contractual obligations of PBS and Client under the Agreement for various professional consulting services, whereby PBS would be acting in the role of Consultant/Owner Representative for Client. Individual projects may require additional detailed descriptions of services and associated Terms and Conditions, to be provided in a subsequent PBS Proposal or as a supplement to the Agreement.

1. **RIGHT OF ENTRY:** Unless otherwise agreed, the Client will furnish PBS right-of-entry on real property and be responsible for the propriety of the time, place, and manner of PBS' entry upon the real property and any buildings or structures where PBS is to perform its services ("Property"). PBS will take reasonable precautions to minimize damage to the Property from use of equipment, but PBS has not included in the fee the cost of restoration of the Property, unless specifically included in the Proposal. If the Client desires PBS to restore the Property to its approximate former condition, PBS will accomplish this and add the cost plus 15 percent (15%) to its fee.

2. **BURIED UTILITIES:** PBS field personnel are trained to initiate field testing, drilling and/or sampling within a reasonable distance of each designated utility location. PBS field personnel will avoid hazards or utilities that are observed by them at the site. If PBS is advised in writing of the presence or potential presence of underground or aboveground obstructions, such as utilities, PBS will give special instructions to its field personnel. PBS is not responsible for any damage or loss due to undisclosed or unknown surface or subsurface conditions owned by client or third parties. The client will hold PBS and PBS' subcontractors harmless from any loss resulting from inaccuracy of markings, of plans, or lack of plans, relating to the location of utilities. Note: Utility locations typically require two full working days advance notice.

3. **WORKER'S COMPENSATION INSURANCE AND LIABILITY INSURANCE:** PBS will provide Worker's Compensation insurance (and/or Employer's Liability insurance) as required by state statutes. PBS carries Comprehensive General Liability insurance which, subject to its terms and limits, may provide protection against liability relating to bodily injury or property damage arising out of PBS operations. PBS makes no representations or warranties concerning the effect, applicability or scope of such insurance. Upon request in writing by Client to PBS, PBS will request its insurer to name Client as an additional insured on such policies and to issue certificates to Client to that effect. PBS makes no representations or warranties regarding any act by its insurer(s) and shall not be responsible for performing any act with respect to such insurance not specifically called for by this paragraph.

4. **PROFESSIONAL LIABILITY AND LIMITATION THEREOF:** This paragraph relates only to Professional Liability and not General Liability. In performing its professional services, PBS will use that standard of care and skill ordinarily recognized under similar circumstances by members of its profession in the state and region at the time the services are performed. No other warranty, either expressed or implied, is made in connection with its rendering of professional services.

5. **CONTRACTED WORK:** PBS, including its subconsultants and subcontractors, is retained hereunder for the limited purpose of performing certain services, providing the results of such work to Client, and making recommendations with respect to the data produced by the work. PBS is not responsible for the health and safety of Client's personnel or other persons present on the Property to be investigated or constructed. PBS is not responsible for (a) the overall status of Client's project, (b) for the property Client owns or leases or may be interested in purchasing or leasing, (c) for the interpretation of the PBS report, design drawings or results by others, (d) for any use of PBS reports by Client or others except as specifically set forth herein, or (e) for any other matter not encompassed in the specific scope of work in this Agreement agreed to by PBS and Client. Any unauthorized use or distribution of PBS work shall be at the Client and recipient's sole risk. If Client desires to release, or for PBS to provide, PBS report(s) to a third party not a party to this Agreement for that party's reliance, PBS will agree to such a release provided PBS receives written acceptance from such third party to be bound by terms and conditions similar to those set forth in this Agreement, in addition to a fee for providing PBS reports to a new party. The Client shall indemnify, defend and hold harmless PBS and its subconsultants and subcontractors from any claims, damages, costs, losses and expenses, including but not limited to attorney fees and costs of arbitrations, mediations, trials, or appeals arising out of unauthorized or third party use of PBS' reports.

6. **RETENTION OF RECORDS AND SAMPLES:** PBS has a Records Retention policy (available upon request). All samples will be discarded 30 days after submission of PBS' final report unless other arrangements are made.

7. **PAYMENTS TO CONSULTANT:** Invoices will be submitted periodically for prior services. An account will become delinquent 30 days after date of billing. It is agreed that a late charge will be added to delinquent accounts at the rate of one-and-one-half percent (1.5%) for each thirty days delinquent (provided the rate of such late charge shall not exceed the maximum allowable by the laws of the state in which the PBS office submitting the invoice is located). If Client desires to release, or for PBS to provide, PBS report(s) to a third party not a party to this Agreement for that party's reliance, PBS will agree to such a release provided PBS receives written acceptance from such third party to be bound by terms and conditions similar to those set forth in this Agreement, in addition to a fee for providing PBS reports to a new party. The Client shall indemnify, defend and hold harmless PBS and its subconsultants and subcontractors from any claims, damages, costs, losses and expenses, including but not limited to attorney fees and costs of arbitrations, mediations, trials, or appeals arising out of unauthorized or third party use of PBS' reports.

8. **REIMBURSABLE EXPENSES:**
   A. Outside Services. Subcontracted services such as those subconsultants and subcontractors, labor, and technical services will be invoiced at cost plus 15 percent (15%). Examples of services that may be subcontracted include other professional disciplines, soil boring, well installation, heavy and specialty equipment operators, geophysical surveys, commercial data base search providers, and computer programming.
   B. Supplies and Equipment. Charges for items not ordinarily furnished by PBS such as expendable equipment, rental equipment, subsistence, travel expenses, tolls, special fees, reproduction, permits, licenses, priority mail fees, and long distance and wireless
telephone calls will be invoiced at cost plus ten percent (10%). Certain PBS-owned equipment (for sampling, testing, personal protective equipment, vehicle mileage, photocopying, etc.) may be required to complete the project. These will be invoiced at PBS’ standard rates without markup (rates available upon request).

C. Laboratory. PBS utilizes both in-house and outside laboratories for sample analysis. PBS maintains a list of standard rates for sample analyses commonly utilized in conjunction with PBS’ services (available upon request).

10. STANDARD OF CARE: PBS’ services will be provided consistent with and limited to the standard of care applicable to such services, which is that PBS will provide its services consistent with the professional skill and care ordinarily provided by consultants practicing in the same or similar locality under the same or similar circumstances. Such standard of care is not a warranty or guarantee and PBS shall have no such obligation. Accordingly, Client should prepare and plan for clarifications and modifications which may impact both the cost and schedule of the Project.

11. RIGHT TO Suspend: If Client fails to make payments to PBS in accordance with this Agreement, such failures shall be considered substantial nonperformance and cause for termination or, at PBS’ option, cause for suspension of performance of services under this agreement. If PBS elects to suspend services, PBS shall give seven days’ written notice to Client before suspending services. In the event of a suspension of services, PBS shall have no liability to the Client because of such suspension of services and Client shall indemnify and hold harmless PBS for any claims associated with such suspension.

12. EMPLOYEE AND SERVICES SOLICITATION: Client shall not solicit nor tender any employment offer to any PBS employee, or consulting services offer to any PBS subcontractor assigned to perform work for Client under this agreement within six (6) months of completion of their part of the work without prior written approval by PBS. Any breach of this provision resulting in the Client hiring for employment or consulting services any PBS employee or subcontractor will obligate the Client to compensate PBS for recruitment and service fees.

13. OTHER PROVISIONS: Neither party shall hold the other responsible for delay in performance caused by acts of God, strikes, lockouts, weather, accidents or other events beyond the control of the other or the other’s employees and agents.

Waiver by one party of any provision, term, condition or covenant owed to it by the other party is to be made only by providing written notice to the other party and such waiver shall not be construed by the first party as a waiver of a subsequent breach of the same provision, term, condition or covenant by the other party. This Agreement supersedes any contract language which may be issued by Client as a matter of standard purchasing protocol without regard to the unique nature of professional services to be rendered by PBS.

An opinion of construction, remediation and restoration costs prepared by PBS represents its judgment as a professional. Since PBS has no control over the cost of labor and material, or over competitive bidding or market conditions, PBS does not guarantee the accuracy of its opinion as compared to contractor bids of actual cost to the Client.

It is understood and agreed by both parties that PBS, in performing professional services for the Client with respect to hazardous or microbial substances, will make recommendations to the Client but does not have the authority or responsibility to decide where disposal or treatment of such substances takes place, nor to designate how or by whom the hazardous or microbial substances are to be transported for disposal or treatment. It is understood that PBS is not the generator or site operator and does not own nor is it the arranger for disposal of the hazardous waste or other materials discovered, handled or removed from the Property. To the extent required by law, Client agrees to provide timely disclosure to appropriate public agencies of any information regarding the Property (obtained from PBS or from other sources) where such disclosure may be necessary to prevent damage to human health, safety, or the environment.

Client agrees that PBS and its subconsultants and subcontractors are not responsible for the creation of the condition(s) PBS is being asked to investigate and that it would be unfair for PBS to be exposed to claims of injury or damage as a result of the conditions. In addition, Client understands that it is possible that exploration and investigation may fail to reveal the presence, location or source of the condition(s) being investigated even when the condition(s) is assumed or expected to exist. Client understands that PBS’ failure to discover and/or locate the condition(s) or the spread of the condition(s) through appropriate techniques does not guarantee that the condition(s) does or does not exist. Client agrees that it would be unfair to hold PBS liable for creating the condition(s) or the spread of the condition(s) providing PBS meets a reasonable standard of care in completing the work set out in the PBS Proposal.

Accordingly, Client waives any claims against PBS and its subconsultants and subcontractors, and agrees to defend, indemnify and hold harmless PBS and its subconsultants and subcontractors from any and all claims or liability for injury to person or property or loss arising from the creation of the condition(s) or the unintentional exacerbation of the condition(s) by PBS, the exacerbation of hazardous conditions by others, the discovery of any condition, location of any condition and/or allowing any condition to exist. Client also agrees to fairly compensate PBS and its subconsultants and subcontractors for any time spent and expenses incurred in the defense of any such claim. Notwithstanding any provisions in the Agreement to the contrary, PBS’ liability for all acts and omissions related to its provision of services to Client under the terms of this Agreement shall be limited to the amount of PBS’ insurance and in no circumstances shall such liability of PBS include special or consequential damages.

PBS does not provide legal opinions, and recommends client seek legal counsel for advice on issues such as the appropriateness of a particular scope of work to minimize legal liability, reportability of a condition to a public agency, potential cost recovery from responsible parties, and to assess the value of maintaining attorney/client privilege for work conducted under this Agreement.

In the event there is a dispute between PBS and the Client concerning the performance of any provision in this Agreement, the losing party shall pay the prevailing party reasonable attorney’s fees and costs in mediation, arbitration, trial or appeal. In addition, Client agrees to pay PBS for all employee time, costs, and witness costs incurred for collection activity. This Agreement can be terminated at any time by either party. If terminated prior to the completion of a scope of work, PBS shall be entitled to its portion of fees for any work performed in accordance with its current rate schedule.
### Sæzän General Rates

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<thead>
<tr>
<th>Staff Category</th>
<th>Hourly Rate</th>
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<tbody>
<tr>
<td>Principal / Director</td>
<td>$165</td>
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<tr>
<td>Associate Principal</td>
<td>$150</td>
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<tr>
<td>Associate</td>
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<tr>
<td>Project Manager</td>
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<tr>
<td>Senior Engineer</td>
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<tr>
<td>Senior Designer</td>
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<tr>
<td>Engineer</td>
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<td>Designer</td>
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<tr>
<td>Drafting/AutoCAD</td>
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<td>Administrative Assistant</td>
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<td>Commissioning Manager</td>
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<td>Commissioning Agent</td>
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<td>TAB Technician</td>
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### Reimbursables

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<th>Item</th>
<th>Rate</th>
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<tbody>
<tr>
<td>In-house printing, all sizes</td>
<td>$0.09 / page</td>
</tr>
<tr>
<td>Plotting</td>
<td>$0.75 / square foot</td>
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<tr>
<td>Travel</td>
<td>$0.54 / mile</td>
</tr>
<tr>
<td>Other travel (business class air, hotel, meals, transportation, etc.)</td>
<td>At cost</td>
</tr>
<tr>
<td>Express delivery and other expenses</td>
<td>At cost</td>
</tr>
<tr>
<td>At request of client</td>
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</table>
**CERTIFICATE OF LIABILITY INSURANCE**

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

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

**PRODUCER**
Michael J Hall & Company
Hall & Company
19660 10th Ave NE
Poulsbo WA 98370

**INSURED**
Sazan Group Inc
600 Stewart Street, Ste 1400
Seattle WA 98101

**INSURER(S) AFFORDING COVERAGE**

<table>
<thead>
<tr>
<th>INSURER</th>
<th>NAIC #</th>
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<tbody>
<tr>
<td>A: Travelers Casualty and Surety Co</td>
<td>31194</td>
</tr>
<tr>
<td>B: Sentinel Insurance Company</td>
<td>11000</td>
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<td>C: Hartford Casualty Insurance Company</td>
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**COVERAGES**

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<tr>
<td>COMMERCIAL GENERAL LIABILITY CLAIMS-MADE</td>
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<td>8/1/2015</td>
<td>8/1/2016</td>
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<td>Separation Incl</td>
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<td>GENL AGGREGATE LIMIT APPLIES PER:</td>
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<td>AUTOMOBILE LIABILITY</td>
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<td>ANY AUTO</td>
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<tr>
<td>ALL OWNED AUTOS</td>
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<td>SCHEDULED AUTOS NON-OWNED AUTOS</td>
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<tr>
<td>WORKERS COMPENSATION AND EMPLOYERS LIABILITY</td>
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<tr>
<td>ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/OWNER EXCLUDED?</td>
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<td>DESCRIPTION OF OPERATIONS below</td>
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<tr>
<td>PROFESSIONAL LIABILITY CLAIMS MADE</td>
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**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES**
Attach ACORD 101, Additional Remarks Schedule, if more space is required.
Certificate Holder(s) is/are an Additional Insured on the Commercial General Liability and Auto Liability when required by written contract or agreement regarding activities by or on behalf of the Named Insured. The Commercial General Liability insurance is primary insurance and any other insurance maintained by the Additional Insured shall be excess only and non-contributing with this insurance. A waiver of subrogation applies to the Commercial General Liability, Auto Liability in favor of the Additional Insured.

**CERTIFICATE HOLDER**
Whatcom County Parks & Recreation
3373 Mt. Baker Hwy
Bellingham WA 98226

**CANCELLATION**

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

**AUTHORIZED REPRESENTATIVE**

Matthew A. Copus

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COMMERIAL AUTOMOBILE BROAD FORM
ENDORSEMENT

This endorsement modifies insurance provided under the following:

BUSINESS AUTO COVERAGE FORM

To the extent that the provisions of this endorsement provide broader benefits to the "insured" than other provisions of the Coverage Form, the provisions of this endorsement apply.

1. BROAD FORM INSURED
   A. Subsidiaries and Newly Acquired or Formed Organizations
      The Named Insured shown in the Declarations is amended to include:
      (1) Any legal business entity other than a partnership or joint venture, formed as a subsidiary in which you have an ownership interest of more than 50% on the effective date of the Coverage Form. However, the Named Insured does not include any subsidiary that is an "insured" under any other automobile policy or would be an "insured" under such a policy but for its termination or the exhaustion of its Limit of Insurance.
      (2) Any organization that is acquired or formed by you and over which you maintain majority ownership. However, the Named Insured does not include any newly formed or acquired organization:
         (a) That is a partnership or joint venture,
         (b) That is an "insured" under any other policy,
         (c) That has exhausted its Limit of Insurance under any other policy, or
         (d) 180 days or more after its acquisition or formation by you, unless you have given us notice of the acquisition or formation.
      Coverage does not apply to "bodily injury" or "property damage" that results from an "accident" that occurred before you formed or acquired the organization.

   B. Employees as Insureds
      Paragraph A.1. - WHO IS AN INSURED - of SECTION II - LIABILITY COVERAGE is amended to add:
      d. Any "employee" of yours while using a covered "auto" you don't own, hire or borrow in your business or your personal affairs.

   C. Lessors as Insureds
      Paragraph A.1. - WHO IS AN INSURED - of Section II - Liability Coverage is amended to add:
      e. The lessor of a covered "auto" while the "auto" is leased to you under a written agreement if:
         (1) The agreement requires you to provide direct primary insurance for the lessor and
         (2) The "auto" is leased without a driver.
      Such a leased "auto" will be considered a covered "auto" you own and not a covered "auto" you hire.

   D. Additional Insured if Required by Contract
      (1) Paragraph A.1. - WHO IS AN INSURED - of Section II - Liability Coverage is amended to add:
      f. When you have agreed, in a written contract or written agreement, that a person or organization be added as an additional insured on your business auto policy, such person or organization is an "insured", but only to the extent such person or organization is liable for "bodily injury" or "property damage" caused by the conduct of an "insured" under paragraphs a. or b. of Who Is An Insured with regard to the ownership, maintenance or use of a covered "auto".
The insurance afforded to any such additional insured applies only if the “bodily injury” or “property damage” occurs:

(1) During the policy period, and
(2) Subsequent to the execution of such written contract, and
(3) Prior to the expiration of the period of time that the written contract requires such insurance be provided to the additional insured.

(2) How Limits Apply

If you have agreed in a written contract or written agreement that another person or organization be added as an additional insured on your policy, the most we will pay on behalf of such additional insured is the lesser of:

(a) The limits of insurance specified in the written contract or written agreement; or
(b) The Limits of Insurance shown in the Declarations.

Such amount shall be a part of and not in addition to Limits of Insurance shown in the Declarations and described in this Section.

(3) Additional Insureds Other Insurance

If we cover a claim or "suit" under this Coverage Part that may also be covered by other insurance available to an additional insured, such additional insured must submit such claim or "suit" to the other insurer for defense and indemnity.

However, this provision does not apply to the extent that you have agreed in a written contract or written agreement that this insurance is primary and non-contributory with the additional insured’s own insurance.

(4) Duties in The Event Of Accident, Claim, Suit or Loss

If you have agreed in a written contract or written agreement that another person or organization be added as an additional insured on your policy, the additional insured shall be required to comply with the provisions in LOSS CONDITIONS 2. - DUTIES IN THE EVENT OF ACCIDENT, CLAIM, SUIT OR LOSS - OF SECTION IV - BUSINESS AUTO CONDITIONS, in the same manner as the Named Insured.

E. Primary and Non-Contributory if Required by Contract

Only with respect to insurance provided to an additional insured in 1.D. - Additional Insured If Required by Contract, the following provisions apply:

(3) Primary Insurance When Required By Contract

This insurance is primary if you have agreed in a written contract or written agreement that this insurance be primary. If other insurance is also primary, we will share with all that other insurance by the method described in Other Insurance 5.d.

(4) Primary And Non-Contributory To Other insurance When Required By Contract

If you have agreed in a written contract or written agreement that this insurance is primary and non-contributory with the additional insured’s own insurance, this insurance is primary and we will not seek contribution from that other insurance.

Paragraphs (3) and (4) do not apply to other insurance to which the additional insured has been added as an additional insured.

When this insurance is excess, we will have no duty to defend the insured against any "suit" if any other insurer has a duty to defend the insured against that "suit". If no other insurer defends, we will undertake to do so, but we will be entitled to the insured’s rights against all those other insurers.

When this insurance is excess over other insurance, we will pay only our share of the amount of the loss, if any, that exceeds the sum of:

(1) The total amount that all such other insurance would pay for the loss in the absence of this insurance; and
(2) The total of all deductible and self-insured amounts under all that other insurance.

We will share the remaining loss, if any, by the method described in Other Insurance 5.d.

2. AUTOS RENTED BY EMPLOYEES

Any "auto" hired or rented by your "employee" on your behalf and at your direction will be considered an "auto" you hire.

The OTHER INSURANCE Condition is amended by adding the following:
If an "employee's" personal insurance also applies on an excess basis to a covered "auto" hired or rented by your "employee" on your behalf and at your direction, this insurance will be primary to the "employee's" personal insurance.

3. AMENDED FELLOW EMPLOYEE EXCLUSION

EXCLUSION 5. - FELLOW EMPLOYEE - of SECTION II - LIABILITY COVERAGE does not apply if you have workers' compensation insurance in-force covering all of your "employees". Coverage is excess over any other collectible insurance.

4. HIRED AUTO PHYSICAL DAMAGE COVERAGE

If hired "autos" are covered "autos" for Liability Coverage and if Comprehensive, Specified Causes of Loss, or Collision coverages are provided under this Coverage Form for any "auto" you own, then the Physical Damage Coverages provided are extended to "autos" you hire or borrow, subject to the following limit.

The most we will pay for "loss" to any hired "auto" is:

(1) $100,000;
(2) The actual cash value of the damaged or stolen property at the time of the "loss"; or
(3) The cost of repairing or replacing the damaged or stolen property, whichever is smallest, minus a deductible. The deductible will be equal to the largest deductible applicable to any owned "auto" for that coverage. No deductible applies to "loss" caused by fire or lightning. Hired Auto Physical Damage coverage is excess over any other collectible insurance. Subject to the above limit, deductible and excess provisions, we will provide coverage equal to the broadest coverage applicable to any covered "auto" you own.

We will also cover loss of use of the hired "auto" if it results from an "accident", you are legally liable and the lessor incurs an actual financial loss, subject to a maximum of $1000 per "accident".

This extension of coverage does not apply to any "auto" you hire or borrow from any of your "employees", partners (if you are a partnership), members (if you are a limited liability company), or members of their households.

5. PHYSICAL DAMAGE - ADDITIONAL TEMPORARY TRANSPORTATION EXPENSE COVERAGE

Paragraph A.4.a. of SECTION III - PHYSICAL DAMAGE COVERAGE is amended to provide a limit of $50 per day and a maximum limit of $1,000.

6. LOAN/LEASE GAP COVERAGE

Under SECTION III - PHYSICAL DAMAGE COVERAGE, in the event of a total "loss" to a covered "auto", we will pay your additional legal obligation for any difference between the actual cash value of the "auto" at the time of the "loss" and the "outstanding balance" of the loan/lease.

"Outstanding balance" means the amount you owe on the loan/lease at the time of "loss" less any amounts representing taxes; overdue payments; penalties, interest or charges resulting from overdue payments; additional mileage charges; excess wear and tear charges; lease termination fees; security deposits not returned by the lessor; costs for extended warranties; credit life Insurance; health, accident or disability insurance purchased with the loan or lease; and carry-over balances from previous loans or leases.

7. AIRBAG COVERAGE

Under Paragraph B. EXCLUSIONS - of SECTION III - PHYSICAL DAMAGE COVERAGE, the following is added:

The exclusion relating to mechanical breakdown does not apply to the accidental discharge of an airbag.

8. ELECTRONIC EQUIPMENT - BROADENED COVERAGE

a. The exceptions to Paragraphs B.4 - EXCLUSIONS - of SECTION III - PHYSICAL DAMAGE COVERAGE are replaced by the following:

Exclusions 4.c. and 4.d. do not apply to equipment designed to be operated solely by use of the power from the "auto's" electrical system that, at the time of "loss", is:

(1) Permanently installed in or upon the covered "auto";
(2) Removable from a housing unit which is permanently installed in or upon the covered "auto";
(3) An integral part of the same unit housing any electronic equipment described in Paragraphs (1) and (2) above; or
(4) Necessary for the normal operation of the covered "auto" or the monitoring of the covered "auto's" operating system.

b. Section III – Version CA 00 01 03 10 of the Business Auto Coverage Form, Physical Damage Coverage, Limit of Insurance, Paragraph C.2 and Version CA 00 01 10 01 of the Business Auto Coverage Form, Physical Damage Coverage, Limit of Insurance, Paragraph C are each amended to add the following:

$1,500 is the most we will pay for "loss" in any one "accident" to all electronic equipment (other than equipment designed solely for the reproduction of sound, and accessories used with such equipment) that reproduces, receives or transmits audio, visual or data signals which, at the time of "loss", is:

(1) Permanently installed in or upon the covered "auto" in a housing, opening or other location that is not normally used by the "auto" manufacturer for the installation of such equipment;

(2) Removable from a permanently installed housing unit as described in Paragraph 2.a. above or is an integral part of that equipment; or

(3) An integral part of such equipment.

c. For each covered "auto", should loss be limited to electronic equipment only, our obligation to pay for, repair, return or replace damaged or stolen electronic equipment will be reduced by the applicable deductible shown in the Declarations, or $250, whichever deductible is less.

9. EXTRA EXPENSE - BROADENED COVERAGE

Under Paragraph A. - COVERAGE - of SECTION III - PHYSICAL DAMAGE COVERAGE, we will pay for the expense of returning a stolen covered "auto" to you.

10. GLASS REPAIR - WAIVER OF DEDUCTIBLE

Under Paragraph D. - DEDUCTIBLE - of SECTION III - PHYSICAL DAMAGE COVERAGE, the following is added:

No deductible applies to glass damage if the glass is repaired rather than replaced.

11. TWO OR MORE DEDUCTIBLES

Under Paragraph D. - DEDUCTIBLE - of SECTION III - PHYSICAL DAMAGE COVERAGE, the following is added:

If another Hartford Financial Services Group, Inc. company policy or coverage form that is not an automobile policy or coverage form applies to the same "accident", the following applies:

(1) If the deductible under this Business Auto Coverage Form is the smaller (or smallest) deductible, it will be waived;

(2) If the deductible under this Business Auto Coverage Form is not the smaller (or smallest) deductible, it will be reduced by the amount of the smaller (or smallest) deductible.

12. AMENDED DUTIES IN THE EVENT OF ACCIDENT, CLAIM, SUIT OR LOSS

The requirement in LOSS CONDITIONS 2.a. - DUTIES IN THE EVENT OF ACCIDENT, CLAIM, SUIT OR LOSS - of SECTION IV - BUSINESS AUTO CONDITIONS that you must notify us of an "accident" applies only when the "accident" is known to:

(1) You, if you are an individual;

(2) A partner, if you are a partnership;

(3) A member, if you are a limited liability company; or

(4) An executive officer or insurance manager, if you are a corporation.

13. UNINTENTIONAL FAILURE TO DISCLOSE HAZARDS

If you unintentionally fail to disclose any hazards existing at the inception date of your policy, we will not deny coverage under this Coverage Form because of such failure.

14. HIRED AUTO - COVERAGE TERRITORY

Paragraph e. of GENERAL CONDITIONS 7. - POLICY PERIOD, COVERAGE TERRITORY - of SECTION IV - BUSINESS AUTO CONDITIONS is replaced by the following:

e. For short-term hired "autos", the coverage territory with respect to Liability Coverage is anywhere in the world provided that if the "insured's" responsibility to pay damages for "bodily injury" or "property damage" is determined in a "suit," the "suit" is brought in the United States of America, the territories and possessions of the United States of America, Puerto Rico or Canada or in a settlement we agree to.

15. WAIVER OF SUBROGATION

TRANSFER OF RIGHTS OF RECOVERY AGAINST OTHERS TO US - of SECTION IV - BUSINESS AUTO CONDITIONS is amended by adding the following:
We waive any right of recovery we may have against any person or organization with whom you have a written contract that requires such waiver because of payments we make for damages under this Coverage Form.

16. RESULTANT MENTAL ANGUISH COVERAGE

The definition of "bodily injury" in SECTION V-DEFINITIONS is replaced by the following:

"Bodily injury" means bodily injury, sickness or disease sustained by any person, including mental anguish or death resulting from any of these.

17. EXTENDED CANCELLATION CONDITION

Paragraph 2. of the COMMON POLICY CONDITIONS - CANCELLATION - applies except as follows:

If we cancel for any reason other than nonpayment of premium, we will mail or deliver to the first Named Insured written notice of cancellation at least 60 days before the effective date of cancellation.

18. HYBRID, ELECTRIC, OR NATURAL GAS VEHICLE PAYMENT COVERAGE

In the event of a total loss to a "non-hybrid" auto for which Comprehensive, Specified Causes of Loss, or Collision coverages are provided under this Coverage Form, then such Physical Damage Coverages are amended as follows:

a. If the auto is replaced with a "hybrid" auto or an auto powered solely by electricity or natural gas, we will pay an additional 10%, to a maximum of $2,500, of the "non-hybrid" auto's actual cash value or replacement cost, whichever is less.

b. The auto must be replaced and a copy of a bill of sale or new lease agreement received by us within 60 calendar days of the date of "loss."

c. Regardless of the number of autos deemed a total loss, the most we will pay under this Hybrid, Electric, or Natural Gas Vehicle Payment Coverage provision for any one "loss" is $10,000.

For the purposes of the coverage provision,

a. A "non-hybrid" auto is defined as an auto that uses only an internal combustion engine to move the auto but does not include autos powered solely by electricity or natural gas.

b. A "hybrid" auto is defined as an auto with an internal combustion engine and one or more electric motors; and that uses the internal combustion engine and one or more electric motors to move the auto, or the internal combustion engine to charge one or more electric motors, which move the auto.

19. VEHICLE WRAP COVERAGE

In the event of a total loss to an "auto" for which Comprehensive, Specified Causes of Loss, or Collision coverages are provided under this Coverage Form, then such Physical Damage Coverages are amended to add the following:

In addition to the actual cash value of the "auto", we will pay up to $1,000 for vinyl vehicle wraps which are displayed on the covered "auto" at the time of total loss. Regardless of the number of autos deemed a total loss, the most we will pay under this Vehicle Wrap Coverage provision for any one "loss" is $5,000. For purposes of this coverage provision, signs or other graphics painted or magnetically affixed to the vehicle are not considered vehicle wraps.
(b) Rented to, in the care, custody or control of, or over which physical control is being exercised for any purpose by you, any of your "employees", "volunteer workers", any partner or member (if you are a partnership or joint venture), or any member (if you are a limited liability company).

b. Real Estate Manager

Any person (other than your "employee" or "volunteer worker"), or any organization while acting as your real estate manager.

c. Temporary Custodians Of Your Property

Any person or organization having proper temporary custody of your property if you die, but only:

(1) With respect to liability arising out of the maintenance or use of that property; and

(2) Until your legal representative has been appointed.

d. Legal Representative If You Die

Your legal representative if you die, but only with respect to duties as such. That representative will have all your rights and duties under this insurance.

e. Unnamed Subsidiary

Any subsidiary and subsidiary thereof, of yours which is a legally incorporated entity of which you own a financial interest of more than 50% of the voting stock on the effective date of this Coverage Part.

The insurance afforded herein for any subsidiary not shown in the Declarations as a named insured does not apply to injury or damage with respect to which an insured under this insurance is also an insured under another policy or would be an insured under such policy but for its termination or upon the exhaustion of its limits of insurance.

3. Newly Acquired Or Formed Organization

Any organization you newly acquire or form, other than a partnership, joint venture or limited liability company, and over which you maintain financial interest of more than 50% of the voting stock, will qualify as a Named Insured if there is no other similar insurance available to that organization. However:

a. Coverage under this provision is afforded only until the 180th day after you acquire or form the organization or the end of the policy period, whichever is earlier; and

b. Coverage under this provision does not apply to:

(1) "Bodily injury" or "property damage" that occurred; or

(2) "Personal and advertising injury" arising out of an offense committed before you acquired or formed the organization.

4. Operator Of Mobile Equipment

With respect to "mobile equipment" registered in your name under any motor vehicle registration law, any person is an insured while driving such equipment along a public highway with your permission. Any other person or organization responsible for the conduct of such person is also an insured, but only with respect to liability arising out of the operation of the equipment, and only if no other insurance of any kind is available to that person or organization for this liability. However, no person or organization is an insured with respect to:

a. "Bodily injury" to a co-"employee" of the person driving the equipment; or

b. "Property damage" to property owned by, rented to, in the charge of or occupied by you or the employer of any person who is an insured under this provision.

5. Operator of Nonowned Watercraft

With respect to watercraft you do not own that is less than 51 feet long and is not being used to carry persons for a charge, any person is an insured while operating such watercraft with your permission. Any other person or organization responsible for the conduct of such person is also an insured, but only with respect to liability arising out of the operation of the watercraft, and only if no other insurance of any kind is available to that person or organization for this liability. However, no person or organization is an insured with respect to:

a. "Bodily injury" to a co-"employee" of the person operating the watercraft; or

b. "Property damage" to property owned by, rented to, in the charge of or occupied by you or the employer of any person who is an insured under this provision.

6. Additional Insureds When Required By Written Contract, Written Agreement Or Permit

The person(s) or organization(s) identified in Paragraphs a. through f. below are additional insureds when you have agreed, in a written
contract, written agreement or because of a permit issued by a state or political subdivision, that such person or organization be added as an additional insured on your policy, provided the injury or damage occurs subsequent to the execution of the contract or agreement, or the issuance of permit.

A person or organization is an additional insured under this provision only for that period of time required by the contract, agreement or permit.

However, no such person or organization is an additional insured under this provision if such person or organization is included as an additional insured by an endorsement issued by us and made a part of this Coverage Part, including all persons or organizations added as additional insureds under the specific additional insured coverage grants in Section F. – Optional Additional Insured Coverages.

a. Vendors

Any person(s) or organization(s) (referred to below as vendor), but only with respect to "bodily injury" or "property damage" arising out of "your products" which are distributed or sold in the regular course of the vendor's business and only if this Coverage Part provides coverage for "bodily injury" or "property damage" included within the "products-completed operations hazard".

(1) The insurance afforded to the vendor is subject to the following additional exclusions:

This insurance does not apply to:

(a) "Bodily injury" or "property damage" for which the vendor is obligated to pay damages by reason of the assumption of liability in a contract or agreement. This exclusion does not apply to liability for damages that the vendor would have in the absence of the contract or agreement;

(b) Any express warranty unauthorized by you;

(c) Any physical or chemical change in the product made intentionally by the vendor;

(d) Repackaging, except when unpacked solely for the purpose of inspection, demonstration, testing, or the substitution of parts under instructions from the manufacturer, and then repackaged in the original container;

(e) Any failure to make such inspections, adjustments, tests or servicing as the vendor has agreed to make or normally undertakes to make in the usual course of business, in connection with the distribution or sale of the products;

(f) Demonstration, Installation, servicing or repair operations, except such operations performed at the vendor's premises in connection with the sale of the product;

(g) Products which, after distribution or sale by you, have been labeled or relabeled or used as a container, part or ingredient of any other thing or substance by or for the vendor; or

(h) "Bodily injury" or "property damage" arising out of the sole negligence of the vendor for its own acts or omissions or those of its employees or anyone else acting on its behalf. However, this exclusion does not apply to:

(i) The exceptions contained in Subparagraphs (d) or (f); or

(ii) Such inspections, adjustments, tests or servicing as the vendor has agreed to make or normally undertakes to make in the usual course of business, in connection with the distribution or sale of the products.

(2) This insurance does not apply to any insured person or organization from whom you have acquired such products, or any ingredient, part or container, entering into, accompanying or containing such products.

b. Lessees Of Equipment

(1) Any person or organization from whom you lease equipment; but only with respect to their liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your maintenance, operation or use of equipment leased to you by such person or organization.
(2) With respect to the insurance afforded to these additional insureds, this insurance does not apply to any "occurrence" which takes place after you cease to lease that equipment.

c. Lessors Of Land Or Premises

(1) Any person or organization from whom you lease land or premises, but only with respect to liability arising out of the ownership, maintenance or use of that part of the land or premises leased to you.

(2) With respect to the insurance afforded to these additional insureds, this insurance does not apply to:

(a) Any "occurrence" which takes place after you cease to lease that land or be a tenant in that premises; or

(b) Structural alterations, new construction or demolition operations performed by or on behalf of such person or organization.

d. Architects, Engineers Or Surveyors

(1) Any architect, engineer, or surveyor, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

(a) In connection with your premises; or

(b) In the performance of your ongoing operations performed by you or on your behalf.

(2) With respect to the insurance afforded to these additional insureds, the following additional exclusion applies:

This insurance does not apply to "bodily injury", "property damage" or "personal and advertising injury" arising out of the rendering of or the failure to render any professional services by or for you, including:

(a) The preparing, approving, or failure to prepare or approve, maps, shop drawings, opinions, reports, surveys, field orders, change orders, designs or drawings and specifications; or

(b) Supervisory, inspection, architectural or engineering activities.

e. Permits issued By State Or Political Subdivisions

(1) Any state or political subdivision, but only with respect to operations performed by you or on your behalf for which the state or political subdivision has issued a permit.

(2) With respect to the insurance afforded to these additional insureds, this insurance does not apply to:

(a) "Bodily injury", "property damage" or "personal and advertising injury" arising out of operations performed for the state or municipality; or

(b) "Bodily injury" or "property damage" included within the "products-completed operations hazard".

f. Any Other Party

(1) Any other person or organization who is not an insured under Paragraphs a. through e. above, but only with respect to liability for "bodily injury", "property damage" or "personal and advertising injury" caused, in whole or in part, by your acts or omissions or the acts or omissions of those acting on your behalf:

(a) In the performance of your ongoing operations;

(b) In connection with your premises owned by or rented to you; or

(c) In connection with "your work" and included within the "products-completed operations hazard", but only if

(i) The written contract or written agreement requires you to provide such coverage to such additional insured; and

(ii) This Coverage Part provides coverage for "bodily injury" or "property damage" included within the "products-completed operations hazard".

(2) With respect to the insurance afforded to these additional insureds, this insurance does not apply to:

"Bodily Injury", "property damage" or "personal and advertising injury" arising out of the rendering of, or the failure to render, any professional architectural, engineering or surveying services, including:
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(a) The preparing, approving, or failure to prepare or approve, maps, shop drawings, opinions, reports, surveys, field orders, change orders, designs or drawings and specifications; or

(b) Supervisory, inspection, architectural or engineering activities.

The limits of insurance that apply to additional insureds are described in Section D. - Limits Of Insurance.

How this insurance applies when other insurance is available to an additional insured is described in the Other Insurance Condition in Section E. - Liability And Medical Expenses General Conditions.

No person or organization is an insured with respect to the conduct of any current or past partnership, joint venture or limited liability company that is not shown as a Named Insured in the Declarations.

D. LIABILITY AND MEDICAL EXPENSES LIMITS OF INSURANCE

1. The Most We Will Pay

The Limits of Insurance shown in the Declarations and the rules below fix the most we will pay regardless of the number of:

a. Insureds;
b. Claims made or "suits" brought; or
c. Persons or organizations making claims or bringing "suits".

2. Aggregate Limits

The most we will pay for:

a. Damages because of "bodily injury" and "property damage" included in the "products-completed operations hazard" is the Products-Completed Operations Aggregate Limit shown in the Declarations.
b. Damages because of all other "bodily injury", "property damage" or "personal and advertising injury", including medical expenses, is the General Aggregate Limit shown in the Declarations.

This General Aggregate Limit applies separately to each of your "locations" owned by or rented to you.

"Location" means premises involving the same or connecting lots, or premises whose connection is interrupted only by a street, roadway or right-of-way of a railroad.

This General Aggregate limit does not apply to "property damage" to premises while rented to you or temporarily occupied by you with permission of the owner, arising out of fire, lightning or explosion.

3. Each Occurrence Limit

Subject to 2.a. or 2.b above, whichever applies, the most we will pay for the sum of all damages because of all "bodily injury", "property damage" and medical expenses arising out of any one "occurrence" is the Liability and Medical Expenses Limit shown in the Declarations.

The most we will pay for all medical expenses because of "bodily injury" sustained by any one person is the Medical Expenses Limit shown in the Declarations.

4. Personal And Advertising Injury Limit

Subject to 2.b. above, the most we will pay for the sum of all damages because of all "personal and advertising injury" sustained by any one person or organization is the Personal and Advertising Injury Limit shown in the Declarations.

5. Damage To Premises Rented To You Limit

The Damage To Premises Rented To You Limit is the most we will pay under Business Liability Coverage for damages because of "property damage" to any one premises, while rented to you, or in the case of damage by fire, lightning or explosion, while rented to you or temporarily occupied by you with permission of the owner.

In the case of damage by fire, lightning or explosion, the Damage To Premises Rented To You Limit applies to all damage proximately caused by the same event, whether such damage results from fire, lightning or explosion or any combination of these.

6. How Limits Apply To Additional Insureds

The most we will pay on behalf of a person or organization who is an additional insured under this Coverage Part is the lesser of:

a. The limits of insurance specified in a written contract, written agreement or permit issued by a state or political subdivision; or
b. The Limits of Insurance shown in the Declarations.

Such amount shall be a part of and not in addition to the Limits of Insurance shown in the Declarations and described in this Section.
If more than one limit of insurance under this policy and any endorsements attached thereto applies to any claim or "suit", the most we will pay under this policy and the endorsements is the single highest limit of liability of all coverages applicable to such claim or "suit". However, this paragraph does not apply to the Medical Expenses limit set forth in Paragraph 3. above.

The Limits of Insurance of this Coverage Part apply separately to each consecutive annual period and to any remaining period of less than 12 months, starting with the beginning of the policy period shown in the Declarations, unless the policy period is extended after issuance for an additional period of less than 12 months. In that case, the additional period will be deemed part of the last preceding period for purposes of determining the Limits of Insurance.

E. LIABILITY AND MEDICAL EXPENSES

GENERAL CONDITIONS

1. Bankruptcy

Bankruptcy or insolvency of the insured or of the insured's estate will not relieve us of our obligations under this Coverage Part.

2. Duties In The Event Of Occurrence, Offense, Claim Or Suit

a. Notice Of Occurrence Or Offense

You or any additional insured must see to it that we are notified as soon as practicable of an "occurrence" or an offense which may result in a claim. To the extent possible, notice should include:

(1) How, when and where the "occurrence" or offense took place;
(2) The names and addresses of any injured persons and witnesses; and
(3) The nature and location of any injury or damage arising out of the "occurrence" or offense.

b. Notice Of Claim

If a claim is made or "suit" is brought against any insured, you or any additional insured must:

(1) Immediately record the specifics of the claim or "suit" and the date received; and
(2) Notify us as soon as practicable.

You or any additional insured must see to it that we receive a written notice of the claim or "suit" as soon as practicable.

c. Assistance And Cooperation Of The Insured

You and any other involved insured must:

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(1) Immediately send us copies of any demands, notices, summonses or legal papers received in connection with the claim or "suit";
(2) Authorize us to obtain records and other information;
(3) Cooperate with us in the investigation, settlement of the claim or defense against the "suit"; and
(4) Assist us, upon our request, in the enforcement of any right against any person or organization that may be liable to the insured because of injury or damage to which this insurance may also apply.

d. Obligations At The Insured's Own Cost

No insured will, except at that insured's own cost, voluntarily make a payment, assume any obligation, or incur any expense, other than for first aid, without our consent.

e. Additional Insured's Other Insurance

If we cover a claim or "suit" under this Coverage Part that may also be covered by other insurance available to an additional insured, such additional insured must submit such claim or "suit" to the other insurer for defense and indemnity. However, this provision does not apply to the extent that you have agreed in a written contract, written agreement or permit that this insurance is primary and non-contributory with the additional insured's own insurance.

f. Knowledge Of An Occurrence, Offense, Claim Or Suit

Paragraphs a. and b. apply to you or to any additional insured only when such "occurrence", offense, claim or "suit" is known to:

(1) You or any additional insured that is an individual;
(2) Any partner, if you or an additional insured is a partnership;
(3) Any manager, if you or an additional insured is a limited liability company;
(4) Any "executive officer" or insurance manager, if you or an additional insured is a corporation;
(5) Any trustee, if you or an additional insured is a trust; or
(6) Any elected or appointed official, if you or an additional insured is a political subdivision or public entity.
BUSINESS LIABILITY COVERAGE FORM

This Paragraph f. applies separately to you and any additional insured.

3. Financial Responsibility Laws
   a. When this policy is certified as proof of financial responsibility for the future under the provisions of any motor vehicle financial responsibility law, the insurance provided by the policy for "bodily injury" liability and "property damage" liability will comply with the provisions of the law to the extent of the coverage and limits of insurance required by that law.
   b. With respect to "mobile equipment" to which this insurance applies, we will provide any liability, uninsured motorists, underinsured motorists, no-fault or other coverage required by any motor vehicle law. We will provide the required limits for those coverages.

4. Legal Action Against Us
   No person or organization has a right under this Coverage Form:
   a. To join us as a party or otherwise bring us into a "suit" asking for damages from an insured; or
   b. To sue us on this Coverage Form unless all of its terms have been fully complied with.

A person or organization may sue us to recover on an agreed settlement or on a final judgment against an insured; but we will not be liable for damages that are not payable under the terms of this insurance or that are in excess of the applicable limit of insurance. An agreed settlement means a settlement and release of liability signed by us, the insured and the claimant or the claimant's legal representative.

5. Separation Of Insureds
   Except with respect to the Limits of Insurance, and any rights or duties specifically assigned in this policy to the first Named Insured, this insurance applies:
   a. As if each Named Insured were the only Named Insured; and
   b. Separately to each insured against whom a claim is made or "suit" is brought.

6. Representations
   a. When You Accept This Policy
      By accepting this policy, you agree:
      (1) The statements in the Declarations are accurate and complete;
      (2) Those statements are based upon representations you made to us; and
      (3) We have issued this policy in reliance upon your representations.
   b. Unintentional Failure To Disclose Hazards
      If unintentionally you should fail to disclose all hazards relating to the conduct of your business at the inception date of this Coverage Part, we shall not deny any coverage under this Coverage Part because of such failure.

7. Other Insurance
   If other valid and collectible insurance is available for a loss we cover under this Coverage Part, our obligations are limited as follows:
   a. Primary Insurance
      This insurance is primary except when b. below applies. If other insurance is also primary, we will share with all that other insurance by the method described in c. below.
   b. Excess Insurance
      This insurance is excess over any of the other insurance, whether primary, excess, contingent or on any other basis:
      (1) Your Work
          That is Fire, Extended Coverage, Builder's Risk, Installation Risk or similar coverage for "your work";
      (2) Premises Rented To You
          That is fire, lightning or explosion insurance for premises rented to you or temporarily occupied by you with permission of the owner;
      (3) Tenant Liability
          That is insurance purchased by you to cover your liability as a tenant for "property damage" to premises rented to you or temporarily occupied by you with permission of the owner;
      (4) Aircraft, Auto Or Watercraft
          If the loss arises out of the maintenance or use of aircraft, "autos" or watercraft to the extent not subject to Exclusion g. of Section A. – Coverages.
      (5) Property Damage To Borrowed Equipment Or Use Of Elevators
          If the loss arises out of "property damage" to borrowed equipment or the use of elevators to the extent not subject to Exclusion k. of Section A. – Coverages.
(6) When You Are Added As An Additional Insured To Other Insurance

That is other insurance available to you covering liability for damages arising out of the premises or operations, or products and completed operations, for which you have been added as an additional insured by that insurance; or

(7) When You Add Others As An Additional Insured To This Insurance

That is other insurance available to an additional insured.

However, the following provisions apply to other insurance available to any person or organization who is an additional insured under this Coverage Part:

(a) Primary Insurance When Required By Contract

This insurance is primary if you have agreed in a written contract, written agreement or permit that this insurance be primary. If other insurance is also primary, we will share with all other insurance by the method described in c. below.

(b) Primary And Non-Contributory To Other Insurance When Required By Contract

If you have agreed in a written contract, written agreement or permit that this insurance is primary and non-contributory with the additional insured’s own insurance, this insurance is primary and we will not seek contribution from that other insurance.

Paragraphs (a) and (b) do not apply to other insurance to which the additional insured has been added as an additional insured.

When this insurance is excess, we will have no duty under this Coverage Part to defend the insured against any “suit” if any other insurer has a duty to defend the insured against that “suit”. If no other insurer defends, we will undertake to do so, but we will be entitled to the insured’s rights against all those other insurers.

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BUSINESS LIABILITY COVERAGE FORM

When this insurance is excess over other insurance, we will pay only our share of the amount of the loss, if any, that exceeds the sum of:

(1) The total amount that all such other insurance would pay for the loss in the absence of this insurance; and

(2) The total of all deductible and self-insured amounts under all that other insurance.

We will share the remaining loss, if any, with any other insurance that is not described in this Excess Insurance provision and was not bought specifically to apply in excess of the Limits of Insurance shown in the Declarations of this Coverage Part.

c. Method Of Sharing

If all the other insurance permits contribution by equal shares, we will follow this method also. Under this approach, each insurer contributes equal amounts until it has paid its applicable limit of insurance or none of the loss remains, whichever comes first.

If any of the other insurance does not permit contribution by equal shares, we will contribute by limits. Under this method, each insurer’s share is based on the ratio of its applicable limit of insurance to the total applicable limits of insurance of all insurers.

8. Transfer Of Rights Of Recovery Against Others To Us

a. Transfer Of Rights Of Recovery

If the insured has rights to recover all or part of any payment, including Supplementary Payments, we have made under this Coverage Part, those rights are transferred to us. The insured must do nothing after loss to impair them. At our request, the insured will bring “suit” or transfer those rights to us and help us enforce them. This condition does not apply to Medical Expenses Coverage.

b. Waiver Of Rights Of Recovery (Waiver Of Subrogation)

If the insured has waived any rights of recovery against any person or organization for all or part of any payment, including Supplementary Payments, we have made under this Coverage Part, we also waive that right, provided the insured waived their rights of recovery against such person or organization in a contract, agreement or permit that was executed prior to the injury or damage.
**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>
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<tr>
<td>Mark Perssonius</td>
<td></td>
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<td>8/9/16</td>
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<td>Dept. Head:</td>
<td>SR</td>
<td>7/13/16</td>
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<td>Sam Ryan</td>
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<td>Prosecutor:</td>
<td>RBF</td>
<td>7/15/16</td>
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<tr>
<td>Royce Buckingham</td>
<td></td>
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<td>Purchasing/Budget:</td>
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</tr>
<tr>
<td>Executive:</td>
<td>JG</td>
<td>7/18/16</td>
<td></td>
<td></td>
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<tr>
<td>Jack Louws</td>
<td></td>
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</tr>
</tbody>
</table>

**TITLE OF DOCUMENT:**

Land Capacity Analysis Report.

**ATTACHMENT:**

1. Staff Memorandum
2. Land Capacity Analysis Report

**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.)

Discussion of Land Capacity Analysis Report.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

**AB2016-047**

**Please Note:** Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: [www.co.whatcom.wa.us/council](http://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 28, 2016

SUBJECT: Land Capacity Analysis Report

Staff has prepared a Land Capacity Analysis Report that summarizes the results of the land capacity analysis (LCA) done for each of the county's urban growth areas (UGAs). County staff worked in collaboration with planners from each of the cities to estimate the capacity for population and employment growth in each UGA during the planning period of the 2016 Comprehensive Plan.

County and city staff have used these capacity estimates in preparing proposals for population and employment growth allocations and UGA boundaries. PDS staff briefed the County Council Planning and Development Committee on the LCA methodology in November 2014. The attached report compares the final population and employment allocations with the estimated capacities for each UGA, and documents the methodology and assumptions used in making those estimates.

Please contact me at extension 5931 if you have questions regarding the report.
WHATCOM COUNTY
PLANNING & DEVELOPMENT SERVICES

LAND CAPACITY ANALYSIS REPORT

I. Background Information

The purpose of this report is to compile results of the land capacity analysis (LCA) that was done for each of Whatcom County’s urban growth areas (UGAs) as part of the 2016 Whatcom County Comprehensive Plan (WCCP) periodic update process. Whatcom County Planning and Development Services staff and planners from each city developed and completed the LCA to estimate each UGA’s capacity for population and employment growth during the 20-year planning period for the County and city 2016 comprehensive plan updates. These estimates are shown in Figures 1 and 2 below. Appendix A contains the summarized LCA calculations for each UGA.

Throughout the current periodic update process, County and city decision makers referred to the LCA estimates as part of their deliberations to determine population and employment allocations and boundaries for the UGAs, ensuring that the land area within the UGA boundaries is sufficient to permit projected urban growth within the WCCP’s planning period. The Growth Management Act (GMA) requires that, “Based upon the growth management population projection made for the county by the Office of Financial Management, the county and each city within the county shall include areas and densities sufficient to permit the urban growth that is projected to occur in the county or city for the succeeding twenty-year period...” RCW 36.70A.110(2).¹

II. LCA Estimates

Figures 1 and 2 compare the LCA’s estimated population and employment capacities with the population and employment growth allocations adopted in the 2016 Whatcom County Comprehensive Plan, Chapter 1. Comparison of UGA total population capacity and the UGA total population allocations in Figure 1 shows a countywide growth capacity surplus of 6.2%. Each UGA has a population growth capacity surplus or deficit within 6% of the allocation, with the exception of the Blaine UGA, which has considerable surplus capacity within its city limits. Figure 2 shows a countywide employment capacity surplus of 12.6%.²

¹ The overall county population growth projection chosen by the County Council is within the range projection provided by the State Office of Financial Management (OFM). The OFM does not provide 20-year growth projections for each UGA. A consultant, Berk, developed a range of allocations that could be adopted for each UGA, based on historic distribution of population growth among the UGAs. During the update process, the cities recommended and the County approved UGA allocations and boundaries taking into consideration the Berk ranges and the LCA estimates. Berk: “Whatcom County Population and Employment Projections and Urban Growth Area Allocations,” November 1, 2013
² Figure 2’s estimated employment capacity for the Birch Bay, Columbia Valley, and Lynden UGAs differ from previously presented capacity figures because the earlier estimates had been based on outdated employment
### Figure 1. Population Growth Capacity and Allocations

<table>
<thead>
<tr>
<th>UGA</th>
<th>Est. UGA Capacity</th>
<th>WCCP Allocation</th>
<th>Surplus (Deficit)</th>
<th>Surplus Percent</th>
<th>Allocation Growth Share</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bellingham</td>
<td>33,006</td>
<td>31,050</td>
<td>1,956</td>
<td>5.9%</td>
<td>44.6%</td>
</tr>
<tr>
<td>Birch Bay</td>
<td>5,250</td>
<td>5,282</td>
<td>(32)</td>
<td>-0.6%</td>
<td>7.6%</td>
</tr>
<tr>
<td>Blaine</td>
<td>6,445</td>
<td>4,414</td>
<td>2,031</td>
<td>31.5%</td>
<td>6.3%</td>
</tr>
<tr>
<td>Cherry Point</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>n/a</td>
<td>0.0%</td>
</tr>
<tr>
<td>Columbia Valley</td>
<td>1,377</td>
<td>1,345</td>
<td>32</td>
<td>2.3%</td>
<td>1.9%</td>
</tr>
<tr>
<td>Everson</td>
<td>1,305</td>
<td>1,242</td>
<td>63</td>
<td>4.8%</td>
<td>1.8%</td>
</tr>
<tr>
<td>Ferndale</td>
<td>6,538</td>
<td>6,833</td>
<td>(295)</td>
<td>-4.5%</td>
<td>9.8%</td>
</tr>
<tr>
<td>Lyden</td>
<td>6,472</td>
<td>6,403</td>
<td>69</td>
<td>1.1%</td>
<td>9.2%</td>
</tr>
<tr>
<td>Nooksack</td>
<td>1,001</td>
<td>990</td>
<td>11</td>
<td>1.1%</td>
<td>1.4%</td>
</tr>
<tr>
<td>Sumas</td>
<td>884</td>
<td>874</td>
<td>10</td>
<td>1.1%</td>
<td>1.3%</td>
</tr>
<tr>
<td><strong>UGA Total</strong></td>
<td><strong>62,278</strong></td>
<td><strong>58,433</strong></td>
<td><strong>3,845</strong></td>
<td><strong>6.2%</strong></td>
<td><strong>83.9%</strong></td>
</tr>
<tr>
<td><strong>Non-UGA</strong></td>
<td>11,217</td>
<td></td>
<td></td>
<td></td>
<td>16.1%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>69,650</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>100.0%</strong></td>
</tr>
</tbody>
</table>

### Figure 2. Employment Growth Capacity and Allocations

<table>
<thead>
<tr>
<th>UGA</th>
<th>Est. UGA Capacity</th>
<th>WCCP Allocation</th>
<th>Surplus (Deficit)</th>
<th>Surplus Percent</th>
<th>Allocation Growth Share</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bellingham</td>
<td>27,302</td>
<td>22,641</td>
<td>4,035</td>
<td>15.1%</td>
<td>61.1%</td>
</tr>
<tr>
<td>Birch Bay</td>
<td>589</td>
<td>545</td>
<td>44</td>
<td>7.5%</td>
<td>1.5%</td>
</tr>
<tr>
<td>Blaine</td>
<td>2,687</td>
<td>2,097</td>
<td>590</td>
<td>22.0%</td>
<td>5.7%</td>
</tr>
<tr>
<td>Cherry Point</td>
<td>951</td>
<td>890</td>
<td>61</td>
<td>6.4%</td>
<td>2.4%</td>
</tr>
<tr>
<td>Columbia Valley</td>
<td>376</td>
<td>359</td>
<td>17</td>
<td>4.5%</td>
<td>1.0%</td>
</tr>
<tr>
<td>Everson</td>
<td>758</td>
<td>602</td>
<td>156</td>
<td>20.6%</td>
<td>1.6%</td>
</tr>
<tr>
<td>Ferndale</td>
<td>3,807</td>
<td>4,000</td>
<td>(193)</td>
<td>-5.1%</td>
<td>10.8%</td>
</tr>
<tr>
<td>Lyden</td>
<td>1,694</td>
<td>2,157</td>
<td>(463)</td>
<td>-27.3%</td>
<td>5.8%</td>
</tr>
<tr>
<td>Nooksack</td>
<td>106</td>
<td>115</td>
<td>(9)</td>
<td>-8.5%</td>
<td>0.3%</td>
</tr>
<tr>
<td>Sumas</td>
<td>460</td>
<td>445</td>
<td>15</td>
<td>3.3%</td>
<td>1.2%</td>
</tr>
<tr>
<td><strong>UGA Total</strong></td>
<td><strong>38,730</strong></td>
<td><strong>33,851</strong></td>
<td><strong>4,879</strong></td>
<td><strong>12.6%</strong></td>
<td><strong>91.4%</strong></td>
</tr>
<tr>
<td><strong>Non-UGA</strong></td>
<td>3,201</td>
<td></td>
<td></td>
<td></td>
<td>8.6%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>37,052</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>100.0%</strong></td>
</tr>
</tbody>
</table>

capacity assumptions. These estimates have been revised to reflect employment capacity assumptions currently given in the Land Capacity Analysis Detailed Methodology, section 5.2, step 6, increasing the estimated capacity by 33 in Birch Bay, 9 in Columbia Valley, and 27 in Lyden. Also differing from previous estimates is the Everson UGA employment capacity, where previous estimates used infrastructure deductions of 20% and 15% for commercial and industrial land, respectively. City staff had suggested 15% and 20% respectively, so PDS has made that change in the final LCA summary, resulting in an employment capacity reduction of 7 jobs.
The tables in Appendix A show the calculation totals for each step of the LCA. Those tables show the totals for all the UGA as well as the totals for incorporated and unincorporated (county) portions of the UGAs. The more detailed tables showing the calculations for each zone are available from Whatcom County PDS.

III. LCA Methodology

To estimate population and employment capacities, the LCA analysis first inventories the total acreage available for development in each zoning classification in each UGA (both the incorporated and unincorporated portions) and then estimates the capacity for population and employment growth on that acreage based on assumed densities and other factors. In general, the steps the LCA followed in order to make the determination that sufficient land capacity exists in each UGA is as follows:

- Assemble geographic information system (GIS) parcel data for each UGA study area
- Categorize parcels: Vacant, partially used, underutilized, developed, publicly owned, etc.
- Calculate net developable acres by subtracting: developed land, public land, future public and quasi-public land, critical areas, infrastructure area, and market factor
- Multiply net developable residential acres by assumed densities to determine dwelling unit capacity
- Multiply dwelling unit capacity by occupancy rates and persons-per-household to determine population growth capacity by UGA
- Multiply net developable commercial and industrial acres by assumed floor area ratios, occupancy rates, and employment densities to determine employment growth capacity
- Compare capacity with allocated 20-year population and employment growth (see Figures 1 and 2)

A more detailed discussion of the process is found in the Whatcom County Land Capacity Analysis Detailed Methodology, attached in Appendix B. The County and city planners working on the LCA developed this document based on the one that was used on the 2009 LCA, and revised it as necessary when specific methodological issues needed to be clarified and memorialized. The Whatcom County Council reviewed the LCA methodology document in November of 2014.

The Detailed Methodology prescribes how subtractions for such factors as critical areas and infrastructure are to be made, and how certain assumptions are to be factored in. Assumptions used in the LCA calculation include:

- Acreage needed for future public uses
- Acreage needed for infrastructure (rights-of-way, stormwater facilities, etc.)
- Market factor
- Residential occupancy rate (single- and multi-family)
- Persons per household (single- and multi-family)
- Floor area ratio (commercial and industrial)
- Occupancy rate (commercial and industrial)
- Employment density (commercial and industrial)
- Residential densities for each zone
- Non-residential proportion in mixed use zones

The assumptions used for each UGA LCA are listed in the tables in Appendix C. Some assumptions are set by the LCA Detailed Methodology document, such as occupancy rates and household size. Others, including assumed residential densities, are established by City planning staff (or in the case of the non-city UGAs County planning staff) based on their knowledge of local conditions. City and County planning staff set the assumptions for residential occupancy rates and household size at the levels calculated by OFM for the 2010 census year. They agreed to assume constant values for these factors rather than introducing an additional assumption that speculates whether — or by how much — either rate would change over the planning period.

The LCA Detailed Methodology also prescribes how to account for “pending” projects, those projects approved but not yet built. Because the number of residential units (or square footage of non-residential development) has been approved, those figures do not need to be calculated in the LCA as they do for other developable land. Thus, the acreage for pending projects is removed from the LCA calculation for developable acres, and the approved units or square footage totals are accounted for during the final calculation of population and employment capacity. This method is also used for master planned areas, where cities have approved plans with specific dwelling unit or square footage totals.

IV. Other Information

In addition to producing the overall UGA population and employment capacity estimates, the LCA has yielded other information that is useful to the periodic update process. An intermediate step in the LCA calculation is to calculate the capacity for single- and multi-family dwelling units in each UGA (see Figure 3). This breakdown indicates a variety of both types of housing would be available throughout the UGAs. Countywide, a majority of dwelling units would be single-family, while single-family would account for about a third of the future dwelling unit (DU) capacity in the Bellingham UGA. This information was used in the 2015 Whatcom County Housing Analysis, incorporated into WCCP Chapter 3 Housing.

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1 2015 Whatcom County Housing Analysis, Chart 64, updated in 2016 to reflect the current approved allocations and UGA boundaries. Chart 65 estimates the number of dwelling units needed during the planning period, based on the population growth allocated to each UGA in the WCCP. A comparison of Charts 64 and 65 indicates that the planned capacity of single- and multi-family housing in the UGAs is consistent with anticipated housing needs.
Figure 3. Estimated Single- and Multi-family Dwelling Unit Capacity

<table>
<thead>
<tr>
<th>UGA</th>
<th>SF DU Capacity</th>
<th>Percent SF Capacity</th>
<th>MF DU Capacity</th>
<th>Percent MF Capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bellingham</td>
<td>5,890</td>
<td>34.4%</td>
<td>11,234</td>
<td>65.6%</td>
</tr>
<tr>
<td>Birch Bay</td>
<td>2,473</td>
<td>66.6%</td>
<td>1,240</td>
<td>33.4%</td>
</tr>
<tr>
<td>Blaine</td>
<td>2,649</td>
<td>84.0%</td>
<td>503</td>
<td>16.0%</td>
</tr>
<tr>
<td>Columbia Valley</td>
<td>627</td>
<td>100.0%</td>
<td>-</td>
<td>0.0%</td>
</tr>
<tr>
<td>Everson</td>
<td>454</td>
<td>96.0%</td>
<td>19</td>
<td>4.0%</td>
</tr>
<tr>
<td>Ferndale</td>
<td>2,080</td>
<td>83.5%</td>
<td>411</td>
<td>16.5%</td>
</tr>
<tr>
<td>Lynden</td>
<td>1,644</td>
<td>57.4%</td>
<td>1,220</td>
<td>42.6%</td>
</tr>
<tr>
<td>Nooksack</td>
<td>340</td>
<td>100.0%</td>
<td>-</td>
<td>0.0%</td>
</tr>
<tr>
<td>Sumas</td>
<td>183</td>
<td>48.8%</td>
<td>192</td>
<td>51.2%</td>
</tr>
<tr>
<td>All UGA</td>
<td>16,340</td>
<td>52.4%</td>
<td>14,819</td>
<td>47.6%</td>
</tr>
</tbody>
</table>

Figure 4 compares the achieved densities with the overall planned residential densities assumed in the LCA, and with WCCP density goals. These overall planned densities are generally consistent with achieved densities during the previous decade (from subdivision data compiled by the cities), and with the overall density targets set in WCCP Goal 2P. Figure 4 shows Goal 2P density targets from both the 2009 plan and the draft 2016 plan, in which some density goals are to be increased during the planning period.

Figure 4: Overall Residential Density

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Bellingham</td>
<td>6.94</td>
<td>7.15</td>
<td>6 to 24</td>
<td>6 to 24</td>
</tr>
<tr>
<td>Birch Bay</td>
<td>5.93</td>
<td>7.61</td>
<td>4</td>
<td>5 to 10</td>
</tr>
<tr>
<td>Blaine</td>
<td>6.98</td>
<td>4.71</td>
<td>4</td>
<td>4 to 6</td>
</tr>
<tr>
<td>Columbia Valley</td>
<td>n/a</td>
<td>4.00</td>
<td>4</td>
<td>4 to 6</td>
</tr>
<tr>
<td>Everson</td>
<td>4.76</td>
<td>4.01</td>
<td>4</td>
<td>4 to 6</td>
</tr>
<tr>
<td>Ferndale</td>
<td>6.20</td>
<td>5.01</td>
<td>5 to 10</td>
<td>6 to 10</td>
</tr>
<tr>
<td>Lynden</td>
<td>4.95</td>
<td>7.43</td>
<td>5 to 10</td>
<td>6 to 10</td>
</tr>
<tr>
<td>Nooksack</td>
<td>4.20</td>
<td>4.39</td>
<td>4</td>
<td>4 to 6</td>
</tr>
<tr>
<td>Sumas</td>
<td>3.32</td>
<td>4.87</td>
<td>4</td>
<td>4 to 6</td>
</tr>
</tbody>
</table>

* LCA overall density applies to the areas where the LCA calculates DUx and population capacity from developable acreage. These figures do not include pending projects or master planned areas.

GMA allows that, "An urban growth area determination may include a reasonable land market supply factor...In determining this market factor, cities and counties may consider local circumstances." RCW 36.70A.110(2). The purpose of the market factor is to account for a proportion of developable land in a UGA that will not be on the market during the planning period. In the Whatcom County LCA the market factor percentage is deducted from developable acres to estimate how many acres
are expected to be both developable and available between now and 2036. This results in each UGA’s land area being larger than the minimum needed to accommodate its projected growth. The market factor allowance provides something of a cushion against cyclical economic booms and busts, providing within each UGA a pool of land that will likely not be on the market during a downturn, but could become available during an economic upswing when demand for housing or commercial/industrial development is higher.

**Figure 5. Market Factor**

<table>
<thead>
<tr>
<th>UGA</th>
<th>Overall Market Factor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bellingham</td>
<td>19.8%</td>
</tr>
<tr>
<td>Birch Bay</td>
<td>17.4%</td>
</tr>
<tr>
<td>Blaine</td>
<td>39.9%</td>
</tr>
<tr>
<td>Cherry Point</td>
<td>16.4%</td>
</tr>
<tr>
<td>Columbia Valley</td>
<td>15.5%</td>
</tr>
<tr>
<td>Everson</td>
<td>25.8%</td>
</tr>
<tr>
<td>Ferndale</td>
<td>20.4%</td>
</tr>
<tr>
<td>Lynden</td>
<td>20.5%</td>
</tr>
<tr>
<td>Nooksack</td>
<td>21.1%</td>
</tr>
<tr>
<td>Sumas</td>
<td>18.6%</td>
</tr>
</tbody>
</table>

Market factor percentages used in the Whatcom County LCA vary based on whether or not a property is vacant (and therefore more likely to be available for development in the planning period). The LCA Detailed Methodology sets a market factor of 15% for vacant land and 25% for partially developed or underutilized land, but allows for different percentages to be used to account for local conditions. Figure 5 shows the overall percentage of potential developable land subtracted as a market factor. The overall market factor falls between 15% and 25% for each UGA except Everson and Blaine, where City planning staff has assumed higher market factors in some areas within city limits due to floodplain issues and current lack of utilities, respectively. These issues add to the cost of development, making the land less likely to develop at urban levels within the planning period. In Blaine and Bellingham, some master planned areas in the city limits were also assigned higher market factors, reflecting anticipated buildout periods that extend beyond 2036, thus leaving much of these areas’ development potential off the market during the WCCP planning period. In these areas, the market factors are subtracted from the approved number of units rather than acreage, so they are not reflected in the overall market factor percentages in Figure 5.

**IV. Conclusion**

The LCA, developed in a collaborative effort by County and city planning staff, has been a vital tool used throughout the WCCP periodic update process. Now that the UGA boundaries and their population and employment growth allocations have been set, this report provides a final compilation and summary of the LCA estimation process.

**Attachments:**

- Appendix A – LCA Summaries
- Appendix B – LCA Detailed Methodology
- Appendix C – LCA Assumptions
Appendix A

LCA Summaries
## Land Capacity Analysis Summary

### Bellingham UGA

### Net Developable Land Estimate

<table>
<thead>
<tr>
<th>Assumptions</th>
<th>All UGA</th>
<th>All City Zones</th>
<th>All County Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Parcel Acres</td>
<td>19,599.1</td>
<td>14,029.8</td>
<td>8,750.3</td>
</tr>
<tr>
<td>- Fully Developed Private Acres</td>
<td>6,791.1</td>
<td>5,790.6</td>
<td>1,021.5</td>
</tr>
<tr>
<td>- Publicly Owned Vacant Acres</td>
<td>2,154.8</td>
<td>1,599.8</td>
<td>555.0</td>
</tr>
<tr>
<td>- Publicly Owned Developed Acres</td>
<td>1,078.0</td>
<td>1,004.6</td>
<td>73.4</td>
</tr>
<tr>
<td>- Quasi Public Developed Acres</td>
<td>944.4</td>
<td>750.4</td>
<td>194.0</td>
</tr>
<tr>
<td>- Pending Projects (approved DU's added below)</td>
<td>1,677.5</td>
<td>515.7</td>
<td>1,161.8</td>
</tr>
<tr>
<td>- Master Plan Acres (approved DU's added below)</td>
<td>1,074.4</td>
<td>1,075.4</td>
<td>72.0</td>
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<tr>
<td>- Remainder - all Vacant, PU, and UI Acres</td>
<td>5,544.6</td>
<td>3,389.3</td>
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<tr>
<td><strong>All Vacant Private Acres</strong></td>
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<tr>
<td>- CA Subtraction - Vacant</td>
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<td>- Future Public Uses (including parks)</td>
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<td>28.3</td>
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<tr>
<td>- Other Public Uses</td>
<td>86.6</td>
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<td><strong>28.8%</strong></td>
<td>220.4</td>
<td>202.0</td>
<td>8.4</td>
</tr>
<tr>
<td>- Infrastructure Subtraction SF</td>
<td>220.4</td>
<td>202.0</td>
<td>8.4</td>
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<tr>
<td><strong>15.0%</strong></td>
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<tr>
<td>- Infrastructure Subtraction M²</td>
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<td>18.5</td>
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<td><strong>10.0%</strong></td>
<td>19.0</td>
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<td>25.9</td>
</tr>
<tr>
<td>- Market Factor Subtraction - Vacant Residential</td>
<td>119.5</td>
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<td>18.9</td>
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<tr>
<td><strong>15%</strong></td>
<td>79.6</td>
<td>43.3</td>
<td>36.3</td>
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<tr>
<td>- Market Factor Subtraction - Vacant Commercial</td>
<td>79.6</td>
<td>43.3</td>
<td>36.3</td>
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<td>Net Developable Vacant Acres (Commercial)</td>
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<td>Net Developable Vacant Acres</td>
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<td>2,096.9</td>
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<td>1,083.4</td>
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<tr>
<td>- CA Subtraction - PU, UI</td>
<td>490.0</td>
<td>222.6</td>
<td>267.8</td>
</tr>
<tr>
<td>- Future Public Uses (including parks)</td>
<td>200.5</td>
<td>271.3</td>
<td>28.3</td>
</tr>
<tr>
<td>- Other Public Uses</td>
<td>19.2</td>
<td>43.7</td>
<td>29.5</td>
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<tr>
<td><strong>28.8%</strong></td>
<td>220.4</td>
<td>202.0</td>
<td>8.4</td>
</tr>
<tr>
<td>- Infrastructure Subtraction SF</td>
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<td>- Infrastructure Subtraction Commercial</td>
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<td><strong>10.0%</strong></td>
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<td>- Market Factor Subtraction - PU,UI Commercial</td>
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<td>Net Developable PU, UI Acres (Commercial)</td>
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<td>Net Developable PU, UI Acres</td>
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<td>1,311.1</td>
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<td><strong>Overall Market Factor (excluding master plan areas)</strong></td>
<td>19.8%</td>
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### Residential: Population Growth Capacity Estimate

<table>
<thead>
<tr>
<th>Net Developable Residential Acres (Vacant, PU, UI)</th>
<th>All UGA</th>
<th>All City Zones</th>
<th>All County Zones</th>
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</thead>
<tbody>
<tr>
<td>Overall Assumed Density (Dui/ac)</td>
<td>7.15</td>
<td>7.57</td>
<td>7.91</td>
</tr>
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<td>Subtotal: DU Capacity (Vacant, PU, UI)</td>
<td>8,649</td>
<td>6,622</td>
<td>1,626</td>
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<tr>
<td>+Approved DUs - Master Plan Areas</td>
<td>9,143</td>
<td>9,044</td>
<td>99</td>
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<td>1,042</td>
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<td>+ Existing DU (excluding displaced in C/F and pending)</td>
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<td>+ Pending DU (approved DUs for pending projects)</td>
<td>3,003</td>
<td>3,003</td>
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<td>- Market Factor Substr. for Pending DUs (if any)</td>
<td>-</td>
<td>-</td>
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<tr>
<td>Subtotal DU Capacity</td>
<td>12,323</td>
<td>15,687</td>
<td>1,398</td>
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<td>Occupancy Rate = SF Occupied DUs</td>
<td>5,219</td>
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<td>Avg Household Size = SF Population Capacity</td>
<td>12,896</td>
<td>10,283</td>
<td>2,712</td>
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<tr>
<td>Occupancy Rate = MF Occupied DUs</td>
<td>10,828</td>
<td>10,248</td>
<td>580</td>
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<td>Avg Household Size = MF Population Capacity</td>
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<td>10,490</td>
<td>220</td>
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<td>Total Population Growth Capacity</td>
<td>53,606</td>
<td>26,713</td>
<td>2,333</td>
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<td>Allocated Population Growth</td>
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<td>-</td>
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<td>Capacity Surplus (Shortage)</td>
<td>1,956</td>
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<td>MF DU Capacity</td>
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### Commercial and Industrial: Employment Growth Capacity Estimate

<table>
<thead>
<tr>
<th>Net Developable Commercial Acres (Vacant, PU, UI)</th>
<th>All UGA</th>
<th>All City Zones</th>
<th>All County Zones</th>
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</thead>
<tbody>
<tr>
<td>0,4</td>
<td>820.1</td>
<td>410.2</td>
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<tr>
<td>0.25</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>0.4</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>0.25</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>5%</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>95%</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>626</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>775</td>
<td>-</td>
<td>-</td>
<td>-</td>
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<td>Total Employment Growth Capacity</td>
<td>27,392</td>
<td>18,140</td>
<td>9,152</td>
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<td>Allocated Employment Growth</td>
<td>22,561</td>
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<tr>
<td>Capacity Surplus (Shortage)</td>
<td>4,651</td>
<td>-</td>
<td>-</td>
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## Land Capacity Analysis Summary

### Birch Bay UGA

### Net Developable Land Estimate

<table>
<thead>
<tr>
<th>Assumptions</th>
<th>All County Zones</th>
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<tr>
<td><strong>Total Parcel Acres</strong></td>
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<tr>
<td>- Publicly Owned Vacant Acres</td>
<td>236.3</td>
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<tr>
<td>- Publicly Owned Developed Acres</td>
<td>291.2</td>
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<tr>
<td>- Quasi Public Developed Acres</td>
<td>338.1</td>
</tr>
<tr>
<td>- Pending Project Acres (approved DUs added below)</td>
<td>189.9</td>
</tr>
<tr>
<td>- Master Plan Acres (approved DUs added below)</td>
<td>0.0</td>
</tr>
<tr>
<td><strong>Remainder - all Vacant, PU, and UI Acres</strong></td>
<td>1,261.1</td>
</tr>
<tr>
<td><strong>All Vacant Private Acres</strong></td>
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<td>- CA Subtraction - Vacant</td>
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<tr>
<td>- Future Public Uses (including parks)</td>
<td>0.0</td>
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<tr>
<td>- Other Public Uses</td>
<td>0.0</td>
</tr>
<tr>
<td>5%</td>
<td>31.2</td>
</tr>
<tr>
<td>- Infrastructure Subtraction SF</td>
<td>179.7</td>
</tr>
<tr>
<td>33.7%</td>
<td>51.0</td>
</tr>
<tr>
<td>- Infrastructure Subtraction MF</td>
<td>6.6</td>
</tr>
<tr>
<td>10.0%</td>
<td>12.4</td>
</tr>
<tr>
<td>- Market Factor Subtraction - Vacant Residential</td>
<td>8.9</td>
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<tr>
<td>15%</td>
<td>371.1</td>
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<tr>
<td><strong>Net Developable Vacant Acres (Residential)</strong></td>
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</tr>
<tr>
<td><strong>Net Developable Vacant Acres (Commercial)</strong></td>
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<td><strong>Net Developable Vacant Acres</strong></td>
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<td><strong>All Partially-Used and Under-Utilized Acres (PUL, UU)</strong></td>
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<tr>
<td>- CA Subtraction - PU, UU</td>
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<tr>
<td>- Future Public Uses (including parks)</td>
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<tr>
<td>- Other Public Uses</td>
<td>0.0</td>
</tr>
<tr>
<td>5%</td>
<td>11.5</td>
</tr>
<tr>
<td>- Infrastructure Subtraction SF</td>
<td>11.5</td>
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<tr>
<td>33.7%</td>
<td>12.4</td>
</tr>
<tr>
<td>- Infrastructure Subtraction MF</td>
<td>2.1</td>
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<tr>
<td>10.0%</td>
<td>33.4</td>
</tr>
<tr>
<td>- Market Factor Subtraction - PU, UU Residential</td>
<td>6.7</td>
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<tr>
<td>25%</td>
<td>14.1</td>
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<tr>
<td><strong>Net Developable PU, UU Acres (Residential)</strong></td>
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<td><strong>Net Developable PU, UU Acres (Commercial)</strong></td>
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<td><strong>Total Net Developable Acres (Vacant, PU, UU)</strong></td>
<td>535.5</td>
</tr>
<tr>
<td><strong>Overall Market Factor</strong></td>
<td>17.4%</td>
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</table>

### Residential: Population Growth Capacity Estimate

<table>
<thead>
<tr>
<th>All County Zones</th>
</tr>
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<tbody>
<tr>
<td><strong>Net Developable Residential Acres (Vacant, PU, UU)</strong></td>
</tr>
<tr>
<td>- Overall Assumed Density [OUD]</td>
</tr>
<tr>
<td>- Subtotal DU Capacity (Vacant, PU, UU)</td>
</tr>
<tr>
<td>- Market Factor Subtraction - Master Plan Areas</td>
</tr>
<tr>
<td>- Existing DU (including displaced in C/I and pending)</td>
</tr>
<tr>
<td>- Pending DU (approved DUs for pending projects)</td>
</tr>
<tr>
<td>- Market Factor Subtraction for Pending DUs (if any)</td>
</tr>
<tr>
<td>- Subtotal DU Capacity</td>
</tr>
<tr>
<td>- Occupancy Rate = SF Occupied DUs</td>
</tr>
<tr>
<td>- Avg Household Size = SF Population Capacity</td>
</tr>
<tr>
<td>- Occupancy Rate = MF Occupied DUs</td>
</tr>
<tr>
<td>- Avg Household Size = MF Population Capacity</td>
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<tr>
<td><strong>Total Population Growth Capacity</strong></td>
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<tr>
<td><strong>Allocated Population Growth</strong></td>
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<tr>
<td><strong>Capacity Surplus (Shortage)</strong></td>
</tr>
<tr>
<td>- DU Capacity, Single Family</td>
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<tr>
<td>- DU Capacity, Multi Family</td>
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### Commercial and Industrial: Employment Growth Capacity Estimate

<table>
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<th>All County Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Net Developable Commercial Acres (Vacant, PU, UU)</strong></td>
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<tr>
<td>- Assumed FAR = FA Commercial (in SqFt)</td>
</tr>
<tr>
<td>0.16x</td>
</tr>
<tr>
<td>- Subtotal: FA Capacity (Vacant, PU, UU)</td>
</tr>
<tr>
<td>- Market Factor Subtraction - Master Plan Areas</td>
</tr>
<tr>
<td>- Existing FA SqFt</td>
</tr>
<tr>
<td>- Pending FA SqFt (approved FA for pending projects)</td>
</tr>
<tr>
<td>- Market Factor Subtraction for Pending FA (if any)</td>
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<td>- Subtotal - FA Capacity</td>
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<tr>
<td>- Occupancy Rate = Comm. Occupied FA</td>
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<td>- Employment Density = Comm. Job Capacity</td>
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<td>- Employment Density = Ind. Occupied FA</td>
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<td>- Employment Density = Ind. Job Capacity</td>
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<td><strong>Total Employment Growth Capacity</strong></td>
</tr>
<tr>
<td><strong>Allocated Employment Growth</strong></td>
</tr>
<tr>
<td><strong>Capacity Surplus (Shortage)</strong></td>
</tr>
</tbody>
</table>
## Land Capacity Analysis Summary

### Blaine UGA

### Net Developable Land Estimate

<table>
<thead>
<tr>
<th>Assumptions</th>
<th>All UGA</th>
<th>All City Zones</th>
<th>All County Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total Parcel Acres</strong></td>
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<td>3,083.0</td>
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<td><strong>Assumptions</strong></td>
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<td>2. Publicly Owned Vacant Acres</td>
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<td>3. Publicly Owned Developed Acres</td>
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<td>82.7</td>
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<td>4. Quasi Public Developed Acres</td>
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<td>1.3</td>
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<td>5. Pending Project Acres (approved DU's added below)</td>
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<td>146.1</td>
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<td>6. Master Plan Acres (approved DU's added below)</td>
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<td><strong>Remainder - all Vacant, PU, and UI Acres</strong></td>
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<tr>
<td>9. Other Public Uses</td>
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<td><strong>Infrastructure Subtraction Commercial</strong></td>
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<td>1.4</td>
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<td>6.8</td>
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<td>11. Market Factor Subtraction - Vacant Commercial</td>
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<td>10.0</td>
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<td><strong>Net Developable Vacant Acres (Residential)</strong></td>
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<td><strong>Net Developable Vacant Acres</strong></td>
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<td>282.5</td>
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<td><strong>All Partially-Used and Under-Utilized Acres (PU, UI)</strong></td>
<td>514.1</td>
<td>266.0</td>
<td>248.1</td>
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<td>12. CA Subtraction - PU, UI</td>
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<td>54.6</td>
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<td>13. Future Public Uses (including parks)</td>
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<td>14. Other Public Uses</td>
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<td>16. Market Factor Subtraction - PU, UI Commercial</td>
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<td>7.7</td>
<td>5.2</td>
</tr>
<tr>
<td><strong>Net Developable PU, UI Acres (Residential)</strong></td>
<td>132.9</td>
<td>51.8</td>
<td>81.3</td>
</tr>
<tr>
<td><strong>Net Developable PU, UI Acres (Commercial)</strong></td>
<td>38.5</td>
<td>23.0</td>
<td>15.5</td>
</tr>
<tr>
<td><strong>Net Developable PU, UI Acres</strong></td>
<td>171.4</td>
<td>74.8</td>
<td>96.8</td>
</tr>
<tr>
<td><strong>Total Net Developable Acres (Vacant, PU, UI)</strong></td>
<td>593.2</td>
<td>357.1</td>
<td>146.1</td>
</tr>
<tr>
<td><strong>Overall Market Factor (excluding master planned areas)</strong></td>
<td>39.9</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

### Residential: Population Growth Capacity Estimate

| Net Developable Residential Acres (Vacant, PU, UI) | 397.3 | 277.4 | 119.9 |
| **Overall Assumed Density (DUs/ac)** | 4.71 | 4.05 | 6.22 |
| **Subtotal DUs Capacity (Vacant, PU, UI)** | 1,870.1 | 1,124.8 | 746 |
| **50% + Approved DUs - Master Plan Areas** | 1,836.0 | 1,836.0 | - |
| **+ Existing DUs (including displaced in C/F and pending)** | 179.0 | 121.0 | 58 |
| **- Master Factor Subtraction for Pending DUs (if any)** | - | - | - |
| **Subtotal DUs Capacity** | 2,162.0 | 2,464.8 | 689 |
| **Occupancy Rate = 2% Unoccupied DUs** | 2,239 | 1,753 | 516 |
| **85.52% x Occupancy Rate = SF Population Capacity** | 5,556 | 4,330 | 1,266 |
| **x Average Household Size = SF Population Capacity** | 418 | 344 | 73 |
| **2.03 x Average Household Size = SF Population Capacity** | 899 | 700 | 199 |
| **Total Population Growth Capacity** | 6,445 | 5,830 | 615 |
| **Allocated Population Growth** | 4,414 | - | - |
| **Capacity Surplus (Shortage)** | 2,031 | - | - |
| **DUSingle Family** | 2,649 | 2,050 | 599 |
| **DUSingle Family, Multi-Family** | 503 | 415 | 83 |

### Commercial and Industrial: Employment Growth Capacity Estimate

| Net Developable Commercial Acres (Vacant, PU, UI) | 105.9 | 79.7 | 26.3 |
| **0.2 x Assumed FAR = FA Commercial (in Sf/sf)** | 147,761 | 147,760 | 8 |
| **0.3 x Assumed FAR = FA Industrial (in Sf/sf)** | 1,372,175 | 1,029,099 | 343,076 |
| **Subtotal FA Capacity (Vacant, PU, UI)** | 1,519,936 | 1,176,860 | 343,076 |
| **+ Approved Commercial SF - Master Plan Areas** | - | - | - |
| **- Master Factor Subtraction - Master Plan Areas** | - | - | - |
| **+ Existing FA Sf/sf** | 47,650 | 47,650 | 0 |
| **- Pending FA Sf/sf (approved FA for pending projects)** | 594,340 | 594,340 | 0 |
| **+ Master Factor Subtraction for Pending Sf/sf (if any)** | - | - | - |
| **Subtotal - FA Capacity** | 2,066,626 | 1,723,550 | 343,076 |
| **95.2% x Occupancy Rate = Comm. Occupied FA** | 502,091 | 502,091 | 3 |
| **76% x Employment Density = Comm. Job Capacity** | 802 | 802 | - |
| **95% x Occupancy Rate = Ind. Occupied FA** | 1,461,293 | 1,135,281 | 325,014 |
| **77.5% x Employment Density = Ind. Job Capacity** | 1,055 | 1,046 | 9 |
| **Total Employment Growth Capacity** | 2,887 | 2,266 | 620 |
| **Allocated Employment Growth** | 2,097 | - | - |
| **Capacity Surplus (Shortage)** | 790 | - | - |
Land Capacity Analysis Summary
Cherry Point UGA

### Not Developable Land Estimate

<table>
<thead>
<tr>
<th>Assumptions</th>
<th>All County Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Parcel Acres</td>
<td>6,912.5</td>
</tr>
<tr>
<td>- Fully Developed Private Acres</td>
<td>2,181.4</td>
</tr>
<tr>
<td>- Publicly Owned Vacant Acres</td>
<td>168.0</td>
</tr>
<tr>
<td>- Publicly Owned Developed Acres</td>
<td>0.7</td>
</tr>
<tr>
<td>- Guest Public Developed Acres</td>
<td>95.4</td>
</tr>
<tr>
<td>- Pending Project Acres (approved DU's added below)</td>
<td>-</td>
</tr>
<tr>
<td>- Other Undevelopable Acres</td>
<td>362.4</td>
</tr>
<tr>
<td>Remainder - all Vacant, PU, and IU Acres</td>
<td>4,054.7</td>
</tr>
<tr>
<td>All Vacant Private Acres</td>
<td>3,626.5</td>
</tr>
<tr>
<td>- CA Subtraction - Vacant</td>
<td>2,342.2</td>
</tr>
<tr>
<td>- Future Public Uses (including parks)</td>
<td>-</td>
</tr>
<tr>
<td>- Other Public Uses</td>
<td>64.2</td>
</tr>
<tr>
<td>0.0% Infrastructure Subtraction SF</td>
<td>-</td>
</tr>
<tr>
<td>0.0% Infrastructure Subtraction MF</td>
<td>-</td>
</tr>
<tr>
<td>10.0% Infrastructure Subtraction Commercial</td>
<td>122.0</td>
</tr>
<tr>
<td>15% Market Factor Subtraction - Vacant Residential</td>
<td>-</td>
</tr>
<tr>
<td>15% Market Factor Subtraction - Vacant Commercial</td>
<td>164.7</td>
</tr>
<tr>
<td>Net Developable Vacant Acres (Residential)</td>
<td>-</td>
</tr>
<tr>
<td>Net Developable Vacant Acres (Commercial)</td>
<td>933.4</td>
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<tr>
<td>All Partially-Used and (Under-Utilized Acres (PU, IU))</td>
<td>428.1</td>
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<tr>
<td>- CA Subtraction - PU, IU</td>
<td>211.0</td>
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<tr>
<td>- Future Public Uses (Including parks)</td>
<td>-</td>
</tr>
<tr>
<td>- Other Public Uses</td>
<td>10.9</td>
</tr>
<tr>
<td>0.0% Infrastructure Subtraction SF</td>
<td>-</td>
</tr>
<tr>
<td>0.0% Infrastructure Subtraction MF</td>
<td>-</td>
</tr>
<tr>
<td>10.0% Infrastructure Subtraction Commercial</td>
<td>20.6</td>
</tr>
<tr>
<td>25% Market Factor Subtraction - PU/UU Residential</td>
<td>-</td>
</tr>
<tr>
<td>25% Market Factor Subtraction - PU/UU Commercial</td>
<td>40.4</td>
</tr>
<tr>
<td>Net Developable PU, IU Acres (Residential)</td>
<td>-</td>
</tr>
<tr>
<td>Net Developable PU, IU Acres (Commercial)</td>
<td>139.2</td>
</tr>
<tr>
<td>Net Developable PU, IU Acres</td>
<td>139.2</td>
</tr>
<tr>
<td>Total Net Developable Acres (Vacant, PU, IU)</td>
<td>1,072.6</td>
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<tr>
<td>Overall Market Factor</td>
<td>16.4%</td>
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</table>

### Residential: Population Growth Capacity Estimate

<table>
<thead>
<tr>
<th>Net Developable Residential Acres (Vacant, PU, IU)</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Assumed Density (sq/par)</td>
<td></td>
</tr>
<tr>
<td>Assumed Density (DUA)</td>
<td></td>
</tr>
<tr>
<td>Subtotal DU Capacity (Vacant, PU, IU)</td>
<td></td>
</tr>
<tr>
<td>- Approved DU's - Master Plan Areas</td>
<td></td>
</tr>
<tr>
<td>- Market Factor Subtraction - Master Plan Areas</td>
<td></td>
</tr>
<tr>
<td>- Existing DU (including replaced in CI and pending)</td>
<td>9</td>
</tr>
<tr>
<td>- Pending DU (approved DU's for pending projects)</td>
<td></td>
</tr>
<tr>
<td>- Market Factor Subtr. for Pending DU's (if any)</td>
<td></td>
</tr>
<tr>
<td>Subtotal DU Capacity</td>
<td>(9)</td>
</tr>
<tr>
<td>95.34%</td>
<td></td>
</tr>
<tr>
<td>2.86%</td>
<td></td>
</tr>
<tr>
<td>93.76%</td>
<td></td>
</tr>
<tr>
<td>2.31%</td>
<td></td>
</tr>
<tr>
<td>Total Population Growth Capacity</td>
<td>(24)</td>
</tr>
<tr>
<td>Allocated Population Growth</td>
<td>-</td>
</tr>
<tr>
<td>Capacity Surplus (Shortage)</td>
<td>(24)</td>
</tr>
</tbody>
</table>

### Commercial and Industrial: Employment Growth Capacity Estimate

<table>
<thead>
<tr>
<th>Net Developable Commited Acres (Vacant, PU, IU)</th>
<th>1,072.6</th>
</tr>
</thead>
<tbody>
<tr>
<td>0.07%</td>
<td></td>
</tr>
<tr>
<td>- Assumed FAR = FA Commercial (in sq/ft)</td>
<td>3,504,206.5</td>
</tr>
<tr>
<td>- Subtotal FA Capacity (Vacant, PU, IU)</td>
<td>3,504,206.5</td>
</tr>
<tr>
<td>- Approved Commited Sq/ft - Master Plan Areas</td>
<td>-</td>
</tr>
<tr>
<td>- Market Factor Subtraction - Master Plan Areas</td>
<td>-</td>
</tr>
<tr>
<td>- Existing FA Sq/ft</td>
<td>30,624.0</td>
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<tr>
<td>- Pending FA Sq/ft (approved FA for pending projects)</td>
<td>28,861.0</td>
</tr>
<tr>
<td>- Market Factor Subtr. For Pending Sq/ft (if any)</td>
<td>-</td>
</tr>
<tr>
<td>Subtotal - FA Capacity</td>
<td>3,502,443.5</td>
</tr>
<tr>
<td>95%</td>
<td></td>
</tr>
<tr>
<td>0%</td>
<td></td>
</tr>
<tr>
<td>3500</td>
<td></td>
</tr>
<tr>
<td>Total Employment Growth Capacity</td>
<td>951</td>
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<tr>
<td>Allocated Employment Growth</td>
<td>880</td>
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<tr>
<td>Capacity Surplus (Shortage)</td>
<td>61</td>
</tr>
</tbody>
</table>
Land Capacity Analysis Summary
Columbia Valley UGA

<table>
<thead>
<tr>
<th>Net Developable Land Estimate</th>
<th>All County Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Parcel Acres</td>
<td>960.2</td>
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<tr>
<td>Assumptions</td>
<td></td>
</tr>
<tr>
<td>1. Fully Developed Private Acres</td>
<td>353.3</td>
</tr>
<tr>
<td>2. Publicly Owned Vacant Acres</td>
<td>6.3</td>
</tr>
<tr>
<td>3. Publicly Owned Developed Acres</td>
<td>13.7</td>
</tr>
<tr>
<td>4. Quasi Public Developed Acres</td>
<td>52.6</td>
</tr>
<tr>
<td>5. Other Undevelopable</td>
<td>53.0</td>
</tr>
<tr>
<td>6. Pendling Project Acres (approved DU's added before construction)</td>
<td>0.0</td>
</tr>
<tr>
<td>7. Master Plan Acres (approved DU's added below construction)</td>
<td>0.0</td>
</tr>
<tr>
<td>Remaining - all Vacant, PU, and UIU Acres</td>
<td>480.4</td>
</tr>
</tbody>
</table>

| All Vacant Private Acres | 455.5 |
| CA Subtraction - Vacant  | 103.0 |
| Future Public Uses (including parks) | 17.6 |
| Other Public Uses        | 16.7  |
| Infrastructure Subtraction SF | 90.0 |
| Infrastructure Subtraction MF | 0.5  |
| Infrastructure Subtraction Commercial | 4.9 |
| 15% Market Factor Subtraction - Vacant Residential | 26.7 |
| 15% Market Factor Subtraction - Commercial | 6.6  |
| Net Developable Vacant Acres (Residential) | 151.5 |
| Net Developable Vacant Acres (Commercial) | 37.6 |

| All Partially-Used and Under-Utilized Acres (PU, UIU) | 25.0 |
| CA Subtraction - PU, UIU | 7.5 |
| Future Public Uses (including parks) | 0.0 |
| Other Public Uses | 0.9 |
| Infrastructure Subtraction SF | 4.4 |
| Infrastructure Subtraction MF | 0.1  |
| Infrastructure Subtraction Commercial | 0.3 |
| 25% Market Factor Subtraction - PU, UIU Residential | 2.2 |
| 25% Market Factor Subtraction - PU, UIU Commercial | 0.7 |
| Net Developable PU, UIU Acres (Residential) | 6.7 |
| Net Developable PU, UIU Acres (Commercial) | 2.4 |
| Net Developable PU, UIU Acres | 8.8 |

| Total Net Developable Acres (Vacant, PU, UIU) | 198.0 |
| Overall Market Factor | 15.5% |

Residential: Population Growth Capacity Estimat

| Net Developable Residential Acres (Vacant, PU, UIU) | 158.3 |
| Overall Assumed Density (DUA/c) | 4.0 |
| Subtotal: DU Capacity (Vacant, PU, UIU) | 633 |
| + Approved DU's - Master Plan Areas | - |
| + Market Factor Subtraction - Master Plan Areas | - |
| + Existing DU's (including displaced in CII and pen) | 6 |
| + Pendling DU's (approved DU's pending project) | - |
| + Market Factor Subtraction - Existing DU's (if any) | - |
| Subtotal DU Capacity | 627 |

| Occupancy Rate = SF Occupied DU's | 2.6 |
| Avg Household Size = SF Population Capacity | 1,368 |
| Occupancy Rate = MF Occupied DU's | 2.6 |
| Avg Household Size = MF Population Capacity | 1,377 |

| Total Population Growth Capacity | 1,377 |
| Allocated Population Growth | 1,345 |
| Capacity Surplus (Shortage) | 32 |

Commercial and Industrial: Employment Growth

| Net Developable Commercial Acres (Vacant, PU, UIU) | 39.7 |
| Overall Assumed FAR = FA Commercial (in Sf/ft) | 0.161 |
| Assumed FAR = FA Commercial (in Sf/ft) | 182,139 |
| Subtotal: FA Capacity (Vacant, PU, UIU) | 282,899 |
| + Approved Commercial Sft - Master Plan Areas | - |
| + Market Factor Subtraction - Master Plan Areas | - |
| + Existing FA Sft | - |
| + Pendling FA Sft (approved FA pending project) | - |
| Market Factor Subtraction - Pendling Sft (if any) | - |
| Subtotal - FA Capacity | 282,899 |

| Occupancy Rate = Comm. Occupied FA | 95.712 |
| Employment Density = Comm. Job Capacity | 153 |
| Occupancy Rate = Ind. Occupied FA | 173.032 |
| Employment Density = Ind. Job Capacity | 223 |

| Total Employment Growth Capacity | 376 |
| Allocated Employment Growth | 356 |
| Capacity Surplus (Shortage) | 17 |
## Land Capacity Analysis Summary

### Everson UGA

<table>
<thead>
<tr>
<th>Net Developable Land Estimate</th>
<th>All UGA</th>
<th>All City Zones</th>
<th>All County Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Parcel Acres</td>
<td>1,076.5</td>
<td>725.9</td>
<td>350.6</td>
</tr>
</tbody>
</table>

**Assumptions**

- Fully Developed Private Acres: 292.5
- Publicly Owned Vacant Acres: 53.0
- Publicly Owned Developed Acres: 34.7
- Quasi Public Developed Acres: 71.5
- Pending Project Acres (approved DUs added below): 36.9
- Other Undevelopable: 0.8

### All Vacant Private Acres: 283.8
  - CA Subtraction - Vacant: 106.3
  - Future Public Uses (including parks): 1.5
  - Other Public Uses: 9.1
  - Infrastructure Subtraction SF: 14.9
  - Infrastructure Subtraction MF: 0.9
  - Infrastructure Subtraction Commercial: 23.0
  - Market Factor Subtraction - Vacant Residential: 20.2
  - Market Factor Subtraction - Vacant Commercial: 14.1
  - Net Developable Vacant Acres (Residential): 20.0
  - Net Developable Vacant Acres (Commercial): 79.9
  - Net Developable Vacant Acres: 99.9

### All Partially-Used and Under-Utilized Acres (PU, UU)
  - CA Subtraction - PU, UU: 71.5
  - Future Public Uses (including parks): -
  - Other Public Uses: 11.6
  - Infrastructure Subtraction SF: 42.9
  - Infrastructure Subtraction MF: 1.4
  - Infrastructure Subtraction Commercial: 10.1
  - Market Factor Subtraction - PU/UU Residential: 29.4
  - Market Factor Subtraction - PU/UU Commercial: 14.3
  - Net Developable PU, UU Acres (Residential): 73.9
  - Net Developable PU, UU Acres (Commercial): 43.0
  - Net Developable PU, UU Acres: 126.9

### All Net Developable Acres (Vacant, PU, UU)
  - Total: 222.8

### Overall Market Factor: 25.5%

## Residential: Population Growth Capacity Estimate

<table>
<thead>
<tr>
<th>Net Developable Residential Acres (Vacant, PU, UU)</th>
<th>All UGA</th>
<th>All City Zones</th>
<th>All County Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>99.9</td>
<td>52.0</td>
<td>47.9</td>
</tr>
</tbody>
</table>

**Assumptions**

- Assumed Density (DURs): 4.0
- Subtotal DUR Capacity (Vacant, PU, UU): 400
- Approved DURs - Master Plan Areas: 200
- Existing DUR (including displaced in CR and pending): 76
- Pending DUR (approved DURs for pending projects): 120
- Market Factor Subtractor for Pending DURs (if any): -

### Subtotal DUR Capacity: 444

**x Occupancy Rate = SF Occupied DUs:**
  - 410

**x Avg Household Size = SF Population Capacity:**
  - 2,953

**x Occupancy Rate = MF Occupied DUs:**
  - 17

**x Avg Household Size = MF Population Capacity:**
  - 51

### Total Population Growth Capacity: 1,305

<table>
<thead>
<tr>
<th>Commercial and Industrial: Employment Growth Capacity Estimate</th>
<th>All UGA</th>
<th>All City Zones</th>
<th>All County Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td>Net Developable Commercial Acres (Vacant, PU, UU)</td>
<td>122.8</td>
<td>63.9</td>
<td>58.9</td>
</tr>
<tr>
<td>0.2 x Assumed FAR = FA Commercial (in SF/sqft)</td>
<td>210,972</td>
<td>68,108.8</td>
<td>142,863.4</td>
</tr>
<tr>
<td>0.3 x Assumed FAR = FA Industrial (in SF/sqft)</td>
<td>1,286,094</td>
<td>733,024.4</td>
<td>556,866.5</td>
</tr>
<tr>
<td>Subtotal FA Capacity (Vacant, PU, UU)</td>
<td>1,507,066</td>
<td>801,133.0</td>
<td>699,932.8</td>
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<tr>
<td>+ Approved Commercial Sqft - Master Plan Areas</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>- Market Factor Subtractor - Master Plan Areas</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>- Existing FA Sqft</td>
<td>114,039</td>
<td>23,720.0</td>
<td>90,316.0</td>
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<tr>
<td>+ Pending FA Sqft (approved FA for pending projects)</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Subtotal FA Capacity</td>
<td>1,396,036</td>
<td>777,413.0</td>
<td>699,216.9</td>
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<tr>
<td>x Occupancy Rate = Comm. Occupied FA</td>
<td>163,088</td>
<td>62,423.2</td>
<td>100,665.2</td>
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<tr>
<td>900 x Employment Density = Comm. Job Capacity</td>
<td>181</td>
<td>60.4</td>
<td>111.9</td>
</tr>
<tr>
<td>95% x Occupancy Rate = Ind. Occupied FA</td>
<td>1,154,210</td>
<td>679,119.1</td>
<td>478,090.8</td>
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<tr>
<td>2000 x Employment Density = Ind. Job Capacity</td>
<td>571</td>
<td>338.1</td>
<td>239.0</td>
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</table>

### Total Employment Growth Capacity: 759

<table>
<thead>
<tr>
<th>Capacity Surplus (Shortage)</th>
<th>602</th>
</tr>
</thead>
</table>
## Land Capacity Analysis Summary

### Ferndale UGA

### Net Developable Land Estimate

<table>
<thead>
<tr>
<th>Assumptions</th>
<th>All UGA</th>
<th>All City Zones</th>
<th>All County Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Parcel Acres</td>
<td>5,039.9</td>
<td>3,726.9</td>
<td>1,313.0</td>
</tr>
<tr>
<td>- Fully Developed Private Acres</td>
<td>1,521.9</td>
<td>1,271.7</td>
<td>250.2</td>
</tr>
<tr>
<td>- Publicly-Owned Vacant Acres</td>
<td>164.7</td>
<td>143.2</td>
<td>41.5</td>
</tr>
<tr>
<td>- Publicly-Owned Developed Acres</td>
<td>322.0</td>
<td>322.0</td>
<td>-</td>
</tr>
<tr>
<td>- Quasi Public Developed Acres</td>
<td>306.5</td>
<td>295.9</td>
<td>10.6</td>
</tr>
<tr>
<td>- Other Undevelopable</td>
<td>8.8</td>
<td>8.8</td>
<td>-</td>
</tr>
<tr>
<td>- Pending Project Acres (approved DUs added)</td>
<td>277.9</td>
<td>277.9</td>
<td>-</td>
</tr>
<tr>
<td>- Master Plan Acres (approved DUs added below)</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Remainder - all Vacant, P.U, and UU Acres</td>
<td>2,418.1</td>
<td>1,407.4</td>
<td>1,010.7</td>
</tr>
<tr>
<td>All Vacant Private Acres</td>
<td>1,225.8</td>
<td>850.9</td>
<td>374.9</td>
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</table>

### Residential: Population Growth Capacity Estimate

<table>
<thead>
<tr>
<th>Net Developable Residential Acres (Vacant, P.U, UU)</th>
<th>484.4</th>
<th>186.1</th>
<th>298.3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overall Assumed Density (DUG/AC)</td>
<td>5.91</td>
<td>6.40</td>
<td>4.15</td>
</tr>
<tr>
<td>Subtotal DUG Capacity (Vacant, P.U, UU)</td>
<td>2,428</td>
<td>1,190</td>
<td>1,238</td>
</tr>
<tr>
<td>+ Approved DUG's - Master Plan Areas</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>- Market Factor Subtraction - Master Plan Areas</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>- Existing DUG (excluding displaced in CCL and parcels)</td>
<td>588</td>
<td>480</td>
<td>108</td>
</tr>
<tr>
<td>+ Pending DUG (approved DUG's for pending projects)</td>
<td>651</td>
<td>651</td>
<td>-</td>
</tr>
<tr>
<td>- Market Factor Subtraction for Pending DUGs (if any)</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Subtotal DUG Capacity</td>
<td>2,491</td>
<td>1,361</td>
<td>1,130</td>
</tr>
</tbody>
</table>

#### 95.24%

- Occupancy Rate = 95.24%

#### 93.79%

- Occupancy Rate = 93.79%

### Commercial and Industrial: Employment Growth Capacity Estimate

| Net Developable Commuted Acres (Vacant, P.U, UU) | 342.6 | 371.8 | 122.6 |

#### 0.161

- Assumed FAR = FA Commercial (in SqFt) | 2,732,769 | 2,048,867.1 | 683,801.9 |

#### 0.165

- Assumed FAR = FA Industrial (in SqFt) | 857,887 | 675,988.7 | 181,898.1 |

<table>
<thead>
<tr>
<th>Subtotal FA Capacity (Vacant, P.U, UU)</th>
<th>3,590,656</th>
<th>2,724,856.8</th>
<th>865,699.9</th>
</tr>
</thead>
<tbody>
<tr>
<td>+ Approved Commercial Project - Master Plan Areas</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>- Market Factor Subtraction - Master Plan Areas</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>- Existing FA SqFt</td>
<td>268,887</td>
<td>251,443.0</td>
<td>17,444.0</td>
</tr>
<tr>
<td>+ Pending FA SqFt (approved for pending projects)</td>
<td>509,869</td>
<td>509,869</td>
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<tr>
<td>- Market Factor Subtraction for Pending FA (if any)</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Subtotal FA Capacity</td>
<td>3,571,894</td>
<td>2,723,647.8</td>
<td>848,245.9</td>
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</tbody>
</table>

#### 95%

- Occupancy Rate = Comm. Occupied FA

#### 870

- Employment Density = Comm. Job Capacity

#### 95%

- Occupancy Rate = Ind. Occupied FA

#### 1,071

- Employment Density = Ind. Job Capacity

| Planned Employees for Pending Projects | 56 | 58.0 | - |

<table>
<thead>
<tr>
<th>Total Employment Capacity</th>
<th>3,807</th>
<th>2,917.8</th>
<th>888.4</th>
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</thead>
<tbody>
<tr>
<td>All UGA</td>
<td>4,002</td>
<td>4,002</td>
<td>4,002</td>
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</tbody>
</table>

### Land Capacity Surplus (Shortage)

- (193) |
### Land Capacity Analysis Summary

**Lynden UGA**

<table>
<thead>
<tr>
<th>Net Developable Land Estimate</th>
<th>All UGA</th>
<th>All City Zones</th>
<th>All County Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total Parcel Acres</strong></td>
<td>3,638.5</td>
<td>2,890.3</td>
<td>748.1</td>
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<tr>
<td><strong>Assumptions</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Fully Developed Private Acres</td>
<td>1,362.3</td>
<td>1,339.3</td>
<td>23.0</td>
</tr>
<tr>
<td>- Publicly Owned Vacant Acres</td>
<td>61.4</td>
<td>46.5</td>
<td>13.0</td>
</tr>
<tr>
<td>- Publicly Owned Developed Acres</td>
<td>259.5</td>
<td>290.3</td>
<td>35.8</td>
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<tr>
<td>- Quasi Public Developed Acres</td>
<td>327.5</td>
<td>327.5</td>
<td>-</td>
</tr>
<tr>
<td>- Pending Project Acres (approved DU's added below)</td>
<td>24.5</td>
<td>24.5</td>
<td>-</td>
</tr>
<tr>
<td>- Master Plan Acres (approved DU's added below)</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Remainder - all Vacant, P.U. and UJ Acres</strong></td>
<td>1,576.8</td>
<td>900.3</td>
<td>676.8</td>
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<tr>
<td><strong>All Vacant Private Acres</strong></td>
<td>719.3</td>
<td>412.6</td>
<td>307.2</td>
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<tr>
<td>- CA Subtraction - Vacant</td>
<td>152.3</td>
<td>95.1</td>
<td>57.3</td>
</tr>
<tr>
<td>- Future Public Uses (including parks)</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>5% Other Public Uses</td>
<td>29.4</td>
<td>15.9</td>
<td>12.5</td>
</tr>
<tr>
<td>25.7% Infrastructure Subtraction SF</td>
<td>67.6</td>
<td>24.3</td>
<td>43.3</td>
</tr>
<tr>
<td>26.0% Infrastructure Subtraction M’F</td>
<td>9.1</td>
<td>8.0</td>
<td>0.2</td>
</tr>
<tr>
<td>10.0% Infrastructure Subtraction - Commercial</td>
<td>24.1</td>
<td>17.3</td>
<td>6.8</td>
</tr>
<tr>
<td>15% Market Factor Subtraction - Vacant Residential</td>
<td>33.2</td>
<td>14.3</td>
<td>18.9</td>
</tr>
<tr>
<td>15% Market Factor Subtraction - Vacant Commercial</td>
<td>32.5</td>
<td>23.3</td>
<td>9.2</td>
</tr>
<tr>
<td><strong>Net Developable Vacant Acres (Residential)</strong></td>
<td>188.2</td>
<td>81.3</td>
<td>106.9</td>
</tr>
<tr>
<td><strong>Net Developable Vacant Acres (Commercial)</strong></td>
<td>184.2</td>
<td>132.2</td>
<td>52.1</td>
</tr>
<tr>
<td><strong>Net Developable Vacant Acres</strong></td>
<td>372.4</td>
<td>213.4</td>
<td>159.0</td>
</tr>
<tr>
<td><strong>All Partially-Used and Under-Utilized Acres (P.U, UJ)</strong></td>
<td>857.1</td>
<td>487.8</td>
<td>389.4</td>
</tr>
<tr>
<td>- CA Subtraction - P.U, UJ</td>
<td>160.6</td>
<td>109.4</td>
<td>51.3</td>
</tr>
<tr>
<td>- Future Public Uses (including parks)</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>5% Other Public Uses</td>
<td>34.8</td>
<td>18.9</td>
<td>15.9</td>
</tr>
<tr>
<td>25.7% Infrastructure Subtraction SF</td>
<td>69.7</td>
<td>41.5</td>
<td>28.2</td>
</tr>
<tr>
<td>26.0% Infrastructure Subtraction M’F</td>
<td>29.9</td>
<td>8.0</td>
<td>21.9</td>
</tr>
<tr>
<td>10.0% Infrastructure Subtraction - Commercial</td>
<td>27.6</td>
<td>16.7</td>
<td>10.8</td>
</tr>
<tr>
<td>25% Market Factor Subtraction - P.U.U. Residential</td>
<td>71.6</td>
<td>35.6</td>
<td>36.0</td>
</tr>
<tr>
<td>25% Market Factor Subtraction - P.U.U. Commercial</td>
<td>62.0</td>
<td>37.7</td>
<td>24.3</td>
</tr>
<tr>
<td><strong>Net Developable P.U, UJ Acres (Residential)</strong></td>
<td>214.9</td>
<td>106.9</td>
<td>108.0</td>
</tr>
<tr>
<td><strong>Net Developable P.U, UJ Acres (Commercial)</strong></td>
<td>186.0</td>
<td>113.0</td>
<td>73.0</td>
</tr>
<tr>
<td><strong>Net Developable P.U, UJ Acres</strong></td>
<td>400.9</td>
<td>220.0</td>
<td>186.9</td>
</tr>
<tr>
<td><strong>Total Net Developable Acres (Vacant, P.U, UJ)</strong></td>
<td>773.3</td>
<td>433.4</td>
<td>339.5</td>
</tr>
<tr>
<td><strong>Overall Market Factor</strong></td>
<td>20.9%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Residential: Population Growth Capacity Estimate

<table>
<thead>
<tr>
<th>Residential: Population Growth Capacity Estimate</th>
<th>All UGA</th>
<th>All City Zones</th>
<th>All County Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Net Developable Residential Acres (Vacant, P.U, UJ)</strong></td>
<td>403.1</td>
<td>188.2</td>
<td>214.9</td>
</tr>
<tr>
<td><strong>Assumed Density (SU/hA)</strong></td>
<td>7.43</td>
<td>6.22</td>
<td>8.49</td>
</tr>
<tr>
<td><strong>Subtotal: DU Capacity (Vacant, P.U, UJ)</strong></td>
<td>2,985</td>
<td>1,170</td>
<td>1,815</td>
</tr>
<tr>
<td>+ Approved DU’s - Master Plan Areas</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>+ Market Factor Subtraction - Master Plan Areas</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>+ Existing DU (including displaced in CA and pending)</td>
<td>261</td>
<td>225</td>
<td>36</td>
</tr>
<tr>
<td>+ PendingDU (approved DU’s for pending projects)</td>
<td>130</td>
<td>130</td>
<td>-</td>
</tr>
<tr>
<td><strong>Subtotal DU Capacity</strong></td>
<td>2,894</td>
<td>1,075</td>
<td>1,719</td>
</tr>
<tr>
<td><strong>13.99%</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Occupancy Rate = SF Occupied DU’s</strong></td>
<td>1,393</td>
<td>548</td>
<td>845</td>
</tr>
<tr>
<td><strong>Avg Household Size = SF Population Capacity</strong></td>
<td>4,587</td>
<td>1,579</td>
<td>3,008</td>
</tr>
<tr>
<td><strong>91.92%</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Avg Household Size = SF Population Capacity</strong></td>
<td>1,122</td>
<td>468</td>
<td>654</td>
</tr>
<tr>
<td><strong>Total Population Growth Capacity</strong></td>
<td>4,672</td>
<td>2,386</td>
<td>2,296</td>
</tr>
<tr>
<td><strong>Allocated Population Growth</strong></td>
<td>6,463</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Capacity Surplus (Shortage)</strong></td>
<td>69</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>DU Capacity, Single Family</strong></td>
<td>1,644</td>
<td>568</td>
<td>1,076</td>
</tr>
<tr>
<td><strong>DU Capacity, Multi Family</strong></td>
<td>1,220</td>
<td>509</td>
<td>711</td>
</tr>
</tbody>
</table>

### Commercial and Industrial: Employment Growth Capacity Estimate

<table>
<thead>
<tr>
<th>Commercial and Industrial: Employment Growth Capacity Estimate</th>
<th>All UGA</th>
<th>All City Zones</th>
<th>All County Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Net Developable Commercial Acres (Vacant, P.U, UJ)</strong></td>
<td>370.2</td>
<td>245.2</td>
<td>125.1</td>
</tr>
<tr>
<td><strong>0.161</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>0.165</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Assumed FAR = FA Commercial (in SF/A)</strong></td>
<td>1,050,980</td>
<td>799,280.5</td>
<td>251,699.8</td>
</tr>
<tr>
<td><strong>Subtotal: FA Capacity (Vacant, P.U, UJ)</strong></td>
<td>1,050,980</td>
<td>799,280.5</td>
<td>251,699.8</td>
</tr>
<tr>
<td>+ Approved Commercial SF - Master Plan Areas</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>+ Market Factor Subtraction - Master Plan Areas</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>+ Existing FA SF’</td>
<td>1,323,730</td>
<td>1,323,730</td>
<td>-</td>
</tr>
<tr>
<td>+ Pending FA SF’ (approved FA for pending projects)</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Subtotal - FA Capacity</strong></td>
<td>1,311,209</td>
<td>418,567.4</td>
<td>892,621.2</td>
</tr>
<tr>
<td><strong>0.095</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>0.050</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Occupancy Rate = Commercial FA</strong></td>
<td>283,029</td>
<td>43,505.6</td>
<td>239,104</td>
</tr>
<tr>
<td><strong>Employment Density = Comm. Job Capacity</strong></td>
<td>452</td>
<td>70.1</td>
<td>382.0</td>
</tr>
<tr>
<td><strong>95%</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Occupancy Rate = Ind. Occupied FA</strong></td>
<td>962,929</td>
<td>353,752.4</td>
<td>608,676.2</td>
</tr>
<tr>
<td><strong>77%</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Employment Density = Ind. Job Capacity</strong></td>
<td>2,242</td>
<td>468.5</td>
<td>1,773.5</td>
</tr>
<tr>
<td><strong>Total Employment Growth Capacity</strong></td>
<td>1,694</td>
<td>526.8</td>
<td>1,167.6</td>
</tr>
<tr>
<td><strong>Allocated Employment Growth</strong></td>
<td>2,157</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Capacity Surplus (Shortage)</strong></td>
<td>(485)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
# Land Capacity Analysis Summary

## Nooksack UGA

### Net Developable Land Estimate

<table>
<thead>
<tr>
<th>All UGA</th>
<th>All City Zones</th>
<th>All County Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total Parcel Acres</strong></td>
<td>503.6</td>
<td>349.5</td>
</tr>
</tbody>
</table>

#### Assumptions

<table>
<thead>
<tr>
<th>Percentage</th>
<th>Net Developable Land Estimate</th>
<th>All City Zones</th>
<th>All County Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td>5%</td>
<td>Future Public Uses (including parks)</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>30.0%</td>
<td>Infrastructure Subtraction SF</td>
<td>13.3</td>
<td>12.0</td>
</tr>
<tr>
<td>30.0%</td>
<td>Infrastructure Subtraction MF</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>15.0%</td>
<td>Infrastructure Subtraction CommInd</td>
<td>3.8</td>
<td>0.4</td>
</tr>
<tr>
<td>15%</td>
<td>Market Factor Subtraction - Vacant Residential</td>
<td>4.7</td>
<td>3.5</td>
</tr>
<tr>
<td>15%</td>
<td>Market Factor Subtraction - Vacant Commercial</td>
<td>2.4</td>
<td>0.0</td>
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</table>

### Net Developable Vacant Acres

<table>
<thead>
<tr>
<th>All UGA</th>
<th>All City Zones</th>
<th>All County Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Net Developable Vacant Acres (Residential)</strong></td>
<td>20.4</td>
<td>19.9</td>
</tr>
<tr>
<td><strong>Net Developable Vacant Acres (Commercial)</strong></td>
<td>13.4</td>
<td>1.8</td>
</tr>
<tr>
<td><strong>Net Developable Vacant Acres</strong></td>
<td>33.8</td>
<td>21.7</td>
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</table>

### Residential: Population Growth Capacity Estimate

<table>
<thead>
<tr>
<th>All UGA</th>
<th>All City Zones</th>
<th>All County Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td>Net Developable Residential Acres (Vacant, PU, UU)</td>
<td>65.6</td>
<td>41.5</td>
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#### Overall Assumed Density (DOUG)

<table>
<thead>
<tr>
<th>All UGA</th>
<th>All City Zones</th>
<th>All County Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.39</td>
<td>4.40</td>
<td>4.38</td>
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#### Other Public Uses

<table>
<thead>
<tr>
<th>All UGA</th>
<th>All City Zones</th>
<th>All County Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.1</td>
<td>2.8</td>
<td>2.4</td>
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</tbody>
</table>

#### Infrastructure Subtraction SF

<table>
<thead>
<tr>
<th>All UGA</th>
<th>All City Zones</th>
<th>All County Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td>3.8</td>
<td>0.4</td>
<td>3.4</td>
</tr>
</tbody>
</table>

#### Infrastructure Subtraction MF

<table>
<thead>
<tr>
<th>All UGA</th>
<th>All City Zones</th>
<th>All County Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

### Total Population Growth Capacity

<table>
<thead>
<tr>
<th>All UGA</th>
<th>All City Zones</th>
<th>All County Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,001</td>
<td>719</td>
<td>282</td>
</tr>
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</table>

### Commercial and Industrial: Employment Growth Capacity Estimate

<table>
<thead>
<tr>
<th>All UGA</th>
<th>All City Zones</th>
<th>All County Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td>Net Developable CommInd Acres (Vacant, PU, UU)</td>
<td>28.1</td>
<td>9.2</td>
</tr>
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</table>

#### Assumed FAR = FA Commercial (In SF)

<table>
<thead>
<tr>
<th>All UGA</th>
<th>All City Zones</th>
<th>All County Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td>79,069</td>
<td>72,830.3</td>
<td>7,268.6</td>
</tr>
</tbody>
</table>

#### Assumed FAR = FA Industrial (In SF)

<table>
<thead>
<tr>
<th>All UGA</th>
<th>All City Zones</th>
<th>All County Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td>90,037</td>
<td>10,033</td>
<td>79,993.5</td>
</tr>
</tbody>
</table>

#### Subtotal FA Capacity (Vacant, PU, UU)

<table>
<thead>
<tr>
<th>All UGA</th>
<th>All City Zones</th>
<th>All County Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td>170,336</td>
<td>83,863.8</td>
<td>86,672.2</td>
</tr>
</tbody>
</table>

#### Total Employment Growth Capacity

<table>
<thead>
<tr>
<th>All UGA</th>
<th>All City Zones</th>
<th>All County Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td>161,544</td>
<td>74,971.6</td>
<td>86,672.2</td>
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</table>

<table>
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<tr>
<td>1,100</td>
<td>85</td>
<td>58.9</td>
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<table>
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<tbody>
<tr>
<td>95%</td>
<td>Occupancy Rate = Comm. Occupied FA</td>
<td>71,534</td>
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<table>
<thead>
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<th>All City Zones</th>
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</thead>
<tbody>
<tr>
<td>2,000</td>
<td>Employment Density = Comm. Job Capacity</td>
<td>41</td>
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</table>

<table>
<thead>
<tr>
<th>All UGA</th>
<th>All City Zones</th>
<th>All County Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td>106</td>
<td>62.1</td>
<td>43.9</td>
</tr>
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</table>

### Capacity Surplus (Shortage)

<table>
<thead>
<tr>
<th>Capacity Surplus (Shortage)</th>
</tr>
</thead>
<tbody>
<tr>
<td>155</td>
</tr>
</tbody>
</table>

156
## Land Capacity Analysis Summary
### Sumas UGA

### Net Developable Land Estimate (Vacant, PU, UU)

<table>
<thead>
<tr>
<th>Assumptions</th>
<th>All UGA</th>
<th>All City Zones</th>
<th>All County Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Parcel Acres</td>
<td>799.9</td>
<td>773.2</td>
<td>25.6</td>
</tr>
<tr>
<td>- Fully Developed Private Acres</td>
<td>260.8</td>
<td>260.8</td>
<td>-</td>
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<tr>
<td>- Publicly Owned Vacant Acres</td>
<td>12.4</td>
<td>12.4</td>
<td>-</td>
</tr>
<tr>
<td>- Publicly Owned Developed Acres</td>
<td>65.1</td>
<td>65.1</td>
<td>-</td>
</tr>
<tr>
<td>- Quasi Public Developed Acres</td>
<td>31.0</td>
<td>31.0</td>
<td>-</td>
</tr>
<tr>
<td>- Tending Project Acres (approved DU's added below)</td>
<td>10.1</td>
<td>10.1</td>
<td>-</td>
</tr>
<tr>
<td>- Other Undevelopable</td>
<td>20.4</td>
<td>20.4</td>
<td>-</td>
</tr>
<tr>
<td><strong>Remainder - all Vacant, PU, and UU Acres</strong></td>
<td>399.2</td>
<td>373.4</td>
<td>25.6</td>
</tr>
<tr>
<td><strong>All Vacation Private Acres</strong></td>
<td>269.3</td>
<td>243.5</td>
<td>25.6</td>
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<tr>
<td>- CA Subtraction - Vacant</td>
<td>78.1</td>
<td>55.4</td>
<td>22.7</td>
</tr>
<tr>
<td>- Future Public Uses (including parks)</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>- Other Public Uses</td>
<td>9.6</td>
<td>9.4</td>
<td>0.2</td>
</tr>
<tr>
<td>5%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15.0%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Infrastructure Subtraction SF</td>
<td>5.3</td>
<td>5.3</td>
<td>-</td>
</tr>
<tr>
<td>- Infrastructure Subtraction MF</td>
<td>6.6</td>
<td>6.6</td>
<td>-</td>
</tr>
<tr>
<td>10.0%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Infrastructure Subtraction Commercial</td>
<td>12.0</td>
<td>11.7</td>
<td>0.3</td>
</tr>
<tr>
<td>15%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Market Factor Subtraction - Vacant Commercial</td>
<td>7.5</td>
<td>7.5</td>
<td>-</td>
</tr>
<tr>
<td>- Market Factor Subtraction - Vacant Commercial</td>
<td>16.2</td>
<td>16.8</td>
<td>0.4</td>
</tr>
<tr>
<td><strong>Net Developable Vacant Acres (Residential)</strong></td>
<td>42.4</td>
<td>42.4</td>
<td>-</td>
</tr>
<tr>
<td><strong>Net Developable Vacant Acres (Commercial)</strong></td>
<td>91.7</td>
<td>89.4</td>
<td>2.3</td>
</tr>
<tr>
<td><strong>Net Developable Vacant Acres</strong></td>
<td>134.1</td>
<td>131.8</td>
<td>2.3</td>
</tr>
<tr>
<td>All Partially-Used and Under-Utilized Acres (PU, UU)</td>
<td>129.3</td>
<td>129.3</td>
<td>-</td>
</tr>
<tr>
<td>- CA Subtraction - PU, UU</td>
<td>21.7</td>
<td>21.7</td>
<td>-</td>
</tr>
<tr>
<td>- Future Public Uses (including parks)</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>- Other Public Uses</td>
<td>5.4</td>
<td>5.4</td>
<td>-</td>
</tr>
<tr>
<td>5%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>15.0%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Infrastructure Subtraction SF</td>
<td>6.4</td>
<td>6.4</td>
<td>-</td>
</tr>
<tr>
<td>- Infrastructure Subtraction MF</td>
<td>5.2</td>
<td>5.2</td>
<td>-</td>
</tr>
<tr>
<td>10.0%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Infrastructure Subtraction Commercial</td>
<td>3.9</td>
<td>3.9</td>
<td>-</td>
</tr>
<tr>
<td>25%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Market Factor Subtraction - PU, UU Residential</td>
<td>13.0</td>
<td>13.0</td>
<td>-</td>
</tr>
<tr>
<td>25%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Market Factor Subtraction - PU, UU Commercial</td>
<td>8.5</td>
<td>8.9</td>
<td>-</td>
</tr>
<tr>
<td><strong>Net Developable PU, UU Acres (Residential)</strong></td>
<td>38.9</td>
<td>39.3</td>
<td>-</td>
</tr>
<tr>
<td><strong>Net Developable PU, UU Acres (Commercial)</strong></td>
<td>26.6</td>
<td>26.8</td>
<td>-</td>
</tr>
<tr>
<td><strong>Net Developable PU, UU Acres</strong></td>
<td>65.4</td>
<td>65.4</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total Net Developable Acres (Vacant, PU, UU)</strong></td>
<td>195.5</td>
<td>197.3</td>
<td>2.3</td>
</tr>
<tr>
<td><strong>Overall Market Factor</strong></td>
<td>16.6%</td>
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### Residential: Population Growth Capacity Estimate

<table>
<thead>
<tr>
<th>Assumptions</th>
<th>All UGA</th>
<th>All City Zones</th>
<th>All County Zones</th>
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</thead>
<tbody>
<tr>
<td>Net Developable Residential Acres (Vacant, PU, UU)</td>
<td>81.3</td>
<td>81.3</td>
<td>-</td>
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<tr>
<td>Assumed Density (DU/AC)</td>
<td>4.87</td>
<td>4.87</td>
<td>-</td>
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<tr>
<td>Substitute DU Capacity (Vacant, PU, UU)</td>
<td>396</td>
<td>396</td>
<td>-</td>
</tr>
<tr>
<td>- Approved DU's - Master Plan Areas</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>- Market Factor Subtraction - Master Plan Areas</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>- Existing DU's (including displaced in CFI and pending)</td>
<td>50</td>
<td>50</td>
<td>-</td>
</tr>
<tr>
<td>- Pending (DU's approved DUs for pending projects)</td>
<td>29</td>
<td>29</td>
<td>-</td>
</tr>
<tr>
<td>- Market Factor Sub. for Pending DUs (if any)</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Subtotal DU Capacity</strong></td>
<td>375</td>
<td>375</td>
<td>-</td>
</tr>
<tr>
<td>94.48%</td>
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<td></td>
</tr>
<tr>
<td>2.89</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>- Avg House Size = SF Population Capacity</td>
<td>173</td>
<td>173</td>
<td>-</td>
</tr>
<tr>
<td>90.57%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.21</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Avg House Size = MF Population Capacity</td>
<td>385</td>
<td>385</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total Population Growth Capacity</strong></td>
<td>884</td>
<td>884</td>
<td>0.0</td>
</tr>
<tr>
<td>Allocated Population Growth</td>
<td>874</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Capacity Surplus (Shortage)</td>
<td>10</td>
<td></td>
<td></td>
</tr>
<tr>
<td>DU Capacity, Single Family</td>
<td>183</td>
<td>183</td>
<td>-</td>
</tr>
<tr>
<td>DU Capacity, Multi Family</td>
<td>192</td>
<td>192</td>
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### Commercial and Industrial: Employment Growth Capacity Estimate

<table>
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<tr>
<th>Assumptions</th>
<th>All UGA</th>
<th>All City Zones</th>
<th>All County Zones</th>
</tr>
</thead>
<tbody>
<tr>
<td>Net Developable Commercial Acres (Vacant, PU, UU)</td>
<td>116.2</td>
<td>116.0</td>
<td>2.3</td>
</tr>
<tr>
<td>0.22</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Assumed PAR = FA Commercial (in SF/AC)</td>
<td>111,705</td>
<td>90,127.7</td>
<td>21,578.9</td>
</tr>
<tr>
<td>0.11</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Subtotal: FA Capacity (Vacant, PU, UU)</td>
<td>510,572</td>
<td>510,571.8</td>
<td>-</td>
</tr>
<tr>
<td>- Approved Commercial SF - Master Plan Areas</td>
<td>622,276</td>
<td>600,099.4</td>
<td>21,578.9</td>
</tr>
<tr>
<td>- Market Factor Subtraction - Master Plan Areas</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>- Existing FA SF</td>
<td>50,290</td>
<td>50,290.0</td>
<td>-</td>
</tr>
<tr>
<td>- Pending FA SF (approved FA for pending projects)</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>- Market Factor Sub. For Pending SF (if any)</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Subtotal - FA Capacity</strong></td>
<td>572,026</td>
<td>550,449.4</td>
<td>21,578.9</td>
</tr>
<tr>
<td>95%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>629</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Employment Density - Comm. Occupied FA</td>
<td>106</td>
<td>85,921.2</td>
<td>20,458.1</td>
</tr>
<tr>
<td>- Employment Density - Comm. Job Capacity</td>
<td>169</td>
<td>130.1</td>
<td>32.6</td>
</tr>
<tr>
<td>95%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1,500</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Occupancy Rate = Ind. Occupied FA</td>
<td>437,306</td>
<td>437,306.7</td>
<td>-</td>
</tr>
<tr>
<td>- Employment Density = Ind. Job Capacity</td>
<td>292</td>
<td>293.5</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total Employment Growth Capacity</strong></td>
<td>460</td>
<td>427.7</td>
<td>32.6</td>
</tr>
<tr>
<td>Allocated Employment Growth</td>
<td>445</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Capacity Surplus (Shortage)</td>
<td>15</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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Appendix B

LCA Detailed Methodology
SEPTEMBER 18, 2015

WHATCOM COUNTY LAND CAPACITY ANALYSIS

Detailed Methodology

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   3.2 Deduct Critical Areas and Other Areas with Reduced Development Potential

   3.3 Deductions for Future Public Uses

   3.4 Deductions for Future Infrastructure

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   4.2 Determine Assumed Densities

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   5.2 Determine Employment Capacity

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1.0 INTRODUCTION

This document describes the detailed methodology used in Whatcom County’s Land Capacity Analysis (LCA) as part of a process to review and revise Urban Growth Areas and update the Whatcom County Comprehensive Plan by June 2016.
2.0 GEOGRAPHIC AND TIME PARAMETERS

2.1 Base Point in Time

The City and County Planner Group, selected a base point in time, April 1, 2013, from which the developable lands inventory was measured. For the LCA, all structures existing as of April 1, 2013 will be considered developed, while everything else proposed, built or occupied after that date will be counted as future capacity. The Whatcom County Assessor’s data used by the County will be taken from the same point in time. This common parameter ensures consistency across jurisdictions in processing property and building activity data. Significant changes in the data (i.e. new pending projects, revised development status of large parcels) may be incorporated into future iterations of the LCA up to adoption of the Comprehensive Plan update in 2016.

2.2 Study Area Boundaries

The Land Capacity Analysis was carried out for all UGAs and UGA Reserves in Whatcom County including both incorporated and unincorporated portions of each UGA. An analysis was done early in the comprehensive planning process using adopted UGA boundaries, and again when UGA boundary adjustments were proposed.
3.0 LAND INVENTORY

3.1 Assemble Gross Developable Land Inventory

The purpose of the assessment of land supply is to identify all lands within UGAs that are considered vacant, partially-used, or under-utilized. These lands comprise the Gross Developable Land Inventory.

Data Needed

- Whatcom County Assessor’s Office countywide parcel data in shapefile format. Associated attribute data including improvement value and land value.

- GIS shapefiles from cities and the County including: 1) Boundaries for all County UGAs (existing and proposed) and incorporated cities and 2) Zoning for all jurisdictions and city comprehensive plan and future zoning designations for associated UGAs.

- Recent plat and permit activity data (see Section 4.1)

Steps

1. Identify and remove fully developed land from the inventory.

2. Select all residential, commercial, and industrial parcels within UGAs. Distinguish between those parcels in unincorporated areas and those within incorporated cities.

3. Cross-reference local permit and plat data with selected parcels. Separate any parcels with multifamily permits, commercial/industrial binding site plans, and preliminary and final plats that have not been constructed by April 1, 2013. This includes master planned projects that have not been completely built out but have received approval, as determined by the applicable jurisdiction, for a certain number of dwelling units or commercial/industrial square footage. Only projects that have received preliminary approval will be included in this list. These developments will be considered pending capacity and will be added to the final land capacity total at the end of the process. (see Section 5.1) In addition, there is the potential for significant commercial development on Lummi Nation Trust Land in the Bellingham and Ferndale UGAs near the Slater Road and I-5 interchange, which will not require approval from either city or the County. In order for the land capacity analysis to account for this development, the estimated square footage from the most recent conceptual plan will be considered pending square footage, with 70% of the square footage allocated to the Bellingham UGA and 30% to Ferndale.

4. If necessary, update any Assessor’s parcel records that have not incorporated recent plat or permit data issued before April 1, 2013.

5. Select developable parcels that are vacant, partially-used, or under-utilized. Use GIS processes and database queries to apply the definitional thresholds listed in Exhibit 1.
### Exhibit 1
Developable Land Definitional Thresholds

<table>
<thead>
<tr>
<th>Category</th>
<th>Parcel Zoning</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vacant</td>
<td>All Residential, Commercial, Industrial</td>
<td>Improvement value &lt; $10,000; exclude all parcels &lt; 2,400 sq ft in size</td>
</tr>
<tr>
<td>Partially-Used</td>
<td>Single Family</td>
<td>Parcel size &gt; 3 times minimum allowed under zoning¹;</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Jurisdictions may propose to exclude parcels with current assessed</td>
</tr>
<tr>
<td></td>
<td></td>
<td>improvement value &gt; 93rd percentile² of jurisdiction improvement</td>
</tr>
<tr>
<td></td>
<td></td>
<td>values if the parcel size is less than five acres</td>
</tr>
<tr>
<td></td>
<td>Multifamily, Commercial, Industrial</td>
<td>1. Ratio between improvement value and land value &lt; 1.0</td>
</tr>
<tr>
<td></td>
<td></td>
<td>2. Jurisdictions can identify existing development, such as gas stations</td>
</tr>
<tr>
<td></td>
<td></td>
<td>or uses that preclude significant development on the site, as fully</td>
</tr>
<tr>
<td></td>
<td></td>
<td>developed when the ratio of improvement value to land value is less than</td>
</tr>
<tr>
<td></td>
<td></td>
<td>1. If identified as fully developed, the parcel will be</td>
</tr>
<tr>
<td></td>
<td></td>
<td>subtracted from the inventory.</td>
</tr>
<tr>
<td>Under-Utilized</td>
<td>Single Family</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>Multifamily</td>
<td>Parcels occupied by nonconforming single-family</td>
</tr>
<tr>
<td></td>
<td>Commercial and Industrial</td>
<td>residential uses</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Parcels occupied by nonconforming residential uses or other nonconforming</td>
</tr>
<tr>
<td></td>
<td></td>
<td>uses.</td>
</tr>
</tbody>
</table>

6. Make adjustments for mobile homes. The primary concern is that some mobile home parks may show up as vacant if the mobile home value is not captured in the Assessor’s improvement value data. County staff will use aerial imagery to truth check developable parcel designations against known areas with mobile home developments. Local jurisdictions will also be given an opportunity to review developable land and mobile home park issues in the local jurisdiction.

1 This threshold accounts for parcels less than three times the minimum size but due to parcel configuration are not likely to be divided to their maximum potential.

2 The option to exclude parcels with high improvement values is meant to account for the fact that large single family parcels with high-end homes are unlikely to be subdivided. The 93rd percentile threshold was determined by analyzing the distribution of housing values in the County and selecting a reasonable value that could be applied across all jurisdictions.
review phase described later. If mischaracterized mobile home parks are identified, manually adjust the developable category designation in the land inventory database.

7. Partially developed parcels in commercial and industrial zones may be split into fully developed and vacant portions for purposes of land capacity analysis.

3.2 Deduct Critical Areas and Other Areas with Reduced Development Potential

In the next step of the process, subtract all the critical areas and other lands with reduced development potential from the inventory of vacant, partially-used, and under-utilized parcels.

Data Needed

- County base critical areas GIS data: National Wetlands Inventory (NWI), rivers, streams, steep slopes, seismic soils, floodplains.
- If available, additional critical areas and shoreline GIS data from local jurisdictions.
- Local critical area and shoreline ordinances.
- Information relating to naturally occurring asbestos.

Steps

1. Integrate local jurisdiction critical area data with County base data. The following areas will be included in the analysis.

Wetlands

The Cities have wetland inventories and these will be utilized when available. Another source of wetlands data available to the County, which will be used to supplement City wetland data, is National Wetlands Inventory (NWI) data.

Streams

Where the ordinary high water mark is not available in County GIS layers, the County’s base stream dataset with stream centerlines and an assumed 25 feet of non-buildable area on either side of the centerline will be used in the analysis, unless otherwise specified by the jurisdiction.³

Steep Slopes and Hazard Areas

The County will subtract all areas with slopes greater than 35% since there are generally no restrictions on development where slopes are less than 35%. The County will also subtract other hazard areas identified by the jurisdictions as having limited development potential. Areas impacted by alluvial fan hazard areas and regulations restricting land division will also be subtracted.

Floodplain

³ Buffers vary between and within jurisdictions. For purposes of calculating capacity based on density, a small buffer is used here because lot area can include buffers, and so these areas can be included in the density and capacity calculations.
All land in the floodway will be removed from the inventory. All lands within 100-year floodplains of the unincorporated portions of the Urban Growth Areas will also be removed from the inventory. All lands within floodplains of the incorporated areas will be removed from the inventory where regulations prohibit development, as determined by the applicable City.

*Naturally Occurring Asbestos*

Land with documented naturally occurring asbestos will be removed from the inventory.

*Other Undevelopable Areas*

Deduct other areas, such as mitigations sites and old dump sites, that are not available or suited to development.

2. Deduct critical areas and other areas with reduced development potential for residential parcels: Using GIS, overlay the critical areas described above on developable parcels and deduct land area where there is overlap. Critical area buffers are not deducted from residential parcels due to the variety of clustering and density transfer options available on these parcels. Later in the local jurisdiction review process, adjustments to critical area deductions can be made for cases with unique circumstances.

3. Deduct critical areas, land use buffers other areas with reduced development potential for commercial and industrial parcels: Since there are limited, if any, density transfer options for commercial and industrial parcels, critical area buffers will be deducted from these areas. For city UGAs, buffer distances will be based on city critical area regulations. For non-city UGAs, buffer distances will be based on County critical area regulations.

4. The resulting selection of developable parcels unconstrained by these areas will be used as the land base to calculate deductions for future public uses, future infrastructure and market factors.

### 3.3 Deductions for Future Public Uses

There is a wide range of public uses that should be deducted from developable land totals including schools, police and fire stations, recreation facilities and open space.

**Data Needed**

- Capital facility plans for public facilities (water, sewer, stormwater, parks, schools) and public services (police, fire), particularly if they include plans for land usage and property acquisition.

- Countywide parcel data with associated ownership information.

**Steps**

1. Where available, review existing capital facility plans and identify any parcels or acreage that should be deducted from the developable land inventory. Any property already owned by public entities for future expansion as well as any known public uses in master planned areas should also be identified. Deduct these parcels or acreage totals manually from the inventory if within a jurisdiction’s or special purpose district’s proposed or approved capital facilities plan.
2. If appropriate, analyze ownership information for parcels in the developable land inventory and exclude those owned by public entities and likely to be used for future public uses. This step may not be necessary if most future public use parcels were already excluded when the first residential, commercial, and industrial parcels were selected.

3. In order to account for other future quasi-public uses (e.g. community centers, daycare centers, churches, etc.) a 5% percent deduction on developable land is used. The deduction should be applied to the Developable Land Inventory after critical areas are removed but before any other deductions for infrastructure or market factors.

4. During the local jurisdiction review process, adjustments to the 5% other public uses deduction may be considered to account for local conditions and data availability.

3.4 Deductions for Future Infrastructure (Rights-of-Way and Other Development Requirements)

Deductions for future infrastructure, including rights-of-way (ROW) and other development requirements, will be based on the percentages of land dedicated to infrastructure in recent plats, permits, and developments. This percentage is calculated in the analysis of recent development activity step described below in Section 4.1. Because this deduction is being carried out on land not constrained by critical areas, it is important that the infrastructure percentage deduction factors also be based on land not constrained by critical areas. If there is insufficient data to calculate deduction for infrastructure, then standard deductions based on reasonable assumptions may be used within the analysis.

Data Needed

- Results from recent development activity analysis – percentage of developable area (minus critical areas, associated open space and public uses) devoted to ROWs and other infrastructure

Steps

1. Summarize acreage of developable land minus critical area and public use deductions by zone for each UGA.

2. Analyze recent development activity to determine infrastructure percentage deduction factors by UGA (see Section 4.1).

3. Apply these deduction factors to the inventory of developable land unconstrained by critical areas to calculate the acreage deduction for infrastructure. The infrastructure deduction may be applied by UGA or by specific zone depending on the quantity and quality of recent development activity data.
3.5 Local Jurisdiction Review

Local jurisdiction review of developable parcel designations and other deductions will occur through a series of communications and meetings between County and City staff. Some jurisdictions with complex land supply issues may require more meetings than others. In general, the following review process will be used for the LCA.

Steps

1. The County will generate parcel maps for each UGA showing vacant, partially-used, and under-utilized parcels as well as critical area buffers overlaid on aerial imagery. Some larger UGAs may need to be presented in multiple maps.

2. The maps, along with tabular parcel data underlying the maps will be sent to each local jurisdiction for review. If appropriate, County staff will meet with city staff to discuss any adjustments to developable designations or critical areas that are necessary. These meetings can also be used to discuss infrastructure deductions, public use deductions, assumed density assumptions, market factor assumptions, and other jurisdiction-specific assumptions described elsewhere in this methodology.

The range of additional issues that can be considered during the local jurisdiction review process includes but is not limited to the following:

- Critical areas not identified through GIS analysis
- Known interest in development or redevelopment of particular parcels/areas
- Parking and outdoor storage associated with adjacent uses
- Other associated/related uses spanning multiple parcels
- Irregular parcel shapes making development unlikely

3.6 Market Factor Deduction

The market factor is a final deduction from the net developable area to account for lands assumed not to be available for development during the planning period. It is expected that over the 20-year planning period some lands will be kept off the market due to speculative holding, land banking, and personal use, among other reasons.

Steps

1. Summarize acreage in the Developable Land Inventory by zone, by land use (residential and commercial/industrial) and developable land designation (vacant, partially-used, and under-utilized). This acreage should represent developable land after critical areas, infrastructure, and public uses have been deducted.

2. Apply the following deduction factors to the developable acreage by zone:

   - For vacant residential and commercial/industrial zones: 15% market factor
   - For partially-used and under-utilized residential and commercial/industrial zones: 25% market factor
3. As a reference point, the overall average market factor for all developable land should be calculated for each UGA (total acres deducted based on market factor percentage / total acres in the Developable Land Inventory after critical areas, infrastructure, and public uses have been deducted).

4. The base market factors of 15% and 25% are consistent with those used in the 2009 UGA Review LCA, and accepted practice elsewhere in western Washington. During the local jurisdiction review process, the base market factors may be adjusted to account for local conditions and future plans. If market factors are adjusted, the final overall average market factor for a UGA should not exceed 25%, except where the jurisdiction has well-documented support for why a larger market factor is appropriate.

5. A market factor may be applied to master planned projects in coordination with the city.

3.7 Calculate Net Developable Land

The final acreage totals by zone represent the Net Developable Land Inventory – the land expected to be available to accommodate future population and employment over the planning period.

4.0 DEVELOPMENT DENSITY ASSUMPTIONS

Assumptions about future development density are critical elements in the Land Capacity Analysis because they are needed to convert net developable area (acres) into future population and employment capacity.

4.1 Analysis of Recent Development History (Determine Achieved Densities)

The first step in developing density assumptions is to analyze recent development history to determine the actual densities achieved in different zones and planned land use areas. These achieved densities will serve as reference points and one of the inputs into the determination of assumed future densities in each zone.

The past ten years of development activity (both plats and permits) is used to determine actual net achieved densities of development on both residential and commercial/industrial land. Local jurisdictions will calculate net achieved densities. The net acreage must exclude the same ROWs, critical areas, and public uses excluded from the developable land supply. The final achieved densities will be expressed as dwelling units (DUs) per acre for residential parcels and floor area ratios (FARs) for commercial and industrial parcels.
Data Needed

- All records of development activity in each UGA over the most recent ten period (4/1/2004–4/1/2013)\(^4\) including:
  - Single family residential final plat and short plat activity
  - Multifamily, mixed-use, commercial and industrial building permit activity and binding site plans
- Whatcom County Assessor’s Office countywide parcel data in shapefile format. Associated attribute data including lot sq ft.
- GIS shapefiles from cities and the County describing zoning for all jurisdictions, including city designations for associated UGAs.
- County base critical areas GIS data: Wetlands Inventory, streams, steep slopes, seismic soils, floodplains. (see Section 3.2)

Steps

1. Cross-reference all plat and permit activity with the Assessor’s parcel data to select only those parcels that experienced development activity during the ten year study period.

2. Using GIS, overlay these parcels with critical area layers and calculate the area constrained by critical areas in each zone.

3. For all plat and permit activity, summarize the total acreage of land by zone dedicated to ROWs, infrastructure, and other public purposes.

4. Subtract the area constrained by critical areas, associated open space, infrastructure, areas reserved for future development, and public purposes from the gross parcel area in each zone. The resulting acreage is the net area to use in achieved density calculations.

5. Summarize the total number of lots (for single family plats), units (for multifamily residential and mixed-use building permits), and building square footage (for commercial, industrial, and mixed-use permits) for each zone in a jurisdiction.

6. Use the basic calculations listed in Exhibit 2 to calculate achieved density for each development type in each zone in each jurisdiction. Final achieved densities will be expressed in terms of DUs per acre for residential zones and FAR for commercial and industrial zones.

Exhibit 2

<table>
<thead>
<tr>
<th>Development Type</th>
<th>Achieved Density Calculation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Family Subdivision Plats</td>
<td># Lots / Net Plat Area</td>
</tr>
<tr>
<td>Multifamily Building Permits and Plats</td>
<td># Units / Net Site Area</td>
</tr>
</tbody>
</table>

\(^4\) These dates were chosen to match up with Assessor’s data records.
Commercial and Industrial Building Permits  Floor Area / Net Site Area

Mixed-Use Building Permits (Residential Portion)  # Units / Net Residential Portion of Site

Mixed-Use Building Permits (Commercial Portion)  Commercial Floor Area / Net Commercial Portion of Site

Note: For mixed-use buildings, the site area is apportioned between residential and commercial uses based on the share of building square footage dedicated to each use.

7. Calculate the percentage of gross parcel area unencumbered by critical areas that would be dedicated to ROWs and other infrastructure uses, consistent with the development history. The percentage calculated in the development history may exclude plats where no infrastructure was deducted if a large majority of the available land in the UGA is raw land with no existing ROWs or other infrastructure. This percentage is used in future land capacity calculations (see Section 3.4)
4.2 Determine Assumed Densities.

For each zone and/or planned land use designation, jurisdictions will develop assumed densities to be used in the Land Capacity Analysis. These assumptions are meant to be reasonable estimates of densities to expect over the 20-year planning period. Assumed densities will only be used for the purposes of the LCA and will not be used to guide or influence other County or local land use policy decisions.

In determining assumed densities, jurisdictions will consider the following range of inputs: recent achieved densities; County and city land use goals and policies; local circumstances including development plans and pending development; and any other local market or policy conditions that are likely to impact future development densities. The County will work with city staff to ensure that reasonable assumed densities are developed.

The determination of assumed densities in each zone and/or planned land use area in each jurisdiction is expected to be an iterative and collaborative process between the County and cities. The process will be challenging because each jurisdiction will have its own set of issues depending on the complexity of its zoning code, other land use policies, and market conditions. In addition, the theoretical densities allowed in an area must be balanced with potentially very different achieved densities in those same zones.

Although establishing one common method for determining assumed densities is not possible, the underlying principle in this process is to develop assumed densities that are reasonable given recent development patterns and expected changes in future densities caused by market and policy factors.

A few of the guidelines to assist jurisdictions in determining assumed densities include:

- **Within City Limits** - Each city will provide a proposal for the assumed density for each zone within its jurisdiction. In general, the comprehensive plan designations, planned densities adopted in the city’s GMA-compliant comprehensive plan, city zoning classifications and/or achieved densities will be utilized in the land capacity analysis unless mutually agreed by the city and the County or the County identifies clear and compelling rationale for deviating from these designations and densities.

- **Within a City UGA, outside of City Limits** – A collaborative process between the County and each city will be utilized to develop assumed densities within the portion of the UGA that is outside city limits. This process will take into consideration the city comprehensive plan, city future zoning designations, County Comprehensive Plan, County zoning and achieved densities within the city limits.

- **Unincorporated UGAs** - The County will provide a proposal for the assumed density for each zone within unincorporated UGAs (not associated with a city). In setting assumed densities, the County will consider the County Comprehensive Plan, zoning designations and, if available, achieved densities in the UGA.

- **Overall Assumed Residential Densities** – Each city and the County will work towards assumed residential densities within each UGA that are consistent with Whatcom County Comprehensive Plan Goal 2P. When Goal 2P encourages development within a range of densities for a UGA, the overall assumed density should be within this range. When Goal 2P encourages a single density for a UGA (i.e. four units per net residential acre), the overall assumed density should equal or exceed this density.
Additional Considerations – Mixed Use Zones

In addition to addressing assumed densities, local jurisdictions will also need to address important assumptions for mixed-use zones and/or planned land use areas. Mixed-use parcels represent a unique challenge because they include both residential and commercial capacity.

The proposed approach to deal with these parcels is to make an assumption about what proportion of development will be in residential and commercial uses respectively. These assumptions will be provided by local jurisdictions based on recent patterns in mixed-use development within each planning area, local jurisdiction plans, and local circumstances, including trends and pending development.

5.0 CALCULATE POPULATION AND EMPLOYMENT CAPACITY

The final step in the land capacity analysis is to convert the net developable land inventory (in acres) into population and employment capacity. A series of conversion factors are used to make these calculations including: net assumed densities of future development in each planned land use designation (see Section 4.2), average household size, and vacancy rates. The final product is an estimate of the number of people and employees that can be accommodated in each UGA on developable land. These estimates will be directly comparable to the forecasted population and employment totals allocated to each UGA over the 20-year planning period.

5.1 Determine Population Capacity

This section describes how capacity to accommodate future population growth is derived from the net developable area in residential zones and the residential portion of mixed-used zones.

Data Needed

- The Net Developable Land Inventory of residential and mixed-use zones (see Section 3.0)
- Assumed densities for residential and mixed-use zones (see Section 4.2)
- Whatcom County Assessor’s Office data for partially-used and under-utilized parcels.
- Pending permit and plat data – permits and plats for developments that have received preliminary approval but have not been constructed as of April 1, 2013. Pending data includes those areas that have been “master planned” by the city, such as the Waterfront area in Bellingham and Semiahmoo Resort in Blaine.
- Best available data from OFM and/or the US Census on occupancy rates and average household sizes.

Steps

Determine Total Dwelling Unit Capacity by Zone

1. multiply net developable acres of residential developable land in each zone by the assumed density (DUs/acre) for each zone. The output will be the total dwelling unit capacity available in each zone before accounting for existing development on partially-used and under-utilized parcels.

2. Subtract existing dwelling units on partially-used and under-utilized parcels by zone. from the totals from the previous step so that existing units are not counted as part of partially-used or under-utilized parcel capacity.
3. Generate subtotal dwelling unit capacity by zone by adding dwelling unit capacity.

4. Earlier in the process, parcels with pending developments were set aside. These parcels included preliminary or final plats, permits, and binding site plans for developments that have received preliminary approval but have not been constructed by April 1, 2013. Master planned projects that have not been completely built out but have received approval for a certain number of dwelling units are also included (see Section 3.1).

The estimated capacity in these developments is more accurate than calculated theoretical capacity. Summarize total dwelling units in these pending developments by zone. Add these units to subtotal dwelling units from Step 4. The output will be total dwelling units of capacity available in each zone.

**Calculate Total Occupied Dwelling Unit Capacity by Zone**

5. Apply occupancy rate assumptions for each UGA by using best available data from OFM and/or the US Census.\(^5\).

6. Multiply the total dwelling units of capacity in each zone by occupancy rate assumptions for each UGA. The output will be total occupied dwelling units in each zone.

**Calculate Total Population Capacity by UGA**

7. Apply average household size assumptions for each UGA by using best available data from OFM and/or the US Census.

8. The local jurisdiction will categorize each zone as either a single family zone or multifamily zone. The distinction between single family and multifamily zones is important because there are different occupancy rates and average household sizes for single family and multifamily development.

9. Multiply total occupied dwelling units in the single family and multifamily categories in each zone by average household size assumptions for these categories. The final output will be total population capacity within each UGA.

10. The population capacity in each UGA can be compared to the population allocated to each UGA to determine where excess or insufficient developable land capacity is an issue.

**5.2 Determine Employment Capacity**

This section describes how capacity to accommodate future employment growth is derived from the net developable area in commercial and industrial zones and the commercial portion of mixed-used zones.

**Data Needed**

- The Net Developable Land Inventory of commercial, industrial, and mixed-use zones (see Section 3.0)
- Assumed FAR values for commercial, industrial, and mixed-use zones (see Section 4.2)

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\(^5\) Seasonal housing is considered vacant according to Census definitions. These housing units are not included in the occupied housing unit category and are not folded into Census calculations of average household size.
• Assumed square feet per employee (FTE) for commercial or industrial space
• Whatcom County Assessor's Office data for partially-used and under-utilized parcels.
• Pending commercial and industrial building permit data - permits and binding site plans that have received preliminary approval but have not been constructed as of April 1, 2013. Pending data includes those areas that have been "master planned" by the city, such as the Waterfront and Airport areas in Bellingham and Semiahmoo Resort in Blaine.

Steps

Determine Total Square Footage Capacity by Zone

1. Multiply net acres of commercial and industrial developable land in each zone by the assumed FAR for each zone. The output will be the total square footage capacity available in each zone before accounting for existing development on partially-used and under-utilized parcels.

2. Summarize total existing commercial and industrial building square footage on partially-used and under-utilized parcels by zone. Subtract this square footage from the totals from the previous step so that existing buildings are not counted as part of partially-used or under-utilized parcel capacity.

3. Earlier in the process, parcels with pending developments were set aside. These parcels included commercial and industrial permits or binding site plans for developments that have received preliminary approval but have not been constructed by April 1, 2013. Master planned projects that have not been completely built out but have received approval for a certain amount of commercial/industrial square footage are also included (see Section 3.1). The estimated capacity in these developments is more accurate than calculated theoretical capacity. Summarize total commercial and industrial building square footage in these pending developments by zone. Add this square footage to the totals from Step 2. The output will be total commercial and industrial square footage capacity available in each zone.

Determine Total Occupied Square Footage by Zone

4. Multiply the total square footage capacity in each zone by a 95% occupancy rate assumption. The occupancy rate assumption can be adjusted based on current and accurate data provided by local jurisdictions (e.g. annual real estate market reports). The output will be total occupied commercial and industrial square footage in each zone.

Determine Total Employment Capacity by UGA

5. Aggregate the occupied commercial and industrial square footage capacity by zone into the two categories used in the future employment allocation process: Commercial/Retail and Industrial. These categories each include specific NAICS-based industries (see Exhibit 3 in last section of this document).
6. Determine employment density (square footage of floor-space per employee) assumptions for future commercial, retail, and industrial development. Employment density will be based upon one of the following:

   a. The employment density recommended by the local jurisdiction, provided that their recommendation is based upon achieved employment densities or other relevant data.

   b. Employment densities derived from the 2008 City of Bellingham Employment Lands Report (April 2009), which are as follows:
      - Commercial/Retail: 626 square feet per employee
      - Industrial: 775 square feet per employee

7. Divide the total occupied commercial and industrial square footage in each category by the employment density assumptions. The final output will be total employment capacity within each UGA.

8. The employment capacity in each UGA can be compared to the employment allocated to each UGA to determine where excess or insufficient developable land capacity is an issue.

6.0 DEFINITIONS

Land Use Categories

- Mixed-use – developments incorporating both residential and non-residential uses.
- Commercial (as term is used generally in main body of this document) includes the commercial and retail uses listed in Exhibit 3 below.
- Industrial (as term is used generally in main body of this document) includes the industrial uses listed in Exhibit 3 below.

Exhibit 3
Suggested Industry Classifications for Employment Allocation Process

<table>
<thead>
<tr>
<th>Commercial</th>
<th>Industrial</th>
<th>Retail</th>
</tr>
</thead>
<tbody>
<tr>
<td>Information</td>
<td>Utilities</td>
<td>Food Service and Drinking Places (3-digit NAICS - 722)</td>
</tr>
<tr>
<td>Finance and Insurance</td>
<td>Construction</td>
<td>Retail Trade</td>
</tr>
<tr>
<td>Real Estate and Rental and Leasing</td>
<td>Manufacturing</td>
<td></td>
</tr>
<tr>
<td>Arts, Entertainment, and Recreation</td>
<td>Wholesale Trade</td>
<td></td>
</tr>
<tr>
<td>Professional, Scientific, and Technical Services</td>
<td>Transportation and Warehousing</td>
<td></td>
</tr>
<tr>
<td>Management of Companies and Enterprises</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Administrative and Support and Waste Management and Remediation Services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Health Care and Social Assistance</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Educational Services</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Accommodations (3-digit NAICS - 721)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other Services (except Public Administration)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Administration</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Land Categories

- Vacant – property with little or no building improvements (see Exhibit 1 for a detailed explanation);
- Under-utilized – property zoned for a more intensive use than that which currently occupies it (e.g. a single family home on commercially zoned land) (see Exhibit 1 for a detailed explanation); and
- Partially-used – property occupied by a use consistent with zoning but containing enough land to be further subdivided or developed without need of re-zoning. (e.g. a single family home on a very large lot) (see Exhibit 1 for a detailed explanation).
- Fully developed – property that is assumed to have no further development capacity.

Other Terms

- Developable Parcels or Developable Land – all parcels that are vacant, partially-used, under-utilized
- Gross Developable Land Inventory – total area of developable parcels before deductions for critical areas, infrastructure, public uses, and market factors are taken into account.
- Net Developable Area or Net Developable Land Inventory – total area of developable parcels after deductions for critical areas, infrastructure, public uses, and market factors are taken into account.
- Achieved Density – density of residential development (DUs per net acre) and commercial/industrial development (net FAR) achieved over the past ten years of development activity.
- Assumed Density – assumption of residential density (DUs per net acre) and commercial/industrial development (net FAR) expected on developable land over the 20-year planning period.
- Net Plat Area – total area of plats after deductions for critical areas, infrastructure, and public uses are taken into account.
- Net Site Area – total area of commercial, industrial and multifamily development sites after deductions for critical areas, infrastructure, and public uses are taken into account. Site area will sometimes not be equal to parcel area. (e.g. when multiple buildings are on one parcel)

Conversion Factors

- Employment Density – the average amount of floor-space required to accommodate an employee. For the purposes of this study, expressed as square feet per employee.
- Floor Area Ratio (FAR) – total building square footage divided by lot square footage.
- Average Household Size – the average number of people per occupied housing unit (this is the same definition used by the U.S. Census).
Appendix C

LCA Assumptions
## Land Capacity Analysis Assumptions

**Bellingham UGA**

<table>
<thead>
<tr>
<th>Parameter</th>
<th>LCA DM Ref</th>
<th>Value</th>
<th>Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Future Public Uses</td>
<td>3.3 step 1</td>
<td>588 ac</td>
<td>City staff: park acres needed based on parks LOS; assume 40% from industrial zones and 60% from residential, per past park land acquisitions, decuxt pro rata</td>
</tr>
<tr>
<td>Other Public Uses</td>
<td>3.3 step 3</td>
<td>5%</td>
<td>Given in LCA DM, Section 3.3, Step 3</td>
</tr>
<tr>
<td>Infrastructure Subtraction SF</td>
<td>3.4</td>
<td>28.8%</td>
<td>City staff: from 2004-2013 plat data</td>
</tr>
<tr>
<td>Infrastructure Subtraction MF</td>
<td>3.4</td>
<td>15%</td>
<td>City staff: 2004-2013 plat data indicate 11% stormwater subtractions but many were on already platted lots. Use 15% to account for infrastructure in unplatted areas.</td>
</tr>
<tr>
<td>Infrastructure Subtraction Comm/Ind</td>
<td>3.4</td>
<td>10%</td>
<td>10% standard deduction per LCA DM 3.4</td>
</tr>
<tr>
<td>Market Factor Vacant Res</td>
<td>3.6 step 2</td>
<td>15%</td>
<td>Given in LCA DM, Section 3.6, Step 2</td>
</tr>
<tr>
<td>Market Factor Vacant Comm/Ind</td>
<td>3.6 step 2</td>
<td>15%</td>
<td>Given in LCA DM, Section 3.6, Step 2</td>
</tr>
<tr>
<td>Market Factor PU, UU Res</td>
<td>3.6 step 2</td>
<td>25%</td>
<td>Given in LCA DM, Section 3.6, Step 2</td>
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<tr>
<td>Market Factor PU, UU Ind/Comm</td>
<td>3.6 step 2</td>
<td>25%</td>
<td>Given in LCA DM, Section 3.6, Step 2</td>
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<tr>
<td>Market Factor Master Planned</td>
<td>3.6 step 5</td>
<td>various</td>
<td>City staff: 50.79% for Waterfront District consistent with subarea financial model assumptions; 50% for Old Town UV due to env cleanup issues; 50% for Samish Way UV due to need to redevelop old hotels; 15% for Fountain UV to reflect expected development timeline; 0% in Fairhaven and Barkley to reflect actual development trends. Downtown UV DU figure reflects City projection of 2013-2036 development, a 48% reduction from total estimated DU capacity.</td>
</tr>
<tr>
<td>Occupancy Rate SF</td>
<td>5.1 step 5</td>
<td>96.00%</td>
<td>OFM 2010 housing data</td>
</tr>
<tr>
<td>Household Size SF</td>
<td>5.1 step 7</td>
<td>2.49</td>
<td>OFM 2010 housing data</td>
</tr>
<tr>
<td>Occupancy Rate MF</td>
<td>5.1 step 5</td>
<td>92.75%</td>
<td>OFM 2010 housing data</td>
</tr>
<tr>
<td>Household Size MF</td>
<td>5.1 step 7</td>
<td>1.88</td>
<td>OFM 2010 housing data</td>
</tr>
<tr>
<td>Floor Area Ratio Commercial</td>
<td>4.2</td>
<td>0.4</td>
<td>City staff: based on 2004-2013 commercial/industrial/ institutional development data</td>
</tr>
<tr>
<td>Floor Area Ratio Industrial</td>
<td>4.2</td>
<td>0.28</td>
<td>City staff: based on 2004-2013 commercial/industrial/ institutional development data</td>
</tr>
<tr>
<td>Occupancy Rate Commercial</td>
<td>5.2 step 4</td>
<td>95%</td>
<td>Given in LCA DM, Section 5.2, Step 4</td>
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<tr>
<td>Occupancy Rate Industrial</td>
<td>5.2 step 4</td>
<td>95%</td>
<td>Given in LCA DM, Section 5.2, Step 4</td>
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<td>Employment Density Commercial</td>
<td>5.2 step 6</td>
<td>628</td>
<td>Given in LCA DM, Section 5.2, Step 5</td>
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<tr>
<td>Employment Density Industrial</td>
<td>5.2 step 5</td>
<td>775</td>
<td>Given in LCA DM, Section 5.2, Step 6</td>
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<tr>
<td>Residential Density by Zone</td>
<td>4.2</td>
<td>various</td>
<td>City staff, based on planned densities by zone</td>
</tr>
<tr>
<td>Res Units and Comm/Ind SF for Master Plan and Pending Projects</td>
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<tr>
<td>Non-residential % in mixed use zones</td>
<td>4.2</td>
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<td>City Staff: 40% non-residential in City mixed use zones based on project approvals and zoning, 10% in unincorporated URMX zone where limited commercial is permitted</td>
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## Land Capacity Analysis Assumptions
### Birch Bay UGA

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<tr>
<td>Infrastructure Subtraction MF</td>
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<td>27.3%</td>
<td>2004-2013 plat data</td>
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<th>Value</th>
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<tr>
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<tbody>
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<td>City staff: 50% market factor due to lack of utilities and anticipated long buildout period, based on Semiahmoo development rate</td>
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<td>City staff: based on City employment study</td>
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<th>Occupancy Rate Commercial</th>
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<tr>
<td>95%</td>
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<th>Residential Density by Zone</th>
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<td>City staff, based on planned densities by zone</td>
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<th>Res Units and Comm/Ind SF for Master Plan and Pending Projects</th>
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<td>City staff, based on approved projects and plans</td>
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<th>Non-residential % in mixed use zones</th>
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<td>City Staff: based on zoning code provisions and development trends</td>
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## Land Capacity Analysis Assumptions
### Cherry Point UGA

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## Land Capacity Analysis Assumptions

### Columbia Valley UGA

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<td>OFM 2010 housing data</td>
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<tr>
<td>Household Size MF</td>
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<td>OFM 2010 housing data</td>
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### Land Capacity Analysis Assumptions

**Everson UGA**

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# Land Capacity Analysis Assumptions

**Ferndale UGA**

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### Land Capacity Analysis Assumptions
##### Lynden UGA

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### Land Capacity Analysis Assumptions
#### Nooksack UGA

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WHATCOM COUNTY COUNCIL AGENDA BILL

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TITLE OF DOCUMENT:


ATTACHMENT:

1. Staff Memorandum
2. Proposed Ordinance

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

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

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

Under the Growth Management Act, Whatcom County and the seven cities within the County must complete the periodic update of their comprehensive plans and review urban growth areas in 2016 (RCW 36.70A.130). The Planning and Development Services Department would like to discuss with Council amendments to the County’s development regulations, official zoning map, and related changes to the Comprehensive Plan and its subsets, proposed as part of that review and described as follows:

Amendments to Whatcom County Code (WCC) Title 20 (Zoning), Title 21 (Land Division Regulations), Title 22 (Guide Meridian Improvement Plan), and the official zoning map. Title 20 amendments include amending WCC Chapter 20.36 to require reclamation plans for surface mining uses in the Rural zone, amending Chapter 20.43 revising the maximum percentage of lot area that can be removed from production of forest products in the Commercial Forestry zone, amendments to WCC Chapters 20.72, 20.80, 20.97 and the Point Roberts Character Plan involving sign regulations and permit review in the Point Roberts Special District, amending WCC Chapter 20.82 concerning new sewer lines and amendments to WCC Chapters 20.24, 20.65, 20.66, 20.68, and 20.80.210 to update references to the Urban Fringe Subarea Plan. WCC 20.80.210 is adopted by reference in the WCCP and amendments to that section are also a WCCP amendment. The Point Roberts Character Plan is a part of the Point Roberts Subarea Plan, which is a subset of the WCCP, therefore the amendment is an amendment to the WCCP. Title 21 amendments consist of amending WCC Chapters 21.03, 21.04, 21.06, and 21.08 to change standards for required disclosures for plats near significant pipelines. Title 22 amendments consist of repealing Title 22, the Guide Meridian Improvement Plan. The plan is a component of the Urban Fringe Subarea Plan, which is a subset of the WCCP, therefore the amendment is also an amendment to the WCCP. The changes to the zoning maps consist of amending the zoning maps for all urban growth areas to reflect changes to urban growth area and urban growth area reserve boundaries, and rescinding the short term planning area zoning.

COMMITTEE ACTION:

COUNCIL ACTION:

Related County Contract #: Related File Numbers: Ordinance or Resolution Number:
AB2016-047

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.
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: July 13, 2016


In conjunction with the 2016 Comprehensive Plan periodic update required by RCW 36.70A.130, PDS proposes the attached amendments to provide for consistency within the Comprehensive Plan, and between the Plan and its implementing development regulations. On June 14 the County Council Special Committee of the Whole discussed a set of proposed amendments to development regulations and subsets of the Comprehensive Plan. On June 28 the County Council held a public hearing on the proposed amendments. The County Council has proposed no changes, and PDS is forwarding a draft ordinance to adopt these amendments. As before, these amendments include:

- 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 draft ordinance findings provide a discussion of each proposed amendment. Please contact me at extension 5931 if you have questions regarding the proposed ordinance.

Attachments:

Draft ordinance
ORDINANCE NO. ____________

ADOPTING DEVELOPMENT REGULATION AND COMPREHENSIVE PLAN AMENDMENTS RELATING TO THE 2016 COMPREHENSIVE PLAN PERIODIC UPDATE

WHEREAS, The Growth Management Act requires Whatcom County to periodically review and update the Comprehensive Plan; and

WHEREAS, The Growth Management Act requires Whatcom County to periodically review and update UGAs; and

WHEREAS, The Whatcom County Council reviewed and considered Planning Commission recommendations, staff recommendations, city recommendations, advisory committee recommendations, Tribal government comments, and public comments on the Comprehensive Plan update; and

WHEREAS, The County Council hereby adopts the following findings of fact:

FINDINGS OF FACT

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 amendments conform to applicable requirements of the Growth Management Act.

2. The subject amendments satisfy the approval criteria of WCC 2.160.080.
3. The proposed amendments to the development regulations are consistent with the comprehensive plan.

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

Section 1. Amendments to the Whatcom County Code are hereby adopted as shown on Exhibit A; and

Section 2. Amendments to the Whatcom County Comprehensive Plan are hereby adopted as shown on Exhibit B;

Section 3. Amendments to the Whatcom County Official Zoning Map are hereby adopted as shown on Exhibit C.

ADOPTED this ______ day of ______________, 2016.

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

ATTEST:

______________________________  ______________________________
Dana Brown-Davis, Council Clerk          Barry Buchanan, Chairperson

APPROVED as to form: ( ) Approved   ( ) Denied

______________________________
Civil Deputy Prosecutor

______________________________
Jack Louws, Executive

Date: ________________________

Page 5 of 5
Exhibit A

Whatcom County Code Amendments

WCC Title 20 Zoning

WCC Title 21 Land Division Regulations

WCC Title 22 Guide Meridian Improvement Plan
Whatcom County Code Title 20 Zoning

AMENDMENTS

Chapter 20.24

URBAN RESIDENTIAL - MIXED (UR-MX) DISTRICT

20.24.050 Permitted uses.

.052 Single-family attached dwellings; provided, that public sewer, water and, where identified by the appropriate Comprehensive Plan policies, stormwater collection and detention facilities serve the site, not more than four units are attached, and the number of dwelling units conforms to the density requirements of the district. However, additional multifamily development shall not be allowed within the UR-MX zones identified on Map 3-2 of the Urban Fringe Subarea Comprehensive Plan.

20.24.130 Administrative approval uses.
The following uses are permitted subject to administrative approval pursuant to WCC 20.84.235.

.132 Duplex and multifamily dwellings subject to the following limitations and the developer has conducted at least one neighborhood meeting prior to application for the purpose of hearing neighborhood concerns and suggestions regarding the proposal. Where being developed in an existing neighborhood characterized by residential development at densities of one dwelling per acre or greater, the uses listed in WCC 20.24.132 shall be administered as conditional uses rather than administrative approval uses; and are subject to the same criteria, requirements, bonuses and restrictions as if they were administrative approval uses:
(1) Duplex and multifamily dwelling units do not comprise more than 25 percent of the total dwelling units allowed for the entire site.

(2) Duplex and multifamily dwelling units are constructed at the same time as, or after, at least 50 percent of the single-family units in an approved development.

(3) Additional multifamily development shall not be allowed within the UR-MX Zones identified on Map 32, Bennett Drive Residential Area of the Urban Fringe Subarea Comprehensive Plan.

(4) Multifamily dwellings are prohibited in Area 1 and Area 4 on Map 3, Bennett Drive Residential Area, Urban Fringe Subarea Land-Use Plan.

20.24.700 Transfer of residential development rights.
.710 Areas designated in the Comprehensive Plan and assigned a UR-MX zone district, with the exception of the Bennett Drive Residential Area designated on Map 3-2 of the Urban Fringe Subarea Plan, are considered receiving areas for transfer of development rights from any sending area or base zone which has been established as linked to these areas.

Chapter 20.36
RURAL (R) DISTRICT

20.36.150 Conditional Uses

.159 Surface mining and accessory washing and sorting outside of short-term planning areas; provided, that:

(1) The activity is not subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW).

(2) The activity will not result in excavation or equipment within 50 feet of county road rights-of-way.
(3) The activity will not result in excavation or equipment within 50 feet of the exterior property lines of the site, except in the case of two contiguous operations in which case by mutual consent this setback can be zero.

(4) Reclaimed side slopes shall not be steeper than three feet horizontal to one foot vertical for unconsolidated materials.

(5) At minimum, the operations shall adhere to the development and performance standards of WCC 20.73.650 and 20.73.700.

(6) All topsoil remains on site for use in subsequent reclamation.

(7) No soil erosion or sedimentation will occur beyond the exterior property lines of the site.

(8) No excavation shall occur within the five-year zone of contribution for designated wellhead protection areas. Excavations may occur within the 10-year zone of contribution outside of the five-year zone of contribution if they are not within 10 vertical feet of the seasonal high water table. Wellhead protection boundaries may be adjusted in accordance with WCC 20.73.131(2).

(9) A cumulative maximum of three acres may be mined within the outer boundary of the parcel as it existed at the time of adoption of the amendment codified in this subsection. The intent of this provision is to prevent multiple conditional use permits for three-acre surface mines on a single parcel and prevent lots that were divided from a parent parcel after adoption of the amendment codified in this subsection from each having a three-acre surface mine.

(10) Owners and/or Operators shall submit a reclamation plan that is consistent with the requirements of RCW 78.44.141.

(11) Performance bonds or other monetary security as approved by the prosecuting attorney equal to the costs of completing the proposed reclamation plan, subsection (10) of this section, are submitted to the county, which shall be released within two years after completion of surface mining; provided, that reclamation has been completed according to the reclamation plan.

Chapter 20.43
COMMERCIAL FORESTRY (CF) DISTRICT

WCC 20.43.450 - Lot Coverage:
No more than 25-20 percent of the lot area shall be permanently altered or removed from production of forest products, excluding natural meadows, bogs, surface water and rock outcrops.

Chapter 20.65
GATEWAY INDUSTRIAL (GI) DISTRICT

20.65.050 Permitted uses.
The following permitted and accessory uses shall be allowed subject to an evaluation by the zoning administrator pursuant to the provisions of this chapter and Chapter 20.80 WCC. No permitted or conditional use shall be issued a building permit without provision of public sewer and water as defined in Chapter 20.97 WCC except as provided in WCC 20.65.058 and 20.65.654. Further, each permitted and accessory use shall be administered pursuant to the applicable provisions of the Whatcom County SEPA Ordinance, the Whatcom County Subdivision Ordinance and the Whatcom County Shoreline Management Program.

.055 The following uses within one-quarter mile of a freeway interchange; except, that where this boundary divides a single parcel up to 10 percent of the area of a parcel that lies outside of this boundary may be included within it for the purposes of lot coverage and open space provisions:

(1) Retail shops; provided, they do not exceed 10,000 square feet per shop in the Gateway Industrial District west of Interstate 5 and north of Airport Way, and west of Bennett Drive and south of Airport Way, shown on Map 3 of the Urban Fringe Subarea Plan (Planning Areas 1 and 2, identified on Map 6 of the 1997 Urban Fringe Subarea Plan), and as described in the text of the Urban Fringe Subarea Plan Map 6: West-Bakerview/I-5 Interchange Area, as adopted May 19, 1998. Retail shops in other Gateway Industrial areas shown on that map may not exceed 35,000 square feet per retail shop.

20.65.400 Height limitations.
Maximum building height shall not exceed 35 feet; except, that an additional foot in height is allowed for each one-foot increase in setback in the yard adjoining the interstate highway up to 45 feet in the West-Bakerview/I-5 Interchange.
area Gateway Industrial areas designated on Map 3 of the Urban Fringe Subarea. Height of structures, where applicable, shall also conform to the general requirements of WCC 20.80.675. (Ord. 2013-057 § 1 (Exh. A), 2013; Ord. 99-040 § 1, 1999; Ord. 99-033 § 1, 1999).

20.65.450 Site design.
Within the Gateway Industrial areas, designated on Map 6-3 of the Urban Fringe Subarea Plan, individual sites shall be designed in a clustered or concentrated form of development instead of lining the road frontage.

20.65.550 Buffer area.
When a parcel situated within this district adjoins an Urban Residential, Urban Residential Medium Density, Rural or Residential Rural District, side and rear yard setbacks shall be increased to 25 feet. In the Gateway Industrial District west of Interstate 5 and south of Airport Way, and west of Bennett Drive and less than 470 feet north of Airport Way, shown on Map 3 of the Urban Fringe Subarea Plan (Planning Areas 2 and 3, identified on Map 6 of the 1997 Urban Fringe Subarea Plan), buffer areas shall be increased to 100 feet for commercial or industrial projects which exceed 5,000 square feet of floor area in one building or complex or generate more than 50 vehicle trips per day. Said area shall be landscaped consistent with the requirements of WCC 20.80.345. Use of buffer areas and setbacks for bicycle and pedestrian trails is encouraged.

Chapter 20.66

LIGHT IMPACT INDUSTRIAL (LII) DISTRICT

20.66.130 Administrative approval uses.
The following uses are permitted with administrative approval pursuant to WCC 20.84.235:

.131 An adult business enclosed within a building, when located in a city’s urban growth area; provided, that:
(3) Adult businesses are prohibited within the Light Impact Industrial zone located southeast of the Bellingham International Airport and north of Alderwood Avenue, shown on Map 4-3 of the Urban Fringe Subarea Plan.

Chapter 20.68
HEAVY IMPACT INDUSTRIAL (HII) DISTRICT

20.68.050 Permitted Uses.

.064 Uses allowed in the Light Impact Industrial zone as permitted uses, WCC 20.66.100, shall be permitted outright within Areas 1A, 1B, and 1C of the shoreline industrial area designated the Heavy Impact Industrial District shown on Map 1 of the Urban Fringe Subarea Plan.

Chapter 20.72
POINT ROBERTS SPECIAL DISTRICT

20.72.650 Development Criteria.

20.72.651 Facility design. (Adopted by reference in WCCP Chapter 2.)
(1) All commercial and institutional use structures and appurtenant signs shall conform to the requirements of the Point Roberts Character Plan.

20.72.670 Signs.

Signs in the Small Town Commercial (STC), Rural General Commercial (RGC), Rural Industrial Manufacturing (RIM), and Resort Commercial (RC) zones are permitted subject to the provisions of 20.80.410 and 20.80.470 WCC, and subject to the following:

(1) Not more than one freestanding sign is permitted on a lot of record, and a freestanding sign shall have no more than two sign faces. Freestanding signs
shall not exceed 12 feet in height and shall not exceed 40 square feet in area per sign face.

(2) Not more than 10 square feet of sign area per sign face may be internally illuminated. Characters within the internally illuminated sign area shall be achromatic and no larger than six inches tall. Signs may be externally illuminated.

(3) Single-faced signs placed on walls or eaves of business establishments shall not exceed a total of 40 square feet per business establishment.

(4) Signs shall not rotate or otherwise be in motion, and copy or pictures on the sign shall not flash, scroll, or display a video or animated image.

(5) For purposes of this section, any sign erected or existing as of July 1, 2016 that has a valid permit from the department, but does not conform with the provisions of this section is a nonconforming sign. A nonconforming sign may be maintained only by painting or refinishing the surface of the sign face or sign structure so as to keep the appearance of the sign as it was when the prior permit was issued. Any structural or other substantial maintenance to a nonconforming sign shall render the prior permit void and shall result in the reclassification of such sign as an illegal sign. Where there are conflicts between this section and Chapter 20.83 WCC, the provisions of this section shall prevail.

Chapter 20.80
SUPPLEMENTARY REQUIREMENTS

20.80.210 Setback Requirements (Adopted by reference in WCCP Chapter 2)

(5) Setbacks. For the purposes of this chapter, the road classification used to determine setback requirements shall be as set forth in this section. In the event a particular road is not listed in this section, the department of public works shall determine the classification, which classification shall be based on the Whatcom County Development Standards or such other local, state or federal roadway standards as the department of public works deems appropriate. Dead-end or loop streets providing access to 16 or fewer lots shall be classified as minor access streets.
(b) Setbacks Table.

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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/1-5 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.
20.82.030 Conditional Uses.

(4) New sewer lines extensions with an inside diameter of six inches or greater and length of 150 feet or greater, except for new sewer lines located and installed within urban growth areas or limited areas of more intensive rural development (LAMIRDS), and in conformance with a state approved sewer and/or water comprehensive plan and consistent with the Whatcom County Comprehensive Plan, which shall be permitted outright. Sewer lines shall not be extended to serve lots in rural outside urban growth areas unless such extensions are shown to be necessary to protect basic public health and safety and the environment, and when such services are financially supportable at rural densities and do not permit urban development. Sewer lines may pass through areas outside urban growth areas provided they do not provide sewer service to any lot in the non-urban areas.

Chapter 20.97
DEFINITIONS

20.97.382 Sign, internally illuminated.
"Internally illuminated sign" means a sign or portion of a sign that is illuminated by a light source that is contained within the sign.
Whatcom County Code Title 21 Land Division Regulations

AMENDMENTS

Chapter 21.03
EXEMPT LAND DIVISIONS AND BOUNDARY LINE ADJUSTMENTS

21.03.045 Required disclosures.
The following disclosures, if applicable, shall be recorded in the county auditor's office and shall be filed concurrently with all conveyances of property subject to this title:

(1) Right to farm, right to practice forestry, or mineral resource disclosures.

(2) Boundary discrepancies.

(3) Protective covenants, conditions and restrictions.

(4) Latecomers' agreements.

(5) Significant pipeline in vicinity disclosure when the subject property is within 660 500 feet of a pipeline shown on Map 125-2, Chapter 5 of the Whatcom County Comprehensive Plan.

Chapter 21.04
SHORT SUBDIVISIONS

21.04.170 Disclosures and notes.
The following disclosures and notes, if applicable, shall be recorded in the county auditor's office and a statement identifying the subject and the auditor's file number, if applicable, for each such instrument shall be on the final short plat map prior to final approval by the county:

(1) Right to farm, right to practice forestry, mineral resource disclosures.
(2) Critical area notes and protective easement as required.

(3) Boundary discrepancies.

(4) Drainage maintenance agreement block.

(5) Road maintenance agreement block (private roads only).

(6) Significant pipeline in vicinity disclosure when the subject property is within 660
500 feet of a pipeline shown on Map 125-2, Chapter 5 of the Whatcom County
Comprehensive Plan.

Chapter 21.06

FINAL LONG SUBDIVISIONS

21.06.070 Disclosures and notes.
The following disclosures and notes, if applicable, shall be recorded in the county
auditor’s office and a statement identifying the subject and the auditor’s file
number for each such instrument shall be on the final plat map under surveyor’s
notes prior to final approval by the county:

(1) Right to farm, right to practice forestry, or mineral resource disclosures.

(2) Critical area notes and protective easements as required.

(3) Boundary discrepancies.

(4) Drainage maintenance agreement block.

(5) Road maintenance agreement block (private roads only).

(6) Significant pipeline in vicinity disclosure when the subject property is within 660
500 feet of a pipeline shown on Map 125-2, Chapter 5 of the Whatcom County
Comprehensive Plan.

Chapter 21.08

GENERAL AND SPECIFIC BINDING SITE PLANS
21.08.070 Disclosures and notes.
The following disclosures and notes, if applicable, shall be recorded in the county auditor’s office and a statement identifying the subject and the auditor’s file number for each such instrument shall be on the general binding site plan and each specific binding site plan original drawing under surveyor’s notes prior to final approval by the county:

- Right to farm, right to practice forestry, mineral resource disclosures.
- Critical area notes.
- Boundary discrepancies.
- Protective covenants, conditions and restrictions.
- Drainage maintenance agreement block.
- Road maintenance agreement block (private roads only).
- Latecomers’ agreements.

- Significant pipeline in vicinity disclosure when the subject property is within 660 500 feet of a pipeline shown on Map ±25-2, Chapter 5 of the Whatcom County Comprehensive Plan.
Chapter 20.22

GUIDE MERIDIAN IMPROVEMENT PLAN

(Reserved)

¹Code 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.]
Exhibit B

Comprehensive Plan Amendments

Note: The Point Roberts Character Plan is a subset of the Whatcom County Comprehensive Plan. The Guide Meridian Improvement Plan (WCC Title 22) is both a subset of the Plan and a development regulation in the Whatcom County Code.
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SECTION 3-001. ADMINISTRATIVE REQUIREMENTS AND REGULATIONS

SECTION 3-002. HOW THE PROCESS WORKS
1. Copies of the Point Roberts Character Plan are available from the Whatcom County Department of Planning and Development Services, http://www.co.whatcom.wa.us/1143/Point-Roberts-Subarea-Plan
2. Building Permit applications are also available at Planning and Development Services.
3. Prior to applying for a building permit, developers should familiarize themselves with the Character Plan document and seek professional assistance, where necessary. This will ensure a speedy and successful permit application.
4. In addition to the customary permit and servicing requirements of the County, any commercial or institutional use structure and/or sign permit application will be evaluated for “compliance” or “non-compliance” with the Point Roberts Character Plan. This will be reflected in the permit checklist.
5. The Point Roberts Character Plan Advisory Committee will examine applications within 24-30 days prior to the date of building permit application to indicate compliance with the Character Plan.
6. The Point Roberts Character Plan Advisory Committee is a local advisory body to Whatcom County administrative authority. It will examine applications with respect to compliance to the guidelines. The purpose of the Committee is to assist the County in making its determination of “compliance”. All decisions of the County will be final.
7. A successful applicant will be issued a building permit upon receipt of applicable County fees.

SECTION 3-003. PLANS AND OTHER INFORMATION REQUIRED
In order to assess compliance with the Character Plan, the Whatcom County Department of Planning and Development Services will require at the time of application the following:
1. A scale site plan indicating the street, all structures, landscaping, ingress / egress, parking facilities, freestanding sign locations, freestanding lighting facilities, waste facilities, pedestrian walkways, fencing, screening and other miscellaneous appurtenances (eg. fire hydrants), if any. The plan must be to scale and indicate the dimensions of any structures, setbacks, and parking facilities.
2. A scale elevation which clearly indicates structural dimensions, heights, and roof lines, as well as any other exterior designs and finishes visible at ground level from any point on the compass. Diagrams must include specification for all doors, windows, porches and awnings. The types of roofing and siding materials(s) must be specified. Color chips for roofing, siding, and awning materials must be made available. All exterior lighting facilities must be clearly outlined and indicate style and finish. The locations and dimensions of signs on structures will be clearly indicated.
3. Sign Regulations: Refer to ordinances on signs and flags.

SECTION 3-004. PLAN INFORMATION
Developers and or architects are required to submit a written rationale.

Lighthouse Packing Co.
PART A - GENERAL

SECTION 11.091 TITLE

The title of this ordinance is "The Character Plan of the Community of Point Roberts, Washington as amended.

SECTION 11.092 AUTHORITY

This ordinance is adopted and promulgated under Title 25, Revised Code of Washington as the Character Plan of Point Roberts, Washington. The Title 25, Revised Code of Washington, 25.44.240, authorizes the adoption and promulgation of such an ordinance.

SECTION 11.093 PURPOSE

The purposes of this ordinance are to prevent the introduction of human and unnatural elements into the community, to improve the character of the community, to promote the health, welfare, and safety of the community, and to promote the general welfare of the community.

PART B - DEFINITIONS

1. Administration: The provisions of this ordinance shall be enforced by the Administrator of the community.

2. Back-to-back sign (Sandwich Board): A sign consisting of two, sandwiched displays, with messages visible on only one side, provided that the double message board is five-inch center spacing.

3. Banner: pennants and balloons: Any animated, moving or flapping, or unwielding, device made of cards or pennants designed to attract attention.

4. Billboard: Outdoor advertising sign consisting of a message, commercial or otherwise, unrelated to any property on the property on which the sign is located, but not including directional signs as defined herein.

5. Changeable copy sign: A sign on which messages are changed manually, by hand, through the insertion of interchangeable letters, numbers, symbols and other similar elements, to accommodate periodic changes.

6. Changeable copy sign: A sign on which messages are changed manually, by hand, through the insertion of interchangeable letters, numbers, symbols and other similar elements, to accommodate periodic changes.

7. Changeable copy sign: A sign on which messages are changed manually, by hand, through the insertion of interchangeable letters, numbers, symbols and other similar elements, to accommodate periodic changes.

8. Changeable copy sign: A sign on which messages are changed manually, by hand, through the insertion of interchangeable letters, numbers, symbols and other similar elements, to accommodate periodic changes.

9. Changeable copy sign: A sign on which messages are changed manually, by hand, through the insertion of interchangeable letters, numbers, symbols and other similar elements, to accommodate periodic changes.

10. Changeable copy sign: A sign on which messages are changed manually, by hand, through the insertion of interchangeable letters, numbers, symbols and other similar elements, to accommodate periodic changes.
Commercial or industrial center is an area of entire or substantial concentration of buildings or other structures containing buildings on the same commercial or industrial premises.

Development sign is a sign displayed on a structure or building to indicate the purpose, nature or use of the property.

Distinctive sign is a sign which is prominently connected to the structure part or a need for maintenance.

Directional sign is a sign which indicates the direction or location or activities or a building or a group of buildings.

Directory sign is a sign having only the name or name and number of the business activity or professional office located within a building or group of buildings or commercial center.

Double-faced sign is a sign which can be viewed by persons on both sides.

Electrical sign is a sign illuminated by a sign structure with electrical wiring connection and external source of power.

Existing sign is any sign that was erected, amended, or displayed prior to the adoption of this article.

Facade is the face of a building including main door, wall face, and window that contains the name, number, or another descriptive element.

Fixed projecting sign is a sign that extends out from the facade of the building and is rigidly fixed.

Flashing sign is a sign illuminated by an electrical source which is visible or apparent.

Flat sign is a sign attached to and extending from more than two sides or more than one face of the building to which it is attached and supported throughout its entire length by the facade of the building and not extending above the building.

Free standing sign is a sign supported by a sign structure erected on the ground and which is wholly independent of any building, fence, or vehicle or other support.

Frontage is the length of the property line of any one premises or parcel serving as a public right of way.

Frontage wall face is the building facade excluding parapets, railings, and moldings which is a part of the premises.

Height of sign is the vertical distance measured from ground level to the top of the sign face or sign structure which is greater.

Illuminated sign, external is a sign which is directly lit by and external source.

Illuminated sign, internal is a sign which is indirectly lit by an external source.

Inflatable sign is a sign that is either expanded to a full dimension or supported by gas contained within the sign structure or part of the sign structure and which is greater than one thousand cubic feet.

Ingress/egress sign is a sign that indicates entrance or the direction of egress or the presence of a single entrance or exit.

On way, "Do Not Enter", or "No Exit.

Moving message boards are structural sign having a continuous message area moving in a horizontal or vertical path and mechanical ability to change messages.
6. Sign - A device or any material, message, or combination thereof, used for the purpose of conveying the designations, names, or information with regard to the nature or use of a place, which is located on or attached to premises, real property, or a vehicle.

8. Sign, awning: The term "awning" shall include any awning, canopy, or other similar structure intended to provide shelter or shade over any portion of or area associated with the business or activity for which the sign is intended, or which is in the public view area around the sign and any "canopy" or extension, but shall not include any supporting structure or framework.

10. Sign, signboard: The term "signboard" shall be used to denote a sign which is maintained, displayed, or attached to the premises upon which the sign is located, but is not displayed or attached to the sign structure, if any other of the aforementioned sign board criteria are displayed or designed as part of the sign structure.

13. Sign, temporary: Any sign, temporary or permanent, which has no other purpose than communicating a single message or notice for a specific time or purpose.

14. Sign, temporary: Any sign, temporary or permanent, which has no other purpose than communicating a single message or notice for a specific time or purpose.

15. Sign, temporary: Any sign, temporary or permanent, which has no other purpose than communicating a single message or notice for a specific time or purpose.
SECTION 1-005. LEGAL SIGNS

Signs which comply with the provisions of this article and are in conformance with the requirements of Section 1-006 shall be deemed to be legal signs. All proposed alterations or additions to existing legal signs shall be reviewed and approved by the Code Administrator prior to implementation.

Any legal sign which is in conformance with the provisions of this article and is in conformance with the requirements of Section 1-006 shall be deemed to be a legal sign. Any proposed alteration or addition to an existing legal sign shall be reviewed and approved by the Code Administrator prior to implementation.

SECTION 1-006. NON-CONFORMING SIGNS

Signs which are in non-conformance with the provisions of this article shall continue to be lawful as long as the sign remains in good repair and use and is not enlarged or changed in any substantial manner. Alterations or additions to a non-conforming sign shall be consistent with the requirements of Section 1-006.

Non-conforming signs shall be brought into full compliance with the standards established by the Code Administrator and the provisions of this article.

SECTION 1-007. OFF-PREMISE SIGNS

Off-premise signs in any commercial, light industrial, resort commercial or residential area shall be prohibited except as permitted by the Code Administrator. Existing off-premise signs may remain in their present location for up to one year after the implementation of the Character Plan.
PART F - PERMITTED SIGNS

SECTION 4.009 - PERMIT REQUIRED

No sign shall be erected, located, or maintained in excess of 2.5 square feet per linear foot of street or road right of way.

SECTION 4.010 - SIGNS EXEMPT FROM PERMIT REQUIREMENT

A permit is not required for the following types of signs:

1. Temporary signs or signs not exceeding one square foot.
2. Signs located on private property and not visible from public right of way.
3. Signs located on private property and not visible from public right of way, and not exceeding 50 square feet.
4. Signs located on private property and not visible from public right of way, and not exceeding 100 square feet.
5. Signs located on public property and not visible from public right of way, and not exceeding 2.5 square feet per linear foot of street or road right of way.

POINT ROBERTS CHARACTER PLAN 23
SECTION 11.011 SIGN ALTERATIONS EXEMPT FROM PERMIT REQUIREMENTS

A sign is not required prior to engaging in sign alterations if such alteration involves only:
+ The changing of copy on a permitted changeable copy sign.
+ The painting or punching of the surface of a sign face or sign structure of a permitted sign as to keep the appearance of such sign as erected on the date such sign received a permit of approval.
+ The alteration of a sign face or a permitted sign to reflect changes in land use, type of business, 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

Electrical requirements: Electrical requirements pertaining to signs shall be described as follows:
1. 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

Signs shall not have light reflecting backgrounds, but may use light reflecting lettering.
+ The various parts of a sign shall be compatible.
+ Any multi-faced sign shall have the advertising information for only one business.
+ Signs shall not contain more than one commercial business.
+ All signs shall be of standard geometric shapes.
+ An historical or nautical design theme is recommended, with suggestions given in a style guide available from the Point Roberts Design Review Committee.
+ The use of Day Glo or similar colors is not permitted.
+ Wood carved or painted wood signs are the recommended signage material.

SECTION 11.015 ON-PREMISES SIGN STANDARDS

Building and wall graphics signs shall not occupy more than 10 percent of the signable space on any one facade of a building with a maximum size of the sign limited to forty (40) square feet.
+ 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.
+ Obstruction: An on-premises sign shall be erected so as not to obstruct or impair ingress or egress points and intersections.

SECTION 11.016 DIMENSIONS AND QUANTITY OF FREE STANDING SIGNS

Area and quantity: The area and quantity of any sign face shall conform with the following:
+ Major 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 open to the public shall be permitted one free standing sign per entrance, but no more than two (2) identification signs for the development. Such 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 one hundred twenty (120) square feet.
+ 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 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 (2) identification signs for the development. Such 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 mixed with residential use which exceeds two hundred (200) dwelling units, the provisions of sub-paragraph one shall apply to said development.
A commercial development consisting of retail and public commercial uses, which comprises an area in the commercial zone in excess of 1,200 square feet or less of a heated floor space open to the public shall be visualized as the smaller unit and shall have a maximum of one street address. A non-storefront area may be considered to be commercial for the purpose of residential subdivisions shall only be considered commercial for the purpose of residential subdivisions.

- Height: The maximum height of any free-standing sign shall not exceed twelve (12) feet above the average elevation of the nearest county road.
- Width: The maximum width of the entire sign structure shall not exceed ten (10) feet.
- Structure size: The size of the support structure for any free-standing sign shall not exceed the sign area to more than 100%.
- Where possible free-standing sign shall have adequate landscaping around the base of the structure.

**SECTION II.017. TEMPORARY SIGNS AND STANDARDS**

- Types: The following types of signs are classified as temporary signs:
  1. Account executives and selling signs
  2. Special events and promotions signs
  3. Landscaping development or landscaping signs
  4. Construction or clearing of property on which they are located

- Area, height and location:
  1. Area: The total area of temporary signs shall not exceed twenty (20) square feet, and the maximum sign area to 100% of the sign area to more than 100%.
  2. Height: The maximum height of temporary signs shall not exceed twelve (12) feet, while the lower edge shall not exceed four (4) feet in height from the average grade.
  3. Location:
    a. No temporary sign shall be located so as to obstruct or impair driver vision at 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.
    c. Temporary signs are not to be located any closer than one hundred (100) feet from any other sign on the same premises.
SECTION 4.08. REAL ESTATE SIGNS

Commercial real estate signs shall not exceed 300 square feet in area per face, and a total of 1200 square feet shall be permitted. However, not more than 200 square feet shall be permitted on any portion of a building. An extension must be submitted by the Land Use Planning and Development Services Department.

SECTION 4.09. CANOPY SIGNS

A commercial sign shall be permitted on each canopy over a service window or entrance of a store. The sign shall be visible from the public way. A sign shall not be attached to any obstruction or any structure other than the canopy.

SECTION 4.20. MULTIPLE USE SHOPPING BUSINESS, OFFICE, AND PROFESSIONAL CENTER FREE STANDING DIRECTORY SIGNS

A directory sign shall be permitted on a multiple use shopping business, office, and professional center. The sign shall be located in a prominent place and shall be visible from the public way. The sign shall not exceed 1200 square feet in area. A sign shall not be attached to any obstruction or any structure other than the main entrance of the building.

SECTION 4.21. CAR WASH SIGNS

A car wash sign shall be permitted on a car wash service station. The sign shall be located in a prominent place and shall be visible from the public way. The sign shall not exceed 1200 square feet in area. A sign shall not be attached to any obstruction or any structure other than the main entrance of the building.

SECTION 4.22. CARWASH FILLING STATIONS

A car wash filling station shall be permitted on a car wash service station. The sign shall be located in a prominent place and shall be visible from the public way. The sign shall not exceed 1200 square feet in area. A sign shall not be attached to any obstruction or any structure other than the main entrance of the building.
SECTION 4.02. STAND-UP SIGNS LOCATION IDENTIFICATION

The location for a new stand-up sign shall be clearly identified by a white sign with a black border
containing at each location at which a support pole will be embedded in the ground.

PART 4 — ADMINISTRATION

SECTION 4.03. APPLICATION FOR PERMIT

In addition to the normal application requirements of the Eastern Building Code and the Department
Planning and Development Services, the following items shall also be submitted for the purpose of design
review to the Port Roberts Character Plan Advisory Committee:

a. Name of sign for which permit is being sought.

b. Three (3) copies of a keynote blueprint, blueprints, prints, or similar presentation drawings to scale and
dimensioned showing elevations of the sign as proposed on a building facade, existing or current, and
whether the relationship to other existing adjacent signs shall also be shown. In the case of a free-standing
sign and its base, shall include a site plan showing the sign location and any existing or proposed
improvements which are affected by such sign.

SECTION 4.04. MAINTENANCE (Code Enforcement)

To ensure the County's code enforcement, the Character Plan Advisory Committee may advise the County
what is believed to be violations in the Port Roberts Character Plan. Alleged violations shall be decided by
a democratic vote of the Committee and submitted in writing to Whatcom County Code Enforcement (or the
Lien Officer — see Section 9.001).

The Port Roberts Character Plan Advisory Committee shall conduct a Special Meeting within 30 days after
receiving a 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 is made in person at a regularly-scheduled meeting and an
advisory report shall be made to Code Enforcement with 7 days.

Any person individually who believes that the Advisor Committee has acted in error may submit a written
complaint of a purported code violation to the County Code Enforcement Officer.

Formal code enforcement actions, as deemed necessary and promulgated by Whatcom County Code
Enforcement shall only be conducted by the County Code Enforcement Officer(s).

SECTION 4.05. MINIMUM REQUIREMENTS

Whenever the Article imposes a higher standard than required by Title 26, Whatcom County Zoning
Ordinance, the provisions of this Article shall govern. Whenever Title 26 requirements impose a higher
standard than required by this article, Title 26 provisions shall govern.

SECTION 4.06. PRIVATE RESTRICTIONS

Whenever this Article imposes a higher standard than required by court action or contract, the provisions
of this Article shall govern.

SECTION 4.07. 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 all applicable sign codes.

b. Governmental flags must be displayed in a dignified non-commercial manner and follow the established flag protocol in respect to times of flying, arrangements, locations, etc. No governmental flag shall exceed twenty-four (24) square feet per face.

c. The height of flag poles shall not exceed twenty (20) feet.

d. Flag poles on top of buildings shall not exceed ten (10) feet above the roof top.

Non-conforming flags, according to section 12-001.a, shall have no amortization period and shall conform immediately.
Suggested Signage Styles
Included are some samples of possible signage for Pt. Roberts.

Rustic Styles
Natural materials convey a historical/nautical feeling.
Use of wood is preferable. Sand blasting or painting creates interest.

Nautical Elements (ropes, hardware) support nautical theme.
Signs can also be applied directly to buildings.
Materials used should have a natural appearance or wood, stone, brick, etc.

Styles of lettering should be selected that reflect those used in the early 1900's, such as Bodoni, Goudy, Futura, Egyptian.

Gas station sign with landscaping.

Relief wooden signs help with the historical theme.

Business directional sign with nautical appearance can help shoppers.
Extended signs from sides of buildings can be permanent or swinging.

Facia sign

Nautical designs would be appropriate.

Sign above canopy painted on wood.

Business directory done in nautical/historical theme.
Exhibit C

Official Zoning Map Amendments
Bellingham UGA & Surrounding Area

- Incorporated City
- Urban Growth Area
- Urban Growth Area Reserve
- Existing/Proposed Title 20 Zoning Boundary

**Note:** Short-Term Planning Area zoning is rescinded.
Birch Bay UGA & Title 20 Zoning

- Incorporated City
- Urban Growth Area
- Urban Growth Area Reserve
- Existing/Proposed Zoning

Note: Short-Term Planning Area zoning is rescinded.
Blaine UGA & Title 20 Zoning

- Incorporated City
- Urban Growth Area
- Existing/Proposed Zoning

Note: Short-Term Planning Area zoning is rescinded.
Cherry Point UGA & Title 20 Zoning

- Major Port/Industrial UGA
- Existing/Proposed Zoning

Note: Short-Term Planning Area zoning is rescinded.
Columbia Valley UGA & Title 20 Zoning

- Urban Growth Area
- Urban Growth Area Reserve
- Existing/Proposed Zoning

Note: Short-Term Planning Area zoning is rescinded.
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.
Ordinance adopting Whatcom County Comprehensive Plan amendments relating to the 2016 comprehensive plan periodic update and urban growth area review required by the Growth Management Act under RCW 36.70A.130.

1. Cover letter
2. Draft Ordinance and Exhibit

Under the Growth Management Act, Whatcom County and the seven cities within the County must complete the periodic update of their comprehensive plans and review urban growth areas (UGAs) in 2016 (RCW 36.70A.130). The Whatcom County Council will hold a public hearing and adopt amendments to the Whatcom County Comprehensive Plan, including UGA boundary changes, in order to complete the 2016 Comprehensive Plan Update and UGA Review.

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

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**TITLE OF DOCUMENT:**
Specified Fittings Comprehensive Plan Amendment and Rezone Ordinance

**ATTACHMENTS:**
1. Staff Memorandum
2. Proposed Ordinance with Attached Comprehensive Plan and Zoning Map Amendments

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<th>SEPA review required?</th>
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<td>SEPA review completed?</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.)

A proposed Comprehensive Plan Amendment to change the land use designation from Rural to Rural Community (LAMIRD per RCW 36.70A.070(5)(d)(i)), and a proposed zoning map amendment to rezone from Rural 1 dwelling unit per 5 acres (R-5A) to Rural Industrial Manufacturing (RIM) for approximately 2 acres on the north side of Smith Road about 500 feet west of Guide Meridian, located in Section 25, T.39 N., R.2 E., Assessor’s Parcel 390225459079.

**COMMITTEE ACTION:**

**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.
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: July 12, 2016

SUBJECT: Specified Fittings Comprehensive Plan and Zoning Map Amendment

On January 15, 2013 the County Council voted to forward for concurrent review an ordinance changing the Comprehensive Plan designation and zoning district for about two acres on Smith Road west of Guide Meridian. This property is a portion of the 12-acre industrial property, and had been excluded from the industrial zoning because the zoning boundary had been drawn to follow BPA powerlines that cross the parcel diagonally.

The property owner applied to rezone the land from R-5A to RIM, and to include it within the boundary of the Comprehensive Plan "Rural Community" designation, a limited area of more intensive rural development (LAMIRD) (PLN2012-00006). Because the Smith/Guide Meridian LAMIRD was subject to a Growth Management Hearings Board order of invalidity in 2013 (GMHB Case No. 11-2-0010c), the ordinance to change the zoning and Comprehensive Plan designation could not be considered as part of the 2013, 2014, or 2015 concurrent review of the Comprehensive Plan.

On February 8, 2016, after Whatcom County and petitioners in the case signed a settlement agreement, the Hearings Board issued an order finding compliance and lifting the finding of invalidity concerning the LAMIRD boundary. PDS is now forwarding the ordinance for consideration of adoption concurrent with the 2016 periodic update of the Comprehensive Plan. The draft ordinance is attached. Please contact me at extension 5931 if you have questions concerning this proposal.

Attachments:
  Draft ordinance
AMENDING THE COMPREHENSIVE PLAN DESIGNATION IN THE SMITH ROAD / GUIDE MERIDIAN AREA FROM RURAL TO RURAL COMMUNITY AND AMENDING THE OFFICIAL WHATCOM COUNTY ZONING MAP FROM R5A TO RIM

WHEREAS, Specified Fittings, Inc. submitted an application to rezone a two-acre portion of a 12-acre parcel from Rural one dwelling per five acres (R-5A) to Rural Industrial Manufacturing (RIM); and

WHEREAS, the Whatcom County Planning Commission held a public hearing and recommended approval on November 15, 2012; and

WHEREAS, notice of the Whatcom County Planning Commission public hearing was published November 2, 2012; and

WHEREAS, notice of the subject rezone and development agreement was sent to state and local agencies, and property owners within 1000 feet of the site; and

WHEREAS, the Whatcom County Council has reviewed the Planning Commission recommendations; and

WHEREAS, legal notice requirements have been met; and

WHEREAS, the Whatcom County Council hereby adopts the following findings of fact and conclusion:

FINDINGS OF FACT

1. The subject property is a two acre portion of a 12 acre parcel, and is located largely within an easement for major electrical lines.

2. The owner has applied to amend the Comprehensive Plan land use designation from Rural to Rural Community (Type I LAMIRD), and to amend the zoning from Rural, one dwelling per five acres, to Rural Industrial Manufacturing on the two-acre property.
3. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on November 9, 2012.

4. The proposal was posted on the County website on November 2, 2012.

5. Notice that the proposal had been posted on the County website was sent to citizen, media and other groups on the County’s e-mail list on November 6, 2012.

6. Notice of the subject amendment was submitted to the Washington State Department of Commerce on October 26, 2012.

7. Notice of the Planning Commission hearing for the subject amendment was published in the Bellingham Herald on November 2, 2012.

8. Notice of the Planning Commission hearing for the subject amendment was posted on the County’s website on November 2, 2012.

9. Notice of the Planning Commission hearing was mailed to owners of the subject properties and surrounding land owners within 1,000’ of the subject properties on November 1, 2012.

10. Notice of the Planning Commission hearing was posted on the subject site on November 2, 2012.

11. The Planning Commission held a public hearing on the subject amendment on November 15, 2012.

12. 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:

i. The anticipated effect upon the rate or distribution of population growth, employment growth, development, and conversion of land as envisioned in the comprehensive plan.

ii. 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.

iii. 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.

13. A January 9, 2012 Growth Management Hearings Board order found the boundary of the Smith / Guide Meridian Rural Community (Type I LAMIRD) to be noncompliant with GMA and invalid (Case No. 11-2-0010c). Subsequent to a settlement agreement between Whatcom County and petitioners in the Hearings Board case, the Board issued an order finding compliance on February 8, 2016, which included the Smith / Guide Meridian LAMIRD boundary.

CONCLUSIONS

1. Because of the size of the subject parcel and its location within a power line easement, it is largely unusable as residential land.

2. The subject Comprehensive Plan amendment complies with the Growth Management Act and the approval criteria of WCC 2.160.080.

3. The subject zoning map amendment is consistent with the Whatcom County Comprehensive Plan.

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

Section 1. Map 2.1 of the Whatcom County Comprehensive Plan is hereby amended as shown in Exhibit 1.
Section 2. The Official Whatcom County Zoning Map is hereby amended as shown in Exhibit 2.

Section 3. Adjudication of invalidity of any of the sections, clauses, or provisions of this Ordinance shall not affect or impair the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

ADOPTED this ____ day of ________________ 2016.

ATTEST: WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

Barry Buchanan, Council Chair

APPROVED as to form: ( ) Approved ( ) Denied

Civil Deputy Prosecutor

Jack Louws, Executive

Date: ________________________________
Exhibit 1

RURAL COMMUNITY (RURAL)

File #: PLN2012-00006
Proposed Comprehensive Plan Land Use Changes

- Proposed designation change
- Existing Comprehensive Plan Boundary

Proposed CP Designation - RURAL COMMUNITY (not in parentheses)
Existing CP Designation - (RURAL)
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**TITLE OF DOCUMENT:**
Initiating Comprehensive Plan by amending Resolution 2016-009

**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.)

Initiating Comprehensive Plan by amending Resolution 2016-009

**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.
RESOLUTION NO. _______

INITIATING COMPREHENSIVE PLAN AND ZONING AMENDMENTS BY AMENDING RESOLUTION 2016-009

WHEREAS, the Growth Management Act (RCW 36.70A.130) requires that the County Council may consider amendments to the Whatcom County Comprehensive Plan no more frequently than once per year (with certain exceptions); and

WHEREAS, the provisions of WCC 2.160.050 indicate that Comprehensive Plan amendments are to be “initiated” for review by approval of a resolution by the County Council; and

WHEREAS, as part of the 2016 review of the Comprehensive Plan Update, the County Council has developed a docket of additional proposed Comprehensive Plan amendments for consideration by the Planning Commission and County Council; and

WHEREAS, the Whatcom County Council would like to stay apprised of any potential permits which may expand the export of fossil fuels from Cherry Point;

NOW, THEREFORE, BE IT RESOLVED that the Whatcom County Council hereby initiates for formal review the amendments shown on attached Exhibit A.

BE IT FURTHER RESOLVED that the County Council requests the Executive provide written notification to the Council as soon as practicable of all pre-application correspondence or permit application submittals and notices, federal, state, or local, that involve activity with the potential to expand the export of fossil fuels from Cherry Point.

APPROVED this ____ day of _______________ 2016.

ATTEST

Dana Brown-Davis, Clerk of the Council

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Barry Buchanan, Council Chair

APPROVED AS TO FORM:

_____________________________
Civil Deputy Prosecutor
## EXHIBIT A

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<tr>
<th>File #</th>
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<td>PLN2016-00012</td>
<td>Comprehensive Plan</td>
<td>Whatcom County</td>
<td>Review the proposed amendments to the Cherry Point section of Chapter Two – Land Use of the Comprehensive Plan as shown in Attachment 1.</td>
<td>This amendment relates to the Cherry Point UGA</td>
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Major Industrial Urban Growth Area / Port Industrial

Cherry Point

The Cherry Point Urban Growth Area (UGA) contains approximately 7,000 acres of industrial land. The land has long been planned and designated by Whatcom County for industrial development and is currently the site of three major industrial facilities including two oil refineries and an aluminum smelter. Together, these three existing industries own about 4,400 acres of the total Cherry Point industrial lands.

Because of the special characteristics of Cherry Point, including deep water port access, rail access, and proximity to Canada, this area has long had regional significance for the siting of large industrial or related facilities. The Phillips 66 Ferndale Refinery was constructed in 1954, the Alcoa Intalco Works Aluminum Smelter in 1966, and the BP Cherry Point Refinery in 1971.

Cherry Point is also important historically and culturally to the Coast Salish people, and part of the usual and accustomed fishing area for five treaty tribes, reserved under the Treaty of Point Elliot of 1855. The Lummi Nation and Western Washington University have identified an ancestral village dating back over 3,000 years ago in this area. The Cherry Point UGA contains sites of primary archeological and cultural significance.

Since the designation of this area for industrial development years ago, newer scientific study of the shoreline ecology has identified Cherry Point's unique function as part of the Fraser River/Salish Sea ecosystem and the associated Cherry Point Aquatic Reserve has been designated by the state Department of Natural Resources to recognize the ecological importance of the aquatic lands in this area.

Since adoption of earlier versions of this Comprehensive Plan there has been an increasing recognition of the impacts that fossil fuel use and transportation has on human health, and both the local and global environment. The Cherry Point UGA contains the second-largest emitter of carbon air pollution in Washington State (Ecology, June 2016) and scientific findings show that the use of refined or unrefined fossil fuels overseas contribute up to 16% of the mercury in the soil in the Northwest from return air from Asian burning of those fossil fuels, and that carbon deposition in water from air emissions are the major contributor to ocean
Recent studies by NOAA have found that very small amounts of hydrocarbons lead to congenital heart failure in juvenile herring and salmon, and may have contributed to the crash of the Cherry Point Herring stock. Because of the large acreage demands of the types of industries likely to locate there, the remaining undeveloped acreage at Cherry Point will likely be absorbed during the 20-year planning period.

The Cherry Point shoreline also has great importance to the fisheries and ecology of Northern Puget Sound because it provides essential spawning habitat for what once was the largest herring stock in Washington State. This herring stock has supported important commercial fisheries in the past and provides forage for salmonids and other important marine species. In August 2000 and again in November 2010, the State Lands Commissioner ordered the Cherry Point tidelands and bedlands withdrawn from the state’s general leasing program, except for existing leases, and designated them as the “Cherry Point Aquatic Reserve.” In December 2010, the DNR recognized the need to “protect the significant environmental resource of aquatic lands at Cherry Point” (CPAR Management Plan p. 1), and completed the Cherry Point Environmental Aquatic Reserve Management Plan and designated the Cherry Point Aquatic Reserve to ensure long-term environmental protection of the area. The Reserve extends from the southern boundary of Birch Bay State Park to the northern border of the Lummi Indian Nation Reservation. The site excludes three existing aquatic land leases (BP, Intalco, Phillips 66 shipping piers) and one proposed aquatic land lease (Gateway Pacific Terminal site).

The overall purpose of the Cherry Point Aquatic Reserve (AR) is to ensure long-term environmental protection for local habitats and species (CPAR MP p. 1). Specific goals include protection and recovery (as applicable) of Cherry Point herring, Nooksack Chinook salmon, ground fish, marine mammals, seabird/duck and shorebird communities, Dungeness crab, and submerged native aquatic vegetation (CPAR MP p. 2). Another goal is to cooperate with other stakeholders “to minimize and reduce identified impacts of human activities on the species and habitats within the Reserve” (CPAR MP p. 2).

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The Aquatic Reserve Management Plan acknowledges that so long as the existing industries, complying with all federal, state and local laws and regulations, they may or may not conflict with the Aquatic Reserve although their activities may pose risks for the recovery of species and other goals of the Aquatic Reserve. Indeed, the industries’ need for buffer space and their compliance with shoreline management requirements means that much of the Aquatic Reserve shoreline is in substantially natural riparian vegetation and bluff processes proceed without interference. Existing shoreline and upland stream and wetland functions and values are of continuing importance to the recovery and protection of species identified in the Aquatic Reserve Management Plan. The area includes one of the last undeveloped intertidal wetlands of any size in Northern Puget Sound, with importance to juvenile salmon and other species. Existing industries may continue to serve the Aquatic Reserve’s objectives so long as they are managed according to the Plan and so long as the lessees comply with applicable legal requirements and actively work to further the goals offer the Reserve (CPAR MP p. 2).

The County and industrial users have long recognized that the Cherry Point area exhibits a unique set of characteristics that makes land there not only locally but regionally important for the siting of major existing industrial developments. While deep water access made future shipping facilities desirable in the past, recent actions by federal and state regulators denying a proposed fourth pier at Cherry Point have underscored the fact that any future industrial development will undergo scrutiny for compliance with federal and state laws, including treaty rights. Based on the public record developed during this plan review and best available science in the record, the County no longer supports construction of additional export docks or piers at Cherry Point due to environmental and treaty right concerns related to: (a) physical interference with shoreline functions and values; (b) physical interference with traditional, historic and commercial fishing and shellfish harvesting at the Cherry Point shoreline; and (c) the increased risk of catastrophic and cumulative small oil and fuel spills from increased large vessel traffic, potential collisions with tankers and other vessels serving the existing three piers at Cherry Point, and related barge traffic and support vessels.

Especially where deep water access for shipping is a critical locational factor. These characteristics were articulated in the Overall Economic Development Plan (OEDP) for Whatcom County adopted by the Whatcom County Council of Governments in May, 1993, in the 1997 Property Counselors Report on supply and demand for industrial land in Whatcom County and at Cherry Point, the 2002 Greater Whatcom Comprehensive Economic Development Strategy, the 2003 Whatcom County Industrial Land Study, and the 2015 Whatcom County Comprehensive Economic Development Strategy.

The characteristics that make Cherry Point unique as a site for existing major industrial developments include the following:

Whatcom County Comprehensive Plan 2-3
Port Access – The marine waters off Cherry Point provide deep water access for shipping. Deep water access for shipping was a major siting consideration for the three major industries currently located at Cherry Point—and for the industrial/shipping facilities currently being proposed.

Rail Access – Cherry Point is served by a branch line of the Burlington Northern mainline serving western Washington from Blaine to Portland. Rail service is considered to be vital to statewide as well as local interests for the competitive movement of freight. Rail service is particularly important in relation to the water borne commerce of the existing users. The Cherry Point area has the rail access to support marine terminals and industrial users in the area. The BP refinery at Cherry Point uses the railroad to ship calcined coke to U.S. markets and to other port facilities for transshipment to foreign markets. Both the BP and Phillips 66 refineries receive crude oil shipments by rail.

Proximity to Canada, Alaska and Foreign Ports - Cherry Point occupies a unique location for the siting of industry because of its close proximity to Canada and because of its shorter travel distance than other regional port facilities for shipping to and from Alaska and to other Pacific Rim locations. The large acreage, good rail access and proximity to Washington State and Canadian ports makes the remaining upland area at Cherry Point suitable for major sustainable, clean-energy manufacturing or production of other commercial or industrial products. The Cherry Point industrial area benefits from proximity to Canada, as trade between the U.S. and Canada grows in response to the lifting of trade barriers under the Free Trade Agreement. Canadian exports to the U.S. are expected to increase and Canadian firms exporting to the U.S. are expected to seek locations in the U.S. as a way of improving access to U.S. markets. Additionally, just as other port facilities in Washington are constrained by lack of extensive upland areas to support major industrial development, Canadian port facilities are likewise constrained. There are limited expansion sites available at Roberts Banks and in the Vancouver Harbor, and development sites further up the Fraser River are constrained by limitations on vessel draft. Marine terminals at Cherry Point could serve a portion of the potential growth in Canadian marine cargo.

Presence of Necessary Utilities and Infrastructure

Cherry Point is a major industrial area in Whatcom County. The Phillips 66 Ferndale Refinery was constructed in 1954, the Alcoa Intalco Works Aluminum Smelter in 1966, and the BP Cherry Point Refinery in 1971. The infrastructure to support these industries and future industrial users at Cherry Point is in place and includes the following:
Electric Power: Electric Power is available from three providers in the Cherry Point area: Puget Sound Energy, Public Utility District #1 (PUD #1), and Bonneville Power Administration.

Puget Sound Energy owns two electrical generating facilities at Cherry Point. The electricity generated by these two facilities can be transmitted outside the region into the grid for supply to Puget’s customers or some of it can be consumed by Cherry Point customers through interties with the PUD #1. Puget Sound Energy also acquires power from outside the region and transmits it via their transmission grid into Cherry Point. The BP Cherry Point Refinery purchases electrical supply on the market and pays Puget Sound Energy to transmit the power and operate distribution systems to provide that power to the refinery.

PUD #1 purchases electricity from the Bonneville Power Administration and takes ownership of that power at the Bonneville substation in Bellingham and then transmits it over its transmission line to Cherry Point to serve the Phillips 66 Ferndale Refinery.

PUD #1 and Puget Sound Energy have interties at Cherry Point allowing the transmission of power in and out of Cherry Point depending on the amount of power generated and consumed at Cherry Point. The Bonneville Power Administration supplies power directly to the Alcoa Intalco Works aluminum production facility.

Water: Whatcom County Public Utility District #1 currently provides industrial process water to all major industrial facilities at Cherry Point and has additional water available contracts in place to provide process water to properties that are currently undeveloped. PUD #1 also operates a small system to provide potable water to one industry (Praxair). Birch Bay Water and Sewer District provides potable water to the BP Cherry Point Refinery. The other industries operate their own water treatment facilities to provide potable water for their facilities. Existing industries consume large quantities of water, in many cases drawn from the Nooksack River. It is the County’s policy to support renewed efforts to reduce both water consumption levels and the quantity of discharges, in favor of recycled water use.

Sewer: Sewer service is not typically required for large industrial developments. Most of the existing industrial users provide their own on-site sewage treatment and waste water treatment. Sewer service for domestic wastewater is provided to the BP Refinery by the Birch Bay Water and Sewer District. If and when sewer service should become necessary for other industries, service could be provided on
a contractual basis with the Birch Bay Water and Sewer District, which borders the
Cherry Point industrial area on the north.

Natural Gas: Natural gas is currently available at Cherry Point.

All-weather Roads: Grandview and Slater roads, the major east-west connectors
between Cherry Point and Interstate-5, provide all-weather road access to Cherry
Point.

The industries currently located at Cherry Point are a substantial part of the
economic base of Whatcom County and the region and the economic welfare of the
county is strongly tied to the health of these industries and their ability to flourish
and expand appropriately as opportunities present themselves. While these
existing industries need to be protected from the inappropriate encroachment of
incompatible uses; particularly residential uses that could affect their ability to
expand, at the same time, the expansion of these industries needs to be done in
ways that do not significantly impact the ecology of the Salish Sea or encourage
expanded export of unrefined fossil fuels. The best means for protecting these
industries from incompatible adjoining residential uses and to assure their
continued regulatory conformity is to maintain the industrial land use designation of
these lands and adjoining properties currently designated for industrial
development. The Cherry Point industrial lands have been designated for industrial
development and as a direct result of the industrial designation, incompatible and
inappropriate residential development has been curtailed.

Goal 2CC: Maintain Cherry Point as an unincorporated urban growth
area based on its unique location and characteristics and
its significant contribution to the overall industrial land
supply and Whatcom County’s tax base.

Policy 2CC-1: Designate Cherry Point as a major industrial Urban Growth Area
to accommodate major users that need to be located away from
concentrated urban residential areas and that can manage their
activities in such a way that they do not conflict with the goals
of the Aquatic Reserve Management Plan.

Policy 2CC-2: Ensure that existing developments in the Cherry Point UGA
maintain and operate under management plans that
accomplish the goals of the Aquatic Reserve Management Plan.
Ensure that future developments or expansions within the
Cherry Point UGA are consistent with the following:
• Clean-energy and low-carbon emitting industries are favored;

• Strict avoidance of estuaries and near-shore wetlands, as they play not only an important role in protecting habitat, but also serve as flood storage areas in the absorption of future sea level rise;

• Additional hardening of the shoreline through bulkheads or other methods at Cherry Point is prohibited;

• Any proposed new development is consistent with an archeological study designed in cooperation with the Lummi Nation and reviewed by the Lummi Nation as part of the record for any permitting review;

• Any new water-intensive development shall utilize state-of-the-art water recycling manufacturing technology to minimize water use.

Policy 2CC-3: Assure that Cherry Point's unique features of large parcelization, existing port access, and rail transportation availability are maintained and protected from incompatible development.

Policy 2CC-4: Require the master planning of each large parcel in advance of any development or subdivision at Cherry Point.

Policy 2CC-5: Require the designation and site plan for a major user (generally 40 acres or more) before the development of accessory or supporting uses to assure that accessory or supporting uses are compatible with and will not interfere with the major industrial user.

Policy 2CC-6: Specify 160 acres as a minimum area for planning, prior to the commitment of a parcel for a major user (40 acres or more, singularly or as a cluster or group).

Policy 2CC-7: Permit support activities, warehousing, rail shipment, shipping, machine repair and service, educational services, food service and conveniences, to locate on a parcel only after the completion of a master plan, and the identification and site plan approval for the major user.
Policy 2CC-8: Exclude Cherry Point as part of any future incorporation of Birch Bay.
- to protect interests of the property owner in terms of taxation and urban regulations;
- to preclude urbanism near "smokestack" industries;
- to preserve county government tax base.

Policy 2CC-9: Continue to work with service providers that serve Cherry Point to ensure the delivery of services and to allow it to develop to its fullest potential, consistent with other County policies mandating and supporting energy and water conservation.

Policy 2CC-10: It is the policy of Whatcom County to limit the number of industrial piers at Cherry Point to the existing three approved leases identified in the Lands Commissioner's Order No. 201037 designating the Cherry Point Aquatic Reserve (BP, Intalco, and Phillips 66) to:
- Support and remain consistent with the state Department of Natural Resources' withdrawal of Cherry Point tidelands and bedlands from the general leasing program and species recovery goals of the Cherry Point Aquatic Reserve designation and CPAR MP;
- Further public health and safety;
- Recognize federal actions upholding treaty rights;
- Protect traditional commercial and tribal fishing;
- Prevent conflicts with vessel shipment operations of existing refineries that could lead to catastrophic oil or fuel spills; and
- Adhere to best available science documenting species decline in the Salish Sea and at Cherry Point and enhance the likelihood of reaching the recovery goals of the CPAR and the Puget Sound Partnership's recovery goals for Year 2035.

by establishing a development moratorium. Notwithstanding the above, this moratorium shall not affect, nor otherwise apply to, any proposed pier that Whatcom County approved under its Shoreline Management Program prior to adoption of the moratorium.
Policy 2CC-11: RCW 36.70A.365 requires the implementation of Traffic Demand Management (TDM) programs for the designating of a Major Industrial Urban Growth Area. Any employer in the Cherry Point Urban Growth Area that employs one hundred or more full-time employees at a single worksite who begin their regular work day between 6:00 am and 9:00 am on weekdays for at least twelve continuous months during the year are required to meet the TDM requirements of WCC 16.24.

Policy 2CC-12: Work with the Cherry Point industries to maximize public access to the Cherry Point beaches without compromising industrial security.

Policy 2CC-13: In recognition and support of the existing federal law protecting the unique ecosystem of Puget Sound/the Salish Sea, as reflected in the Magnuson Amendment to the Marine Mammal Protection Act, 33 USC Sec. 476, and to protect human and environmental health, the County shall adopt County regulations and rules such that:

No officer, employee, or other official of Whatcom County shall issue, amend, renew, grant, or otherwise approve any easement, vacation of right-of-way, permit, license, or any authorization or entitlement of any kind under County authority that could be in conflict with the 33 USC Sec. 476.

The Whatcom County zoning code, development regulations, and SEPA policies shall reflect and implement this policy directive.

Policy 2CC-14: Without delaying implementation of the foregoing policy (2CC-13), the County shall undertake a study to be completed by December of 2017 to examine existing County laws, including those related to public health, safety, development, building, zoning, permitting, electrical, nuisance, and fire codes, and develop recommendations for legal ways the County can work to limit unrefined fossil fuel exports from the Cherry Point UGA above levels in existence as of July 5, 2016. The study shall review and analyze any legal advice freely submitted to the County by legal experts on behalf of a variety of stakeholder interests, and make that advice public as part of the study report.
• Based on the above study, develop proposed Comprehensive Plan amendments and associated code and rule amendments for Council consideration as soon as possible.

• Until the above mentioned amendments are implemented, the Prosecuting Attorney and/or the County Administration shall as soon as is practicable, and before any permissions are granted by the County, provide the County Council written notice of all known pre-application correspondence or permit application submittals and notices, federal, state, or local, that involve activity with the potential to expand the export of fossil fuels from Cherry Point.
Resolution relating to the Whatcom County Coordinated Water System Plan 2016 update.

**ATTACHMENTS:**
- Cover Memorandum
- Resolution
- Whatcom County Coordinated Water System Plan – Executive Summary

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

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

The Water Utility Coordinating Committee, composed of water purveyor and government representatives, approved the Coordinated Water System Plan (CWSP) on April 20, 2016. RCW 70.116.050(4) and (7) require the County Council to hold a public hearing to “insure that the plan is not inconsistent with land use plans, shoreline master programs and/or development policies” of the County. Following acceptance of the plan by the County Council, the CWSP will be submitted to the Washington Department of Health for approval per RCW 70.116.060.

**COMMITTEE ACTION:**

5/31/2016 Introduced
6/14/2016: Held in Council

**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  
      Honorable Members of the Whatcom County Council

THROUGH: Jon Hutchings, Director

FROM: Gary S. Stoyka, Natural Resources Program Manager

RE: Resolution Accepting the Coordinated Water System Plan 2016 Update

DATE: May 16, 2016

Requested Action
Enclosed is one original of a resolution to accept the Whatcom County Coordinated Water System Plan (CWSP) 2016 update and find the Plan to be not inconsistent with land use plans, shoreline master programs and/or development policies of the County. Public Works staff requests that Council approve this resolution.

Background and Purpose
The County Council commenced an update of the current 2000 Whatcom County Coordinated Water System Plan (CWSP) on September 30, 2014 by adoption of Resolution 2014-045. A CWSP is a plan for public water systems within a defined area that identifies the present and future needs of the systems and sets forth means of meeting those needs in the most efficient manner possible. The County Council established the planning area, called the Critical Water Supply Service Area (CWSSA), for the original CWSP effort in 1993, and retained the same area for the 2000 update, as well as for this update. The CWSSA includes all of Whatcom County west of the Mount Baker-Snoqualmie National Forest Boundary excluding certain portions of the Lummi and Nooksack Indian reservations.

This CWSP update was prepared under the direction of the Water Utility Coordinating Committee (WUCC). Per RCW 70.116.040, the WUCC included representatives of all individual water utilities located in the CWSSA with more than 50 connections that chose to participate, as well as representatives of the Washington State Department of Health (DOH), Whatcom County Health Department (WCHD), Whatcom County Planning & Development Services (PDS), Whatcom County Public Works (WCPW), and the Whatcom County Council. In addition, all water systems in the CWSSA and the Lummi Nation and Nooksack tribes were invited to participate on the WUCC as non-voting members. WUCC meetings were held from late 2014 through early 2016 to review the existing 2000 CWSP update, provide recommended changes that reflect the needs of the current water system community in the county, and provide guidance for the future. These actions were conducted with the primary objective of supporting the public drinking water supply needs of the County and achieving coordination between water services, the Growth Management Act (GMA), and the update of Whatcom County’s Comprehensive Plan.

This CWSP represents the collective views of the WUCC and integrates the documented views of other state and local governments. This document is officially known as the “Regional Supplement,”
and it and the approved individual water system plans (WSPs) comprise the CWSP. When integrated with the County's Comprehensive Plan, the CWSP presents a significant piece of the larger resource and growth management strategy for the County's future.

The WUCC unanimously approved the Whatcom County CWSP on April 20, 2016. The Planning and Development Services (PDS) Department subsequently conducted a State Environmental Policy Act (SEPA) and consistency review. PDS issued a determination of non-significance (DNS) and determined that the CWSP was not inconsistent with land use plans, shoreline master programs, and/or development policies of the County.

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

Encl.
RESOLUTION NO. __________

RELATING TO THE WHATCOM COUNTY COORDINATED WATER SYSTEM PLAN UPDATE

WHEREAS, State law (RCW 70.116.050(4) and (7)) requires the County Council to review the Coordinated Water System Plan and insure that it is "not inconsistent with the land use plans, shoreline master programs, and/or development policies" of the County and consider other factors; and

WHEREAS, the Water Utility Coordinating Committee, consisting of water purveyor and County government representatives, finalized the Coordinated Water System Plan Update in April of 2016 in accordance with RCW 70.116.050(2); and

WHEREAS, a determination of non-significance was issued pursuant to the State Environmental Policy Act; and

WHEREAS, the County Council held a public hearing and acted on the Coordinated Water System Plan within 60 days of receiving it, as required by RCW 70.116.050(7);

NOW, THEREFORE, BE IT RESOLVED that the Whatcom County Council hereby determines that the Coordinated Water System Plan Update is not inconsistent with the Whatcom County Comprehensive Plan and development regulations and satisfies RCW 70.116.050, subject to the following conditions:

1) Outside of Urban Growth Areas, as designated on the Whatcom County Comprehensive Plan map, City water service shall be provided consistent with planned densities as set forth in the Whatcom County Comprehensive Plan and Official Whatcom County Zoning Ordinance (Title 20).
2) A City's designation of a water service area that extends outside of an Urban Growth Area shall not be utilized as justification for later expanding the Urban Growth Area.

APPROVED this ____ day of __________, 2016.

ATTEST: ____________________________

Dana Brown-Davis, Clerk of the Council

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Barry Buchanan, Council Chair

APPROVED AS TO FORM:

______________________________
Daniel L. Gibson, Civil Deputy Prosecutor
Whatcom County
Coordinated Water System Plan Update

May 2016

Prepared For:

Whatcom County Council
Barbara Brenner
Rud Browne
Barry Buchanan, Council Chair
Todd Donovan
Ken Mann
Satpal Sidhu
Carl Weimer

Jack Louws, County Executive

Patrick Sorensen, Chair
Water Utility Coordinating Committee

Larry Helm, Vice-Chair
Water Utility Coordinating Committee

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425-951-5400
Certificate of Engineer

Whatcom County Coordinated Water System Plan Update 2016

The material and data contained in this plan were prepared under the direction and supervision of the undersigned, who is licensed to practice in the State of Washington and whose seal as a professional engineer is fixed below.

[Seal of Bret Eric Beauyair]

5/31/2016

[Seal of Michele R. Campbell]

5/31/2016
Acknowledgements

An undertaking of this magnitude is not possible without the efforts of numerous individuals and groups. This plan is a product of extensive input and a compilation of the recommendations of numerous special studies and related planning efforts.

Those of us at RH2 Engineering, Inc. would like to pay particular tribute to those agencies and individuals listed below.

- Patrick Sorensen, Chair, Water Utility Coordinating Committee  
- Larry Helm, Vice-Chair, Water Utility Coordinating Committee  
- Members of the Whatcom County Water Utility Coordinating Committee  
- Gary Stoyka, Whatcom County Public Works Department  
- John Wolpers, Whatcom County Health Department  
- Laurette Rasmussen, Whatcom County Health Department  
- Mark Personius, Whatcom County Planning and Development Services  
- Erin Osborn, Whatcom County Planning and Development Services  
- Wain Harrison, Whatcom County Deputy Fire Marshal  
- Richard Rodriguez, Washington State Department of Health  
- Jolyn Leslie, Washington State Department of Health  
- Water Resources Inventory Area 1 (WRIA 1) Watershed Planning Unit
DOH Approval Letter

Note: The final approval letter from DOH will be inserted here once the plan update is approved.
**Glossary of Acronyms and Terms**

The following acronyms and terms, with accompanying definitions, are included in this Coordinated Water System Plan. Additional definitions may be found in Chapter 246-290 Washington Administrative Code (WAC), Drinking Water Regulations of the State Board of Health, effective April 1999.

**Acronyms**

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Definition</th>
</tr>
</thead>
<tbody>
<tr>
<td>af</td>
<td>Acre feet (1 acre-foot equals 43,560 cubic feet or 32,585 gallons)</td>
</tr>
<tr>
<td>afy</td>
<td>Acre-feet per year</td>
</tr>
<tr>
<td>APWA</td>
<td>American Public Works Association</td>
</tr>
<tr>
<td>ARC</td>
<td>Appeals Resolution Committee</td>
</tr>
<tr>
<td>AWWA</td>
<td>American Water Works Association</td>
</tr>
<tr>
<td>BRB</td>
<td>Whatcom County Boundary Review Board</td>
</tr>
<tr>
<td>ccf</td>
<td>100 cubic feet (100 cubic feet is equal to approximately 748 gallons)</td>
</tr>
<tr>
<td>cfs</td>
<td>Cubic feet per second (1 cfs is equal to approximately 449 gallons per minute)</td>
</tr>
<tr>
<td>CIP</td>
<td>Capital Improvement Program</td>
</tr>
<tr>
<td>CT</td>
<td>Contact time</td>
</tr>
<tr>
<td>CWPP</td>
<td>County-wide Planning Policies</td>
</tr>
<tr>
<td>CWSP</td>
<td>Coordinated Water System Plan (Prepared pursuant to Chapter 70.116 Revised Code of Washington (RCW))</td>
</tr>
<tr>
<td>CWSSA</td>
<td>Critical Water Supply Service Area (Chapter 70.116 RCW and Chapter 246-293 WAC)</td>
</tr>
<tr>
<td>DOH</td>
<td>Washington State Department of Health</td>
</tr>
<tr>
<td>Ecology</td>
<td>Washington State Department of Ecology</td>
</tr>
<tr>
<td>EPA</td>
<td>United States Environmental Protection Agency</td>
</tr>
<tr>
<td>ERU</td>
<td>Equivalent Residential Unit</td>
</tr>
<tr>
<td>GIS</td>
<td>Geographic Information System</td>
</tr>
<tr>
<td>GMA</td>
<td>Growth Management Act</td>
</tr>
<tr>
<td>gpcd</td>
<td>Gallons per capita per day</td>
</tr>
<tr>
<td>gpd</td>
<td>Gallons per day</td>
</tr>
<tr>
<td>gpm</td>
<td>Gallons per minute</td>
</tr>
<tr>
<td>Acronym</td>
<td>Definition</td>
</tr>
<tr>
<td>---------</td>
<td>------------</td>
</tr>
<tr>
<td>GWI</td>
<td>Groundwater sources under the direct influence of surface water</td>
</tr>
<tr>
<td>IBC</td>
<td>International Building Code</td>
</tr>
<tr>
<td>IFC</td>
<td>International Fire Code</td>
</tr>
<tr>
<td>IWA</td>
<td>International Water Association</td>
</tr>
<tr>
<td>MCL</td>
<td>Maximum Contaminant Level</td>
</tr>
<tr>
<td>MGD</td>
<td>Million gallons per day (1 MGD = 3.0689 acre-feet of water per day)</td>
</tr>
<tr>
<td>MPA</td>
<td>Microscopic Particulate Analysis</td>
</tr>
<tr>
<td>NTNC/TNC</td>
<td>Non-transient Non-community/Transient Non-community</td>
</tr>
<tr>
<td>NRW</td>
<td>Non-revenue water</td>
</tr>
<tr>
<td>OFM</td>
<td>Washington State Office of Financial Management</td>
</tr>
<tr>
<td>PDS</td>
<td>Whatcom County Planning and Development Services</td>
</tr>
<tr>
<td>ppb</td>
<td>Parts per billion – a measurement of contaminant levels in water</td>
</tr>
<tr>
<td>psi</td>
<td>Pounds per square inch</td>
</tr>
<tr>
<td>PW</td>
<td>Whatcom County Public Works Department</td>
</tr>
<tr>
<td>RCW</td>
<td>Revised Code of Washington</td>
</tr>
<tr>
<td>SDWA</td>
<td>Safe Drinking Water Act</td>
</tr>
<tr>
<td>SEPA</td>
<td>State Environmental Policy Act</td>
</tr>
<tr>
<td>SMA</td>
<td>Satellite Management Agency</td>
</tr>
<tr>
<td>SMCL</td>
<td>Secondary Maximum Contaminant Level</td>
</tr>
<tr>
<td>SWAP</td>
<td>Source Water Assessment Program</td>
</tr>
<tr>
<td>SWSMP</td>
<td>Small Water System Management Plan</td>
</tr>
<tr>
<td>SWTR</td>
<td>Surface Water Treatment Rule</td>
</tr>
<tr>
<td>UGA</td>
<td>Urban Growth Area</td>
</tr>
<tr>
<td>ULID</td>
<td>Utility Local Improvement District</td>
</tr>
<tr>
<td>USGS</td>
<td>United States Geological Survey</td>
</tr>
<tr>
<td>USRP</td>
<td>Utility Service Review Procedure</td>
</tr>
<tr>
<td>WAC</td>
<td>Washington Administrative Code</td>
</tr>
<tr>
<td>WAF</td>
<td>Water Availability Form</td>
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<tr>
<td>WCC</td>
<td>Whatcom County Code</td>
</tr>
<tr>
<td>WCHD</td>
<td>Whatcom County Health Department</td>
</tr>
<tr>
<td>WID</td>
<td>Watershed Improvement District</td>
</tr>
<tr>
<td>WRIA</td>
<td>Water Resource Inventory Area</td>
</tr>
<tr>
<td>WSP</td>
<td>Water System Plan</td>
</tr>
</tbody>
</table>
Glossary of Acronyms and Terms

WUCC       Water Utility Coordinating Committee
WUE        Water Use Efficiency

Terms

Adjacent – Water lines are considered adjacent to a property when the water lines lie within either side of the right-of-way or easements directly abutting the property.

Appeals Resolution Committee (ARC) – A committee, consisting of the following:
- The Director of the Whatcom County Health Department or his/her designee
- The Director of Whatcom County Planning and Development Services or his/her designee
- The Director of Whatcom County Public Works or his/her designee
- A representative from one of the approved SMAs identified in Section 6.

The ARC is chaired by the representative of the Health Department for review and informal resolution of appeals regarding the conditions of water service outside of the retail service area.

Community Water System – Any Group A public water system providing service to 15 or more service connections used by year-round residents for 180 or more days within a calendar year, regardless of the number of people, or regularly serving at least 25 year-round (i.e., more than 180 days per year) residents.

Coordinated Water System Plan (CWSPlan) – Per RCW 70.116.030(1), a coordinated water system plan is:

A plan for public water systems within a critical water supply service area which identifies the present and future needs of the systems and sets forth means for meeting those needs in the most efficient manner possible. Such a plan shall include provisions for subsequently updating the plan. In areas where more than one water system exists, a coordinated plan may consist of either: (a) A new plan developed for the area following its designation as a critical water supply service area; or (b) a compilation of compatible water system plans existing at the time of such designation and containing such supplementary provisions as are necessary to satisfy the requirements of this chapter. Any such coordinated plan must include provisions regarding: Future service area designations; assessment of the feasibility of shared source, transmission, and storage facilities; emergency inter-ties; design standards; and other concerns related to the construction and operation of the water system facilities.

Coordination Act – Public Water System Coordination Act (Chapter 70.116 RCW).

Critical Water Supply Service Area (CWSSA) – Per RCW 70.116.030(2), a CWSSA is:

A geographical area which is characterized by a proliferation of small, inadequate water systems, or by water supply problems which threaten the present or future water quality or reliability of service in such a manner that efficient and orderly development may best be achieved through coordinated planning by the water utilities in the area.


**SECTION 0**

**Declaration of Water Utility Service Area** – A declaration signed by water utilities that identifies the service area that the water utility is willing and able to serve unless constraints do not enable the utility to do so. The service area may include existing, retail, wholesale, and future service areas.

**Designated Purveyor** – A water purveyor (utility) identified to provide water service to a given area. When willing to provide the service in a timely and reasonable manner, the designated purveyor is assigned an exclusive right to provide public water service to the area and is required to include the area within its approved Water System Plan.

**Duty to Serve** – A municipal water supplier, as defined in RCW 90.03.015, has a duty to provide retail water service within its retail service area if:

1. its service can be available in a timely and reasonable manner;
2. the municipal water supplier has sufficient water rights to provide the service;
3. the municipal water supplier has sufficient capacity to serve the water in a safe and reliable manner as determined by the department of health; and
4. it is consistent with the requirements of any comprehensive plans or development regulations adopted under chapter 36.70A RCW or any other applicable comprehensive plan, land use plan, or development regulation adopted by a city, town, or county for the service area and, for water service by the water utility of a city or town, with the utility service extension ordinances of the city or town (RCW 43.20.260).

**Equivalent Residential Unit (ERU)** – The amount of water typically used by a single-family residence.

**Exempt Well** – A well that is exempt from the water rights permitting process as established in RCW 90.44.050.

**Existing Service Area** – The specific area where a water system already provides direct service, remote service, or where service connections are currently available.

**Expanding Water Systems** – Per WAC 246-293-610(2), expanding water systems are: Those public water systems installing additions, extensions, changes, or alterations to their existing source, transmission, storage, or distribution facilities which will enable the system to increase in size its existing service area. New individual retail or direct service connections onto an existing distribution system shall not be considered an expansion of the public water system.

**Financial Viability** – The ability to obtain sufficient funds to develop, construct, operate, maintain, and manage a public water system in full compliance with local, state, and federal requirements on a continuous basis.

**Firefighting Water Use** – The use of water to contain, suppress, and extinguish a fire that is an immediate threat to persons or property. It also includes temporary use of water for drinking and sanitation by firefighting personnel as needed during the act of fire suppression and extinguishment. A water right is not required for this use.
Glossary of Acronyms and Terms

Fire Flow – The rate of water delivery needed for the sole purpose of fighting fires. For design purposes, the fire flow volume shall be in addition to the requirements of the water system for domestic demand, and a 20 pounds per square inch (psi) residual pressure should be maintained throughout the system under combined maximum demand flow conditions.

Fire Protection – A beneficial use of water associated with the ongoing use of water to reduce fire risks. It includes irrigating buffer areas, storing water for fire use, and supplying fire hydrants within developments. Fire protection water also includes the use of water within a firefighting facility for training firefighting personnel, and testing and maintaining firefighting equipment. A water right is required for such uses.

Franchise Area – Non-exclusive area in which a utility is permitted by the County to extend facilities within public rights-of-way. A franchise area is not equivalent to a service area.

Future Service Area – The specific area where a purveyor or utility plans to serve water.

Groundwater Sources under the Direct Influence of Surface Water (aka GWI) – Any water beneath the surface of the ground with:

1. Significant occurrence of insects or other macroorganisms, algae or large-diameter pathogens such as *Giardia lamblia*, or

2. Significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH which closely correlate to climatological or surface water conditions.

Under the direct influence of surface water means the groundwater source is located close enough to nearby surface water, such as a river or lake, to receive direct surface water recharge. Since a portion of the groundwater source’s recharge is from surface water, the groundwater source is considered at risk of contamination from pathogens such as *Giardia lamblia* and viruses, which are not normally found in true ground waters.

Sources most likely to be under the direct influence of surface water are:

- Infiltration galleries and Ranney wells located near surface waters;
- Poorly constructed spring source facilities; and
- Shallow wells located near surface waters.

Group A Water System – A system that serves 15 or more connections or 25 or more people per day for 60 or more days per year. Group A systems are divided into a series of subgroups as diagrammed in Exhibit 2-1. A full description of the classes of systems is contained in WAC 246-290-010.

Group B Water System – A system that serves less than 15 connections and less than 25 people per day or 25 or more people per day during fewer than 60 days per year.

(Note: As specified in the Joint Plan of Responsibilities (JPR) between the State Department of Health and Whatcom County Health Department, two party (shared) wells are exempt from the Group B requirements as allowed in WAC 246-291-005(3), Applicability, which states “The rules of this chapter do not apply to a Group B system that provides water to one or two service connections, except: (a) In a county in which a local board of health has adopted requirements for Group B systems with one or two service connections.” (See also WCC 24.11 Drinking Water.)
SECTION 0

Intertie – An interconnection between public water systems permitting the exchange or delivery of water between those systems (see WAC 246-290-010(141)).

Ordinarily, the use of an intertie is governed by a written agreement or contract between the utilities. A modification to water rights issued by Ecology may also be required, or may, in many cases, be accomplished via an amendment to the system’s WSP.

Land Use Designation – The land use(s) allowed in a geographical area by right or permit, as provided in the applicable comprehensive plan or zoning ordinance.

Level of Service – Operational features, such as pressure, flow, and reliability provided to the customer by the water system.

Municipal Corporation – Any city, town, county, water-sewer district, port district, public utility district, irrigation district, and any other municipal corporation, quasi-municipal corporation, or political subdivision of the state (RCW 70.315.020 – Water Purveyors – Fire Suppression Facilities).

Municipal Water Supplier – An entity that supplies water for municipal water supply purposes (RCW 90.03.015(3)).

Municipal Water Supply Purposes – Per RCW 90.03.015(4):

A beneficial use of water: (a) For residential purposes through fifteen or more residential service connections or for providing residential use of water for a nonresidential population that is, on average, at least twenty-five people for at least sixty days a year; (b) for governmental or governmental proprietary purposes by a city, town, public utility district, county, sewer district, or water district; or (c) indirectly for the purposes in (a) or (b) of this subsection through the delivery of treated or raw water to a public water system for such use. If water is beneficially used under a water right for the purposes listed in (a), (b), or (c) of this subsection, any other beneficial use of water under the right generally associated with the use of water within a municipality is also for "municipal water supply purposes," including, but not limited to, beneficial use for commercial, industrial, irrigation of parks and open spaces, institutional, landscaping, fire flow, water system maintenance and repair, or related purposes. If a governmental entity holds a water right that is for the purposes listed in (a), (b), or (c) of this subsection, its use of water or its delivery of water for any other beneficial use generally associated with the use of water within a municipality is also for "municipal water supply purposes," including, but not limited to, beneficial use for commercial, industrial, irrigation of parks and open spaces, institutional, landscaping, fire flow, water system maintenance and repair, or related purposes.

Nearby – For the purposes of determining access to public water supplies, “nearby” shall mean at a distance of 1/2 mile or less.

New Construction (as it relates to components of a public water system) – Any addition of supply, transmission, distribution, or storage facilities, either in a new water system or an expanding water system, which provides a capability to serve additional dwelling units or other buildings.
Glossary of Acronyms and Terms

Non-community Water System – A Group A public water system that is not a community water system. Non-community water systems are further defined as non-transient non-community and transient non-community.

Non-transient Non-community Water System – A Group A public water system that provides service opportunities to 25 or more of the same non-residential people for 180 or more days within a calendar year.

Private Water Supply – A water supply serving up to two single family residences or a commercial business for which the director has waived all public water system development and monitoring standards found in WAC 246-291-005 and 030. Private water supplies shall not be approved to serve a connection with a use listed under WCC 24.11.040(a) through (h).

Public Water System – All systems except those serving one single-family residence or four or fewer service connections on the same farm. As used in this document, the term is generally synonymous with “Purveyor” and “Utility.”

Purveyor – Any agency or subdivision of the state or any municipal corporation, firm, company, mutual or cooperative association, institution, partnership, or person or any other entity, that owns or operates for wholesale or retail service a public water system. It also means the authorized agents of any such entities. As used in this document, generally synonymous with “utility” and “public water system.”

Receiver – An entity appointed by the court to manage a water system. Generally, the court intends receivership to be temporary until a permanent solution for the water system is found.

Receivership – The process by which a receiver is appointed to temporarily manage a water system with the goal of bringing a failing public water system back into organizational and operational compliance.

Reclaimed Water – Water derived in any part from wastewater with a domestic wastewater component that has been adequately and reliably treated, so that it can be used for beneficial purposes. Reclaimed water is not considered a wastewater (RCW 90.46.010(15)).

Remote System – A public water system, located within the designated service area of a utility, which is detached from the primary facilities of the utility. A remote system has its own source of supply, unless it connects to the utility’s primary source and distribution facilities.

Retail Service Area – The specific area where a municipal water supplier has a duty to serve new service connections under certain conditions (see the Municipal Water Law – Duty to Provide Service Requirements fact sheet, DOH 331-366, for details).

Rural Levels of Service – Includes those public services and public facilities historically and typically delivered at an intensity usually found in rural areas, and may include domestic water systems, fire, and police protection services.

Satellite Management Agency (SMA) – An individual, purveyor, or entity that is approved by the secretary to own or operate more than one public water system on a regional or countywide basis, without the necessity for a physical connection between such systems (WAC 246-295-010).

Satellite Management and Operation Services – All day-to-day responsibilities of a water system. Management responsibilities shall include planning and policy decision making. Operational responsibilities shall include normal day-to-day operations, preventative maintenance,
SECTION 0

water quality monitoring, trouble-shooting, emergency response, response to complaints, public/press contact, and recordkeeping.

Secretary – The secretary of the Washington State Department of Health or the secretary’s authorized representative.

Service Area – A water system’s service area is the specific area or areas the system serves or plans to serve. This may include the:

- Existing service area;
- Retail service area (applies to municipal water suppliers only);
- Future service area; and
- Wholesale service area (where the system provides water to other public water systems).

The largest area identified on a map where a municipal water supplier currently provides direct service and remote service, and the area it plans to serve. The service area may include the existing service area, retail service area, and the future service area. The service area may also include where a water system provides wholesale water supply to other public water systems through an intertie. This area may represent a water right’s expanded place of use if the requirements of WAC 246-293-107 are met. Note: The service area and the water right place of use should be consistent with each other (i.e., the utility should have authority from a water rights perspective to serve water anywhere within its designated service area).

Boundaries are defined by agreements among adjacent utilities and are recorded on a set of maps on file with Whatcom County. Water service provided within designated service areas must be consistent with local land use plans.

Service Connection – A physical connection through which water may be delivered to a customer for discretionary use. Unless otherwise indicated, all such connections, whether currently in use or not, shall be considered as a service connection. The service connection defines the limit of the water utility's responsibility for system design and operation unless otherwise provided for in the water utility's condition of service policies.

Utility customers such as mobile home parks, planned unit developments, condominiums, apartment buildings, industrial/commercial sites, or other similar complexes are generally considered exterior to the water system. In such cases, the purveyor shall be required to meet design standards for water systems up to the point of service to the customer; and beyond that point, the applicable plumbing and building codes, fire codes, county health regulations, and local ordinances are deemed to be sufficient to protect the public health and to ensure adequate water service. These customers are not themselves considered herein as water purveyors unless specifically designated as such by DOH.

Timely and Reasonable – Because the Coordination Act and Municipal Water Law use different definitions of “timely” and because neither defines “reasonable,” the term “timely and reasonable” is defined as follows (in order of priority) for the Whatcom County CWSP:

1. As defined in the water utility’s approved water system plan.
2. If the water utility does not have a water system plan, the definition shall be as defined in the utility’s service policies and not inconsistent with the Coordination Act.
3. If the water utility does not have a water system plan or service policies or the water system plan or service policies do not provide a definition for timely and reasonable, the definitions shall be as follows:
   - Water service is considered timely when:
     - the water utility can provide service within 120 days of receiving all necessary permits to begin installation of required system improvements, if the utility is conducting system installation; or
     - the water utility can provide service within 120 days of the applicant installing all necessary system improvements; or
     - as otherwise agreed to between the applicant and utility.
   - Water service is considered reasonable if costs and conditions of service are consistent with the utility’s acknowledged standard practice experienced by other applicants requesting similar service.

**Transient Non-community Water System** – A Group A public water system that serves:
   (a) Twenty-five or more different people each day for 60 or more days within a calendar year; or
   (b) Twenty-five or more of the same people each day for 60 or more days, but less than 180 days within the calendar year.

**Urban Growth Area (UGA)** – The Growth Management Act requires that participating counties designate a boundary that includes cities and other areas characterized by urban growth, or adjacent to such areas that are planned to accommodate future urban growth. Growth occurring outside the boundary cannot be urban in nature. A final UGA is determined and included in the completed comprehensive plan of each city and the county. As comprehensive plans are updated, the criteria for designation and placement of these boundaries are guided by the GMA and county-wide planning policies.

**Urban Levels of Service** – Includes those public services and public facilities historically and typically delivered at an intensity usually found in urban areas, and typically includes domestic water systems, fire, and police protection services.


**Utility Service Review Procedure** – An administrative procedure established under local agency jurisdiction to identify the water purveyor best able to serve an area where new public water service is requested.

**Water Availability** – Water is considered available when an applicant for a project requiring potable water has access to an adequate supply of safe drinking water which meets the intent of the Growth Management Act of 1990, as amended, and other requirements for the provision of a safe and adequate water supply (WCC 24.11).

**Water Availability Form** – The Water Availability Form (WAF) required by PDS, and reviewed by WCHD, as part of a building permit application to show that the applicant has access to an adequate supply of safe drinking water which meets the intent of the Growth Management Act of 1990, as amended, and other requirements for the provision of a safe and adequate water supply.

**Water Resource Inventory Area (WRIA)** – An administrative and planning boundary established by the Washington State Department of Ecology. Washington State is divided into...
SECTION 0

62 WRIs. WRIA 1 is the Nooksack Watershed and certain adjacent drainages (WAC 173-500-040).

Water System Plan – A written plan prepared for a particular water system and service area. Also known as a Comprehensive Water System Plan. Details of Water System Plan requirements can be found in WAC 246-290-100.

Water Utility – See “Public Water System” and “Purveyor” definitions.
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Executive Summary
Executive Summary

This Coordinated Water System Plan (CWSP) is a plan for public water systems within the Critical Water Supply Service Area (CWSSA) that was established by the Whatcom County Council to include all of Whatcom County (County) west of the Mount Baker-Snoqualmie National Forest boundary, excluding certain portions of the Lummi and Nooksack Indian reservations (Figure 1-1).

This CWSP update was prepared under the direction of the Water Utility Coordinating Committee (WUCC), which was established pursuant to the Public Water System Coordination Act of 1977 (Coordination Act; Chapter 70.116 Revised Code of Washington (RCW)). This CWSP represents the collective views of the WUCC and integrates the documented views of other state and local governments. This document, officially known as the “Regional Supplement,” and the individual water system plans (WSPs) approved by the Washington State Department of Health (DOH), comprise the CWSP. When integrated with the County’s GMA Comprehensive Plan, the CWSP presents a significant piece of the larger resource and growth management strategy for the County’s future.

The County’s 2016 GMA Comprehensive Plan Update anticipates that more than 80 percent of new growth over the next 20 years will be accommodated within cities and Urban Growth Areas (UGAs), with the remainder in rural areas. However, public water service and systems can either be urban or rural as defined in RCW 36.70A.030 (17:20). Water supply and service policies in this CWSP are designed to support the Growth Management Act (GMA) and local land use policies by projecting population and employment growth capacities for the existing municipal and non-government (Group A) water suppliers (comprising both UGAs and non-UGAs). These population growth capacities (i.e., maximum potential demand) are then compared with their respective water rights (supply) and DOH-approved system connection capacities. Cumulatively, there are sufficient water rights available to meet all current and projected needs for the next 50 years. Most utilities have sufficient individual water rights to meet their current demand and their projected full build out demand. The WUCC recommends several measures, such as new water lines and interties, that individual water utilities with inadequate water rights should implement to provide legal and secure supply of water to areas requiring additional water to support future growth and development.

Water utilities are given exclusive right to provide service in their designated service areas. The Coordination Act mostly addresses service in a utility’s future service area. Under the Municipal Water Law, a water utility has a duty to serve within their retail service area providing certain conditions are met. Water systems are required to identify their service areas by submitting a Declaration of Water Utility Service Areas to the Whatcom County Health Department (WCHD). Any changes to a utility’s service area must be reported to WCHD on the appropriate form. Service areas are shown on the official CWSP map. Service area overlaps may occur and do not necessarily present a conflict. This CWSP includes minimum design standards for water systems within the CWSSA. In most cases, the minimum design standards apply only to new or expanding water systems, although existing water systems are encouraged to meet these standards to support the provision of safe, reliable, and high-quality drinking water throughout the CWSSA, including the provision of adequate fire flow. This CWSP also includes updated fire protection and hydrant placement requirements.
Executive Summary

When a water system fails to provide safe and reliable water, the DOH uses a variety of tools to bring it back into compliance. As a last resort, if the system fails to correct problems, the Secretary of Health or the local health officer may file a petition with the Whatcom County Superior Court. The Court, in turn, may appoint a receiver who is willing and able to operate the water system. Receivership is not a final action, but is a process to bring failing public water systems back into organizational and operational compliance.

This CWSP presents administrative procedures for directing applicants with development proposals that require potable water service in the unincorporated portion of the CWSSA to the most appropriate source of water. These procedures are intended to guide local officials, citizens, development applicants, and regulatory agencies in identifying the necessary facilities for providing adequate potable water service and may, in some cases, involve management and operation by an approved Satellite Management Agency.

This CWSP also presents issues with potential implications for public water systems in Whatcom County. These issues include the Lummi Peninsula groundwater settlement, tribal water rights claims, recent changes to water rights laws, financial viability of small systems, water quality problems, data management and lack of water quality and quantity data, lack of joint facilities and interties, water use efficiency, and potential use of reclaimed water.

An appeal procedure is provided for applicants to resolve disputes regarding certain conditions of service issues. Appeals must be filed with the Hearing Examiner. Whatcom County also offers a voluntary appeals process that parties may decide to use to see if the dispute can be resolved without the expense of a formal appeal.

The CWSP includes a list of new implementation actions resulting from this latest update and continuing implementation actions that require continued attention.
Section 1 – Introduction
Section 1 – Introduction

1.0 Introduction

A Coordinated Water System Plan (CWSP) is a plan for public water systems within a defined area that identifies the present and future needs of the systems and sets forth means of meeting those needs in the most efficient manner possible. The Whatcom County Council established the planning area, called the Critical Water Supply Service Area (CWSSA), for the original CWSP effort in 1993, and retained the same area for the 2000 update, as well as for this update. The CWSSA includes all of Whatcom County west of the Mount Baker-Snoqualmie National Forest Boundary excluding certain portions of the Lummi and Nooksack Indian reservations (Figure 1-1).

This CWSP update was prepared under the direction of the Water Utility Coordinating Committee (WUCC). Per Revised Code of Washington (RCW) 70.116.040 (The Public Water System Coordination Act of 1977, hereafter referred to as the Coordination Act), the WUCC included representatives of all individual water utilities located in the CWSSA with more than 50 connections that chose to participate, as well as representatives of the Washington State Department of Health (DOH), Whatcom County Health Department (WCHD), Whatcom County Planning & Development Services (PDS), Whatcom County Public Works (WCPW), and the Whatcom County Council. In addition, all water systems in the CWSSA and the Lummi Nation and Nooksack tribes were invited to participate on the WUCC as non-voting members. WUCC meetings were held from late 2014 through early 2016 to review the existing 2000 CWSP, provide recommended changes that reflect the needs of the current water system community in the county, and provide guidance for the future. These actions were conducted with the primary objective of supporting the public drinking water supply needs of the county and achieving coordination between water services, the Growth Management Act (GMA), and the update of Whatcom County’s Comprehensive Plan.

This CWSP represents the collective views of the WUCC and integrates the documented views of other state and local governments. This document is officially known as the “Regional Supplement,” and it and the approved individual water system plans (WSPs) comprise the CWSP. When integrated with the County’s Comprehensive Plan, the CWSP presents a significant piece of the larger resource and growth management strategy for the County’s future.

Preparation of the CWSP update has been in accordance with the contract between Whatcom County and RH2 Engineering, Inc., dated October 1, 2014. Close coordination was maintained with the DOH during the CWSP preparation to conform to the requirements of the Coordination Act. This CWSP was approved by the WUCC, and PDS has determined that it is not inconsistent with County land use plans, shoreline master programs, and/or County developmental policies and regulations. [Note: This sentence will be included in the final Introduction assuming these steps all occur as anticipated. Once accepted by the Whatcom County Council, this CWSP will be submitted to DOH for final approval.]

This CWSP includes the following sections:

Glossary of Acronyms and Terms

Executive Summary
SECTION 1

Section 1 – Introduction

Section 2 – The Coordinated Water System Process – This section provides an overview of the process, the history of the CWSP in Whatcom County, Whatcom County Council resolution providing direction to the CWSP update, and the WUCC membership.

Section 3 – Population, Water Demand, and Existing Water Systems – This section provides population projections consistent with the County’s Comprehensive Plan update and water demand forecasts, and compares water demand forecasts to water rights capacity to identify water systems with adequate and inadequate water supplies.

Section 4 – Water Supply Service Areas – This section provides a general discussion of existing, future, retail, and wholesale service areas and the significance of each in terms of rights and responsibilities of the water system, municipal water system commitments, service area declarations, service area appeals and appeal resolution, and the process to amend service area boundaries.

Section 5 – Minimum Design Standards – This section establishes the minimum design standards for new or expanding water systems in the CWSSA, including standards related to fire hydrants, and fire flow requirements linked to zoning classifications.

Section 6 – Utility Service Review Procedures – This section describes the administrative review procedures for applicants with development proposals requiring potable water service in a variety of scenarios, such as: service within an existing retail service area; within a designated future service area; and within relinquished or non-designated service areas. This section also describes procedures for approval of new public water systems and private water supplies, describes a voluntary appeal resolution process, and satellite management within the CWSSA.

Section 7 – Receivership of Failing Systems – This section discusses receivership as an option of last resort for a failing public water system and clarifies the obligations that remain with a public water system even as it makes use of the receivership process.

Section 8 – Issues with Potential Implications for Public Water Systems in Whatcom County – The CWSP process encourages regional solutions to water supply issues. This section briefly identifies a number of water resource related issues to provide context for the public water system coordination efforts identified and established in the CWSP update.

Section 9 – Plan Implementation – This section identifies recommended steps to be taken by the County, public water systems, and others to implement this CWSP and provides an appeals process.

Throughout this CWSP, the words “must,” “will,” “shall,” or “required” are used when practices are required by rule or statute, sufficiently standardized to permit specific delineation of requirements, or where safeguarding the public health justifies definitive criteria or action (and is legally allowable to do so). Where requirements are spelled out in statutes or rules, an attempt has been made to cite the relevant source of the statements.

The words “should” or “recommend” indicate procedures, criteria, or methods that are not required and can be approached with some degree of flexibility. In such cases, water managers may need to explain the basis of the altered approach or, in some cases, why another approach may be more applicable. Unless specifically noted, the WUCC has determined this flexibility should be retained and the related recommendations should not be codified.
Introduction

In cases where the WUCC has determined that certain actions, standards, or procedures are sufficiently important to warrant adoption into the Whatcom County Code, this has been noted in the CWSP, and those changes are specifically identified in Section 9, where the WUCC recommends the County Council amend the existing code to implement the recommendations of the WUCC.
Section 2 – Coordinated Water System Plan Process
Section 2 – Coordinated Water System Plan Process

2.0 Introduction

The Public Water System Coordination Act (Coordination Act), enacted in 1977, modified in 1991 and 1995, and codified as Chapter 70.116 Revised Code of Washington (RCW), establishes a procedure for the state's water utilities to coordinate their planning and construction programs with adjacent water utilities and other local government activities, including planning under the Growth Management Act (GMA). The Coordination Act provides authority to the county for identifying a critical water supply service area (CWSSA) in a given area “where water supply problems related to uncoordinated planning, inadequate water quality or unreliable water service appear to exist.” The Whatcom County Council established its CWSSA for the original Coordinated Water System Plan (CWSP) effort in 1993, and retained the same area for the 2000 and 2016 updates. This area includes “all lands west of the National Forest Boundary excluding certain portions of the Lummi and Nooksack Indian reservations,” (Whatcom County Council Resolution No. 2014-045).\(^1\)

This update to the CWSP has been completed in accordance with the Coordination Act and is composed of a regional supplement (this document), and a compilation of individual water system plans (WSPs). These individual WSPs have been developed in accordance with Washington Administrative Code (WAC) 246-290-100, and are subject to approval by the Washington State Department of Health (DOH). Water system plans demonstrate a water system’s “operational, technical, managerial, and financial capability to achieve and maintain compliance with relevant local, state, and federal plans and regulations, and must also demonstrate how the water system will address present and future needs in a manner consistent with other relevant plans and local, state, and federal laws, including applicable land use plans.”

The Coordination Act authorizes DOH and the county’s legislative authority to convene a Water Utility Coordinating Committee (WUCC) which is comprised of: water utilities in the area serving more than 50 customers; the county legislative authority; county planning agency; and health agencies. The WUCC advises as to the geographic extent of the area defined as the CWSSA, and plays a major role in the development of the CWSP that serves to guide orderly and efficient delivery of potable water to water dependent users in the region.

Preparation of the regional supplement is the responsibility of a WUCC. In addition to the statutory members of the WUCC listed above, Whatcom County invited representatives of all public water systems in the CWSSA to attend the WUCC meetings as were representatives of DOH, the Washington State Department of Ecology (Ecology), the Lummi Nation, and the Nooksack Tribe to broaden the range of perspectives in developing the CWSP update. A schematic outlining the comparison of Groups A and B and municipal purpose water systems is provided in Table 2-1.

\(^1\) Whatcom County Government’s web site provides access to its ordinances and resolutions at the following link: http://www.whatcomcounty.us/1414/Legislation Note: For purposes of uniform archiving and retrieval, Whatcom County now uses a standardized numbering system to file resolutions and ordinance that may be different than the original, e.g. Resolution No. 90-73 as adopted is now filed as Resolution No. 1990-073.
### Table 2-1
**Chapter 246-290 WAC – Public Water System Definition**

<table>
<thead>
<tr>
<th>Public Water Systems</th>
</tr>
</thead>
<tbody>
<tr>
<td>All systems except those serving only one single family residence or four or fewer service connections on the same farm.</td>
</tr>
</tbody>
</table>

#### Group A
- System that regularly serves:
  - 15 or more service connections
  - OR
  - 25 or more people/day for 60 or more days/yr.

#### Group B
- System that serves:
  - Less than 15 service connections
  - AND
  - Less than 25 people/day
  - OR
  - 25 or more people/day during fewer than 60 days/yr.

#### Community
- System that regularly serves 15 or more year-round service connections, or 25 or more year-round residents (for 180 or more days/yr).

#### Non-Community
- Any system that is not a community system

#### Non-Transient (NTNC)
- System that serves 25 or more of the same people/day for 180 or more days/yr.

#### Transient (TNC)
- System that serves:
  - 25 or more different people/day during 60 or more days/yr.
  - OR
  - 25 or more of the same people/day for less than 180 days/yr and during 60 or more days/yr.
  - OR
  - 1,000 or more people for two, or more, consecutive days.

In addition, the County will review the CWSP and identify any inconsistencies with the existing Whatcom County Code (WCC) 24.11) and, where inconsistencies are found, will either modify the CWSP to eliminate the inconsistency or will identify the inconsistency and include a recommendation to modify the code where the WUCC has deemed such modifications to be desirable as part of the implementation section (Section 9).

Once the CWSP update has been developed by the WUCC, the Coordination Act requires that the CWSP update be submitted to the County Council for concurrence that the document is not inconsistent with local planning policies and requirements. The County Council is also required to hold at least one public hearing on the update. The CWSP is subsequently submitted to the DOH for approval.
Coordinated Water System Plan Process

More than 80 percent of Whatcom County’s 208,000 residents obtain their drinking water from public water systems subject to this CWSP. The remaining population obtains their potable water from private water systems and are not subject to this CWSP.

This CWSP provides updated processes and strategies for Whatcom County water utilities to define their role in the program consistent with adopted land use policies and the County’s projected 20-year population and employment growth strategy identified in the 2016 GMA Comprehensive Plan Update. The CWSP update represents the collective views of the WUCC and, although it is not the total and final water resource management plan for the County, it is a significant piece of the larger water resource and growth management strategy for the County. Existing municipal and non-governmental water suppliers (serving both urban and rural areas) are expected to provide water service to more than 90 percent of the new growth projected over the next 20 years.

In preparing this 2016 CWSP update, a major goal was to achieve coordination between public water service and the County’s 2016 GMA Comprehensive Plan Update. Among many of the GMA’s provisions is the creation of urban growth areas (UGAs) within which urban densities and utility services are allowed. Outside the UGA, rural densities are specified. The County’s 2016 GMA Comprehensive Plan Update anticipates that more than 80 percent of new growth over the next 20 years will be accommodated within cities and UGAs, with the remainder in rural areas. However, public water service and systems can either be urban or rural as defined in RCW 36.70A.030(17:20). Therefore, much effort was spent reviewing and revising water supply and service policies that support GMA and local land use policies. Key to this effort was projecting population and employment growth capacities for all the existing municipal and non-governmental (Group A) water suppliers (comprising both UGAs and non-UGAs), and comparing those population growth capacities (i.e., maximum potential demand) with their respective Ecology-approved water rights (supply) and DOH-approved system connection capacities. This coordination effort is highlighted in Section 3.

Chapter 36.93 RCW established boundary review boards and identified their roles and authorities and includes Boundary Review Board (BRB) responsibilities in the extension of water and sewer service outside of existing service areas by a city, town, or special purpose district. These revisions were incorporated into Utility Service Review Procedures developed for the CWSP.

RCW 70.116.050(4) lists several requirements for Coordinated Water System Plans:

To insure that the plan incorporates the proper designs to protect public health, the secretary shall adopt regulations pursuant to chapter 34.05 RCW concerning the scope and content of coordinated water system plans, and shall ensure, as minimum requirements, that such plans:

(a) Are reviewed by the appropriate local governmental agency to insure that the plan is not inconsistent with the land use plans, shoreline master programs, and/or developmental policies of the general purpose local government or governments whose jurisdiction the water system plan affects. (The 2016 CWSP has been reviewed by Whatcom County Planning and Development Services (PDS) and Whatcom County Health Department (WCHD) for consistency.)
(b) Recognize all water resource plans, water quality plans, and water pollution control plans which have been adopted by units of local, regional, and state government. (The 2016 CWSP has been reviewed by PDS, WCHD, and WPW for consistency and the plan has been shared with, and reviewed by, the WRFA 1 Planning Unit. In addition, the CWSP identifies a number of issues with potential implications for water users in Whatcom County but defers to other planning efforts for the discussion and resolution of those issues (Sections 2 and 9).

(c) Incorporate the fire protection standards developed pursuant to RCW 70.116.080 (Section 5).

(d) Identify the future service area boundaries of the public water system or systems included in the plan within the critical water supply service area (Section 2).

(e) Identify feasible emergency inter-ties between adjacent purveyors.

(f) Include satellite system management requirements consistent with RCW 70.116.134 (Section 5).

(g) Include policies and procedures that generally address failing water systems for which counties may become responsible under RCW 43.70.195 (Sections 5 and 6).

For the purpose of this CWSP, Whatcom County (County) has committed to review the following plans to ensure that the CSWP update is not inconsistent with those plans:

- Whatcom County Comprehensive Plan (including land use plans and adopted subarea plans, as applicable);
- Whatcom County Shoreline Master Plan;
- WRFA 1 Watershed Management Plan;
- 2005 WRFA 1 Salmon Recovery Plan; and
- Total Maximum Daily Load studies (TMDLs).

It should also be noted that Chapter 246-290 WAC, which is a regulation governing Group A public water systems, was updated several times subsequent to the 2000 CWSP update. This CWSP update has incorporated these changes and is consistent with the current content and requirements of Chapter 246-290 WAC.

The CWSP is also required to be consistent with other related planning documents.

### 2.1 CWSP History in Whatcom County

This CWSP update represents the third generation of CWSP efforts conducted by Whatcom County (County) since the early 1990s. Table 2-2 outlines the chronology of efforts to develop and approve a CWSP for Whatcom County. The County’s original CWSP, completed in 1993, complemented other ongoing County activities to establish a cohesive strategy addressing water and land use issues throughout the CWSSA. Key issues at that time targeted the creation of procedures to define service areas and service responsibilities, eliminate the proliferation of poorly
Coordinated Water System Plan Process

managed water systems, establish minimum design standards, conduct inventories of system
capabilities and water rights, and address regional water resources issues.

The 1993 CWSP was submitted by the WUCC and accepted unanimously by the County Council.
However, after submitting the CWSP to DOH, disputes arose with the Lummi Nation regarding
how water resource issues on tribal lands were being addressed by the State and presented in the
CWSP. In January 1995, the issue was directed by the Lummi Nation to the Governor's office for
intervention. In March 1995, DOH notified the County that the CWSP could not be approved until
issues with the tribe were satisfactorily resolved. Consequently, DOH never formally approved the
1993 CWSP although the County's Comprehensive Plan was prepared during this same period and
was adopted in May of 1997.

In 2000, Whatcom County prepared an update of the 1993 CWSP. The Whatcom County Council
determined that the update was "not inconsistent with the land use plans, shoreline master
programs and/or development policies" of the County and the update was approved by the DOH.

Since its approval in 2000, the CWSP has been implemented with limited success. The CWSP is
referenced in the County's Comprehensive Land Use Plan land use policies as a guiding document
to address coordination of the provision of water service to UGAs. The CWSP map, a living
document subject to ongoing revision, directs applicants seeking water supply to the most likely
public water system available. The CWSP utility service review procedure has served to help
coordinate review on land development proposals (including building permits and land division),
ensuring water availability prior to issuance of project development permits. The 2000 update
identified the WUCC as a key first step in the resolution of disputes related to conflicts between
water customers and water utilities. However, the WUCC, although never formally disbanded, did
not continue to meet, with the result that the dispute resolution process envisioned in the update
did not come to fruition. In 2015, the WUCC developed a new dispute resolution process that is
detailed in this document.
### Table 2-2
Chronology of Whatcom County CWSP Effort

<table>
<thead>
<tr>
<th>Date</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>November 1, 1990</td>
<td>The Whatcom County Council adopted a resolution establishing a Critical Water Supply Service Area (CWSSA) for the purpose of initiating the development of a Coordinated Water System Plan.</td>
</tr>
<tr>
<td>June 22, 1993</td>
<td>Whatcom County Council voted unanimously to adopt the CWSP.</td>
</tr>
<tr>
<td>August 2, 1994</td>
<td>Lummi Nation protests County’s SEPA determination of non-significance (DNS) due to dispute over tribal water right claims and jurisdiction on reservation.</td>
</tr>
<tr>
<td>May 20, 1997</td>
<td>Whatcom County Comprehensive Plan (GMA) approved by the County Council, but appeals filed. CWSP remains unapproved by DOH due to ongoing Lummi negotiations and current invalidation status of the Whatcom County Comprehensive Plan (GMA).</td>
</tr>
<tr>
<td>January 30, 1998</td>
<td>Whatcom County submits scope of work to DOH and requests funding to update the 1993 CWSP.</td>
</tr>
<tr>
<td>October 28, 1998</td>
<td>Whatcom County begins update of the unapproved 1993 CWSP.</td>
</tr>
<tr>
<td>August 7, 2000</td>
<td>DOH approves the 2000 update of the CWSP for Whatcom County.</td>
</tr>
<tr>
<td>August 1, 2014</td>
<td>Whatcom County commences update of the approved 2000 CWSP document.</td>
</tr>
<tr>
<td>September 30, 2014</td>
<td>Whatcom County Council approves resolution 2014-045, commencing the Coordinated Water System Plan Update Process, re-establishing the CWSSA with the same boundaries as before, and identifying several specific issues to be addressed.</td>
</tr>
<tr>
<td>November 5, 2014</td>
<td>The first meeting of the WUCC is convened to begin the CWSP update process. RH2 file sharing site established for posting of material for WUCC review.</td>
</tr>
<tr>
<td>December 17, 2014</td>
<td>WRIA 1 Planning Unit briefed on the scope and schedule of the CWSP update project.</td>
</tr>
<tr>
<td>January 21, 2015</td>
<td>WUCC meeting. Chair and Vice-Chair selected. Draft of updated service area map reviewed and discussed. Standards/Fire Flow subcommittee initiated. County to assemble a group to discuss utility service review procedures.</td>
</tr>
<tr>
<td>February 18, 2015</td>
<td>The water rights appendix was provided to the WUCC for review and comment. Standards/Fire Flow working group was established.</td>
</tr>
<tr>
<td>February 23, 2015</td>
<td>The Utility Service Review Procedures (USRP) working group met for the first time.</td>
</tr>
<tr>
<td>February 25, 2015</td>
<td>Design Standards/Fire Flow working group met for the first time.</td>
</tr>
<tr>
<td>March 13, 2015</td>
<td>Design Standards/Fire Flow and USRP working groups meet.</td>
</tr>
<tr>
<td>April 15, 2015</td>
<td>The updated water rights appendix was presented to the WUCC, the updated service area map was presented, and the WUCC was updated on the work of the USRP group and the Design Standards/Fire Flow working group, which includes a representative from the County Fire Marshal’s Office.</td>
</tr>
<tr>
<td>April 21, 2015</td>
<td>Design Standards/Fire Flow and USRP working groups meet.</td>
</tr>
<tr>
<td>May 20, 2015</td>
<td>WUCC voted to approve the section on Receivership of Failing Systems. Section 8, Issues with Potential Implications for Public Water Systems in Whatcom County, was discussed. WUCC was updated on the work of the USRP and Design Standards/Fire Flow working groups. The WUCC was briefed on the water demand table and accompanying map. Design Standards/Fire Flow and USRP working groups meet.</td>
</tr>
<tr>
<td>June 10, 2015</td>
<td>Design Standards/Fire Flow and USRP working groups meet.</td>
</tr>
<tr>
<td>June 25, 2015</td>
<td>USRP working group meets.</td>
</tr>
<tr>
<td>July 30, 2015</td>
<td>USRP working group meets.</td>
</tr>
<tr>
<td>August 19, 2015</td>
<td>Section 0, Glossary of Acronyms and Terms, was approved by the WUCC. Section 2, the CWSP Process was approved by the WUCC. Section 8, Issues with Potential Implications for Public Water Systems in Whatcom County, was approved by the WUCC.</td>
</tr>
<tr>
<td>October 21, 2015</td>
<td>Section 5, Minimum Design Standards, was approved by the WUCC. The WUCC was updated on the status of the USRP section revisions. Section 9, Plan Implementation, was discussed with the WUCC.</td>
</tr>
<tr>
<td>December 16, 2015</td>
<td>Section 3, Population, Water Demand, and Existing Systems, was approved by the WUCC. Section 4, Water Utility Service Areas was approved by the WUCC. Section 6, Water Utility Service Areas was approved by the WUCC.</td>
</tr>
<tr>
<td>February 17, 2016</td>
<td>Section 1, Introduction and Section 9, Plan Implementation were approved by the WUCC.</td>
</tr>
<tr>
<td>April 20, 2016</td>
<td>The WUCC approved the final update of the CWSP Regional Supplementation document for submittal to the Whatcom County Council.</td>
</tr>
</tbody>
</table>
2.2 CWSP Update Preparation

The Coordination Act provides that updates or revisions to coordinated water system plans may be initiated by the county legislative authority at any time [RCW 70.116.060(6)]. During the 15 years following approval of the County’s CWSP, changing conditions in regards to water resource, water supply, and land use planning all suggested that a review and update of the CWSP would benefit the County.

On September 30, 2014, the Whatcom County Council approved Whatcom County Resolution No. 2014-045, and by this action initiated an update to the County’s 2000 CWSP. This resolution re-confirmed the boundaries of the CWSSA established under Resolution No. 91-075, which includes all lands in the county west of the National Forest boundary, excluding certain tribal lands on the Nooksack and Lummi Indian reservations.

Whatcom County’s Resolution 2014-045, initiating the CWSP update, identifies the following areas for review:

1. Water demand forecasting consistent with the 2016 update of the County’s Comprehensive Plan (Section 3);
2. A review of minimum design standards for water systems, including emergency interties and fire flow requirements (Section 5);
3. A review of service area boundary designations and identification of contested service areas (Sections 3 and 4);
4. A review of the utility service review procedure (Section 6);
5. A review of policies regarding satellite management agencies (Section 6);
6. A review of water quality issues, but not necessarily limited to, nitrate contamination issues (Section 8);
7. Terms of the Lummi Peninsula groundwater settlement agreement (Section 8);
8. Incorporation of provisions of the state Municipal Water Law of 2003, including water use efficiency measures (Section 8); and
9. Coordination, identification, and provision for specific links with other water resource management efforts, including but not necessarily limited to the WRIA 1 Watershed Management Project, in order to ensure efficient use of time and funding, and consistency of use of parameters such as per capita water use rates, and to avoid overlap and duplication of effort (Sections 2 and 9).

The Whatcom County Council chose, in September 2014, to begin this update of the CWSP for a number of reasons, one being that the timing presented an opportunity to coordinate water supply planning with GMA requirements for periodic review and update of Whatcom County’s Comprehensive Land Use Plan, scheduled for completion in 2016.

This update recognizes all water resource plans, water quality plans, and water pollution control plans which have been adopted by units of local, regional, and state government. Special emphasis is given to the County’s Watershed Resource Inventory Area 1 (WRIA 1) Watershed Management Plan Phase I, adopted in 2005, because an update to the CWSP is listed as a task in one of its implementing strategies. One of the implementing strategies of this plan, adopted in 2010, includes what is commonly known as the “Lower Nooksack Strategy.” The 2010 Lower Nooksack Strategy, Objective 3, Task 3 specifically calls for an update to Whatcom County’s Coordinated Water
SECTION 2

System Plan “...to be used as the basis for furthering the completion of a comprehensive water supply plan...”

The County Council further resolved to seek input from the WRIA 1 Planning Unit at the outset of the update process. A final draft of the updated CWSP will be submitted to the WRIA 1 Planning Unit prior to its approval by the County Council.

DOH also requested that special emphasis during this update be centered on revising the appeals process, updating the utility service review procedures (USRP), and coordinating with the Lummi Nation to accurately reflect details of the settlement agreement for the Lummi Peninsula area of the Lummi Reservation.

Whatcom County authorized RH2 Engineering, Inc., (RH2) to begin work to update the CWSP on October 1, 2014.

In addition, the 2016 update, like the 2000 CWSP Update, is intended to reaffirm the benefit and successes of the coordination process and addresses a broad portion of the County to include areas experiencing, or expected to experience, increased growth and water demands. As with the previous versions of the CWSP, the intent is to facilitate the coordinated provision of water service and provide a structured approach to this element of water resource management throughout the County in a manner consistent with local land use policies and regulations.

Mr. Patrick Sorensen of the Lake Whatcom Water and Sewer District and Mr. Larry Helm of the Y-Squalicum Water Association were selected by the WUCC as chair and vice chair, respectively. Decisions requiring a vote of WUCC members were decided by a majority of the voting members present, as required by statute.

Table 2-3 lists those systems eligible and invited to participate on the WUCC and whether the system has a current Declaration of Water Utility Service Area on file with the County. Table 2-3 serves a number of purposes, including the following:

- Identifies for each utility its compliance with submitting a declaration, and the planning requirements of the CWSP;
- Assists the County and DOH in their review of the CWSP for consistency with County policies and state statutes and regulations; and
- Directs County and DOH attention to those utilities that must satisfy basic CWSP planning requirements before system improvement and/or expansion of service takes place.

Declaration of Water Utility Service Area

To ensure a high degree of CWSP compliance, the WUCC maintains that:

- All water utilities who have not done so, should immediately complete and file a declaration and associated service area map with the County; and
- Failure to have a declaration and an approved and current WSP on file with Whatcom County Planning and Development Services (PDS) and DOH may result in delays of approvals for proposed system expansions. As WSPs are reviewed by the County for consistency with land use plans and receive DOH approval, they will be administratively included within the adopted CWSP.
Due to the importance of tracking the status of these utilities, the PDS will be responsible for updating the service area maps and Table 2-3. The GIS files used to develop the base map and all service areas are available at the County for this purpose. Any changes to service areas boundaries will follow the procedure established in Section 4.

<table>
<thead>
<tr>
<th></th>
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<td>Birch Bay Water and Sewer District</td>
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<td>Belfern Water Association</td>
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<td>Bell Bay Jackson Water</td>
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<td>05450</td>
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<td>05600</td>
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<td>Berthusen Road Water</td>
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<td>05875</td>
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<td>Blaine, City of</td>
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<td>07300</td>
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<td>Yes</td>
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<tr>
<td>Central City Water Association</td>
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<td>12150</td>
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<td>Chuckanut Trails Water Association</td>
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<td>Custer Water Associations</td>
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<td>Evergreen Mobile and Park Sales</td>
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<tr>
<td>Everson Water Association</td>
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<td>Ferndale, City of</td>
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<td>Hemmi Road Water Association</td>
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<tr>
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<td>Lamplighter Mobile Homes</td>
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<td>LISECC</td>
<td></td>
<td>43290</td>
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<tr>
<td>Louie, Joe Water Association</td>
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<td>29014</td>
<td>A</td>
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<td>Lynden Water Department</td>
<td></td>
<td>49150</td>
<td>A</td>
<td>Comm</td>
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<td>Manteys Country Mobile Park</td>
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<tr>
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<td>Comm</td>
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<tr>
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<td>56900</td>
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<td>Comm</td>
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SECTION 2

Table 2-3
WUCC Membership (Continued)

<table>
<thead>
<tr>
<th>Utility</th>
<th>Water Facility Identification (WFI) No.</th>
<th>Group</th>
<th>Type</th>
<th>On Map</th>
<th>Declaration of Water Utility</th>
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<td>A</td>
<td>Comm</td>
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<td>Yes</td>
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<tr>
<td>Nooksack Valley Water Association</td>
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<td>Comm</td>
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<tr>
<td>Nooksack Water Department</td>
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<td>Comm</td>
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<td>Yes</td>
</tr>
<tr>
<td>North Star Water Association</td>
<td>61350</td>
<td>A</td>
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<td>Yes</td>
<td>Yes</td>
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<td>Yes</td>
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<td>Old Settlers Water Association</td>
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<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Percie Road Water Association</td>
<td>67020</td>
<td>A</td>
<td>Comm</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Point Roberts District 4</td>
<td>95750</td>
<td>A</td>
<td>Comm</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Pole Road Water Association</td>
<td>68350</td>
<td>A</td>
<td>Comm</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Raspberry Ridge Water</td>
<td>27613</td>
<td>A</td>
<td>Comm</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Rathbone Park Water Association</td>
<td>71290</td>
<td>A</td>
<td>Comm</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Roederland Water Association</td>
<td>73750</td>
<td>A</td>
<td>Comm</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Sandy Point Improvement Company</td>
<td>76105</td>
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<td>Yes</td>
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<tr>
<td>Sumas Rural Water Association</td>
<td>84850</td>
<td>A</td>
<td>Comm</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>Sumas Water Department</td>
<td>84870</td>
<td>A</td>
<td>Comm</td>
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<td>Sunset Water Association</td>
<td>86200</td>
<td>A</td>
<td>Comm</td>
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<td>Yes</td>
</tr>
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<td>Valley View Water Association</td>
<td>91000</td>
<td>A</td>
<td>Comm</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Wahl Water Association</td>
<td>92150</td>
<td>A</td>
<td>Comm</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Whatcom County PUD #1</td>
<td>92150</td>
<td>A</td>
<td>Comm</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>WC Water District No. 10</td>
<td>95910</td>
<td>A</td>
<td>Comm</td>
<td>Yes</td>
<td>No</td>
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<tr>
<td>WC Water District No. 13</td>
<td>95914</td>
<td>A</td>
<td>Comm</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>WC Water District No. 2</td>
<td>95700</td>
<td>A</td>
<td>Comm</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>WC Water District No. 7</td>
<td>95900</td>
<td>A</td>
<td>Comm</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Y-Squalicum Water Association</td>
<td>99550</td>
<td>A</td>
<td>Comm</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

2.2.1 Coordination with the Growth Management Act

**Water Supply and Land Use Planning Meet**

The Coordination Act, enacted by the Washington State legislature in 1977, predates the State’s 1990 GMA. The Coordination Act and its implementing rules follow a general trend of law making in the late 1960s and early 1970s in response to the environmental movement. During this time, many environmental laws were enacted at state and national levels to preserve, protect, and enhance environmental resources for the use and enjoyment of future generations. Although original enactment of these two laws is separated by a period of 13 years, they continue to complement one another. They each provide regulatory authority and direction to local governments to employ an intentional approach that considers water resources, water quality, and water quantity when developing goals, policies, and regulations that apply to land use and development, and capital facility planning for the region.
Coordinated Water System Plan Process

A goal of the Coordination Act is to provide for an adequate supply of potable water for consumptive use while recognizing that water supplies are finite and variable within the County and must be used efficiently. A second goal is to ensure that an adequate supply of water is readily available to serve projected growth and land uses. These goals represent a nexus between water supply planning and land use planning. Growth strategies must take into account the availability of water when conducting land suitability and capacity assessments, acknowledging existing uses, allocating population or employment, or assigning density or scale and intensity of planned uses in any geographic area.

Land use planning coordinated with water supply planning ensures predictability for both the water utility and the developer. When land use and water supply planning are coordinated, water utilities may develop long-range financial, technical, and operational plans with regards to capacity in accordance with planned land use. This coordination, when documented in a CWSP including individual WSPs, provides developers with some degree of certainty as to whether or not water service may be available in the course of a development process and provides greater transparency and efficiencies to all involved parties.

The Growth Management Act (GMA) [Chapter 36.70A RCW]

The GMA directs Washington counties and cities of a certain size that are growing at a certain rate to adopt comprehensive land use strategies (RCW 36.70A.040). Whatcom County and the seven cities within its boundaries are subject to the GMA’s provisions. The GMA, codified in Chapter 36.70A RCW, with rules in Chapter 365-196 WAC, directs jurisdictions that are required to fully plan under the GMA to adopt internally consistent land use plans, generally referred to as a comprehensive plan. These plans contain generalized land use policy statements that guide and coordinate orderly growth and development based on a 20-year vision for the region. GMA planning goals are broad guiding principles that are applied locally to meet the unique needs of each community. GMA planning goals are implemented through locally-adopted comprehensive land use goals, policies, and implementing regulations; for example, zoning, critical areas, shorelines, watersheds, and resource protection ordinances.

The GMA requires counties planning under the act to designate lands that are most suitable for rural, natural resource (e.g., mineral, forestry, and agricultural), urban, commercial, industrial, recreation, and open space, and to set goals and policies in a comprehensive land use plan that direct and guide development on such lands in a way that is coordinated, orderly, and internally consistent. The Whatcom County Comprehensive Plan Land Use Map, including urban growth areas and associated land use designations is shown in Figure 2-1.

Because most land use depends on water, when reviewing geographies for land use suitability, the availability of water for the type of uses planned must be considered.

When planning under the GMA, local jurisdictions must designate and accommodate critical areas, including Critical Aquifer Recharge Areas (CARA), which are defined as “areas with a critical recharging effect on aquifers used for potable water” [RCW 36.70A.030(5)]. Accordingly, local jurisdictions must adopt provisions that protect both the quality and quantity of groundwater used for public water supplies, protect groundwater and surface water resources in rural areas, protect and enhance shorelines of the state, and protect critical areas.

As stated above, the GMA requires counties planning under the act to develop a comprehensive land use planning strategy to ensure orderly growth and development. Whatcom County and the
SECTION 2

seven cities within the County develop and adopt comprehensive land use plans and development regulations. These must be reviewed, evaluated, and amended periodically to ensure that these plans are internally consistent and consistent with one another. Whatcom County’s Comprehensive Plan policies and County-wide planning policies identify implementation of the CWSP as one of its strategies to achieve compliance with GMA goals that address water resources, water quality, and water supply planning.

Whatcom County’s 2016 Comprehensive Plan Update includes a variety of strategies to address water resources and water supply, which are discussed in Chapter 2 – Land Use, Chapter 4 – Capital Facilities, Chapter 5 – Utilities, Chapter 7 – Economics, Chapter 8 – Resource Lands, and Chapter 11 – Environment.

Whatcom County Comprehensive Plan Chapter 11 contains a thorough discussion on the various water resource planning strategies adopted and/or endorsed by the County.

Whatcom County Comprehensive Plan – Growth Management Compliance
A discussion about coordination between water supply planning and GMA land use planning would not be complete without mentioning that since its enactment in 1990, implementation of the GMA across jurisdictions statewide has resulted in numerous appeals to the Washington State Growth Management Hearings Board and higher courts requesting clarity on how its provisions should be interpreted and applied.

When there is a legal challenge to county or city compliance with the GMA that results in a Growth Management Hearings Board Final Decision and Order of Invalidity (Order), this can have an effect on both land use and water supply to the area that is subject to the Order, both during the timeframe when the legal issues are being resolved and after. Such an Order results in restrictions to land use, especially new development, because the local comprehensive plan and implementing regulations are considered invalid until resolved and the Order is lifted. The result is that during the time period when a part of the GMA comprehensive plan is subject to the Order, there is a lack of local authority in which to approve proposed land uses (RCW 36.70A.302). In some cases, the timeframe for resolving legal issues may span many years. In coordinating land use and water supply planning, the potential for legal challenges with respect to GMA land use implementation strategies may present uncertainties, requiring increased coordination and information sharing with respect to any proposed development in the affected areas.

2.2.2 Water System Service Areas

Each utility was requested through correspondence, and during the WUCC meetings, to submit a map and Declaration of Water Utility Service Area (Declaration) that verified its service area boundary. The Declaration signifies that the utility is willing and able to provide service within that area unless regulatory constraints preclude it from doing so. All changes were incorporated in GIS and are included in the County’s map which is shown in Figure 2-2 which is located at the end of this Section.

Each water system was asked to review its service area and confirm the boundary was consistent within the CWSP and its individual WSP. Upon completion of the CWSP, the DOH has the authority to deny extension requests for expanding systems with inconsistent service area boundaries, or if Declarations have not been submitted. Detailed discussions regarding service areas, their designation, and the implications of those designations are included in Section 4, and Section 6.
2.2.3 Minimum Design Standards

The design standards and fire flow requirements developed in the 1993 CWSP were reviewed by the Design Standards and Fire Flow Subcommittee and the WUCC. The Whatcom County Fire Marshal participated in the work of the subcommittee.

Section 5 provides guidance on minimum planning and design standards that apply to water service delivery, assessment of feasibility of shared source, transmission, storage facilities, interties and emergency interties between systems, and system reliability. Section 5 also includes minimum standards for fire flow, minimum standards for fire hydrants, and addresses alternate methods for fire protection that are developed pursuant to RCW 70.116.080.

It should be noted that the DOH encourages standard construction specifications be developed by each utility and submitted as part of their individual WSP.

2.2.4 Utility Service Review Procedure

RCW 19.27.097 and WCC 24.11.060 require that each application for a building permit necessitating potable water shall provide evidence of an adequate water supply for the intended use of the building.

A primary goal of the Coordination Act is to provide both guidance and “a strategy to ensure an adequate supply of potable water for domestic, commercial, and industrial uses is readily available with a minimum of loss or waste.”

The Utility Service Review Procedure (USRP) is discussed in Section 6. The USRP describes the various options for obtaining water service within the CWSSA when public water is readily available and also when public water service is not readily available (e.g., if a public system exists but is not able to serve in a manner that is “timely and reasonable,” or when a public water system (municipal water supplier) is not subject to a “duty to serve” in its retail service area, or when no public water system is available). The USRP details specific steps that apply when establishing remote systems, satellite management systems, and private wells.

Section 9, Plan Implementation, provides a path to a voluntary dispute resolution process when there are differing opinions between either the County, the water purveyor, and/or the applicant, developer, or project proponent as to what constitutes delivery of water service in a “timely and reasonable” manner, a water purveyor’s “duty to serve,” or when the County Health Department has denied an applicant’s request to drill a private well. The first step consists of a voluntary pre-hearing conference where information sharing, negotiation, and agreement can take place and, if this is unsuccessful in resolving the problem, a process is outlined where an aggrieved party may request resolution to a dispute utilizing the appropriate existing process.

Under current law, disputes regarding service in retail service areas are resolved in Superior Court. Disputes regarding water service in future service areas are resolved by a process beginning with the County Hearing Examiner, followed by the County Council, and Superior Court appeals system.

The intent of the voluntary dispute resolution process is to develop a locally-driven, less expensive and, hopefully, faster way of resolving disputes. Details of this process are included in Section 9. The revised USRP is discussed in Section 6.
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2.2.5 Issues with Potential Implications for Public Water Systems in Whatcom County

Several issues with potential implications for public water systems in Whatcom County are discussed in Section 8. Topics addressed include the Lummi Peninsula Groundwater Settlement; tribal requests to the federal government regarding their claimed federal reserved water rights; an overview of the water right approval process, including alternative means of water rights processing such as the cost-reimbursement process; water conservancy boards; the use of certified water rights examiners to prepare “proof exams” to move water right permits to the certificate stage; the ability, under certain conditions, to drill new or replacement wells without obtaining prior approval from Ecology; and the municipal water law. Other elements of the regional resource issues include discussions regarding the financial viability of small systems; bacteriological contamination; the presence of nitrates, arsenic, iron, and manganese in drinking water; seawater intrusion; relic saltwater; the search for productive deep wells; the presence of volatile organics and pesticides; data needed for management of both water quantity and quality; the presence or lack of joint facilities and system interties; water conservation and efficiency, including the water use efficiency requirements embodied in the municipal water law; and reclaimed water.

2.2.6 Individual Water System Plans

The DOH rules (Chapter 246-290 WAC) require that certain categories of public water systems shall develop a WSP for review and approval by DOH. One listed category is public water systems required to develop water system plans under the Public Water System Coordination Act of 1977, Chapter 70.116 RCW and Chapter 246-293 WAC.

Elements of the WSP are to be based upon a 20-year planning period, with identification of specific improvements and a financial program for the first 6 years. The purveyor is to update the plan at least every 6 years. However, the DOH may require a plan submission or update at any time. In 2014, DOH announced plans to implement a more flexible and tailored approach to the development of comprehensive water system plans. While the plans still will need to look at planning horizons of 6 and 20 years, systems will now have the option of working with DOH to determine the appropriate interval between plan updates rather than being locked into an update every 6 years. For example, if a system is relatively stable, the system could propose to extend the period to an update every 10 years.

The planning requirements are determined by the DOH and vary for utilities based upon their expansion plans, size, and intent for satellite management.

In the preparation or update of their plan, systems must address issues relating to their consistency with the CWSP, including:

- Map of service area;
- Signed service area agreement;
- Population and water demand projections;
- Design standards;
- Implementation of utility service review procedure;
**Coordinated Water System Plan Process**

- Satellite management policies and procedures, if a utility intends to provide services; and
- Receivership policy.

All systems are to coordinate with DOH to determine the extent of water system planning requirements and their appropriate submittal date.

### 2.3 Regional Supplement

This CWSP update has been prepared under the provisions of WAC 246-293-220, which allows for a CWSP that consists of: 1) a compilation of WSPs approved by DOH; and 2) a supplement (this document) that addresses water purveyor concerns relating to the entire CWSSA. All completed WSPs of the individual utilities referenced herein are on file with DOH or the County. The review and approval procedure for this document is outlined in Section 9.
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WHATCOM COUNTY
Title 20 Zoning & Comprehensive Plan Designations
Section 3 – Population, Water Demand, and Existing Water Systems
Section 3 – Population, Water Demand, and Existing Water Systems

3.0 Introduction

Washington State has given certain mandates on land use plans and utility services to individual counties as part of the Growth Management Act (GMA). The link between growth management and responsible water resource management for Whatcom County (County) exists when population and industrial/agricultural/fisheries water demands occur simultaneously. As the County population continues to grow, the demand for water will increase, as will the competition for water from the various out of stream and instream uses. The County places a high priority on water resources management to ensure a secure and sustainable supply of water for all future uses. This Coordinated Water System Plan (CWSP) update is one part of the County’s comprehensive water resource management efforts.

3.1 Population Forecasts

As required by Revised Code of Washington (RCW) 36.70A.110, the Washington State Office of Financial Management (OFM) developed a range of population projections for the County and its cities (including their urban growth areas (UGAs)) from 2013 through 2036. The GMA requires the County to plan for population growth that is consistent with OFM population projections. The County’s Draft 2016 Comprehensive Plan presents a population projection of 275,625 people in 2036, which is within OFM’s range of projections. The County and each city plan for the distribution of this growth within and outside of the UGAs through the comprehensive planning processes.

For this CWSP, population projections over the planning period were developed by linear interpolation of the County’s distribution of the existing and projected population presented in the Draft 2016 Comprehensive Plan. The County’s population estimates developed for the Draft 2016 Comprehensive Plan are shown in Table 3-1. The projections in Table 3-1 indicate that the proportion of the County’s population that resides in urban areas is expected to increase from approximately 68 percent in 2013 to 72 percent in 2036.
## SECTION 3

### Table 3-1
Population by County Areas

<table>
<thead>
<tr>
<th></th>
<th>Estimated 2013 Population (cities include Urban Growth Areas)</th>
<th>Forecasted 2036 Population (cities include Urban Growth Areas)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bellingham</td>
<td>92,660</td>
<td>123,710</td>
</tr>
<tr>
<td>Birch Bay</td>
<td>7,540</td>
<td>13,040</td>
</tr>
<tr>
<td>Blaine</td>
<td>5,171</td>
<td>9,585</td>
</tr>
<tr>
<td>Columbia Valley</td>
<td>3,103</td>
<td>4,448</td>
</tr>
<tr>
<td>Everson</td>
<td>2,665</td>
<td>3,907</td>
</tr>
<tr>
<td>Ferndale</td>
<td>12,758</td>
<td>19,591</td>
</tr>
<tr>
<td>Lynden</td>
<td>12,872</td>
<td>19,275</td>
</tr>
<tr>
<td>Nooksack</td>
<td>1,435</td>
<td>2,425</td>
</tr>
<tr>
<td>Sumas</td>
<td>1,449</td>
<td>2,323</td>
</tr>
<tr>
<td><strong>City/UGA Total</strong></td>
<td><strong>139,653</strong></td>
<td><strong>198,304</strong></td>
</tr>
</tbody>
</table>

Unincorporated Whatcom County Non UGA: 66,147

Whatcom County Grand Total: 205,800


Note: The Cherry Point UGA population of 43 people is included in the Unincorporated Whatcom County Non UGA population. No additional population growth is anticipated in the Cherry Point UGA.

Longer term projections, up to 50 years into the future, are made in this CWSP update to plan for future water supply needs. The average annual growth rates presented by the OFM were used to develop the three population projections shown in Table 3-2. Each population projection applies an annual growth rate of either 0.4 percent (low projection), 1.3 percent (medium projection), or 2.1 percent (high projection) to the population data presented in Table 3-1 to project future population growth to the year 2065.

### Table 3-2
County-wide Population Forecast

<table>
<thead>
<tr>
<th></th>
<th>2015</th>
<th>2020</th>
<th>2030</th>
<th>2040</th>
<th>2050</th>
<th>2060</th>
<th>2065</th>
</tr>
</thead>
<tbody>
<tr>
<td>Low Projection</td>
<td>212,300</td>
<td>216,500</td>
<td>225,400</td>
<td>234,500</td>
<td>244,100</td>
<td>254,000</td>
<td>259,200</td>
</tr>
<tr>
<td>Med. Projection</td>
<td>212,300</td>
<td>226,400</td>
<td>257,600</td>
<td>293,200</td>
<td>333,600</td>
<td>379,600</td>
<td>404,900</td>
</tr>
<tr>
<td>High Projection</td>
<td>212,300</td>
<td>235,500</td>
<td>289,900</td>
<td>356,900</td>
<td>439,300</td>
<td>540,800</td>
<td>600,000</td>
</tr>
</tbody>
</table>

While future uncertainties exist, for water planning purposes, the medium projection will be utilized as the forecast or most likely scenario. Table 3-3 shows the estimated distribution of population in urban and rural areas. The values in the table were developed by linear interpolation of the change in the County’s ratio of urban to rural population shown in Table 3-1. For years beyond 2035, it is assumed that the proportion of people who will reside in urban areas will continue to increase. It is the intent of the policies in the Draft 2016 Comprehensive Plan Update to encourage a greater share of urban growth in the future.
Population, Water Demand, and Existing Water Systems

Table 3-3
Urban and Rural Distribution for Population Projections

<table>
<thead>
<tr>
<th>Land Use</th>
<th>2015</th>
<th>2020</th>
<th>2030</th>
<th>2040</th>
<th>2050</th>
<th>2060</th>
<th>2065</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban</td>
<td>144,064</td>
<td>155,895</td>
<td>182,645</td>
<td>213,747</td>
<td>248,586</td>
<td>286,701</td>
<td>306,897</td>
</tr>
<tr>
<td>Rural</td>
<td>68,236</td>
<td>70,505</td>
<td>74,955</td>
<td>79,453</td>
<td>85,014</td>
<td>92,899</td>
<td>98,003</td>
</tr>
<tr>
<td>Total</td>
<td>212,300</td>
<td>226,400</td>
<td>257,600</td>
<td>293,200</td>
<td>333,600</td>
<td>379,600</td>
<td>404,900</td>
</tr>
</tbody>
</table>

It should be noted that the U.S. Bureau of the Census is projecting that the United States, as a whole, will grow less than 1 percent per year between 2015 and 2060. Growth rates in the County have been higher than the nation over the last 40 years. The Census Bureau also projects that the nation's rate of population increase will be declining between 2015 and 2060. Extrapolating the County's historical growth rates does not take into account changes that could take place in future trends. Therefore, population projections should be monitored closely and revised every 5 years to incorporate the most recent data. Additionally, a more sophisticated projection technique that incorporates trends in specific components of change (birth, death, and migration rates) could be employed in the future.

3.2 Water Demand Forecasts

3.2.1 Current and Future Demand Forecasts

Planning for future water supply needs requires demand projections for both short- and long-term. Short-term projections are generally necessary to define capital improvements anticipated in the near future. Such improvements require lead time for financing, design, and construction. Long-term forecasts are necessary to quantify probable water resource requirements, including identifying and sizing long-range supply facilities, acquiring water rights, and managing water resources necessary to meet future demands. The time required to plan and develop water sources and systems is such that short-term planning is for a period of 20 years (consistent with GMA 20-year planning requirements), and long-term planning must consider a 50-year horizon. This is much further into the future than land use plans generally project development. In contrast, however, the current key issues of water supply in the County were created by actions taken in the late 1800s and early 1900s.

Population growth and competing uses for water resources are the most influential factors on future water demands. Not only does the magnitude of future population have an impact, but the location of new population centers will greatly affect delivery of future water supplies. Therefore, water supply and systems must be coordinated with, and based on, population growth according to approved land use plans and policies.

3.2.2 Current and Future Water Consumption Data

The existing water use for most Group A community public water systems was obtained by reviewing the annual water use efficiency reports that were submitted to the Washington State Department of Health (DOH). The metered annual supply volume from the reports was divided by the number of existing connections identified by DOH to calculate each system's annual average use per connection.
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Table 3-4 presents the range and average daily water consumption per connection for both urban and rural Group A public water systems in the County. For the purposes of this analysis, urban water systems are defined as systems serving the primary urban population centers in the County, as identified in Table 3-1. Water systems not serving the UGAs listed in Table 3-1 are defined as rural water systems. Rural water use discussed in this section is associated with rural public water systems and does not encompass all water use that occurs outside of urban population centers and incorporated portions of the County. Rural water use has the largest range in customer supply needs due, in part, to the mix of residential, commercial, and agricultural connections present in many of the systems. Water consumption data are from either 2013 or the most recent data set available at the time of this CWSP update. As shown in Table 3-4, there is a large range in water consumption per connection for the water systems throughout the County. This is due to the wide range in connection types, from individual single-family services to dairies or large industrial customers who may only be served by one connection.

<table>
<thead>
<tr>
<th>Water System Category</th>
<th>Range (gal/conn/day)</th>
<th>Average Daily Use (gal/conn/day)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban</td>
<td>125 to 918</td>
<td>309</td>
</tr>
<tr>
<td>Rural</td>
<td>38 to 2,191</td>
<td>258</td>
</tr>
</tbody>
</table>

Table 3-5 summarizes the water demands for Group A community public water systems in the Critical Water Supply Service Area (CWSSA) in 2015 and at full buildout, based on current zoning and land use classifications. It should be noted that the analysis did not look at areas that may not be buildable due to slope, soil type, sensitive areas, etc. with the result that the full-buildout scenario essentially represents a "worst-case" build-out condition. Due to the lack of metering data available for Group B public water systems, they are not included in this analysis. Using GIS data, based on water system service areas defined in April 2015, the County estimated an additional number of connections for each system, representing full build-out conditions in accordance with the zoning densities within each water service area boundary. Each system’s average consumption per connection was applied to the additional connections at full buildout and added to the existing system demands to estimate the buildout demands. For systems with high water use per connection, the future consumption per connection for additional connections was assumed to be 350 gallons per day\(^1\), with the assumption that most future development will be residential in nature with few new high water use connections.

Although metering data is generally not available for Group B and private water systems, county population figures suggest that approximately 41,741 people are supplied water by private wells (2015 County Population [212,300] minus the 2015 Group A and B population [170,559] people yields 41,741 people on private wells). Dividing that number by the County average of 2.56 people per connection means that there are approximately 16,305 well connections. Assuming average

\(^1\) As shown in Table 3-4, average daily urban water use is 309 gallons per connection per day and average daily rural water use is 258 gallons per connection per day. The value of 350 gallons per connection per day was selected as a conservative assumption for future uses.
water use of 350 gallons per connection per day (0.39 acre-feet per year), private well water use accounts for approximately 6,360 acre-feet of water use per year.

### Table 3-5

**County-wide Water Demands for Group A Community Public Water Systems**

<table>
<thead>
<tr>
<th>System Classification</th>
<th>Existing (2015)</th>
<th>Buildout</th>
</tr>
</thead>
<tbody>
<tr>
<td>Urban</td>
<td>14.8</td>
<td>39.4</td>
</tr>
<tr>
<td>Rural</td>
<td>4.8</td>
<td>6.0</td>
</tr>
<tr>
<td>County-wide</td>
<td>19.6</td>
<td>45.4</td>
</tr>
</tbody>
</table>

Note: Buildout represents estimated year 2065 data for urban systems and build-out demands for rural systems.

### 3.3 Water Right Capacity Analysis

In evaluating public water systems and their ability to provide water to their customers now and in the future, there are several factors that must be considered. Many of these factors are addressed by the DOH Water Facilities Inventory process, which considers the capacity of the system, the number of existing connections, and the number of approved connections for future use. As part of the Comprehensive Plan development, the County is evaluating projected population and must allocate the forecasted population growth to locations within the County. When the County identifies an anticipated population increase in a specific area, it is important to determine whether the public water system slated to serve that population can, in fact, provide that service. A key component of that determination is an analysis of each system’s water rights, including existing intertie agreements, compared to their existing and future water demands.

A water rights capacity analysis was conducted to compare each water system’s existing water rights, and/or existing intertie agreements, against current and anticipated future demands. Both the existing and build-out water demands for each system, as described in the previous section, were compared against their respective annual water rights (Qa) in an effort to determine whether systems are projected to meet their future requirements, have surplus water, or have insufficient future water rights. No comparison was made between peak demand and instantaneous water rights (Qi). The results of this analysis are summarized in Table 3-6 and depicted in the map in Appendix 1, which also includes the table from which the summary in Table 3-6 is derived. Based on the results of the water rights analysis (which take into account existing intertie agreements), the existing and projected population, and the historic and projected water demand, a water rights status for each Group A community public water system is assigned on Figure 3-1. The total annual water rights held by Group A community public water systems in the CWSSA and the buildout demands are shown in Table 3-7. This analysis is planning level in nature to help identify potential problem areas and does not represent a determination of the legal status of any water right. Analyses prepared in the individual water system plans will be more accurate and should be utilized if available.
### SECTION 3

**Table 3-6**

<table>
<thead>
<tr>
<th>Water Right Status</th>
<th>Number of Systems</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Currently Exceeding Water Right Limits</td>
<td>6</td>
<td>Water rights are insufficient to meet current demand.</td>
</tr>
<tr>
<td>Projected to Exceed Water Right Limits at Full Buildout</td>
<td>16</td>
<td>Water rights may be insufficient to meet projected demand at full buildout.</td>
</tr>
<tr>
<td>Enough Water Rights to Meet Current and Future Projected Water Demand</td>
<td>15</td>
<td>Water rights are satisfactory to meet current and future projected water demand at full buildout.</td>
</tr>
<tr>
<td>More Water Rights than Current and Future Projected Water Demand</td>
<td>53</td>
<td>Water rights exceed the current and future projected water demand (i.e., surplus water may be available).</td>
</tr>
<tr>
<td>No Data on System Water Use</td>
<td>12</td>
<td>No data available.</td>
</tr>
</tbody>
</table>

1 In this table, the water right status includes not only water rights held by the system, but also intertie agreements currently in place for receipt of water from other systems. Any water included as part of an intertie agreement was subtracted from the water available to the system providing the water to meet its own projected demand.

2 The City of Lynden falls within the status "More Water Rights than Current and Future Projected Water Demand" based on its 2004 Memorandum of Agreement with Ecology.

**Figure 3-1**

Water Right Capacity Analysis Map
Table 3-7
County-wide Water Rights Summary for Group A Community Public Water Systems

<table>
<thead>
<tr>
<th></th>
<th>Existing (2015)</th>
<th>Buildout (2065)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Annual Water Rights (afy*)</td>
<td>209,644</td>
<td>209,644</td>
</tr>
<tr>
<td>Annual Water Demand (afy)</td>
<td>21,972</td>
<td>50,864</td>
</tr>
<tr>
<td>Surplus Water Rights</td>
<td>187,672</td>
<td>158,781</td>
</tr>
</tbody>
</table>

*afy is acre-feet per year.

Note: To be conservative, it has been assumed that no additional water rights will be obtained in the future.

The six Group A community public water systems that appear to be currently exceeding their water rights include Delta Water Association (198 acre-feet per year (afy) exceedance), Flemings Platt Water Association (2 afy exceedance), Guide Meridian Water Association (27 afy exceedance), Skookum Chuck Water Association (60 afy exceedance), Tall Cedars Estates Water Association (14 afy exceedance), and Wickersham Water Association (8 afy exceedance). The total exceedance is approximately 309 afy. No water rights information was found for Flemings Platt Water Association, Tall Cedars Estates Water Association, and Wickersham Water Association; consequently, it was assumed that these systems are relying on the groundwater permit exemption (RCW 90.44.050), which limits withdrawals to 5,000 gallons per day and a maximum annual volume of 5.6 afy, for group domestic use. The remaining three systems have state-issued water rights that appear inadequate to meet existing demands. None of these systems currently have permanent interties with other systems that have excess water rights.

The strategy of meeting these demands through regional supply development, aggressive conservation measures, individual wells, surface supplies, desalination, or other combinations is partially fulfilled with the CWSP update and adoption by the Whatcom County Council of portions of the update into the Whatcom County Code.

The water right capacity analysis is intended to provide some perspective on the potential water resource requirements facing the County. It is acknowledged that future reduction in usage patterns, land use policy and/or water resource policy, and other factors are key variables in a supply plan. Subsequent water resource planning efforts and individual water system plans are expected to further refine these numbers as part of an effort to quantify the anticipated out-of-stream water demands for the County. Permanent interties and intertie agreements with nearby public water systems could be a viable option for meeting the existing demand for many of these systems.

3.4 Existing Water Systems

The estimated 2015 County population was 212,300, of which approximately 80 percent were served by either Group A, or Group B public water systems, and approximately 20 percent were served by other water systems (e.g., permit-exempt wells, individual surface water sources, etc.).

The number and type of systems are shown in Table 3-8. This table was created using data from the DOH Sentry system, which is an online database containing information on public water systems. The method used to determine the values in the Estimated Connections column is
consistent with how the DOH calculates existing connections in Sentry. The Estimated Population column is the sum of the population values provided for each system.

Table 3-8
Number and Type of Public Water Systems

<table>
<thead>
<tr>
<th></th>
<th>Number of Systems</th>
<th>Estimated Connections</th>
<th>Estimated Population</th>
<th>Percent of Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Group A</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community Water System</td>
<td>102</td>
<td>64,794</td>
<td>168,283</td>
<td>98.666%</td>
</tr>
<tr>
<td>Non-transient Non-community Water System (NTNC)</td>
<td>15</td>
<td>123</td>
<td>5</td>
<td>0.003%</td>
</tr>
<tr>
<td>Transient Non-community Water System (TNC)</td>
<td>64</td>
<td>3,673</td>
<td>137</td>
<td>0.080%</td>
</tr>
<tr>
<td>Group B</td>
<td>234</td>
<td>1,016</td>
<td>2,134</td>
<td>1.251%</td>
</tr>
<tr>
<td>Total</td>
<td>415</td>
<td>69,606</td>
<td>170,559</td>
<td>100%</td>
</tr>
</tbody>
</table>

3.4.1 DOH Operating Permits

Once a year, the DOH mails an annual fee statement form containing existing data previously provided by the water systems' Water Facilities Inventory (WFI) form. Once the completed form is returned to DOH either confirming the data or noting any changes, along with the permit fee, the DOH issues the water system a color-coded operating permit representing the system’s compliance status. The compliance status is updated on an annual basis or when significant changes have occurred to the water system.

The following permit colors are assigned to Group A community public water systems. Non-community water systems are not assigned operating permit colors from the DOH.

Green — In compliance with all DOH requirements. Adequate for existing uses and additional connections up to the approved number of connections, unless it is already at capacity.

Yellow — In compliance with all DOH requirements; however, the system was notified to submit a water system plan and has not satisfied the planning requirement or is under a compliance agreement for a state significant non-complier violation. Adequate for existing uses and additional connections up to the approved number, unless otherwise limited by a compliance agreement.

Blue — In compliance with DOH requirements. However, the system does not meet design approval requirements or has exceeded the number of approved connections established by DOH. Adequate for existing uses, but not adequate for adding new connections.

Red — In non-compliance with DOH requirements. Inadequate for existing uses and no additional connections are allowed. This may result in denial of home loans, building permits, on-site sewage disposal permits, food service, liquor licenses, and other permits or licenses for properties served by the system.

The operating status of Group A community water systems as of August 12, 2015 are shown in Tables 3-9, 3-10, and 3-11. The breakdown of the operating status for the 102 systems listed is shown in Figure 3-2. No systems currently have red operating permits in the County.
### Table 3-9
Green Operating Permits – DOH Group A Water Systems in Whatcom County

<table>
<thead>
<tr>
<th>DOH System ID No.</th>
<th>Water System Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>00250</td>
<td>ACME WATER DISTRICT NO. 18</td>
</tr>
<tr>
<td>00496</td>
<td>AGATE BAY TRAILER PARK</td>
</tr>
<tr>
<td>01200</td>
<td>ALDERGROVE WATER ASSOCIATION</td>
</tr>
<tr>
<td>05370</td>
<td>BELFERN WATER ASSOCIATION</td>
</tr>
<tr>
<td>09899</td>
<td>BELFERN WEST</td>
</tr>
<tr>
<td>05450</td>
<td>BELL BAY JACKSON WATER ASSOCIATION</td>
</tr>
<tr>
<td>05600</td>
<td>BELLINGHAM, CITY OF</td>
</tr>
<tr>
<td>05875</td>
<td>BERTHUSEN ROAD WATER ASSOCIATION</td>
</tr>
<tr>
<td>95904</td>
<td>BIRCH BAY WATER &amp; SEWER DISTRICT</td>
</tr>
<tr>
<td>07300</td>
<td>BLAINE, CITY OF</td>
</tr>
<tr>
<td>02011</td>
<td>CALMAN JAMES L</td>
</tr>
<tr>
<td>12150</td>
<td>CENTRAL CITY WATER ASSOCIATION</td>
</tr>
<tr>
<td>00601</td>
<td>CENTURY WATER ASSOCIATION</td>
</tr>
<tr>
<td>01383</td>
<td>CHUCKANUT TRAILS WATER SYSTEM</td>
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<tr>
<td>66110</td>
<td>COLUMBIA VALLEY WATER DISTRICT</td>
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<tr>
<td>17050</td>
<td>CUSTER WATER ASSOCIATION</td>
</tr>
<tr>
<td>A8912</td>
<td>DEER CREEK WATER ASSN/GUIDE SOUTH</td>
</tr>
<tr>
<td>18418</td>
<td>DEER CREEK WATER ASSOCIATION</td>
</tr>
<tr>
<td>18800</td>
<td>DEMING WATER ASSOCIATION</td>
</tr>
<tr>
<td>23480</td>
<td>ENTERPRISE ESTATES WATER ASSOCIATION</td>
</tr>
<tr>
<td>23485</td>
<td>ENTERPRISE TERRACE WATER ASSOCIATION</td>
</tr>
<tr>
<td>24164</td>
<td>EVERGREEN RETREAT MHP</td>
</tr>
<tr>
<td>24195</td>
<td>EVERSON WATER ASSOCIATION</td>
</tr>
<tr>
<td>24200</td>
<td>EVERSON, CITY OF</td>
</tr>
<tr>
<td>02601</td>
<td>FAIRFIELD MHP</td>
</tr>
<tr>
<td>24850</td>
<td>FERNDALE, CITY OF</td>
</tr>
<tr>
<td>24840</td>
<td>FERNDALE MOBILE VILLAGE</td>
</tr>
<tr>
<td>27450</td>
<td>GEORGIA MANOR WATER ASSOCIATION</td>
</tr>
<tr>
<td>27755</td>
<td>GLACIER SPRINGS WATER SYSTEM</td>
</tr>
<tr>
<td>95915</td>
<td>GLACIER WATER DISTRICT</td>
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<td>27950</td>
<td>GLEN COVE WATER ASSOCIATION</td>
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<td>28050</td>
<td>GLENHAVEN LAKES CLUB</td>
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<tr>
<td>28950</td>
<td>GRANDVIEW BEACH WATER ASSOC INC</td>
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<tr>
<td>30200</td>
<td>GUIDE MERIDIAN WATER ASSOCIATION</td>
</tr>
<tr>
<td>32350</td>
<td>HEMMI ROAD WATER ASSOCIATION</td>
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<tr>
<td>33364</td>
<td>HILLTOP WATER OWNERS ASSOCIATION</td>
</tr>
<tr>
<td>36268</td>
<td>ISLE AIRE BEACH ASSOCIATION</td>
</tr>
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<td>DOH System ID No.</td>
<td>Water System Name</td>
</tr>
<tr>
<td>------------------</td>
<td>------------------------------------------------------------</td>
</tr>
<tr>
<td>44540</td>
<td>LAKE SAMISH TERRACE PARK</td>
</tr>
<tr>
<td>44950</td>
<td>LAKE TERRILL WATER ASSOCIATION</td>
</tr>
<tr>
<td>43290</td>
<td>LISECC</td>
</tr>
<tr>
<td>29014</td>
<td>LOUIE, JOE WATER ASSOCIATION</td>
</tr>
<tr>
<td>52957</td>
<td>LAKE WHATCOM WATER AND SEWER DISTRICT - AGATE HEIGHTS</td>
</tr>
<tr>
<td>08118</td>
<td>LAKE WHATCOM WATER AND SEWER DISTRICT - EAGLERIDGE</td>
</tr>
<tr>
<td>95910</td>
<td>LAKE WHATCOM WATER AND SEWER DISTRICT - SOUTH SHORE WATER SYSTEM</td>
</tr>
<tr>
<td>49150</td>
<td>LYNDEN WATER DEPARTMENT</td>
</tr>
<tr>
<td>51100</td>
<td>MAPLE FALLS WATER COOP</td>
</tr>
<tr>
<td>53250</td>
<td>MEADOWBROOK WATER ASSOCIATION</td>
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<tr>
<td>56500</td>
<td>MOUNT BAKER WATER ASSOCIATION</td>
</tr>
<tr>
<td>56900</td>
<td>MOUNTAIN VIEW WATER ASSOCIATION</td>
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<tr>
<td>59850</td>
<td>NOOKSACK VALLEY WATER ASSOCIATION</td>
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<tr>
<td>59800</td>
<td>NOOKSACK WATER DEPARTMENT</td>
</tr>
<tr>
<td>62000</td>
<td>NORTHWEST WATER ASSOCIATION, INC</td>
</tr>
<tr>
<td>63350</td>
<td>OLD SETTLERS WATER ASSOCIATION</td>
</tr>
<tr>
<td>64150</td>
<td>ORCHARD WATER ASSOCIATION</td>
</tr>
<tr>
<td>66116</td>
<td>PARADISE PARK WATER SYSTEM</td>
</tr>
<tr>
<td>67020</td>
<td>PERCIE ROAD WATER ASSOCIATION</td>
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<td>67900</td>
<td>PLEASANT VALLEY WATER SYSTEM</td>
</tr>
<tr>
<td>95750</td>
<td>POINT ROBERTS WATER DISTRICT NO 4</td>
</tr>
<tr>
<td>68350</td>
<td>POLE ROAD WATER ASSOCIATION</td>
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<tr>
<td>27631</td>
<td>RASPBERRY RIDGE WATER ASSOCIATION</td>
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<tr>
<td>72800</td>
<td>RIVER RD WATER ASSOCIATION</td>
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<tr>
<td>74705</td>
<td>ROYAL COACHMAN MOBIL EST</td>
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<tr>
<td>76105</td>
<td>SANDY POINT IMPROVEMENT CO</td>
</tr>
<tr>
<td>79800</td>
<td>SKOOKUM CHUCK WATER ASSOCIATION</td>
</tr>
<tr>
<td>84850</td>
<td>SUMAS RURAL WATER ASSOCIATION</td>
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<tr>
<td>84870</td>
<td>SUMAS WATER DEPARTMENT</td>
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<td>06514</td>
<td>SUNSET WATER &amp; MAINTENANCE ASSOCIATION</td>
</tr>
<tr>
<td>86200</td>
<td>SUNSET WATER ASSOCIATION</td>
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<tr>
<td>88050</td>
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<td>91000</td>
<td>VALLEY VIEW WATER ASSOCIATION</td>
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<tr>
<td>95700</td>
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</tr>
<tr>
<td>95900</td>
<td>WHATCOM COUNTY WATER DISTRICT NO. 7</td>
</tr>
<tr>
<td>95914</td>
<td>WHATCOM COUNTY WATER DISTRICT NO. 13</td>
</tr>
<tr>
<td>97110</td>
<td>WILLEYS LAKE TERRACE WATER ASSOCIATION</td>
</tr>
<tr>
<td>99550</td>
<td>Y-SQUALICUM WATER ASSOCIATION</td>
</tr>
</tbody>
</table>
# Population, Water Demand, and Existing Water Systems

## Table 3-10

Blue Operating Permits – DOH Group A Water Systems in Whatcom County

<table>
<thead>
<tr>
<th>DOH System ID No.</th>
<th>Water System Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>02300</td>
<td>ANDERSON CREEK WATER ASSOCIATION</td>
</tr>
<tr>
<td>04050</td>
<td>BAKER VIEW WATER ASSOCIATION</td>
</tr>
<tr>
<td>10562</td>
<td>CALMOR COVE CLUB</td>
</tr>
<tr>
<td>12112</td>
<td>CEDAR LYNN WATER ASSOCIATION</td>
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<tr>
<td>15510</td>
<td>COUNTRY HAVEN WATER ASSOCIATION</td>
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<tr>
<td>19890</td>
<td>DOUBLE L MOBILE HOME PARK</td>
</tr>
<tr>
<td>24151</td>
<td>EVERGREEN MOBILE PARK &amp; SALES</td>
</tr>
<tr>
<td>25610</td>
<td>FLEMINGS PLATT WATER ASSOCIATION</td>
</tr>
<tr>
<td>30800</td>
<td>HAMPTON WATER ASSOCIATION</td>
</tr>
<tr>
<td>37950</td>
<td>KELLY ROAD WATER ASSOCIATION</td>
</tr>
<tr>
<td>00119</td>
<td>KONTREE APARTMENTS WATER SYSTEM</td>
</tr>
<tr>
<td>46300</td>
<td>LAUREL WEST WATER ASSOCIATION</td>
</tr>
<tr>
<td>50900</td>
<td>MANTHEYS COUNTRY MOBILE PARK</td>
</tr>
<tr>
<td>56874</td>
<td>MOUNT BAKER MOBILE HOME PARK</td>
</tr>
<tr>
<td>58950</td>
<td>NEPTUNE BEACH WATER ASSOCIATION</td>
</tr>
<tr>
<td>61350</td>
<td>NORTH STAR WATER ASSOCIATION</td>
</tr>
<tr>
<td>07507</td>
<td>NORTHWEST MOBILE HOME PARK</td>
</tr>
<tr>
<td>62135</td>
<td>NORTHWOOD PARK SYSTEM</td>
</tr>
<tr>
<td>73750</td>
<td>ROEDERLAND WATER ASSOCIATION</td>
</tr>
<tr>
<td>80550</td>
<td>SMITH ROAD WATER ASSOCIATION</td>
</tr>
<tr>
<td>87120</td>
<td>TALL CEDARS ESTATES WATER ASSOCIATION</td>
</tr>
<tr>
<td>91650</td>
<td>VICTOR WATER ASSOCIATION</td>
</tr>
<tr>
<td>92150</td>
<td>WAHL WATER ASSOCIATION</td>
</tr>
<tr>
<td>96700</td>
<td>WICKERSHAM WATER ASSOCIATION</td>
</tr>
</tbody>
</table>

## Table 3-11

Yellow Operating Permits – DOH Group A Water Systems in Whatcom County

<table>
<thead>
<tr>
<th>DOH System ID No.</th>
<th>Water System Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>18750</td>
<td>DELTA WATER ASSOCIATION</td>
</tr>
<tr>
<td>62150</td>
<td>NORTHWOOD WATER ASSOCIATION</td>
</tr>
<tr>
<td>71290</td>
<td>RATHBONE PARK WATER ASSOCIATION</td>
</tr>
</tbody>
</table>
3.5 Conclusions

Forecasts suggest that the population of Whatcom County will increase by approximately 70,000 people by 2036, and approximately 200,000 people by 2065. The projected 2065 population is nearly double the existing population. This additional population will place increasing demand on the County’s public water systems.

On a CWSSA wide basis, the public water systems collectively hold more than enough water rights to meet the projected demand. However, there are individual water systems that have excess water rights and some that have insufficient water rights.

A comparison of existing water rights and intertie agreements held by Group A community public water systems with existing and forecasted demand was performed to identify which systems need additional supply now, which systems will likely need additional supply in the future, which systems appear to have sufficient water to meet their needs, and which systems appear to have water in excess of their needs that could potentially be utilized to alleviate other systems’ shortfalls. In the future, it will be important for systems to work together to meet demands. The County should encourage cooperation and resource sharing among systems.

Three quarters of the Group A community public water systems in the CWSSA have green operating permits, meaning they are in compliance with all DOH regulations and capable of serving existing and authorized connections. However, one quarter of the Group A community public water systems are operating under either blue or yellow operating permits indicating that there may be room for improvement. There are no systems classified as red (non-compliance).
Section 4 – Water Utility Service Areas
Section 4 – Water Utility Service Areas

4.0 Introduction

This section is a general discussion regarding water utility service areas. It explains the different categories or types of service areas; the obligations of certain public water systems that accompany the various types of service areas; the process by which service areas were identified for this CWSP update; the changing nature of service areas over time, the implications of such changes; and the requirements for water system planning. Procedures for addressing new developments requiring the provision of potable water are discussed in Section 6.

The Coordination Act provides the legal authority for municipalities and private water utilities to establish an exclusive service area within the county’s designated CWSSA. The term "service area(s)" within this document means the specific geographical area described in the written agreement required by WAC 246-293-250. These agreements are formalized in Exhibit 4-1, known as the Declaration of Water Utility Service Areas. This procedure, and resulting agreements between utilities provides assurance that water system planning, capital improvement programs, and financial commitments are consistent with state and county requirements.

The establishment of service area boundaries carries with it obligations. The first obligation is that county and state governments recognize an identified utility as the agency responsible for providing all public water service within a designated area. The second obligation is that the designated utility assumes responsibility, within its service area, for development of cost-effective and efficient service to accommodate the future growth that these areas will experience. For those systems that are required by the Washington State Department of Health (DOH) to prepare planning documents (water system plan or small water system management program), these documents and any system improvements should be consistent with the growth management objectives established for these areas by Whatcom County's Comprehensive Plan. For water service requests in areas that are outside of any utility's designated service area, there is a utility service review procedure (Section 6) that gives Whatcom County (County) the authority to designate service first to an adjacent utility, then to an approved Satellite Management Agency (SMA). If neither of these is available, a new utility may be formed. A third obligation relates to the designated retail service area in which a municipal water supplier has a "duty to serve" when conditions defining this duty in RCW 43.20.260(1:4) are met.

The Coordination Act requires that service area boundaries be established among the purveyors based on a variety of factors, including topography, readiness and ability to serve, local franchise areas, legal water system or municipal boundaries, future population projections, and sewer service areas. It also specifies that these service areas be developed in conformance with the land use policies of the County. Designated service areas include those areas in which the utility expects adequate customer growth, within a reasonable period of time, to support an established plan for system development.

All water utilities are required to designate a service area by submitting a Declaration of Water Utility Service Areas form to PDS. Utilities with water system plans must also designate service.

1 Note: Title 57 of the Revised Code of Washington establishes the authority and responsibilities of water and sewer districts in Washington State. However, when such Districts provide potable water service, they also fall under the purview of the Public Water System Coordination Act and municipal water law as discussed herein.
areas in the plan. For water utilities that do not have a water system plan, their service areas shall be shown on a Declaration of Water Utility Service Areas (Declaration) form provided in Exhibit 4-1, which is to be completed by an authorized representative of the water utility, and then submitted to PDS. PDS then processes the Declaration in accordance with the procedure in Exhibit 4-2.

The types of water service areas are as follows.

- Existing Service Area. DOH Publication 331-432 (dated November 2010) defines an existing service area as the area in which the utility currently provides direct service, remote service, or where service connections are currently available.

- Future Service Area. Public water utilities may identify future service areas that are outside of the current retail service area but in which they plan to serve water in the future.

- Retail Service Area. WAC 246-290-100 requires all municipal water suppliers to designate a retail service area where they currently provide or plan to provide direct retail service connection to customers and where they have a “duty to serve” when conditions defining this duty in RCW 43.20.260 (1:4) are met.

- Wholesale Service Area. Utilities with water system plans may also designate wholesale service areas, where they provide only wholesale water service. Wholesale service areas are not regulated under the Coordination Act.

If a water system plan does not differentiate between retail and future service areas, then their entire service area is presumed to be their retail service area.

4.1 Service Area Commitments and Procedures

4.1.1 Municipal Water Supplier Service Area Commitments

Municipal water suppliers (as defined in RCW 90.03.015) that are required by DOH to prepare water system plans in accordance with WAC 246-290-100, must identify a retail service area in their Water System Plan. The retail service area must include all areas where the municipal water supplier currently provides direct retail service and may include areas where new retail service is proposed. A municipal water supplier has a duty to provide retail water service (duty to serve) to all new service connections within its retail service areas when the following conditions defining are met:

1. The municipal water supplier can provide service in a timely and reasonable manner.
2. The municipal water supplier has sufficient water rights to provide service.
3. The municipal water supplier has sufficient capacity to serve water in a safe and reliable manner.
4. The service request is consistent with adopted local plans and development regulations.

A municipal water supplier may extend water service outside the retail service area to provide temporary service for a neighboring water system if there is a written agreement in place.

Those municipal water suppliers that are required by DOH to prepare a water system plan pursuant to WAC 246-290-100 must address the four conditions that define a duty to serve water within

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² Not all municipal water suppliers will be required to prepare a water system plan pursuant to WAC 246-290-100.
their retail service area. A municipal water supplier must provide service for all requests within its retail service area, unless it can document that it does not have a duty to serve because it does not satisfy the conditions established in RCW 43.20.260(1:4) and WAC 246-290-106.

The water system plan (WSP) must address the four threshold factors as follows.

**Capacity:** Municipal water suppliers must include a capacity determination in their WSP. Capacity determinations incorporate a water system’s physical capacity (source and storage) and water right limitations.

**Consistency:** Consistency applies to locally-adopted comprehensive plans, land use plans, development regulations, and utility service extension ordinances. Consistency determinations must evaluate land use, 6-year growth projections, service extension ordinances, new water service provisions, and other elements determined by DOH as being related to water supply planning. Municipal water suppliers must ask their local government(s) to determine consistency. If a local government does not complete the determination, the municipal water supplier must document its efforts to obtain local review and then determine consistency itself.

**Water Rights:** The Washington State Department of Ecology (Ecology) is responsible for water right sufficiency determinations. Municipal water suppliers must include a water right self-assessment in their WSP or small water system management program. DOH forwards a copy of the planning document and the water rights self-assessment to Ecology for review and incorporates any water right limitations into its service capacity approvals. The utility’s service area should be consistent with the place of use on the utility’s water right (i.e., the utility should ensure they have the legal authority to put water to beneficial use within their service area). When the service area and the water right place of use are not the same, water systems whose use satisfies the definition of a municipal purpose water right may modify the water right place of use by an amendment to the utility’s water system plan, indicating that the water right place of use conforms to the area served by the utility. With this process, there is no need to submit a water right change application to Ecology.

**Timely and Reasonable:** Municipal water suppliers must include their service policies in their WSP. They must describe how they will provide new service and what constitutes the timely and reasonable provision of water service. The phrase “timely and reasonable” is defined within this CWSP and is included in the **Glossary of Acronyms and Terms.**

It should be noted that a utility’s water facilities, such as sources of supply and reservoirs, can be located outside the utility’s service area. These facilities can be located within another utility's retail service area, provided the facilities are not used for direct retail service without the written concurrence of the designated utility.

**4.1.2 Service Area Designation**

As part of previous CWSP efforts, public water systems were asked to submit Declarations to the Whatcom County Health Department (WCHD). As part of this 2016 CWSP update, systems were asked to review and update their service area declarations and associated service area maps. Once this information was compiled, the existing service areas of the utilities located in the Critical Water Supply Service Area (CWSSA) were mapped. This update used Geographic Information System (GIS) technology to generate parcel-level accuracy for delineating service area boundaries. The maps were reviewed at several meetings of the Water Utility Coordinating Committee (WUCC), and refinements were made based on feedback received.
Once adopted as part of this CWSP, the designated service area is the exclusive service area of the identified utility, giving the utility first priority for serving future customers. As a condition of being granted a designated service area, the utility shall meet the obligations and commitments identified in this CWSP update.

The resulting map of service areas, showing almost all Group A and some Group B systems within the CWSSA, is provided in Figure 2-2 at the end of Section 2. This map is referred to as the "Official CWSP Map." The Official CWSP Map, and individual water utility Declarations and associated maps, are stored as GIS digital files and in hard copy at PDS.

PDS has provided copies of the Official CWSP Map to each utility. Furthermore, PDS has provided a complete set of maps, along with any subsequent updates to the DOH, Ecology, WCHD, and the Whatcom County Boundary Review Board (BRB).

4.1.3 Service Area Overlaps

The Official CWSP Map (Figure 4-1) also identifies areas where there are overlaps in service areas. Such overlaps may or may not represent a conflict. For example, in many cases, a public water system's service area is located entirely within the service area of a larger system and functions relatively independently, until such time as the larger system becomes willing and able to provide water to the smaller system. Such conditions do not represent a service area conflict. The WUCC is not aware of any service area conflicts in the CWSSA.
Conflicts occur where adjacent utilities both desire to serve the same area. When this occurs, there is a voluntary dispute resolution process that may be utilized to resolve such conflicts. An area found to be in conflict would be denied additional service until the dispute is resolved. The voluntary dispute resolution process is available to help resolve such disputes, as discussed in Section 4.2 and Section 9.2.3.

4.1.4 Service Area Declarations

The Declaration form (Exhibit 4-1) identifies the service area boundaries and acknowledges that the utility is willing and able to serve that area unless regulatory constraints preclude the utility from so doing. A specific example of these constraints is the inability to secure water rights. The Declaration allows a utility to designate their existing, future, retail, and wholesale service areas.

Utilities will need to develop a more detailed agreement when understandings concerning service in a neighboring utility's service area, transfer of service, or common boundaries require more specific terms. In order for these agreements to be recognized when implementing the CWSP, the utilities must include them in their WSPs and file them with PDS as an addendum to the Declaration. PDS shall, in turn, make the appropriate updates to the service area map and provide an updated copy, with the date of the most recent update, to WCHD.

The WUCC also reviewed the Declaration signature process. In the past, some confusion has occurred when agreements were signed by individuals who did not have the full authority of the water utility. In response, the WUCC developed new language that was included in the Declaration to verify an individual's authority to sign (Exhibit 4-1).

4.1.5 Service Area Adjustments

Service area boundaries are subject to change through time. Consequently, the service area map is intended to be dynamic and will be revised, as necessary, to accurately reflect service area boundary changes.

In the future, service boundaries can be revised if a utility determines that its service area is either too large or too small, or if a utility determines that it is unable or unwilling to serve a specific request. Changes in utility service area boundaries will occur when one or more utilities wish to expand or reduce their service areas. Expansion of service areas must be approved by PDS, and will only be allowed if a new conflict in service areas is not created by the modification.

The CWSP specifies a procedure to request, document, and implement such service area changes. Exhibit 4-2 provides a summary of these service area adjustment procedures. If the purveyor has not already obtained approval to proceed from DOH, the first step is for PDS to direct the purveyor to DOH to determine whether a proposed expansion or revision to a CWSP water service area boundary will require a new WSP or update to an existing WSP. After the initial coordination with DOH, the essence of these procedures requires that a utility initiate a change by submitting a request to amend its Declaration to PDS. PDS will ensure that proper notification occurs for public input and that adjacent utilities are notified of the change. As previously stated, PDS reviews the request to ensure no conflicts are created.

Subsequently, the affected service area maps are revised and distributed to the appropriate entities. PDS will date stamp and keep on file copies of all Declaration amendment documents and related correspondence for each participating utility. As discussed above, PDS will provide an updated
version of the service area map, with the date of the updates, to WCHD for their use in responding to applicants for projects requiring potable water.

Recognition of these new and altered utility service areas and Declarations should be incorporated into the County utility franchise process by revising the franchises. It is the utility’s responsibility to update their franchise agreement with the County as necessary. The BRB shall also be provided copies of the new and revised service areas for their information. For those water utilities required by DOH to prepare a WSP pursuant to WAC 246-290-100, any expansion of service area must be addressed in an update to its water system plan and, following approval by DOH, the utility’s CWSP water service areas must be adjusted to correspond to those boundaries identified in the approved water system plan. The service area boundaries should also be consistent with the place of use identified in the system’s water rights. Note that, under the municipal water law, a municipal water supplier has the ability to change their authorized place of use by amending their WSP as opposed to filing a water right change application with Ecology.

4.2 Service Area Disputes and Dispute Resolution

The Coordination Act (RCW 70.116 RCW) provides for a mediation procedure to resolve service area disputes at the local level. The procedure specifies that if there are any contested service areas that are not resolved within 1 year of the establishment of the CWSSA, DOH may conduct a public hearing in regard to the contested service area. At the termination of that hearing, DOH may either establish a service area line or delay approval of new water service extensions to a contested service area pending resolution of that conflict. This delay in approval would be limited to the area in question and is not extended to the entire service area of the utilities involved. Further development in the contested service area would be delayed until the dispute is resolved.

When a dispute is brought to the attention of the County, the County will offer to initiate a voluntary dispute resolution process.

The goal is to resolve the dispute amicably, with minimal cost to all parties, in the hopes of avoiding the use of either the DOH mediation process or other measures such as the County Hearing Examiner or Superior Court. Details regarding dispute resolution are included in Section 9.2.3.

4.3 Boundary Review Board

Whatcom County and its seven cities are planning comprehensively in accordance with the goals of the Growth Management Act (GMA) as provided in Chapter 36.70A RCW. Pursuant to RCW 36.93.030, Whatcom County has established a BRB, which is codified in Whatcom County Code (WCC) 2.24. The BRB plays an important role in supporting GMA land use planning county-wide, and reviews proposals for boundary changes by cities, fire districts, and water sewer/districts within Whatcom County, including city or district annexations, new city incorporations, and district mergers.

For the purposes of this section, discussion about the role of the BRB is limited to proposed actions by municipalities or water districts that involve the creation, modification, or dissolution of jurisdictional boundaries, or involve the extension of public water service outside of a water district’s existing water service area.
4.3.1 Notice of Intention

RCW 36.93.090 requires a municipality or water district that proposes to establish a new service area or extend permanent water service outside of its existing, approved service area to file a Notice of Intention with the BRB. The definition of "service area" as it is used in this context includes all of the area within an entity's corporate boundary plus the area outside of the corporate boundaries that has been designated through the approval process outlined in Exhibit 4-2.

All municipalities and special purpose districts are required to file a Notice of Intention with the BRB on forms provided by the BRB, when:

- Annexation, incorporation, or change in municipal area or boundaries is proposed; or
- A permanent water line extension is proposed outside of a water district’s service area, as defined in RCW 36.93.090(4).

4.3.2 BRB Review of Proposed Actions

The BRB notifies potentially interested jurisdictions of proposed actions, and exercises its boundary review authority only when such actions are contested. Requests made to the BRB to "invoke its jurisdiction," conduct a review, and hold a hearing, must come either from an affected jurisdiction, or from residents and property owners within the affected area by petition.

4.3.3 Public Notification of Proposed Actions

All utilities are required to seek public input by following the procedures for Service Area Adjustments provided in Section 4.1.3.

4.4 Department of Health Action

Once a utility has a current Declaration that has been reviewed and approved by PDS (and DOH, as applicable), the service area will be designated to that utility. If, at any time, DOH determines that the utility has failed to comply with the standards or provisions of its WSP, approval of planned construction activities may be delayed pending compliance.

Further, unless a documented health-related problem is involved, a utility's failure to submit a Declaration will result in DOH's delay of planned construction activities until a valid Declaration is in effect. For utilities with contested service area conflicts, delay of DOH approvals will be limited to proposed activities within the contested service area pending resolution of the dispute.

Section 6 includes a detailed discussion of the procedures to be followed by an applicant seeking potable water service. It includes a number of possible scenarios, including direct service by the water system in whose retail service area the applicant's project is located, service within a system's future service area, creating a remote system within the existing service area, service in a relinquished service area or a non-designated area, service by an adjacent utility, creating a new public water system, or developing a new private water supply.
SECTION 4

Exhibit 4-1
DECLARATION OF WATER UTILITY SERVICE AREAS
for
WHATCOM COUNTY COORDINATED WATER SYSTEM PLAN

This Declaration, submitted by 'water utility', confirms that the attached map* accurately identifies the service areas (existing, retail, future, and wholesale) that the water utility either serves or plans to serve unless regulatory or other constraints do not enable the utility to do so.

The intent of this declaration is to define service areas in a manner which assures that time, effort, and money are best used by avoiding any unnecessary duplication of service. In the absence of overlapping boundaries, the Whatcom County Health and Human Services along with the Washington State Department of Health (DOH) will recognize the existing, retail, and future boundaries as the exclusive service area of the undersigned utility, giving the utility right of first refusal for serving future customers. The wholesale service area does not convey an exclusive service area, but is important for delineating the extent of a municipal water supplier's service area, which may represent its water right place of use.

Any proposed changes to a designated service area must include submittal of this declaration to Whatcom County Planning and Development Services, to allow the County to update the CWSP service area map. The utility will also need to provide service in a manner consistent with its own individual water system plan and service policies.

The person signing below assures that he or she has been authorized to sign the Declaration on behalf of the utility.

Date

Water Utility

Authorized Representative

*Note: This map needs to be clearly dated to ensure the most up-to-date version is being used and should accurately depict the existing, future, retail, and wholesale service areas.
Water Utility Service Areas

Exhibit 4-2
Whatcom County CWSP
Service Area Boundary Amendment Procedure

Application: Amendments in water utility service area boundaries will occur when a utility or adjacent utilities wish to expand or reduce their service area and will be approved by the procedures defined herein only if a new conflict in service areas is not created by the modification.

Potential Stakeholders: The utility proposing the amendment; adjacent utilities; Whatcom County Planning and Development Services (PDS); Whatcom County Health Department (WCHD); and Washington State Department of Health (DOH).

Procedures:

1. The water utility must submit their request for a service area boundary amendment in writing to PDS, along with an up-to-date map identifying the existing and requested boundaries and identifying the existing, future, retail, and wholesale service areas. The written request shall specify the reason or justification for the change. All submittals of requests for amendments, confirmation of non-conflict, and signed revised Service Area Declarations must bear the signature of an official authorized to represent the respective utility. Some form of written confirmation of this authority and/or agreement with the requested boundary amendment by the utility’s governing body must be submitted to PDS.

2. Upon receipt of a service area boundary amendment request, PDS will schedule a pre-application meeting between DOH, the applicant, and PDS to establish preliminary feasibility of the proposal, and to identify any potential inconsistencies with changes in service relative to planned land use. This meeting will also provide DOH with an opportunity to conduct preliminary assessments and make notification to the applicant as to whether or not the proposed revision to service area will require a new or updated Water System Plan pursuant to and in accordance with WAC 246-290-100. No changes in the service area or to the delivery of water shall be made until the DOH review process has been completed.

3. PDS will require that the water utility requesting the service area boundary amendment has formally sought public input regarding the requested amendment and has provided copies of any comments received to PDS. PDS will prepare two copies of the revised service area map and a Declaration for Water Utility Service Area and submit them to the affected utilities within ½ mile for the utility’s review and written confirmation that the proposed change does not create a service conflict. It should be noted that not all service area overlaps constitute a conflict. When such conditions exist, any special working agreements between the affected utilities, if they exist, shall be submitted as attachments to the Declaration.

4. If a conflict exists, no further boundary modifications shall occur until the conflict is resolved between the impacted parties. The utilities shall be referred to the voluntary dispute resolution process identified in Section 4.2.

5. If there are no conflicts, or any conflicts are resolved, and all necessary approvals have been obtained, PDS will update the official CWSP map on GIS and hard copy. PDS shall update the official map at least quarterly and the map shall be kept on file by PDS.

6. Copies of all signed Declarations and related correspondence shall be date stamped and kept on file for each participating utility by PDS.
Section 5 – Minimum Design Standards
Section 5 – Minimum Design Standards

5.0 Introduction

The Coordination Act requires development of minimum design standards applicable within the CWSSA. Unless otherwise noted, the minimum design standards included in this section shall apply only to new or expanding public potable water systems. However, existing water systems are encouraged to meet these minimum design standards to support the provision of safe, reliable, and high quality drinking water throughout the CWSSA.

In addition to design standards, the Washington State Department of Health (DOH) approval procedure for WSPs encourages the development of standard construction specifications by larger water utilities. Construction specifications are more detailed than the design standards included in this CWSP update. Construction specifications are typically used by contractors for reference during construction of system improvements, whereas design standards are typically referenced by the design engineer during planning or design of system improvements. Construction specifications are typically included or referenced in the technical specifications for improvement projects. The construction specifications and the design standards contained in individual WSPs shall not be less stringent than the standards described in this section per WAC 246-290-200.

Throughout this update, the words “must,” “will,” “shall,” or “required” are used when design practices are sufficiently standardized to permit specific delineation of requirements, or where safeguarding the public health justifies definitive criteria or action (such as state statute or rule requirements). Where requirements are spelled out in statutes or rules, an attempt has been made to cite the relevant source.

“Should” or “recommend” indicate procedures, criteria, or methods that are accepted as standard practices but are not required by law and that can be approached with some degree of flexibility. In such cases, managers need to explain the basis of the altered approach or, in some cases, why another approach may be more applicable. The words “should” or “recommend” indicate procedures, criteria, or methods that are not required and can be approached with some degree of flexibility. Unless specifically noted, the WUCC has determined this flexibility should be retained and the related recommendations should not be codified.

In cases where the WUCC has determined that certain actions, standards, or procedures are sufficiently important to warrant adoption into the Whatcom County Code, it has been noted and those changes are identified later in Section 9 – Implementation Plan. The Implementation Plan specifies what the WUCC recommends the County Council amend in the existing code.

5.1 Rural and Urban Levels of Standards

"Urban" levels of service are provided within the urban growth area (UGA) boundaries and, conversely, "rural" services occur outside the UGA. Without further definition by local government, the legislature has determined that rural services include those public services and public facilities historically and typically delivered at an intensity usually found in rural areas, and may include domestic water systems, fire, and police protection services.

The GMA also mandates that each county develop county-wide planning policies (CWPP) that shall serve as written policy statements used solely for establishing a county-wide framework from
which county and city comprehensive plans are developed and adopted. These policies are companions to any existing non-conflicting land use policies already in place.

The CWPPs developed for Whatcom County specify in Section F that cities will not extend water and sewer utilities without an adopted program for annexation and an adopted capital facilities plan. Exceptions may be made in cases where human health is threatened. The CWPPs require that, if water extensions are made, they must be consistent with the service area boundaries and other provisions of the CWSP. Outside of UGAs, cities and other public and private utilities may extend water only at rural levels of service. If rural levels of service are extended, availability of pipeline capacity to meet local supply needs shall not be used to justify development counter to county-wide land development patterns, and shall not be considered in conversions of agriculture land, forestry, or rural lands.

The following goals and policies are specified in Chapter Five – Utilities of the Whatcom County Comprehensive Plan. These strategies aim to provide adequate water supply for new developments consistent with the County’s future growth and demands.

**Goal: Resolve county water issues through proactive participation in processes leading to a solution of water-related conflicts.**

- Plan for interlocal agreements with other agencies to manage failing water associations that fall into receivership.
- Encourage and actively participate in forums, workshops, and other water-related planning activities.
- Discourage extension of urban levels of water service to areas not designated as urban growth areas or Rural Communities, except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment and when such services are financially supportable at rural densities and do not permit urban development.
- Investigate the opportunity for multiple solutions to other issues such as flood management when looking towards acquiring additional water supplies/rights.
- Evaluate and, where feasible, support alternative supplies of water such as desalinization, re-use of treated wastewater, and storage of flood water. Investigate reservoir holding ponds that take advantage of flood water when needed for beneficial uses such as fisheries, agriculture, domestic and industrial water supplies.

**Goal: Work with water purveyors to provide service to all existing and designated urban growth or industrial areas.**

- Work with the appropriate jurisdictions to ensure adequate water rights and supplies to the Urban Growth Areas and designated industrial areas in Whatcom County. Consider all options, including but not limited to, extension of water service areas, conjunctive management of surface and groundwater, artificial storage and recovery and reclamation of wastewater.
Minimum Design Standards

- Ensure provision of urban levels of water service to urban growth within areas designated for urban growth.
- Periodically review Urban Growth Areas to ensure adequate water supplies.
- Encourage annexation of areas zoned for urban densities concurrent with extension of urban level services.
- The County should work closely with purveyors and the State Department of Health in the development and review of Comprehensive Water Plans to ensure consistency with land use and urban growth area needs.
- The County will work with the Department of Ecology, City of Bellingham, the Port of Bellingham, the PUD, and local, regional, and state economic development agencies to ensure an adequate water supply to areas planned for industrial development.

Goal: Ensure that potable water supplies required to serve development are available at the time the development is available for occupancy and use.

- Building permit applicants, new subdivisions, short plats, and binding site plans will be required to provide evidence that adequate and legal (in consultation with the Department of Ecology) supplies of water are available prior to their approval by the County.
- Work with purveyors to assist them in modifying their systems as required to support the land use element of the comprehensive plan.

The design standards presented herein have been reviewed by the WUCC to ensure compliance with the policies of the County's Comprehensive Plan.

5.2 Minimum Design Standards

5.2.1 Purpose

The purpose of these standards is to set a base level of utility planning and design for public water utilities. Once the CWSP update is approved by the DOH, these standards will apply to expanding public water systems or to the construction of new public water systems. The base-level planning must provide for development consistent with adopted land use plans of the agencies with jurisdiction per WAC 246-290-100. Uniformity and consistency in standards will, in the long-term, reduce costs to consumers as system interties and/or consolidation of utilities takes place. Reliability of water supply will also be improved.

Subject to certain exceptions contained in the Coordination Act, each utility must adopt minimum design standards as a part of its WSP (WAC 246-290-100). It is intended that a utility may adopt the minimum design standards described herein or more stringent standards, provided such standards are not inconsistent with applicable land use plans. As discussed, the development and submittal of standard construction specifications for larger utilities is encouraged by the DOH and is separate from these minimum design standards.

The WUCC found that the minimum design standards from the 2000 CWSP were generally acceptable in their current state. Additional clarification was requested from the County Fire
SECTION 5

Marshal and local fire district authorities regarding fire protection requirements and hydrant placement. These standards incorporate this clarification and are discussed in Section 5.3.

5.2.2 Application of Standards

Existing Water Systems

Existing water systems are not required to utilize these minimum standards for connection of new retail customers to existing mains (infill), repair or replacement of facilities, or distribution system extensions in an existing service area identified in a current and approved WSP or project report, so long as they are not an expanding system that will increase in size its existing service area and/or its number of approved service connections. However, adherence to these standards in all cases is encouraged to provide better public water service throughout the County. If existing facilities must be repaired or replaced to serve an expanded service area, the new construction shall meet these minimum standards (Chapter 246-290 WAC).

The newly proposed DOH definition of an expanding water system is a public water system that increases the existing service area or approved number of service connections. For the purposes of this CWSP, when a public water system increases its existing service area, it shall be considered an expanding water system.

When a water system proposes to increase the approved number of service connections within its existing service area, PDS shall convene a meeting of PDS staff, DOH staff, and representatives of the water system to determine the appropriate level of planning for the proposed increase in connections, with the goal of mutually agreeing on whether the proposed change constitutes an expansion of the water system. For example, if the system already has infrastructure in place and is now able to serve more connections because of improvements in their water use efficiency or development of a new source, DOH may consider that as in-filling and not system expansion. However, if the utility needs to install new infrastructure to serve that area, that may constitute expansion of the system. Such a determination is appropriately made on a case-by-case basis through a collaborative effort by the parties listed above. In the event a determination is made and any party disagrees, they may seek resolution through the DOH appeals process.

Indian Tribes and Nations

Since the tribal lands on the Nooksack and Lummi Indian reservations are excluded from the CWSSA, the standards contained herein are not binding upon public water systems owned and operated by the tribes or tribal members and serving exclusively tribal lands.

Water System Plans and Applicable Land Use Plans

New, expanding, and other utilities required to meet the water system planning requirements under WAC 246-290-108 shall use land use designations as prescribed in the Whatcom County Comprehensive Plan for their service area, zoning codes, city comprehensive plans, and any related interlocal agreements. Such designations shall be identified in the utility's WSP and used to establish design standards.

The WSP and capital improvement schedule shall provide the anticipated level of service within the utility’s designated water service area, consistent with the land use plan (WAC 246-290-100). When the utility that is required to meet the water system planning requirements under WAC 246-290-108 is requested to provide water service, it will identify that portion of planned capital facilities, as well as other installations, that are necessary to provide the service requested.
As growth occurs, the full level of water service will eventually be provided throughout the service area of the utility through implementation of a capital improvement schedule that meets County or municipal requirements.

Once a utility's WSP is approved, the utility should be consulted by the land use planning agency with jurisdiction regarding any proposed land use changes which impact the required level of water service. The water service related cost of said impacts, as determined by the utility, should be fully considered by the planning agency in acting on the proposed land use change.

5.2.3 General Provisions

Source Development

New sources must be designed and developed to meet the Washington State Department of Ecology (Ecology) and DOH regulations and design guidelines, including Chapter 173-160 WAC, “Minimum Standards for Construction and Maintenance of Wells,” as administered by Ecology, and Chapter 246-290 WAC, “Group A Public Water Supplies,” as administered by the DOH.

All test and production wells must be drilled in accordance with state and local drilling and testing specifications. Wells used for domestic supply must meet the minimum requirements and must obtain written source approval from DOH in accordance with Chapter 246-290 WAC.

Source Abandonment

Any well that is unusable, abandoned, or whose use has been permanently discontinued, or that is in such disrepair that its continued use is impractical or is an environmental, safety, or public health hazard shall be decommissioned in accordance with WAC 173-160-381. If a water source is abandoned, the water system should notify both Ecology and DOH of the abandonment of that source and should make the appropriate changes to their WSP and related water rights.

Water Quality

Water quality must be proven to conform to the federal Safe Drinking Water Act (SDWA), and DOH criteria specified in Chapter 246-290 WAC.

Design Standards

Standards Incorporated by Reference – The existing standards listed below, or as may be modified by the appropriate authorities, are hereby incorporated by reference. Priority for application of these standards is in the order listed, but the most stringent applies. Except as otherwise superseded by the County standards described herein, these standards will apply to water system design, installation, modification, and operation.

- Group A Public Water Supplies (Chapter 246-290 WAC), Water System Design Manual, DOH publication no. 331-123.
- Applicable County or city rules, regulations, ordinances, and standards.
- Standard Specifications for Road, Bridge, and Municipal Construction, as published by the Washington State Department of Transportation/American Public Works Association (WSDOT/APWA), latest edition.
- Standards of the American Water Works Association (AWWA).
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General Standards – Selection of materials and construction of water system facilities in the County shall conform to the provisions outlined above, with the additional provisions:

- All owners/operators of water systems that have water mains in County road rights-of-way must comply with franchise requirements outlined in ordinances passed by the County Council authorizing such use of the road and rights-of-way (Whatcom County Code Chapter 12.27);

- Construction within incorporated areas remains subject to municipal permitting requirements; and

- All projects requiring design by a registered professional engineer shall be inspected by the utility or its designated representative before closure of any excavation.

Hydrostatic Pressure Test

A hydrostatic pressure leakage test will be conducted on all newly constructed water mains, fire lines, fire hydrant leads, and shutoffs in accordance with WSDOT/APWA Section 7-11.3(11) or AWWA C-600 specifications, unless otherwise specified by the designated utility.

Disinfection and Bacteriological Testing

All pipe, reservoirs, and appurtenances shall be flushed and disinfected in accordance with the standards of AWWA C651-86 and C652-86, or WSDOT/APWA Section 7-11.3(12), unless otherwise specified by the designated utility.

Utility Interties

When a utility or utilities are planning to install new or replacement water mains, the utility should evaluate the feasibility of emergency or permanent interties with nearby water systems as a potential means of improving efficiency and reliability of their water supplies.

Flow Measurements

All new groundwater wells used as water sources for new and expanding public water supplies shall be provided with an access port for measurement of depth to water (WAC 173-160-291), and measuring devices for determining flow rate and total production (WAC 246-290-496). Installation of these devices is also recommended for existing groundwater sources. Water users are advised to examine their water right documents to determine whether metering requirements are included as a condition of their water right.

Cross-connection Control

Where the possibility of contamination of the supply exists, water services shall be equipped with appropriate cross-connection control devices in accordance with WAC 246-290-490. The designated utility shall determine the need, size, kind, location, maintenance, and testing requirements of the device as specified in WAC 246-290-490.

5.2.4 Specific Provisions

If a public water system has adopted specific design standards that have been approved by DOH, those standards shall apply instead of the specific provisions discussed below, and shall be at least as stringent (WAC 246-290-200).
Minimum Design Standards

Pressure Requirements

All public water systems shall be designed to maintain a minimum residual pressure of 30 pounds per square inch (psi) at the meter, or property line if there is no meter, under peak hourly demand flow conditions, excluding fire demand. For water systems providing fire flow capability, the design shall be adequate to maintain, under fire flow plus maximum daily demand flow conditions, a residual pressure of 20 psi throughout the system (Chapter 246-290 WAC). Section 5.3 contains additional details relating to the fire flow provisions.

Pipe Sizing and Materials

For new systems or expansions to existing systems, the minimum pipe diameter for distribution mains should be 8 inches within UGAs, rural community, urban, and rural business land use designations. These land use designations are as defined in the County’s current Comprehensive Plan. For all other designations, the minimum diameter shall be 6 inches, unless it can be justified hydraulically that all other service conditions can be maintained (WAC 246-290-230). Exceptions to the 6-inch minimum diameter requirement may be granted by the appropriate agency (DOH or Whatcom County Health Department) under the following conditions:

a) Fire flow is not required under current land use; or

b) A system is to be developed within a designated service area, there is not a direct connection to the designated utility, and the designated utility has entered into a water service agreement with the developer that includes provisions for eventual direct connection of the development. Fire protection requirements, if any, must be met during the interim by the system to be developed.

Water main size shall be adequate to deliver the required fire flow (if applicable) and maintain pressure requirements. Water mains serving fire hydrants, either as part of new construction or planned phased improvements, shall not be less than 8 inches in diameter for dead-end lines, or less than 6 inches in diameter if looped. Hydrant leads extending less than 50 feet or across a street should be of a suitable size to carry the required fire flow, but shall not be less than 6 inches in diameter. In a dead-end cul-de-sac, smaller diameter mains may be installed from the last hydrant to remaining residences.

All water mains shall meet applicable engineering and health standards adopted by DOH and the water purveyor, including Chapters 246-290 and 246-293 WAC. Maximum flow velocities shall be consistent with WAC 246-290-230(9) and Chapter 8.1 of the DOH Water System Design Manual.

All pipe material shall be equal to or greater than AWWA standard specifications unless previously approved by the appropriate agency. All pipe material for new water systems shall be constructed with lead-free materials in accordance with Chapter 246-290 WAC.

Isolation Valves

Valves should be installed in a configuration that permits isolation of water mains and minimizes the number of customers out of service when the water system turns the water off for maintenance, repair, replacement, or additions. A valve is not required for short block lines of less than 100 feet. Valves should be installed at main intersections with normal maximum spacing, as listed in Table 5-1. The zoning designations are as defined in the County’s current Comprehensive Plan. The general zoning classification may be referenced for zoning within incorporated areas.
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Table 5-1
Isolation Valve Spacing

<table>
<thead>
<tr>
<th>Zoning Classification</th>
<th>Valve Spacing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial (HII, LI, GM, GI, RIM, AO)</td>
<td>500 feet</td>
</tr>
<tr>
<td>Commercial (RGC, GC, TC, NC, STC, RC)</td>
<td>500 feet</td>
</tr>
<tr>
<td>Urban Residential (URMX, URMX10-24, URMX6-12, URMX6-10, URM24, URM18, URM12, URM6)</td>
<td>500 feet</td>
</tr>
<tr>
<td>Urban Residential (URM6, URM6, UR4, UR3)</td>
<td>800 feet</td>
</tr>
<tr>
<td>Rural Residential (RR3, RR2, RR1)</td>
<td>800 feet</td>
</tr>
<tr>
<td>Rural Residential (RR5A, RR10A, RR, TZ)</td>
<td>0.50 mile</td>
</tr>
<tr>
<td>Rural (R2A, R5A, R10A)</td>
<td>0.50 mile</td>
</tr>
<tr>
<td>Resources (AG, CF, RF, MRL)</td>
<td>0.50 mile</td>
</tr>
<tr>
<td>Other (ROS, EI)</td>
<td>0.50 mile</td>
</tr>
</tbody>
</table>

Air and Air-vacuum Relief Valves

To minimize problems associated with air entrapment, the purveyor should install air valves or combined air-vacuum relief valves at appropriate points of high elevation in the system.

Blow-off Valves

A hydrant or blow-off assembly should be installed in accordance with each water system’s design standards at low points and dead-ends in the distribution system to allow sufficient flushing and proper disinfection of distribution mains. The blow-off assembly should be installed in the utility right-of-way, except where an access and construction easement is provided for in writing to the water utility. In no case should the location and construction be such that there is a possibility of back-siphoning into the distribution system.

Pressure Reducing Stations

Pressure reducing stations should include a manifold system that provides for a redundant pressure reducing valve, a bypass valve, or other suitable device that ensures reliability and continuity of service.

Storage

The design of each storage tank shall adhere to the design considerations, provisions, and appurtenant design details discussed in Chapter 9 of the DOH Water System Design Manual per Chapter 246-290 WAC. Storage facility requirements are based upon the following five components.
**Minimum Design Standards**

a) Equalizing Storage: required to supplement production from water sources during high demand periods.

b) Standby Storage: required as backup supply in case the largest source is out of service.

c) Fire Storage: required to deliver the level of fire flow service for the required duration identified in the utility's approved WSP.

d) Operational Storage: the volume of distribution storage associated with source or booster pump normal cycling times under normal operating conditions.

e) Dead Storage: the volume of stored water not available to all consumers at the minimum design pressure.

As a minimum, sizing of storage tanks shall be adequate to provide for equalizing storage plus the larger of standby or fire storage requirements (nesting). Nesting of standby and fire storage is allowed only where not prohibited by local ordinance, the local fire protection authority, or the county fire marshal (WAC 246-290-235). Equalizing and standby storage volumes shall be determined using the DOH Water System Design Manual. Fire storage volumes shall be determined using the fire flow and duration as provided in the levels of service requirements of the County or municipal ordinance and the utility's approved WSP. Siting of storage facilities should consider locations that provide gravity flow. Ground-level, partially-buried, and underground reservoirs should be designed to minimize the potential for contamination in accordance with the DOH Water System Design Manual.

**General Facility Placement**

Facilities shall be located in accordance with applicable municipal or county ordinances. Where no ordinance applies, water mains should be installed at a location that is compatible with the existing water system, terrain, and location of other utilities. In new subdivisions, binding site plans, and short plats water mains should be installed parallel to the center line on the north or east sides of the street, wherever practical.

In addition, all piping, pumping, source, storage, and other facilities should be located on public rights-of-way or dedicated utility easements. Utility easements should be a minimum of 15 feet wide, unless the easement is contiguous and parallel to an access easement or public right-of-way. In such cases, the minimum easement width should be 10 feet. Piping should be installed no closer than 5 feet from the edge of an easement. Unrestricted access should be provided to all public water system lines and their appurtenances, and public fire hydrants that are maintained by public agencies or utilities.

**Pipe Cover**

The depth of trenching, installation of pipes, and backfill should be such as to give a minimum cover of 36 inches over the top of the pipe for transmission and distribution lines, and 24 inches over service piping. Backfilling up to 12 inches over the top of the pipe should be evenly and carefully placed. The remaining depth of trench is to be filled in accordance with applicable construction standards identified in Section 5.2.3 – General Provisions. Materials capable of damaging the pipe or its coating should be removed from the backfill material.
SECTION 5

Concrete Thrust Blocking
Concrete thrust blocking should be placed at bends, tees, dead ends, and crosses in accordance with the utility's standards. Blocking should be concrete poured in place. Concrete blocking should bear against solid undisturbed earth at the sides and bottom of the trench excavation and should be shaped so as not to obstruct access to the joints of the pipe or fittings.

Water and Sewer Line Separation Distances
Whenever possible, transmission and distribution water piping should be separated at least 10 feet horizontally from on-site waste disposal piping, drain fields, and/or wastewater gravity or force mains. The bottom of the water main should be 18 inches above the top of the sewer. Where local conditions prevent such horizontal and/or vertical separation, closer spacing is permissible where the separation is mitigated in the design and construction, and meets the special requirements of Ecology's Criteria for Sewage Works Design.

5.3 Fire Hydrants and Fire Flow
The goal of these standards is to prevent or minimize the loss of life, loss of property, and damage to the environment from the adverse effects of fire.

5.3.1 New Fire Hydrants
For new or expanding systems, new fire hydrants within the unincorporated areas of the County shall comply with the minimum design criteria set forth in Whatcom County Code 15.04.040, and shall be compatible with local fire department standards and the design criteria adopted by each purveyor. Fire hydrants shall adhere to the specific design criteria and standards utilized by the utility but may not be less stringent than the Whatcom County Code.

5.3.2 Fire Hydrant Location
Fire hydrants shall be located in unincorporated areas in accordance with Whatcom County Code 15.04.040. Within municipalities, the location specifications provided in the city fire ordinance or water system design standards shall apply, but shall not be less stringent than the Whatcom County Code.

Actual location of hydrants should be identified in the development site plan and should be approved by the water purveyor and fire marshal prior to construction. Placements should be made to provide unhindered access for fire hose connections, testing, and maintenance.

5.3.3 Fire Hydrant Maintenance
It is the determination of the WUCC that the responsibility for maintenance and testing of fire hydrants primarily rests with the water systems that own the infrastructure. For non-municipal corporations, a description of the hydrant maintenance procedures must be kept on file to be eligible for liability protection under RCW 70.315.060 for damages that may arise out of a fire event. Within all water systems, fire hydrants that are permanently inoperative or unusable shall be repaired or removed. Fire hydrants that are temporarily inoperative or unusable shall be wrapped or otherwise provided with temporary indication of their condition and the local fire authority notified when they are unavailable. Fire hydrants that are temporarily inoperative or unusable shall be repaired as soon as possible (WAC 246-293-650).
Public water systems are encouraged to communicate with their local fire authorities regarding the location, operation, and status of their fire flow facilities. Where appropriate, a written agreement that identifies responsibilities for maintenance and testing of fire hydrants should be negotiated between the fire department or district and the water utility (WAC 246-293-650(8)). Such agreements could establish operation, maintenance, and testing policies that are mutually beneficial to both the fire authority and the water utilities and would clarify each party’s respective roles and responsibilities. Communication is seen as being most important in the unincorporated areas and/or where County fire districts exist with dynamic boards of commissioners and local fire district chiefs.

The tasks itemized in Table 5-2 should be carried out in a responsible manner by the assigned party at the specified frequency. The utility should notify the local fire authority in advance before any changes are made to hydrant installation or relocation. The local fire authority should notify the utility in advance of testing any fire hydrants.
### Table 5-2
Fire Protection Facility Operation, Maintenance, and Testing

<table>
<thead>
<tr>
<th>Water Utility Responsibility</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Review of location, installation, and type of hydrant, ports, and valves</td>
<td>At time of permitting</td>
</tr>
<tr>
<td>Inspection of new facility</td>
<td>At time of construction</td>
</tr>
<tr>
<td>Painting, numbering, and coding of hydrants</td>
<td>As needed</td>
</tr>
<tr>
<td>Hydrant testing, maintenance, and recordkeeping</td>
<td>As needed</td>
</tr>
<tr>
<td>Communications (emergency, alert system, faulty hydrant, etc.)</td>
<td>As needed</td>
</tr>
<tr>
<td>Clear vegetation and brush from hydrant</td>
<td>Seasonally or more often as needed</td>
</tr>
<tr>
<td>Backflow prevention between potable and fire protection systems</td>
<td>Annually</td>
</tr>
<tr>
<td>Estimate volume and time of use of hydrants for Water Use Efficiency reporting</td>
<td>Monthly</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Fire District Responsibility</th>
<th>Frequency</th>
</tr>
</thead>
<tbody>
<tr>
<td>Review of location, installation, and type of hydrant, ports, and valves</td>
<td>At time of permitting</td>
</tr>
<tr>
<td>Notify water utility in advance when hydrants are used for training or testing</td>
<td>As needed</td>
</tr>
<tr>
<td>Communications (emergency, alert system, faulty hydrant, flow tests, etc.)</td>
<td>As needed</td>
</tr>
<tr>
<td>Install and check reflector location, if used</td>
<td>As needed</td>
</tr>
<tr>
<td>Private hydrant and fire system testing</td>
<td>Annual</td>
</tr>
<tr>
<td>Estimate volume and time of use of hydrants</td>
<td>Per occurrence</td>
</tr>
</tbody>
</table>

### 5.3.4 Fire Flow Requirements

Water supply facilities for new developments and new or expanding public water systems shall be designed to meet the minimum fire flow requirements set forth in Table 5-3. The WUCC defers to the Fire Marshall’s expertise and believes that the recommended fire flow requirements in Table 5-3 are an appropriate level of fire flow to meet the goal of this section of preventing or minimizing the loss of life, loss of property, and damage to the environment from the adverse effects of fire. Although typical fire flow requirements established for individual structures during the development review process are based on building type, construction, and other factors,
Table 5-3 presents fire flow recommendations based on zoning to assist water purveyors in planning for fire protection within their service areas. The recommended fire flow requirements shown in Table 5-3 were developed in coordination with the County Fire Marshal and the WUCC, and includes flows that are typically required by the fire marshal for development within the zoning designations. The zoning designations in Table 5-3 are as defined in the County’s current Comprehensive Plan. The general zoning classification may be referenced for zoning within incorporated areas.
### Table 5-3
Minimum and Recommended Fire Flow Requirements

<table>
<thead>
<tr>
<th>Zoning Classification</th>
<th>Minimum Fire Flow Requirement (gpm)</th>
<th>Recommended Fire Flow Requirement (gpm)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial (HII, UI, GM, GI, RIM, AO)</td>
<td>1,000 gpm for 2 hours</td>
<td>2,000 gpm for 2 hours</td>
</tr>
<tr>
<td>Commercial (RGC, GC, TC, NC, STC, RC)</td>
<td>1,000 gpm for 2 hours</td>
<td>1,500 gpm for 2 hours</td>
</tr>
<tr>
<td>Urban Residential (URMX, URMX10-24, URMX6-12, URMX6-10, URMZ4, URM18, URM12)</td>
<td>750 gpm for 1 hour or commensurate with standards of the adjacent municipal corporation, whichever is greater</td>
<td>1,500 gpm for 1 hour</td>
</tr>
<tr>
<td>Urban Residential (URMS, UR6, UR4, UR3)</td>
<td>500 gpm for 1 hour or commensurate with standards of the adjacent municipal corporation, whichever is greater</td>
<td>750 gpm for 1 hour</td>
</tr>
<tr>
<td>Rural Residential (T2)</td>
<td>500 gpm for 1 hour</td>
<td>500 gpm (residential)/1,000 gpm (commercial) for 1 hour</td>
</tr>
<tr>
<td>Rural Residential (RR3, RR2, RR1)</td>
<td>500 gpm for 1 hour</td>
<td>500 gpm for 1 hour</td>
</tr>
<tr>
<td>Rural Residential (RRSA, RR10A, RR1)</td>
<td>No fire flow requirement</td>
<td>500 gpm for 1 hour</td>
</tr>
<tr>
<td>Rural (R2A, RSA, R10A)</td>
<td>No fire flow requirement</td>
<td>500 gpm for 1 hour</td>
</tr>
<tr>
<td>Resources (AG, RF, MRL)</td>
<td>No fire flow requirement</td>
<td>500 gpm for 1 hour</td>
</tr>
<tr>
<td>Resources (CF)</td>
<td>No fire flow requirement</td>
<td>No fire flow requirement</td>
</tr>
<tr>
<td>Other (ROS, EI)</td>
<td>No fire flow requirement</td>
<td>500 gpm for 1 hour for parks with structures, otherwise no fire flow requirement</td>
</tr>
</tbody>
</table>

Notes:
1. Fire protection may be provided by means other than hydrants supplied by a water utility's distribution system provided that such alternative methods are fully documented in the utility's WSP and approved by the local fire protection authority (WAC 296-293-670, Whatcom County Code 15.04.040).
2. Projected density shall be based upon designated land use in adopted County or city comprehensive plans.
3. Whenever existing land use densities are greater than the comprehensive land use designation density, the fire flow rate will be determined on the basis of existing density or the determination of the fire marshal.
4. Within a designated service area, a utility that has fire flow capability shall extend existing water mains to provide flows whenever feasible. When main extension is not feasible, a remote system may be developed that is designed to accommodate fire flows in accordance with the jointly developed plan between the water utility and fire marshal's office. The plan shall be incorporated in the utility's WSP.
5. A greater flow rate may be required for certain developments as determined by the fire marshal.
6. Fire flow requirements for churches, schools, and labor camps will be established by the County Fire Marshal, but in no case will the required fire flow be less than that specified in the table above.

Table 5-3 presents zoning-based fire flow requirements. However, the actual fire flow requirement for individual structures will be determined during the development review process and may be higher than those stated in Table 5-3. Utilities shall develop their capital improvement programs for meeting their fire flow objectives in consultation with the appropriate local fire authorities. It is the intent that said programs may be scheduled to be phased-in over a specific period of time.
Minimum Design Standards

considered to be reasonable for the individual circumstances. The program and schedule shall be
described in the utility's comprehensive water system plan, which is subject to DOH approval.

5.3.5 Fire Flow Mitigation Alternatives

The fire marshal and building official may consider any combination of alternative strategies to
mitigate in part or in whole the lack of adequate or available fire flow water and/or reduce the
minimum required fire flow storage volume or flow for a given project proposal (Whatcom County
Code 15.04.040). Such strategies may include, but are not necessarily limited to:

- Provide an automatic sprinkler system throughout the building or fire area when not
  otherwise required by the International Fire Code (IFC) or International Building Code
  (IBC).

- Upgrade the proposed building construction type from combustible to non-combustible
  and/or fire-rated. For example, upgrade from Type VB to Type VA or Type IIB
  construction.

- Provide fire walls or fire barrier walls to divide the building into smaller fire areas or to
  provide isolated storage of combustible packaging supplies and/or hazardous materials.

- Provide enhanced setbacks from property lines and other buildings on the site.

- Partner with an existing water purveyor to provide approved upgrades to the delivery
  capability of the existing purveyor system, such as upsizing sections of the piping system,
  providing a station or satellite pump, providing an additional system storage tank, or similar
  approved system upgrades.

- Provide additional fire hydrants at approved locations with adequate, parking-prohibited
  staging areas for the fire district.

- Provide a monitored fire alarm system when not otherwise required by the IFC or IBC.

- Where appropriate, provide additional exits from the building to adequate, accessible exit
  discharge areas.

- Reduce high-piled storage racking systems.

- Other approved strategies that reduce risk to building occupants and emergency
  responders.

Approval of such strategies is at the discretion of the fire marshal in cooperation with the Building
Official. They are to be considered on a case-by-case basis, and based on the specific
characteristics of a given project. The fire marshal may require system strategies be analyzed,
evaluated, and/or designed by an approved Fire Technician or licensed Fire Tech/System Design
Engineer.

5.3.6 Phased Fire Flow Plan

If water service is requested of a utility in an area where only limited fire flow is currently provided,
the cost of installing all improvements at once to meet the required level of fire flow may be
prohibitive. In this case, the utility and developer may reach an agreement to provide the desired
service through a schedule of improvements over a reasonable period of time. Until the schedule
of improvements is fully implemented, the required level of fire flow may not be available in all
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areas of the development. This phased plan must be approved by the County for service in unincorporated areas, or the city agency with jurisdiction within corporate limits, and must be consistent with the approved WSP of the utility (Chapter 246-293 WAC).

If fire hydrants are not initially installed as part of the phased fire flow plan, a tee shall be installed at least every 900 feet where fire hydrants will be located (WAC 246-293-650(1)) or at approved hydrant location intervals per applicable sections of the current adopted edition of the IFC Section 507, Fire Protection Water Supplies; IFC Appendix C, Fire Hydrant Locations and Distribution; and as amended per Whatcom County Code 15.04.040.

A phased fire flow plan shall be applicable when the following conditions are met:

a) If the proposed new service is within the utility's designated service area, the utility shall have an approved WSP that contains a capital improvement schedule that provides the full level of water service to the phased fire flow plan area. If the new service is proposed outside of a designated service area and the utility intends to provide service, or if it is to be developed by a Satellite Management Agency (SMA), the utility or SMA shall submit an amendment to its WSP that addresses the needs of the new service area.

b) A written agreement between the utility and developer setting forth the phased fire flow plan is submitted and approved by the city or County prior to issuing a development permit (subdivision, binding site plan, plat, short plat, etc.). The plan must identify the fire flow to be initially provided, projected growth expected in the proposed development, additional capital facilities required, a schedule of construction, and eventual fire flow to be provided. The phased construction schedule must provide for compliance with design standards within a reasonable period of time agreed to by the County.

c) All water mains and other permanent facilities installed during the phased development period shall be in accordance with the eventual system design identified in the capital improvement schedule of the utility's WSP.

If land use changes occur, or if growth does not occur as anticipated, the utility may submit a revised plan that identifies the reasons for variation from the original plan and a fixed date for compliance to be achieved.

5.3.7 Low Flow Hydrants (For Existing Systems)

While not all public drinking water systems in Whatcom County provide fire flow, it is recognized that some water systems have installed fire hydrants that do not meet fire flow standards. Connection to these systems for fire suppression can result in negative pressures and possible cross contamination of the system.

Public water systems that are not required to comply with minimum fire flow standards shall coordinate with the local fire control authorities to ensure that any hydrants on the system, if they can possibly be used in the course of fire suppression activities, do not create adverse pressure problems within the water system as a result of fire control actions (WAC 246-290-221).

In order to safeguard public health, drafting (pulling water from a hydrant) of fire hydrants is prohibited unless otherwise agreed between the purveyor and the fire authority. Hydrant connections may only be made with collapsible hose unless the utility informs the local fire control authority otherwise. For all water systems in the unincorporated portions of the County, the caps on all hydrants must be color-coded RED when:
• The effects of supplying fire flow are unknown;
• Fire flow is less than 500 gallons per minute (gpm); or
• Fire flow would reduce system pressures to less than 20 psi;

The reason for this measure of safety is that most existing rural water systems are not designed to meet minimum fire flow standards, even if they have fire hydrants, while maintaining 20 psi throughout the entire system during fire flow conditions, it is a common misconception that a fire hydrant can be used (drafted/pulled) for its maximum flow capacity as long as the pressure at that fire hydrant does not drop below 20 psi. In fact, an individual hydrant may free flow large quantities of water while maintaining in excess of 20 psi. However, the assumption is false that more water is available to be drawn from a hydrant by drafting (pulling) down to 20 psi. Drafting or pulling from a hydrant beyond what freely flows is likely to reduce the pressure elsewhere in the system below 20 psi and create negative pressure, which can cause contamination through backflow, failure of residential plumbing, and even catastrophic failure of water system facilities. The WUCC believes it is the responsibility of a water system to take steps to retard free flow of water from its system hydrants to maintain system pressures above 20 psi. These steps may include installation and operation of valves, orifices, or other flow restriction methods.

5.3.8 Water Rights and Fire Flow

The diversion or withdrawal and use of water for firefighting, such as containing, suppressing, and extinguishing a fire, including the use of water from hydrants, is essential to the public welfare and does not require a water use authorization from Ecology. However, use of water for some fire protection purposes does require a water right permit.

The following definitions of firefighting facility, firefighting water use, and fire protection are taken from Ecology Policy POL-2015:

**Firefighting** facility means any building or place that provides firefighting service and is used primarily for storing and maintaining firefighting equipment and/or housing firefighting personnel. Water may be used within the facility for training firefighting personnel, and testing and maintaining firefighting equipment. A water right is required for such uses.

**Firefighting** water use means the use of water to contain, suppress, and extinguish a fire that is an immediate threat to persons or property. It also includes temporary use of water for drinking and sanitation by firefighting personnel as needed during the act of fire suppression and extinguishment. A water right is not required for this use.

**Fire protection** is a beneficial use of water associated with the ongoing use of water to reduce fire risks. It includes irrigating buffer areas, storing water for fire use, and supplying fire hydrants within developments. Fire protection water use also includes the use of water within a firefighting facility for training firefighting personnel, and testing and maintaining firefighting equipment. A water right is required for such uses (emphasis added).

When a water right permit is required, it must be obtained in accordance with Ecology regulations and procedures (Chapter 173-160 WAC). Copies of water rights documents, correspondence, and other records are to be maintained on file by the purveyor. Water used for firefighting facilities...
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and for fire protection purposes, if not a permit exempt use of water, also requires a water right. Any water right issued for these purposes will identify “fire protection” as the beneficial use.

Groundwater withdrawals of not more than 5,000 gallons per day, as authorized under the groundwater permit exemption (RCW 90.44.050), may be used to serve a firefighting facility, or up to 1/2-acre lawn or noncommercial garden may be irrigated as a buffer area for fire protection purposes.

5.4 Standards Review Subcommittee

A Standards Review Subcommittee (Subcommittee) shall be established by the WUCC and should be convened by the Whatcom County Executive’s Office, or his/her designee, at least annually to review these standards and their implementation. The Subcommittee shall seek input from the County Fire Marshal, city fire departments, and the County Fire Chiefs Association in matters related to fire protection standards. The Subcommittee should also include representation from engineering firms and other technical staff, as required. Recommendations of the Subcommittee shall be submitted to the WUCC and, if revisions are approved, they shall be forwarded to the County Council for adoption.

5.5 Severability

If any provisions of these standards or their application is found to be invalid, the remainder of the standards and their implementation should not be affected.
Section 6 – Utility Service Review Procedures
Section 6 – Utility Service Review Procedures

6.0 Introduction

This section of the CWSP, the Utility Service Review Procedures (USRP), presents the administrative procedures for directing applicants with development proposals that require potable water service (WCC 24.11.050) in the unincorporated portion of the CWSSA to the most appropriate source of water.

This section is developed in accordance with WAC 246-293-190 rules that are in part authorized by the Coordination Act. The USRP generally directs applicants with development proposals that require potable water availability approval to water utilities with readily available water service. When water service is not readily available, it provides procedures for developing a new water public water system. Although not required by state law or rule, this section also applies to the circumstances in which a private water supply may be approved.

These procedures are intended to guide local officials, citizens, development applicants, and regulatory agencies in identifying the necessary facilities for providing adequate potable water service.

The Coordination Act (RCW 70.116.060) prohibits the establishment of a new public water utility within the CWSSA unless it is determined that existing utilities are unable to provide the service in a timely and reasonable manner. The primary goal of these procedures is to first direct applicants to existing utilities that are willing and able to provide water service. The GMA requires that each applicant for a building permit necessitating potable water shall provide evidence of an adequate water supply for the intended use of the building.

Any major change in land use plans may require substantial system improvements to serve the proposed development because water utilities should, and in some cases must, develop their systems to be consistent with applicable land use plans. Therefore, special review procedures are provided in this section and will apply to applications that propose a land use change.

6.1 Service Areas

Reference to "service area(s)" within the CWSP means the specific geographical area described in the written agreement required by RCW 70.116.070(1) and WAC 246-293-250 (Section 4.0). All water utilities are required to designate a service area boundary. Service areas within the CWSSA are depicted in Exhibit 2-2. For utilities with water system plans, service area designations will be included in the plan. For water utilities that do not have a water system plan, their service areas shall be attached to a Declaration of Water Utility Service Area form as provided in Exhibit 4-1, which is completed by an authorized representative of the water utility, and submitted to PDS.

1Statutory authority included in Substitute House Bill 2929 of 1990 codified in Chapter 19.27 RCW.
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The types of water service areas are as follows:

- **Existing Service Area**: DOH Publication 331-432 (dated November 2010) defines an existing service area as the area in which the utility currently provides direct service, remote service, or where service connections are currently available.

- **Future Service Area**: Public water utilities may identify future service areas that are outside of the current retail service area but in which they plan to serve water in the future.

- **Retail Service Area**: WAC 246-290-100 requires all municipal water suppliers to designate a retail service area where they currently provide or plan to provide direct retail service connection to customers.

- **Wholesale Service Area**: Utilities may also designate wholesale service areas in their water system plan where they provide or plan to provide only wholesale water service. Wholesale service areas are not regulated under the Coordination Act.

If a water system plan does not differentiate between retail and future service areas, then their entire service area is presumed to be a retail service area.

6.2 Activities within City Boundaries

Water service requests within incorporated areas are not subject to the USRP provided in this section. Applicants for such water service must contact the municipality directly.

6.3 Timely and Reasonable

The USRP makes reference to the provision of water service in a timely and reasonable manner. The term “timely and reasonable” is included in both the Coordination Act (RCW 70.116.060(3)(a)) and the Municipal Water Law, although with different meanings.

*With respect to the Coordination Act (Chapter 70.116 RCW), the term “timely and reasonable” is applied to the conditions of service for applicants seeking water service within the future service area of a water utility.* Applicants for water service located in an existing water system’s future service area must request service from the existing system. In this case, the existing utility has the “right of first refusal” of water service. If the system cannot provide the new service in a timely and reasonable manner, the applicant may pursue the following options in the order presented:

1. Seek service from another water system. If service is not available, the applicant may
2. Develop a new public water system if another system is not willing or able to provide the service.

Note: “Public water system” includes all systems except those serving one single-family residence or four or fewer service connections on the same farm. As used in this document, the term is generally synonymous with “Purveyor” and “Utility.” “Private water supply” means a non-Group B water supply serving up to two single-family residences (per Whatcom County Drinking Water Ordinance – WCC 24.11).
Utility Service Review Procedures

The Coordination Act defines “timely” as actions taken within 120 days, but it does not specify when the period begins and ends. The Coordination Act allows CWSPs to specify utility actions for completion in this 120-day period. The Coordination Act does not define “reasonable.” The DOH suggests the following criteria for defining reasonable (DOH Publication No. 331-444, December 2012):

- Conditions of service are consistent with local land use plans and development regulations;
- Conditions of service and associated costs are consistent with those documented in the system’s approved water system plan.
- Conditions of service and associated costs are consistent with the system’s acknowledged standard practice experienced by other applicants requesting similar water services.

Under the Municipal Water Law, the term “timely and reasonable” is used as one of the conditions in which a water utility has a “duty to serve” within their retail service area. Municipal water suppliers have a duty to provide service to all new connections within their retail service area where the circumstances meet four threshold factors (DOH Publication No. 331-366, November 2010):

1. The utility has sufficient capacity to serve water in a safe and reliable manner.
2. The service request is consistent with adopted local plans and development regulations.
3. The utility has sufficient water rights to provide service.
4. The utility can provide service in a timely and reasonable manner.

Because the two laws use the term “timely” differently and neither law defines “reasonable,” DOH recommends that a definition for timely and reasonable service be provided in the CWSP. Consequently, timely and reasonable service shall be defined as follows (in order of priority):

1. As defined in the water utility’s approved water system plan.
2. If the water utility does not have a water system plan, the definition shall be as defined in the utility’s service policies provided that the definition is not inconsistent with the Coordination Act.
3. If the water utility does not have a water system plan or service policies or the water system plan or service policies do not provide a definition for timely and reasonable, the definitions shall be as follows:
   - Water service is considered timely when:
     - the water utility can provide water service within 120 days of receiving all necessary permits to begin installation of required system improvements, if the utility is conducting system installation; or
     - the water utility can provide water within 120 days of the applicant installing all necessary system improvements; or
     - as otherwise agreed to between the applicant and utility.
• Water service is considered reasonable if costs and conditions of service are consistent with the utility's acknowledged standard practice experienced by other applicants requesting similar service.

This CWSP update includes an appeals process to resolve disputes between applicants and utilities regarding the timely and reasonable provision of water service.

6.4 Utility Service Review Procedures

The first step in the USRP is to identify the utility service area within which a proposed development is located. The CWSP places responsibility on the review agencies to recognize a designated utility service area. In turn, the utility is responsible for effective management within that service area. The USRP then describes, in order of priority, the available water service options. It also describes options for water service to proposed developments lying outside of designated service areas (Figure 2-2 – Water System Service Area Map).

The USRP applies to all development proposals requiring potable water availability approval by Whatcom County including, but are not limited to: new plat or subdivision development; short plats; land use permits; rezones; issuance of residential and commercial building permits; creation of new water systems; resolution of health emergencies arising out of existing public water systems; source site inspections; and other related activities. PDS will initiate and administer the review procedure at the time an application is submitted for permits or approvals, or upon request. A flow chart of steps to be followed in the USRP is provided as Figure 6-1.
The USRP directs applicants for water availability approval to the Official CWSP map to identify an existing water utility willing and able to provide water service. In effect, the result of the USRP is to assign the proposed new development to the service area of a designated water utility. In the event a designated utility is unable or unwilling to provide service, the referral process referenced in subsequent paragraphs shall be followed.

Pursuant to state law (RCW 70.116.060 and 070 and WAC 246-293-401, 420, and 430), approval of water service requests occurring within a contested service area or the service area of a utility that has not completed either its required individual water system planning document or its Declaration of Water Utility Service Area (Exhibit 4-1) may be denied by the County until these
issues are resolved. Contested service area disputes should be resolved by the affected utilities. If the utilities cannot resolve their dispute, the affected utilities are directed to the appeals process in Section 9.2. If the affected utilities are unable or unwilling to resolve their service area conflicts, the DOH shall render a determination following appropriate due process as defined in RCW 70.116.070(2).

6.4.1 Review Process for Development Proposals or Water Service Requests in Conformance with Applicable Land Use Plans

When development and associated water service applications conform to land use plans and zoning ordinances, the USRP will generally follow the sequential steps outlined in Figure 6-1. This sequence is described as follows.

1. PDS will coordinate review of all development proposals within the unincorporated area of the CWSSA. PDS will review land use development proposals and determine whether or not they are in conformance with the applicable comprehensive land use plans, zoning, building, and fire code, and service area interlocal agreements. Upon determination of appropriate land use designation, PDS will review applications for residential or non-residential building permits for conformance with the appropriate codes.

2. Applicants requesting water availability approval must coordinate their supply needs with an existing utility, as directed by PDS. PDS will review the proposed water service request and direct the applicant to one of the following water sources: the designated utility; an adjacent utility; a Satellite Management Agency (SMA); the creation of a new utility; or use of a private water supply, as outlined in the steps below.

   a. Proposed Development within a Municipal Water Supplier’s Designated Retail Service Area

   The applicant will first be referred to the designated municipal water supplier (utility). Per the requirements of RCW 43.20.260, a municipal water utility has a duty to serve the applicant if the applicant’s project is located within the utility’s retail service area and if the conditions defining “duty to serve” are met.

   In response to a request for water service, the utility will give written notice on the Notification of Water Availability form of its intent to exercise one of the following options, in order of priority:

   i. The designated utility provides direct service by connection to existing mains or by extension of existing mains and supply; or

   ii. The designated utility approves a design for a new detached, remote system and upon construction in accordance with said design, owns and operates the system; or

   iii. The designated utility approves design of a new water system that is separate from the designated utility’s water system, to be owned by the developer of the new system, and enters into an agreement specifying the operational requirements and financial obligations of the owners of the remote system. The remote system may be operated by the designated utility, an adjacent utility, an SMA, or the developer/homeowners
Utility Service Review Procedures

association. The remote system owner submits documentation to PDS that the designated utility acknowledges and approves the creation of the new system. The remote system owners are responsible for financing, constructing, and properly operating the system until the two systems are connected.

If the utility cannot meet one or more of the duty to serve conditions, including timely and reasonable, the applicant will be referred to an adjacent utility (WAC 246-293-190). If the adjacent utility is unable or unwilling to serve, or it is determined that the conditions of service extensions identified by the utility are not timely and reasonable, the applicant may develop a new water system or a private water supply.

(b) Proposed Development within Designated Future Service Areas

The applicant will be referred to the designated water utility. In response to a request for water service, the utility will give notice of its intent to exercise one of the following options, in order of priority:

i. The designated utility provides direct service by extending existing mains and supply; or

ii. The designated utility denies direct service. The applicant then requests water service for the proposed development from a utility adjacent to the service area. The adjacent utility must have an approved water system plan that allows for expansion or must modify their plan to provide for the expansion. If the developer reaches agreement for water service with an adjacent utility, the adjacent utility will initiate an appropriate change in their designated service area boundaries through the process established in Section 4; or

iii. The designated utility approves a design for a new detached, remote system and upon construction in accordance with said design, owns and operates the system; or

iv. The designated utility approves design of a new water system that is separate from the designated utility’s water system, to be owned by the developer of the new system, and enters into an agreement specifying the operational requirements and financial obligations of the owners of the remote system. The remote system may be operated by the designated utility, an adjacent utility, an SMA, or the developer/homeowners' association. The remote system owner submits documentation to PDS that the designated utility acknowledges and approves the creation of the new system. The remote system owners are responsible for financing, constructing, and properly operating the system until the two systems are connected; or

v. The designated utility denies service and thereby may be subject to relinquishment of that portion of its service area. At this point, because water service cannot be provided in a timely or reasonable manner pursuant
to the Coordination Act, a new water system is developed, and service options are further determined through the procedures described below.

(c) Proposed Development in Relinquished Service Areas or Non-Designated Areas

If the development is in a relinquished or undesignated service area, the following will occur, in order of priority:

i. PDS will refer the applicant to the Whatcom County Health Department (WCHD); WCHD will identify existing utilities within 1/2 mile of the proposed development and refer the applicant to those utilities for water service. The adjacent utility must have an approved water system plan that allows for expansion or must modify their plan to provide for the expansion. If the applicant reaches agreement for water service with an adjacent utility, designated service area boundaries are changed through the process established in Section 4 of this CWSP; or

ii. If adjacent utilities are unwilling to provide service, do not exist, or service cannot be provided in a timely and reasonable manner, the applicant may create a new public water system or establish a private water supply\(^2\) following the process described below.

(d) Approval of New Public Water Systems

The process described above may result in the formation of a new public water system only in those instances where existing utilities are unwilling or unable to provide service in a timely and reasonable manner. A new water utility will be required to have an approved Declaration of Water Utility Service Area (Exhibits 4-1 and 4-2), the required water system planning document, and provide evidence of a water right (if required) issued by the Department of Ecology. Applicants wishing to use groundwater as a water source need to comply with applicable local standards relating to the siting of the well and to state requirements including, but not limited to, RCW 90.44.050 (the groundwater permit exemption), Chapter 173-160 WAC, Minimum Standards for Construction and Maintenance of Wells, and the Water Resource Inventory Area (WRIA) 1 and WRIA 3 Instream Resources Protection Programs (Chapters 173-501 and 173-503 WAC).

(e) Approval of Private Water Supply\(^2\)

The Coordination Act and its rules (specifically, WAC 246-293-190) do not require counties to develop procedures that apply to the approval of a private water supply. However, in the interests of overall coordination and ease of use, Whatcom County has elected to enlarge the scope of its USRP to include procedures that apply to private water supplies.

This procedure applies only to those land uses that do not require public water per the Whatcom County Drinking Water Ordinance (WCC 24.11). This ordinance requires applicants who are requesting water availability approval of a private water supply to first request service from an existing public water system; and, if

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\(^2\)See CWSP Glossary for a definition of “private water supply.”
Utility Service Review Procedures

connections are available and the public water system is willing to provide service, the applicant must connect to that public water system when (WCC 24.11.050):

1. The applicant proposes to use surface water, spring water, rainwater, or contaminated groundwater; or

2. The applicant proposes to build on a lot located in a long or short subdivision approved based on the availability of public water; or

3. The existing public water system has water lines adjacent to the property line of the applicant and connection is consistent with RCW 36.70A.110\(^3\); or

4. The existing public water system has defined a "service area boundary" in accordance with the CWSP which includes the property of the applicant.

If a public water system or municipal water supplier does not have available connections or is unwilling to provide service in either its existing, retail, or future service areas, and no adjacent system is able or willing to provide service and, provided that the particular land use does not require a public water system, then in that case a private water supply may be developed subject to water availability approval by the WCHD and in accordance with WCC 24.11.

Additional Considerations

1. When development is proposed on existing lots that were created and approved on the basis of a private water supply, the existing private water supply must continue to meet WCHD requirements, and at time of application for a building permit, the proposed development may require additional water availability review and re-approval.

2. In the rare event that water availability approval is requested on a lot that was created and approved on the basis of a public water system, but at the time of application for a building permit and request for water availability approval it is determined that a public water system is not available, WCHD will make a case-by-case determination as to whether or not a private water supply may be approved or whether public water service is required. If WCHD determines that public water service is required, and also finds that no other existing public water system is able or willing to serve, then in that case, a new public water system may be developed subject to these utility service review procedures that apply to the development of a new public water system.

6.4.2 Review Process for Development Proposals or Water Service Requests Not in Conformance with Applicable Land Use Plans

If a development proposal requires a zoning change or alteration of applicable land use plans, then PDS shall contact each affected utility and allow them to comment on the proposal prior to approval of the zoning change. By identifying new or additional utility costs associated with changes in land use or zoning, the costs of development can be integrated into the decision making process and will allow the consideration of an assignment of costs.

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\(^3\) For the purposes of this CWSP, water lines are considered adjacent to a property when the water lines lie within either side of the right-of-way or easements directly abutting the property.
SECTION 6

6.4.3 Appeals Process

The USRP process described herein provides the process for directing applicants for water service to the appropriate source of water, and conditions for providing that service. Issues of what constitute appropriate conditions of service may be expected to arise between applicants and water utilities. To resolve these disputes, an appeal procedure has been developed. The appeals procedure is included in Section 9, along with procedures for resolving other disputes.

6.4.4 Special Review Consideration

In the review of development proposals and associated requests for water service, PDS shall be guided by the special considerations provided below.

(1) Applications for Service to Non-residential Properties

Commercial and industrial properties represent a fire flow responsibility that may greatly exceed flows required for residential housing. These flow requirements are critical to the sizing of the storage, pumping, and piping facilities. For these reasons, PDS shall also use the referral process described herein for all proposed commercial and industrial developments. (See Section 5 for system design standards.)

(2) Expanding Group A Non-community or Group B Systems

Special consideration is required for Group A Non-community or Group B systems currently designated as non-expanding systems (after adoption of the CWSP) that wish to expand both inside and outside of designated service areas. These considerations are addressed below.

(a) Expansion outside Utility's Designated Service Areas

An expanding Group A Non-community or Group B system located outside of a utility's designated service area will be referred by PDS to adjacent, larger utilities with approved water system plans or SMAs. This will allow the expanding system to discuss and evaluate utility service proposals by an adjacent utility or SMA versus expansion. If the decision is made to pursue expansion, the system owner must submit a completed Service Area Agreement to PDS. Furthermore, pursuant to WAC 246-290-100, a water system plan needs to be prepared or revised to incorporate the proposed expansion. The plan must be submitted to PDS to be reviewed for local government consistency, and approved by DOH before the expansion is allowed to take place.

(b) Expansion within Utility's Designated Service Areas

An expanding Group A Non-community or Group B system located within a designated utility service area will not be allowed without approval by the designated utility.

6.4.5 Public Water System Availability

A public water system is considered to be available if any of the following apply:

1. The distribution line for the public water utility is of adequate size and adjacent to the property requesting service; or
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2. The existing public water utility is planning, at the utility's own expense, to extend the existing water supply line adjacent to the property within one year from the initial written request for water availability; or

3. The applicant is willing to extend the existing water supply line to the property at the applicant's own expense, per the existing public water utility's policies and procedures; or

4. The applicant is located within the retail service area of an existing utility and that system has agreed to serve the applicant's project; the terms of the service offered by the utility are timely and reasonable, and consistent with the conditions of service provisions contained within the water system's DOH approved water system plan; documentation is provided from the existing public water utility that any of the above provisions can be met; and a Letter of Water Availability that is related to this procedure and acceptable to the County is provided from the existing public water utility.

6.4.6 DOH Satellite Management Agency (SMA) Requirements

Creation of a new public water system can occur after all of the USRP processes are exhausted. When a new system is created, it must be owned or operated by a department-approved SMA if one is available (WAC 246-290-035(1)(a)). The requirements for the provision of SMA services are embodied in the Coordination Act at RCW 70.116.134 and in Chapter 246-295 WAC. The RCW and WAC establish the criteria for designating entities as approved SMAs, delineate the process that SMAs must follow, and outline procedures for coordination between water users, utilities, SMAs, local government, and the DOH. A SMA is defined in RCW 70.116.134(6) as "A person or entity that is approved by the secretary to own or operate more than one public water system on a regional or countywide basis, without the necessity for a physical connection between such systems."

DOH policy regarding SMA service in areas having CWSPs is as follows:

If a utility has claimed a future served area in a DOH approved WSP and identified that it may be served with a remote system, DOH will require that system, in their next WSP update, to include information about their SMA program that satisfies the approval criteria. If the system opts not to submit the SMA information, DOH will not approve the updated WSP until the service area to be served with remote systems is modified.

WAC 246-295-070, Requests for Water Service, states that:

The county or city agency responsible for determining water availability shall direct an individual or other entity proposing a new system or requesting water service to contact one or more approved SMAs designated for the service area where the new system is proposed. Such contact shall take place prior to construction of a new public water system and shall be documented in writing to the appropriate county or city.

In addition, WAC 246-290-035(1)(a) states that:

(1) The following requirements apply to all newly developed public water systems:
(a) Except for systems proposed within an individual water system's approved
service area in a critical water supply service area as governed by the Public Water System Coordination Act, chapter 70.116 RCW and chapter 246-293 WAC, and offered service by that existing system, any proposed new public water system must be owned or operated by a department approved satellite management agency (SMA) if one is available.

If no approved SMA agrees to own or operate the proposed system, the applicant can seek DOH approval to operate the system itself by demonstrating that it has the ability to meet financial viability and other operating requirements.

6.4.7 Current Approved SMAs in the Whatcom County CWSSA

The DOH maintains a list of approved SMAs for each county. The criteria and process for the approval of SMAs is contained in Chapter 246-295 WAC. This regulation establishes the submittal and approval process and identifies the required contents of an SMA plan when the SMA proposes to own the new system, and when it intends only to manage and operate the new system. As of January 1, 2016, the following entities are approved as SMAs in Whatcom County. For each approved SMA, the contact person, the type of service offered by the SMA (ownership, operation and management, or both), and contact information are listed. Note that all of the approved SMAs in Whatcom County are currently authorized for management and operations only. No SMAs are authorized for system ownership in Whatcom County. Each of these SMAs provides services countywide.

Northwest Water Systems
(SMA #119)
Management & Operations only
Jon Wiley, President
PO Box 123
Port Orchard, WA 98366
(360) 876-0958
info@nwwatersystems.com

Northwest Water Works, Inc.
(SMA #126)
Management & Operations only
Brad Ferris
8618 Tilbury Road
Maple Falls, WA 98266
(360) 656-5576

Water & Wastewater Services
(SMA #148)
Management & Operations only
Kelly Wynn
14263 Calhoun Road
Mount Vernon, WA 98273
(360) 466-4443
wwsvc@wwsvc.com

Water Systems Services, Inc.
(SMA #163)
Management & Operations only
Dave Olson, President
6951 Hannegan Road Suite 2
Lynden, WA 98264
(360) 739-5661
info@watersystemsservices.net
Section 7 – Receivership of Failing Systems
Section 7 – Receivership of Failing Systems

7.0 Receivership of Failing Systems

The Washington State Department of Health (DOH) and local health jurisdictions share responsibility for enforcing state drinking water regulations to ensure safe, reliable drinking water. The DOH tracks water system sample results, conducts technical investigations, and takes action as needed to ensure compliance.

When a water system fails to provide safe and reliable water, the DOH uses a variety of tools to bring it back into compliance. These include informal actions such as phone calls, letters, site visits, and technical assistance, as well as formal enforcement actions such as issuing orders and penalties.

In most cases, by the time formal enforcement action occurs, the water system has exhausted all reasonable justifications for not meeting DOH requirements. As a last resort, if the system fails to respond, the Secretary of Health or the local health officer may file a petition with the Whatcom County Superior Court. The Court, in turn, may appoint a receiver who is willing and able to operate the water system. A receiver is an entity appointed by the court to manage a water system. Receivership is not a final action, but is a process to bring failing public water systems back into organizational and operational compliance. Generally, the court intends receivership to be temporary until permanent solutions have resolved the water system’s problems. The failing water system should carefully evaluate receivership, as it will result in obligations to meet, including but not limited to, the following:

- Conducting an audit by a Certified Public Accountant (CPA) of all accounts, corporate books, and records (Revised Code of Washington (RCW) 7.60.180; RCW 64.38.045);
- Ensuring that a licensed professional engineer with expertise in water systems conducts a physical inventory of all assets within 35 days of appointment as a receiver (RCW 7.60.090(2));
- Taking sworn depositions of all current and past officers and directors (RCW 7.40.060(1)(i); RCW 7.60.080(4));
- Obtaining an appraisal of water system value (RCW 7.60.060(1); RCW 7.60.090(5)) by a qualified appraiser;
- Developing a proposal prepared by a licensed professional engineer with expertise in water systems to upgrade the water system to meet current DOH standards (RCW 43.70.195); and
- Developing a proposal for how to pay for the proposed upgrade costs (such as a local improvement district), and recover public expenses through special assessments against the owners (RCW 43.70.195(5)).

RCW 43.70.195 provides that whenever an action is brought by the Secretary of Health or a local health officer to place a public water system in receivership, the petition shall include the names of one or more suitable candidates for receiver who have consented to assume operation of the water system. If there is no other entity willing and able to be named as receiver, the court shall appoint the county in which the water system is located as receiver.
SECTION 7

Existing utilities have accepted the lead responsibility for providing public water supply within their designated service areas through the establishment of service area boundaries in the Coordinated Water System Plan (CWSP) and the review process described above. Therefore, these utilities should be considered the primary candidate as receiver for a failing system within or adjacent to their system. A logical extension of this responsibility is for the designated utilities to assist in correcting problems of failing systems within the boundaries of their service areas and ultimately accept ownership of the failing system following the designated system’s upgrade to standards. Designated satellite management agencies (SMAs) are candidates named as the receivers of failing systems outside all other designated service areas and within designated service areas where suitable candidates are not otherwise available.

Group A – Community systems with 100 or more permanent connections, and all expanding public water systems that intend to have 100 or more permanent connections, will be considered candidates to assume the receivership role described in RCW 43.70.195 for failing systems within their designated service area.

The Secretary of Health or Whatcom County Health Officer will advise the court of the name of one or more suitable candidates for receiver who have consented to assume operation of the water system in any future petition for receivership.

As stated above, if no other entity is willing or able to be the receiver, the court shall designate the county as the receiver of last resort. If Whatcom County (County) is named the receiver, RCW 36.94.150 allows the County to lien the owner’s real property and foreclose against such property within 60 days of delinquency should the owner fail to pay rates and charges. Additionally, all of the County’s costs for administrating the receivership, including staff time (salary and benefits), are billable directly to the system owners as receivership administrative expenses (RCW 7.60.060).
Section 8 – Issues with Potential Implications for Public Water Systems in Whatcom County
Section 8 – Issues with Potential Implications for Public Water Systems in Whatcom County

8.0 Introduction

The CWSP encourages implementation of regional solutions to resource issues commonly shared by water utilities throughout the area. During development of the 1993 and 2000 CWSPs, several issues were identified as impediments to adequately meeting current and future water service responsibilities. In this section, a brief summary of the status of some of these issues are presented.

The purpose of this section is to identify the issues that may affect the management of water by and for public water systems in Whatcom County. The discussions provided below are summary in nature and solely intend to provide general awareness and understanding of the various issues so that water system may consider the potential ramifications on the operation and maintenance of their systems. It is not the role of the CWSP to propose or implement solutions for these issues. Rather, the CWSP is intended to serve as a part of the County’s larger overall efforts related to water supply issues. These issues would be addressed best as part of an overall water supply plan that includes all beneficial uses of water and would ultimately inform the County’s comprehensive plan as it relates to water supply and water use in the County. The information provided also encourages consideration of these issues in the broader comprehensive planning effort mentioned above.

8.1 Tribal Water Issues

The Lummi Indian Nation and Nooksack Indian Tribe are federally recognized sovereign governments. The Lummi Nation has a reservation located in western Whatcom County. As sovereign governments, they have authority to regulate many aspects of water management within their reservations and have treaty rights affecting water resources that may extend beyond their reservation boundaries.

8.1.1 Lummi Peninsula Groundwater Settlement

In January 2001, the United States, in its own right and on behalf of the Lummi Nation, commenced suit in the United States District Court for the Western District of Washington regarding the use of groundwater against landowners who owned wells on a portion of the Lummi Reservation, referred to here as the Lummi Peninsula, and against the Washington State Department of Ecology. The Lummi Nation intervened in the suit as a plaintiff, and the Court ordered the plaintiffs to join all fee landowners within the litigation area. Negotiations between the parties occurred and the settling parties filed a Notice of Filing, along with the revised Settlement Agreement and all exhibits, on November 13, 2007. On November 20, 2007, Judge Zilly signed and filed the Order and Judgment in this case, which approved the Settlement Agreement as it was filed with amendments required by the Court. This concluded the litigation at the Court. The settlement agreement was appealed by some objectors, and twice the Ninth Circuit Court of Appeals affirmed the Court’s judgment approving the Settlement Agreement.

Figure 8-1 shows the extent of the area included in the settlement agreement in relation to the entire Lummi Reservation uplands.
SECTION 8

The settlement agreement provided clarity to all users of groundwater on the Lummi Peninsula and established a framework for Ecology to appropriate the remainder of the state's allocation. The agreement laid out the rights and obligations of all parties and developed a framework to protect the groundwater resource and ensure compliance with the settlement agreement. It also established metering requirements, maximum annual pumping volume, water quality monitoring requirements, replacement well setbacks, and reporting requirements.

Ecology is charged with making sure that all of the public water systems and individual water users pumping water from the state's allocation comply with the settlement agreement. The Lummi Nation is charged with making sure that the Lummi Tribal Water District system and the individual tribal water users pumping water from the Tribe's allocation comply with the settlement agreement. A federal water master has been assigned to guarantee compliance by all parties with the settlement agreement.

The state-regulated water users were originally granted 120 acre-feet per year (afy) of water, and the Lummi Nation could take the remainder of the water physically available (estimated to be up to 780 afy based on groundwater modeling). Even though the Lummi Nation could assert that its water rights are senior, since they date from the time of formation of the reservation (1855), the Tribe agreed not to assert the senior priority of water rights on the state water users as long as the conditions of the settlement agreement were followed. Under the settlement, water quality monitoring and triggers were put in place to protect the resource from saltwater intrusion. Setbacks were established between single and group domestic wells to prevent a new well from being drilled within a specified distance of an existing well to help spread withdrawal over the aquifer and reduce interference drawdown between neighboring wells. All wells supplying single homes were granted an annual volume of 0.39 afy, which equates to an annual average withdrawal of 350 gallons per day (gpd) per home. Public water systems were granted either the volume of water listed on the face of their water right documents, or 0.39 acre-feet for each connection if the system was served by a permit-exempt well. (Harned Island Water Association is limited to 11 connections on a permit-exempt well, and Bell Bay Community Water Association is limited to 5 connections on a permit-exempt well.) The public water systems included in the settlement are shown in Table 8-1 and on Figure 8-1.
Table 8-1
Public Water Systems within the Lummi Peninsula Settlement Area that are Currently Regulated under the CWSP

<table>
<thead>
<tr>
<th>Water System Name</th>
<th>Public Water System ID</th>
<th>Water System Type</th>
<th>Annual Volume (afy)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sunset Water Association</td>
<td>86200</td>
<td>Comm</td>
<td>35.0</td>
</tr>
<tr>
<td>Georgia Manor Water Association</td>
<td>27450</td>
<td>Comm</td>
<td>20.0</td>
</tr>
<tr>
<td>Leeward/Northgate Water Association</td>
<td>64916</td>
<td>-*</td>
<td>7.0</td>
</tr>
<tr>
<td>Harnden Island View Water Association</td>
<td>31366</td>
<td>-*</td>
<td>4.29</td>
</tr>
<tr>
<td>Bell Bay Community Water Association</td>
<td>05400</td>
<td>-*</td>
<td>1.95</td>
</tr>
</tbody>
</table>

* The DOH Sentry database does not specify a water system type.

1 Volume from Water Right Documents.

2 Volume from number of lots served at an allocation of 0.39 afy per lot.

On the Lummi Reservation, the CWSSA (and thus the applicability of the CWSP) only includes fee lands within existing service areas that are under state and County jurisdiction and are not currently receiving water service from the Lummi Indian Nation. The settlement agreement allows individuals and public water systems that have rights to the state allocation to transfer their rights to the Lummi Nation in exchange for being connected to the larger Lummi Tribal Water District system. Some public water systems have done this since the 2000 CWSP update.

In 2004, the Gooseberry Point Water Association settled separately with the Lummi Nation and agreed to have their water system integrated into the larger Lummi Tribal Water District water system. With this change, the Gooseberry Point Water Association no longer falls within the definition of the CWSSA; therefore, it is no longer included in the CWSP.

In 2007, shortly after the settlement agreement was implemented, Gulfside Mobile Home Park, which served six connections, was purchased by the Lummi Nation. In 2011, this system was connected to the larger Lummi Tribal Water District system. With these changes, the Gulfside

---

1 The Lummi Nation disputes any jurisdiction by the State of Washington or Whatcom County within the external boundary of the reservation, regardless of the status of land ownership and water purveyor. The DOH’s position is that the U.S. EPA has jurisdiction over those systems on the reservation that are either Lummi-owned or have been integrated into the Lummi Tribal Water District System. The EPA can, but currently does not, regulate the non-Lummi-owned systems that are on the reservation. The DOH is in discussions with the EPA to identify which agency has authority over systems within the Lummi Reservation. In the absence of the EPA exerting its authority, the non-Lummi-owned systems within the reservation are, for the purposes of this CWSP update, considered to be under the jurisdiction of the DOH. For this reason, the County has elected to continue to include those water systems as part of this CWSP.
Mobile Home Park public water system no longer falls within the definition of the CWSSA and is no longer governed by the CWSP.

8.1.2 Public Water Systems on Lummi Reservation Outside of Peninsula Settlement Area

There are also a few non-Lummi-owned public water systems that are located inside the boundaries of the reservation, but outside of the peninsula settlement area discussed above. These water systems are identified in Table 8-2.

<table>
<thead>
<tr>
<th>Water System Name</th>
<th>Group</th>
<th>Public Water System ID</th>
<th>Water System Type</th>
<th>Annual Volume (afy)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sandy Point Improvement Company</td>
<td>A</td>
<td>76105</td>
<td>Comm</td>
<td>143</td>
</tr>
<tr>
<td>Fertile Meadows Water Association</td>
<td>B</td>
<td>24900</td>
<td>Comm</td>
<td>187 or 107 (uncertainty in water right record)</td>
</tr>
<tr>
<td>Neptune Beach Water Association</td>
<td>A</td>
<td>58950</td>
<td>Comm</td>
<td>35</td>
</tr>
</tbody>
</table>

1 Volume from Water Right Documents.
2 Group B water systems are not categorized by water system type.
3 Fertile Meadows Water Association and River Road Water Association (which is outside of the Lummi Reservation) utilize the same well as a source.

The service areas of these water systems are either wholly located within the boundaries of the Lummi Reservation or they straddle the reservation boundary (Figure 8-1). These systems are included in the CWSSA.

8.1.3 Tribal Claims of Treaty-reserved Fishing and Water Rights

In addition to the settlement efforts related to the groundwater of the Lummi Peninsula, in March 2011, the Nooksack Tribe, in a letter to the U.S. Department of the Interior, requested “that the United States commence litigation against the State of Washington for the purpose of obtaining a declaratory judgment that quantifies the Nooksack Tribe’s treaty reserved water rights and enjoins the issuance of, or reliance upon, state water permits that would impair these rights.” The Lummi Nation sent a similar request in June 2011.

In their letters, the Nooksack Tribe and the Lummi Nation made three principal assertions:

1. The Lummi Nation and the Nooksack Indian Tribe have federal reserved water rights for instream flows necessary to support its treaty fishery;

2. The Lummi Nation and the Nooksack Indian Tribe have federal reserved rights in an amount necessary to fulfill the “homeland” purposes of their reservations, including, but not limited to, instream flow for treaty fisheries; and
3. Federal action is necessary to protect and preserve Lummi Nation and Nooksack Tribe water rights and the Lummi Nation and Nooksack Tribe treaty fishery.

In their letters to the U.S. Department of the Interior, the Lummi Nation and Nooksack Tribe cited the failure of ongoing negotiations to resolve these issues locally. The water rights in the Nooksack Basin (Water Resource Inventory Area (WRIA) 1) have not been the subject of a general stream adjudication. The Lummi Nation and Nooksack Tribe’s assertion of treaty-based water rights held in trust by the federal government has not been established by the courts and no such rights have been quantified by either the federal government or a general stream adjudication. The ultimate resolution of these issues will have significant implications for all water users in the County. All water users, including public water systems, are encouraged to closely monitor any actions taken by the United States on behalf of the Lummi Nation and the Nooksack Tribe, and to become actively involved in any local efforts aimed at the resolution of these issues, which are beyond the scope of this CWSP update.

8.2 Water Rights

A water right summary for each of the Group A community water systems is contained in Appendix 1 and discussed in more detail in Section 3. Appendix 2 includes a brief description of the water rights procedures that have been in place for many years. The appendix also highlights changes in water right procedures since 2000 that are applicable to public water supplies.

8.2.1 Background

The water rights procedures that have been in place for many years in the State of Washington are based on the State Surface Water Code of 1917 (Chapter 90.03 RCW), the State Ground Water Code of 1945 (Chapter 90.44 RCW), and the various state regulations adopted by Ecology and its predecessor agencies for administration of these two codes.

Historically, Ecology has been charged with processing water right applications. The typical process applies to either a new application to appropriate public surface or ground waters, or an application for change to an existing right. The typical steps for this process are included in Appendix 2. As a result of Washington State Supreme Court decisions and other factors affecting the complex decision-making process for water rights, Ecology has revised some policies and procedures that may affect public water supply projects.

8.2.2 Postema Case

Postema v. Pollution Control Hearings Board, et al. (2000) raised issues as to what Ecology’s obligations are when analyzing an application to withdraw groundwater that is interconnected to surface water (“hydraulic continuity”). The Supreme Court ruled that the legal test of impairment (i.e., whether the withdrawal of groundwater affects the volume of surface water that it is connected with) is “no impairment.” Hydraulic continuity between groundwater and a stream where instream flows are not met part of the year is not sufficient to find impairment; impairment must be determined on a case-by-case basis. And finally, the court also ruled that an application for a withdrawal from groundwater in hydraulic continuity with a closed stream must be denied if that withdrawal will affect the flow or level of the surface water. This is the decision that is often referred to as the “one-molecule rule” for the determination of hydraulic continuity.
SECTION 8

8.2.3 Municipal Water Law

In 2003, the Washington State Legislature significantly amended Washington water law to provide clarity on the nature of water rights issued for municipal supply purposes, and flexibility to municipal water suppliers in exercising their water rights. (SES S HB 1338; Chapter 5, Laws of 2003; 58th Legislature; 2003 1st Special Session; Municipal Water Supply – Efficiency Requirements. In a unanimous decision on October 28, 2010, the Washington State Supreme Court upheld the constitutionality of this Municipal Water Law.) The Municipal Water Law (MWL) defines the terms “municipal water supplier” and “municipal water supply purposes;” defines when the “place of use” could be the same as a municipal water supplier’s service area; establishes that municipal water rights are not limited to the stated number of connections on a water right but to the number of connections approved in a water system plan; and requires specific water use efficiency (WUE) practices and planning. Under the law, utilities must use water efficiently.

To help in understanding the MWL, Ecology developed its 2003 Municipal Water Law Interpretive and Policy Statement, POL-2030. This policy is included as Appendix 3 of this CWSP.

Background

Traditionally, Ecology issued water right certificates to public water systems when they demonstrated the ability to serve water to customers within their service area, regardless of whether or not water was actually being provided to the entire area. This was in recognition of the fact that many systems construct their distribution system but recognize that it may be some time before the area is fully built out and all parcels within the service area are using water. Such certificates have come to be known as pumps and pipes certificates because they were issued when the utility could demonstrate it had installed the necessary pumps and pipes to provide water within its service area. The water that is in the water right certificate stage but has not yet been placed to beneficial use is called an inchoate water right. In the Theodorus case (1998), the Supreme Court found that Ecology erred in issuing such certificates. Following this decision, Ecology no longer issues such certificates; Ecology waits until water is actually put to beneficial use before issuing a water right certificate. The court’s decision raised questions about the validity of the pumps and pipes certificates. The municipal water law decision decreed that such certificates are in good standing (RCW 90.03.330(3)). Ecology has interpreted this portion of the Court’s decision based on the proposition that by including the term “in good standing” for such certificates, the Legislature intended that holders of such rights would still have to meet other water law principles, such as reasonable diligence in project development to keep the rights in good standing. (See Ecology Policy POL 2030 at RCW 90.03.330(3).)

The Supreme Court decision means that inchoate portions of a water right that are found to be in good standing are eligible for change or transfer, which could allow that inchoate water to be transferred to another municipal water supplier or integrated into a regional water supply system.

Under RCW 90.44.100, inchoate groundwater rights can be changed or transferred, but inchoate surface water rights for municipal purposes can be changed or transferred only if criteria under RCW 90.03.570 are met. In determining whether an inchoate groundwater right remains in good standing and is valid for change, Ecology considers the three parameters described on page 8 of POL 2030:
Issues with Potential Implications for Public Water Systems in Whatcom County

- The original intent described in the water right document including the nature of the project the original applicant sought to pursue;
- Whether there was reasonable diligence to complete the project sought to be developed through the water right; and
- Whether or not approval of the change would be contrary to the public interest.

MWL

The Municipal Water Law was intended to clarify which water rights were for municipal water supply purposes and to enable the holders of those water rights to meet the demands of serving growing communities more easily. In addition, the law also required the holders of such rights to engage in WUE measures to improve the efficiency of their systems.

The law included the following definitions per RCW 90.03.015:

(3) "Municipal water supplier" means an entity that supplies water for municipal water supply purposes.

(4) "Municipal water supply purposes" means a beneficial use of water: (a) For residential purposes through fifteen or more residential service connections or for providing residential use of water for a nonresidential population that is, on average, at least twenty-five people for at least sixty days a year; (b) for governmental or governmental proprietary purposes by a city, town, public utility district, county, sewer district, or water district; or (c) indirectly for the purposes in (a) or (b) of this subsection through the delivery of treated or raw water to a public water system for such use. If water is beneficially used under a water right for the purposes listed in (a), (b), or (c) of this subsection, any other beneficial use of water under the right generally associated with the use of water within a municipality is also for "municipal water supply purposes," including, but not limited to, beneficial use for commercial, industrial, irrigation of parks and open spaces, institutional, landscaping, fire flow, water system maintenance and repair, or related purposes.

If a governmental entity holds a water right that is for the purposes listed in (a), (b), or (c) of this subsection, its use of water or its delivery of water for any other beneficial use generally associated with the use of water within a municipality is also for "municipal water supply purposes," including, but not limited to, beneficial use for commercial, industrial, irrigation of parks and open spaces, institutional, landscaping, fire flow, water system maintenance and repair, or related purposes.

Note that, in identifying the "governmental entities" that are eligible to hold municipal purpose water rights, the legislature identified cities, towns, public utility districts, counties, sewer districts, and water districts.

If the beneficial use of water by a public water system meets the definition of municipal water supply purposes, then that entity is considered a municipal water supplier regardless of the purpose of use stated on their water right. The result is that all water systems whose purpose of use on their water rights is domestic, community domestic, group domestic, or some other term but whose use meets the definition, are now considered municipal water suppliers. Such water right holders are
not required to modify their water rights but may request that Ecology “conform” their rights to municipal purpose if desired under RCW 90.03.560.

RCW 90.14.160 states that:

...any person entitled to divert or withdraw waters of the state ... who abandons the same, or who voluntarily fails, without sufficient cause, to beneficially use all or any part of said right to divert or withdraw for any period of five successive years after July 1, 1967, shall relinquish such right or portion thereof, and said right or portion thereof shall revert to the state, and the water affected by said right shall become available for appropriation in accordance with RCW 90.02.250.

RCW 90.14.140 provides exemptions from the relinquishment provision above by defining what constitutes “sufficient cause” for the non-use of all or a portion of the water by the owner of a water right for a period of 5 or more consecutive years. RCW 90.14.140(2)(d) states the user has sufficient cause for non-use: “If such right is claimed for municipal water supply purposes under chapter 90.03 RCW.” Thus, municipal water supplies are not subject to relinquishment. However, such water rights can be lost in cases where the water right is found to be abandoned (Okanogan Wilderness League, Inc., 133 Wash. 2nd at 781).

In addition to the issuance of pumps and pipes certificates as discussed previously, Ecology also often included the anticipated maximum number of connections that would be served by the public water system and viewed this number as a limitation on the water right. In other words, if the applicant sought an amount of water to serve 65 homes, they would be limited to serving water to only 65 homes, even if the applicant still had water remaining in their water right. RCW 90.03.260(4) and (5) provide that the maximum population or number of connections specified on an application or any subsequent water right documents for a municipal water supply right is no longer a limitation of the water right. The municipal water supplier must have an approved water system plan or an approval from the Department of Health to serve a specified number of service connections to not be subject to this limit. Also, DOH is responsible for determining the approved number of connections. (Note that other water right provisions such as the requirement for metering and reporting data and screening intakes still apply.)

All water rights describe a place of use in which the water may be put to beneficial use. Generally speaking, if a water right holder wanted to change the place of use of their water right, they were required to submit a water right change application; Ecology would need to process that application and make a determination of whether the change could be approved. This process often took a long time due, in part, to the backlog of water rights, but it did allow for notification of potentially affected third parties via a legal notice process. The Municipal Water Law provided another avenue for changing the place of use of a municipal purpose water right.

Under RCW 90.03.386(2), a municipal water supplier may now modify their place of use of water by amending their water system plan or an engineering document that is approved by DOH. In submitting the document to DOH, the system must attest that the change is in compliance with their water system plan and is “not inconsistent” with other local planning documents. This change eliminated the need to file a water right change application with Ecology in order to change the place of use specified for the water right. However, it is still necessary to file a change application if the supplier wants to change the point of withdrawal or diversion of a municipal water right.
Appendix 3 is Ecology’s Municipal Water Law Interpretive and Policy Statement. In the discussion of RCW 90.03.330(3) on page 8, it states:

"Inchoate portions of water rights for municipal supply purposes found to be in good standing through this assessment (mentioned above), are eligible for change or transfer. This approach may, among other things, allow for the inchoate portion to be transferred to another municipal water supplier or integrated into a regional water system."

Ecology views the municipal water law as a law that is intended to make the management of municipal water supplies easier and less cumbersome and that includes interties as they relate to the potential creation of regional water supplies. Systems wishing to develop new interties are advised to consult with both Ecology and DOH early in the process to ensure that the proposal addresses the concerns of these agencies.

Another key element of the Municipal Water Law related to WUE is discussed in more detail in Section 8.7.

The DOH and Ecology share responsibilities under the Municipal Water Law, and have developed agreements to coordinate planning, engineering, and public health and safety matters relating to water systems and water resources. The DOH is responsible for ensuring safe and reliable drinking water, and reviews and approves planning and engineering documents for water systems. Ecology administers the state’s Water Resource Program, including water rights administration and watershed planning.

8.2.4 Changes or Transfers of Water Rights

In 2001, the legislature amended RCW 90.03.380 and 90.44.100, to clarify that Ecology could process applications for changes to existing water rights in a separate line from applications requesting new water rights. This splitting of the processing lines has reduced the processing time for change applications considerably.

8.2.5 Exempt Well Consolidation

Under RCW 90.44.105, it is possible for a water system to obtain additional water rights when it connects to an entity that was previously supplied by a permit-exempt withdrawal. For this to happen, all of the following must be satisfied.

1. The water system must hold a groundwater right whose point of withdrawal taps the same body of public groundwater as the permit-exempt well.
2. Use of the permit-exempt well shall be discontinued upon approval of the consolidation.
3. A legally enforceable agreement must prohibit construction of another exempt well to serve the area previously served by the permit-exempt well and must be binding on future property owners.
4. The permit-exempt well must be properly decommissioned.
5. Other existing water rights cannot be impaired because of the consolidation.

The rate and volume of water added to the water system’s groundwater right is equivalent to the permit-exempt use that has been established through beneficial use, not to exceed 5,000 gpd.
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Ecology is required to make a decision on exempt well consolidation applications within 60 days of the end of the comment period following public notice. Therefore, this process is faster than the typical water right change application process.

Exempt well consolidation is generally supported within the CWSSA because it reduces the number of wells in a particular source, does not impact the amount of water available for the water system to serve existing or future customers, and has the potential to improve the quality of water delivered to the end user.

8.2.6 New or Replacement Wells

In 1997, the Legislature enacted new provisions of RCW 90.44.100 (the State Groundwater Code). The provisions, which are codified at RCW 90.44.100(3) and RCW 90.44.100(4), state:

3) The construction of a replacement or new additional well or wells at the location of the original well or wells shall be allowed without application to the department for an amendment. However, the following apply to such a replacement or new additional well: (a) The well shall tap the same body of public groundwater as the original well or wells; (b) if a replacement well is constructed, the use of the original well or wells shall be discontinued and the original well or wells shall be properly decommissioned as required under chapter 18.104 RCW; (c) if a new additional well is constructed, the original well or wells may continue to be used, but the combined total withdrawal from the original and additional well or wells shall not enlarge the right conveyed by the original water use permit or certificate; (d) the construction and use of the well shall not interfere with or impair water rights with an earlier date of priority than the water right or rights for the original well or wells; (e) the replacement or additional well shall be located no closer than the original well to a well it might interfere with; (f) the department may specify an approved manner of construction of the well; and (g) the department shall require a showing of compliance with the conditions of this subsection (3).

4) As used in this section, the “location of the original well or wells” is the area described as the point of withdrawal in the original public notice published for the application for the water right for the well.

Use of RCW 90.44.100(3) is only available to holders of state-issued groundwater permits and certificates. This process is not available to holders of a water right claim, as water right claims do not go through the public notice process. This process is also not available to holders of surface water rights.

The “location of the original well or wells” means within the same area advertised as the point of withdrawal in the legal notice that was published for the original water right. While this is typically the quarter-quarter section, it does vary, and whatever is listed in the published legal notice constitutes the “location of the original well or wells.”

The drilling of a new or replacement well under this section does not require an application to change an existing water right. Instead, it requires submittal of a notarized showing of compliance to Ecology identifying the changes made and compliance with the terms of this section. This form is available at Ecology’s website at:
Issues with Potential Implications for Public Water Systems in Whatcom County

https://fortress.wa.gov/ecy/publications/UIPages/PublicationList.aspx?IndexTypeName=Program&NameValue=Water%20Resources&DocumentTypeName=Form.

Ecology does not approve or deny such submittals. The affidavit is simply to provide notification to Ecology of the changes being made. Public water systems making such changes also are advised to notify the DOH of the additional or replacement wells to ensure that the system obtains source approval from the DOH for these new facilities.

8.3 Financial Viability of Small Systems

Financial viability is defined as “the ability to obtain sufficient funds to develop, construct, operate, maintain, and manage a public water system in full compliance with local, state, and federal requirements on a continuous basis,” (DOH Publication No. 331-405 Revised, August 2013). DOH urges that water systems should be run like a business.

Due to financial constraints, many small water systems are not able to make required system improvements or upgrades, and are not considered financially viable as a result. Currently, DOH records indicate that there are 183 active Group A water systems in Whatcom County, with 164 inside the CWSSA, and 19 outside of the CWSSA. It is not known how many of these systems are financially viable.

The DOH identified the following benefits of financial viability for small water systems:

1. Predictable funding for capital improvements;
2. Improved system efficiency;
3. Cost savings;
4. Eligibility for grants and loans;
5. Emergency response; and
6. Peace of mind.

The DOH identified the following guidelines for public water systems to work towards financial viability:

1. Develop an operating budget;
2. Evaluate rates for adequacy;
3. Create and fund an operating cash reserve;
4. Create and fund an emergency reserve; and
5. Create and fund reserves for capital improvements and equipment replacement.

It is recommended that all public water systems evaluate their systems according to the DOH guidelines and identify any needed changes to ensure their long-term financial viability. To that end, the Rural Community Assistance Corporation has free financial viability software available online at http://www.rcac.org/home.

For additional information, visit the DOH Drinking Water website at: http://www.doh.wa.gov/CommunityandEnvironment/DrinkingWater.

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8.4 Existing and Potential Water Quality Problems

Water quality data in this section was obtained from the DOH's Sentry database. No attempt was made to identify additional data, or to verify that all systems have submitted a report as required.

Water quality issues throughout the County can be categorized as discussed in the following subsections. WCC 24.11 requires public water systems and private water supplies to comply with water quality standards that vary depending on the type of water supply being developed. Public water systems that have contaminants exceeding the Maximum Contaminant Levels (MCLs) specified in WAC 246-290-310 will not be approved. Private water systems that exceed MCLs are required to provide treatment to reduce the concentration of regulated contaminants to levels below the MCL to gain approval.

8.4.1 Bacteriological Contamination

Surface water sources must be consistently treated to remove bacteria. Failure to operate and maintain the treatment system will usually result in bacteriological MCL violations.

According to DOH records, 38 water systems in the CWSSA performed coliform tests that showed a presence of the bacteria in 2013.

In general, causes for these violations are attributed to improper well construction, groundwater under the direct influence of surface water, lack of reservoir maintenance, improper disinfection of repairs and new lines, improper sampling technique, disinfection system malfunction, and cross connections. Except for unusual circumstances, such as a direct conduit of sewage into an aquifer in the immediate vicinity of a well, the causes of bacteriological contamination in distribution systems are easily corrected through operation and maintenance procedures.

8.4.2 Nitrate

In 1997, six water systems exceeded the MCL for nitrate, which is 10.0 milligrams per Liter (mg/L), and 15 water systems were above 5 mg/L for nitrate. In 1998, seven water systems exceeded the MCL for nitrate, and 16 water systems were above 5 mg/L for nitrate. As shown in Table 8-3 and on Figure 8-2, according to DOH data, 18 active public water systems have had at least one water quality sample that has exceeded the MCL for nitrate at least one time from January 2005 to June 2015. Of those systems, 10 have average nitrate concentrations that are greater than 10.0 mg/L, 5 have average nitrate concentrations that are between 5.0 and 10.0 mg/L, and 3 have average nitrate concentrations that are less than 5.0 mg/L. The U.S. Geological Service, in their report entitled Hydrogeology, Ground Water Quality, and Sources of Nitrate in Lowland Glacial Aquifers of Whatcom County, Washington, and British Columbia, Canada reported that there are areas within the study area where nitrate levels are declining and areas where the nitrate levels are increasing. This data suggests that nitrate contamination of public water supply wells is a current concern that warrants continued monitoring.
### Issues with Potential Implications for Public Water Systems in Whatcom County

#### Table 8-3
PUBLIC WATER SYSTEMS WITH A SOURCE THAT HAS HAD A WATER QUALITY SAMPLE THAT EXCEEDED THE NITRATE MCL OF 10.0 mg/L AT LEAST ONCE FROM 2005 THROUGH JUNE 2015

<table>
<thead>
<tr>
<th>Water System Name</th>
<th>Public Water System ID</th>
<th>Group</th>
<th>Water System Type*</th>
<th>Total Number of Samples</th>
<th>Category</th>
</tr>
</thead>
<tbody>
<tr>
<td>Delta Water Association</td>
<td>18750</td>
<td>A</td>
<td>Comm</td>
<td>85</td>
<td></td>
</tr>
<tr>
<td>East Badger Water Association</td>
<td>37823</td>
<td>B</td>
<td>-</td>
<td>26</td>
<td></td>
</tr>
<tr>
<td>Ehlers Labor Camp</td>
<td>58951</td>
<td>A</td>
<td>TNC</td>
<td>11</td>
<td></td>
</tr>
<tr>
<td>Hoag Acres Water System</td>
<td>59730</td>
<td>B</td>
<td>-</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Line Road Water Association</td>
<td>47385</td>
<td>B</td>
<td>-</td>
<td>1</td>
<td>Average and maximum concentration greater than 10.0 mg/L</td>
</tr>
<tr>
<td>Lynden Valley View Association</td>
<td>91001</td>
<td>B</td>
<td>-</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Northwood Park</td>
<td>62135</td>
<td>A</td>
<td>Comm</td>
<td>41</td>
<td></td>
</tr>
<tr>
<td>Northwood Water Association</td>
<td>62150</td>
<td>A</td>
<td>Comm</td>
<td>43</td>
<td></td>
</tr>
<tr>
<td>Rader Farms Labor Camp</td>
<td>56829</td>
<td>A</td>
<td>TNC</td>
<td>66</td>
<td></td>
</tr>
<tr>
<td>Rathbone Park Water Association</td>
<td>71290</td>
<td>A</td>
<td>Comm</td>
<td>81</td>
<td></td>
</tr>
<tr>
<td>Belfern West</td>
<td>09899</td>
<td>A</td>
<td>Comm</td>
<td>54</td>
<td></td>
</tr>
<tr>
<td>Century Water Association</td>
<td>00601</td>
<td>A</td>
<td>Comm</td>
<td>45</td>
<td></td>
</tr>
<tr>
<td>Delta Grocery Water System</td>
<td>08255</td>
<td>A</td>
<td>TNC</td>
<td>9</td>
<td>Average concentration between 5.0 and 10.0 mg/L Maximum concentration greater than 10.0 mg/L</td>
</tr>
<tr>
<td>Evergreen Drive Water Association</td>
<td>02400</td>
<td>B</td>
<td>-</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Vicente Farms &amp; Sons – Enterprise</td>
<td>56831</td>
<td>A</td>
<td>TNC</td>
<td>40</td>
<td></td>
</tr>
<tr>
<td>Covenant Christian School</td>
<td>15596</td>
<td>A</td>
<td>NTNC</td>
<td>41</td>
<td>Average concentration less than 5.0 mg/L Maximum concentration greater than 10.0 mg/L</td>
</tr>
<tr>
<td>Raspberry Ridge Water Association</td>
<td>27631</td>
<td>A</td>
<td>Comm</td>
<td>16</td>
<td></td>
</tr>
<tr>
<td>Wiser Lake Kingdom Hall Jehovahs</td>
<td>61494</td>
<td>A</td>
<td>TNC</td>
<td>36</td>
<td></td>
</tr>
</tbody>
</table>

*Comm = Community; NTNC = Non-transient Non-community; TNC = Transient Non-community

Most of the impacted systems are located in the northern part of the County, near the City of Lynden, with the source of supply being the Abbotsford-Sumas aquifer (Figure 8-2). This particular aquifer is susceptible to nitrate contamination because it is unconfined, it is relatively thin (approximately 40 feet thick), and the depth to the water table is often less than 10 feet.

Public water systems are required to monitor nitrates quarterly for new sources and where annual monitoring indicates nitrate levels above 5 mg/L. Any existing system with a nitrate sample greater than 10 mg/L (the MCL) must provide treatment and collect a confirmation sample. For systems treating for nitrates, monthly sampling is required to ensure the treatment is working properly.

Nitrate sources include failing on-site sewage systems, and past and present improper manure or fertilizer application or storage. The July 1992 Environment Canada study of nitrates and...
SECTION 8

pesticides in the Abbotsford-Sumas aquifer shows nitrate levels over 10 mg/L in 60 percent of the wells sampled in the south Matsqui area. This study is significant to Whatcom County because the regional groundwater flows in the southern part of the Abbotsford-Sumas aquifer is generally southward, according to the Environment Canada study.

In May 1998, Ecology completed the Sumas-Blaine Surficial Aquifer Nitrate Characterization Study (Publication No. 98-310). Of the 250 sources sampled for nitrate in this study over a 10-week period, about 21 percent exceeded the 10 mg/L MCL for nitrate. According to the study, elevated nitrate levels in drinking water sources are associated with up-gradient agricultural land use practices. The nitrate levels in drinking water sampled ranged from less than the detection limit (0.01 mg/L) to 53 mg/L. The results of this study indicate the Sumas-Blaine surficial aquifer has elevated nitrate concentrations in the groundwater.

The United States Geological Survey completed a study titled Hydrogeology, Ground-Water Quality, and Sources of Nitrate in Lowland Glacial Aquifers of Whatcom County, Washington, and British Columbia, Canada (Water-Resources Investigations Report 98-4195) in 1999. This study similarly showed that the majority of nitrate contamination to groundwater occurs in the Abbotsford-Sumas aquifer. This study concluded that the main contributors to nitrate in groundwater were dairy manure applied to cropland, mineralization of soil organic matter, inorganic nitrogen fertilizers, leakage from manure lagoons, reposition of nitrogen volatilized from manure, septic tank effluent, and residential fertilizer use.

Figure 8-2 shows the spatial distribution of the water system service areas that are impacted by nitrate concentrations above the MCL in at least one of their sources. Some systems are blending sources to reduce the nitrate concentration before the water is distributed, while other water systems continue to exceed the MCL.

One option to assist water systems dealing with high nitrate groundwater includes transmission of water from uncontaminated sources, such as the City of Blaine, City of Sumas, Public Utility District No. 1 of Whatcom County (PUD), and City of Lynden. The most difficult part of this potential solution is the distance between the sources (Blaine, Sumas, and the PUD), and the water right uncertainty for the City of Lynden.

8.4.3 Arsenic

Elevated arsenic levels in Whatcom County are found in systems using a groundwater source and is the result of the natural weathering of certain types of arsenic-bearing bedrock and sediments, as opposed to human contamination. Figure 8-2 shows that elevated arsenic in groundwater is most prevalent in southern and western Whatcom County, with five of the systems being located on northern Lummi Island.

Historically, arsenic problems in general appeared to be limited to four public water systems on Lummi Island. In the 2000 CWSP update, it was reported that only one public water system exceeded the MCL for arsenic of 50 parts per billion (ppb) in effect at that time. In 2001, the EPA adopted a new lower standard for arsenic in drinking water of 10 ppb, which went into effect on January 23, 2006. The adoption of this new standards means new water systems sources or expansions of systems exceeding the MCL will not be approved without installation of an approved treatment system.
Table 8-4 lists water systems that had raw water samples that yielded at least one arsenic exceedance in the period from 2005 to 2015. All of these systems have either moved to a new source or are blending their water or treating it to achieve arsenic levels that are below the MCL.

### Table 8-4
Public Water Systems that have had Raw Water from a Source Exceed the Arsenic MCL of 10 ppb at Least Twice from 2005 through June 2015

<table>
<thead>
<tr>
<th>Water System Name</th>
<th>Public Water System ID</th>
<th>Group</th>
<th>Water System Type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acme Water District No. 18</td>
<td>00250</td>
<td>A</td>
<td>Comm</td>
</tr>
<tr>
<td>Fairfield MHP</td>
<td>02601</td>
<td>A</td>
<td>Comm</td>
</tr>
<tr>
<td>Hilltop Water Owners Association 2</td>
<td>33364</td>
<td>A</td>
<td>Comm</td>
</tr>
<tr>
<td>Isle Aire Beach Association 2</td>
<td>36368</td>
<td>A</td>
<td>Comm</td>
</tr>
<tr>
<td>Pleasant Valley Water System</td>
<td>67900</td>
<td>A</td>
<td>Comm</td>
</tr>
<tr>
<td>Sandy Point Improvement Company</td>
<td>76105</td>
<td>A</td>
<td>Comm</td>
</tr>
<tr>
<td>Cornwall Church of God Water System</td>
<td>07028</td>
<td>A</td>
<td>NTNC</td>
</tr>
<tr>
<td>Marine View Estates Water System 2</td>
<td>50155</td>
<td>B</td>
<td></td>
</tr>
</tbody>
</table>

1 Comm = Community; NTNC = Non-transient Non-community; TNC = Transient Non-community
2 System located on Lummi Island.
3 Group B water systems are not characterized by water system type.

Any new sources of water should be evaluated to determine whether they contain arsenic at levels of concern. If they do, appropriate actions should be taken, ranging from a decision not to develop that source of water to blending with other sources to achieve adequate water quality to treating the water to reduce arsenic concentrations to acceptable levels.

### 8.4.4 Surface Water and Groundwater under the Influence of Surface Water Sources

Public water systems using groundwater under the influence of surface water (GWI) are at risk of contamination by microbiological pathogens and are required to treat water under the Surface Water Treatment Rule (SWTR). Potential GWI is defined in WAC 246-290-010(189), and the GWI determination process is defined in WAC 246-290-640.

DOH considers all spring sources and wells less than 50 feet deep and within 200 feet of surface water to be potential GWI sources. These water systems must conduct either water quality monitoring, or a hydrogeologic investigation to determine if the source is hydraulically connected with the surface water. Water quality monitoring includes 12 months of testing the source water and surface water for water quality parameters such as temperature, turbidity, and conductivity. Other GWI sources include springs, water systems with bad water quality, and water systems associated with a disease outbreak. If, at the conclusion of the initial monitoring, the source appears to be "hydraulically connected" to surface water, the water system must reconstruct the source to
eliminate any surface water; install a disinfection system with a minimum contact time (CT) of 6 (concentration x contact time); and conduct microscopic particulate analysis (MPA) to determine the source’s relative risk to the presence of surface water organisms such as *Giardia* and *Cryptosporidium*. If these surface water organisms are present, the source is classified as a surface water source and treatment is required.

The seven systems in the CWSSA listed in Table 8-5 were evaluated by the DOH (c. 2005) as “potential” GWI sources. All seven of these systems were determined not to be GWI as described in the “GWI Status” column of Table 8-5.

### Table 8-5

<table>
<thead>
<tr>
<th>Water System Name</th>
<th>Public Water System ID</th>
<th>Group</th>
<th>Water System Type</th>
<th>GWI Status*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Samish Park</td>
<td>15064</td>
<td>A</td>
<td>TNC</td>
<td>D-GW(MPA)</td>
</tr>
<tr>
<td>Deming Water Association</td>
<td>18800</td>
<td>A</td>
<td>Comm</td>
<td>D-GW(MPA)</td>
</tr>
<tr>
<td>Double L Mobile Home Park</td>
<td>19890</td>
<td>A</td>
<td>Comm</td>
<td>D-GW(MPA)</td>
</tr>
<tr>
<td>Evergreen Retreat MHP</td>
<td>24164</td>
<td>A</td>
<td>Comm</td>
<td>D-GW(MPA)</td>
</tr>
<tr>
<td>Glacier Springs Water System</td>
<td>27755</td>
<td>A</td>
<td>Comm</td>
<td>D-GW</td>
</tr>
<tr>
<td>Plantation Range</td>
<td>52681</td>
<td>A</td>
<td>TNC</td>
<td>D-GW(MPA)</td>
</tr>
<tr>
<td>Slavic Gospel Church Water System</td>
<td>AA034</td>
<td>A</td>
<td>TNC</td>
<td>D-GW(MPA)</td>
</tr>
</tbody>
</table>

*GWI Status key:

D-GW(MPA) means system was determined to be groundwater based on water quality monitoring (MPA results) and are required to disinfect to CT6.

D-GW means source was determined to be groundwater based on water quality monitoring (temp, conductivity) and no disinfection treatment is needed.

The DOH indicated that now that the groundwater rule is in effect they may conduct assessment source water monitoring under WAC 246-290-300(3)(e), which could lead to new interpretation and implementation around the definition of potential GWI. This may occur for wells that tap shallow, unconfined aquifers with indicators of surface contamination risk (e.g., nitrates in agricultural areas).

### 8.4.5 Seawater Intrusion

Seawater intrusion occurs from over pumping of groundwater in areas where the aquifer is hydraulically connected to seawater. Seawater intrusion results in excessive levels of chloride, sodium, and other related contaminants. Chloride is a secondary contaminant with a secondary MCL of 250 mg/L. Chloride concentrations above 100 mg/L in areas prone to seawater intrusion are generally considered to be an indicator that seawater intrusion is occurring. While seawater intrusion was reported to have been a historic issue for systems located along the marine shoreline, there are currently no public water systems in the CWSSA exceeding the secondary MCL for chloride.
Issues with Potential Implications for Public Water Systems in Whatcom County

While there is no established MCL for sodium at this time, the DOH can require treatment for chloride based on the Policy for Treatment of Secondary Contaminants, which considers consumer complaints.

8.4.6 Relic Saltwater

In many parts of Whatcom County, west of the Mount Baker – Snoqualmie National Forest, there is evidence of relic saltwater, especially in the deeper sediments. It is generally believed this is due to seawater that was trapped either within glacial sediments that were deposited when marine water covered the area or in sediment and bedrock that was already in place when marine water covered the area. Chloride levels in relic saltwater can exceed the MCL of 250 mg/L. The presence of relic saltwater is not considered a significant problem countywide but can be an issue in localized areas where it prevents the use of groundwater for potable supply.

8.4.7 Deep Wells

Deep wells have been drilled in many locations of the County, primarily for the following reasons: searching for a source that is not contaminated with nitrates or relic saltwater; searching for a deep aquifer that is not in hydraulic continuity with surface water bodies with the hopes of obtaining new water rights; and searching for a suitable aquifer storage and recovery reservoir. Some deep wells have successfully found productive aquifers with good water quality (primarily located in the vicinity of the City of Blaine), while the remainder drilled in the CWSSA have only tapped marginal, deep, unconsolidated, and bedrock aquifers that typically contain relic saltwater, as described above.

As of 2015, a suitable deep aquifer for aquifer storage and recovery has not yet been identified.

8.4.8 Volatile Organic Chemicals (VOCs) and Pesticides

Sandy soils overlying shallow aquifers in the County can allow agricultural chemicals applied to the ground to enter the drinking water easily. Many studies have been conducted since 1984 that provide information about water quality in northern Whatcom County. Ecology, among other agencies, has conducted several studies in the County, such as the 1986 Phase I Investigation of Sites in Whatcom County, the 1990 Washington State Agricultural Chemicals Pilot Study, and the 1991 Bertrand Creek EDB Site Study. These studies show the presence of soil fumigants such as 1,2-dichloropropane (1,2-DCP) and ethylene dibromide (EDB) in groundwater in specific areas of the County.

Historically, five water systems have detected 1,2-DCP at levels below the MCL of 5.0 mg/L. In 1998, only one water system detected 1,2-DCP (and the results were below the MCL. Historically, no EDB has been detected in public water system sources. Since 2000, no systems have exceeded the MCL for volatile organic chemicals although, as discussed below, some individual groundwater wells have been found to contain some volatile organic contaminants and EDB.

Ecology, the City of Lynden, and the Whatcom County Health Department (WCHD) collaborated to construct a pipeline to supply Nooksack River water for domestic supply to properties where the groundwater in private wells were contaminated with EDB and/or 1,2-DCP. The pipeline, called either the Bertrand Creek Water Main Extension or EDB-line, is connected to the City of Lynden’s water system. The extension consists of 5.4 miles of distribution system for domestic service to approximately 51 existing residences with wells that were contaminated at the time of...
construction. The system has the capacity to serve up to 86 equivalent residential units, and is located on the following roads:

- Birch Bay Lynden Road from Tromp Road to 500 feet west of Bob Hall Road;
- Bob Hall Road from Birch Bay Lynden Road to 1,000 feet north of Birch Bay Lynden Road;
- Rathbone and Wiley's Lake Roads from Birch Bay Lynden Road to 7,700 feet south of Birch Bay Lynden Road;
- Berthusen Road between Birch Bay-Lynden and Loomis Trail Road;
- Loomis Trail Road from Berthusen Road to approximately 600 feet west of Weidkamp Road; and
- Weidkamp Road for 1,000 feet north of Loomis Trail.

For the purposes of the EDB pipeline project, domestic supply refers to the use of water typically associated with human hygiene in a residence, specifically including potable supply for drinking and cooking, toilet flushing, hand washing, showers, bathing, etc. It also includes the use of water outside of the residence for up to 1/2 acre of non-commercial lawn and garden watering and other typical residential uses such as car washing. The human hygiene uses described above may also be associated with pre-existing commercial operation; however, the water may not be used for commercial purposes such as food processing, parts washing, industrial cooling, or any other types of industrial process activities (Source: Protested ROE for S1-28116, Department of Ecology).

In 2002, Ecology issued a water right permit to the City of Lynden (S1-28116P) for the water supply to serve the extension in an amount not to exceed an instantaneous diversion rate of 0.57 cubic feet per second (cfs) (approximately 266 gallons per minute) and an annual volume of 70 aFY.

The water right established the following criteria under which a property is eligible to receive water under Ecology Report of Examination S1-28116, Recommendation No. 3:

Only property where 1,2-DCP has been detected by a certified laboratory at or above 2.5 parts per billion (one-half of the Maximum Contamination Level, or MCL, of 5.0 parts per billion or where EDB has been detected at or above 0.01 parts per billion (one-half the MCL of 0.02 parts per billion) are eligible to receive water pursuant to this permit. The level of 0.01 parts per billion is also the Practical Quantification Limit which is essentially the lowest level at which a substance can be reliably detected.

In 2007, a follow-up study was conducted to determine the current state of pesticides in groundwater in the Abbotsford-Sumas aquifer. The results of this study indicated that pesticides were still present in groundwater in some private water systems and that EDB, 1,2-DCP, and nitrates also remained contaminants of concern for users of wells in the Abbotsford-Sumas aquifer.

Metering data from 2004 through 2013 show that the amount of water utilized by those along the Bertrand Creek Water Main Extension has ranged from 11.83 aFY in 2013 up to 19.31 aFY in 2009.

8.4.9 Iron/Manganese

Iron (secondary maximum contaminant level (SMCL) of 0.3 mg/L) and manganese (SMCL of 0.05 mg/L) are aesthetic water quality problems through much of the sand and gravel aquifers in
the County. Iron and manganese are naturally occurring substances that do not pose a known health threat, but can cause taste and staining problems if untreated. They are relatively common throughout much of the County, but can generally be treated with relative ease and reasonable costs.

8.5 Data Management and Lack of Water Quality and Quantity Data

8.5.1 Data Management

Implementation of many state laws, such as the State Environmental Policy Act, the Water Pollution Control Act, and the Water Resources Act of 1971, requires various agencies to collect water data. In addition, water data is generated from private well testing, solid waste site monitoring wells, surface and groundwater studies, hatchery facilities, and public water system testing. Water data is captured and maintained by a variety of federal, state, and local governments. There is no uniformity to the format, nomenclature, or units of measurement used in the data at this time.

At the state level, the DOH developed a drinking water database referred to as Sentry. The database is available on the Internet and provides local health departments and the general public with current information on public water systems in the County and the state. WCHD uses the Sentry database and is able to map Sentry data as needed. Data for private one- and two-party wells are captured as scanned documents and are not in a searchable database format that can be extracted for reports or mapping.

8.5.2 Quantity

There has been relatively little water quantity data collected in Whatcom County. Those that have been conducted include the Blaine Ground Water Management Study, the Lynden Everson Nooksack Sumas Ground Water Study, the Lummi Peninsula Aquifer Study, and the Lummi Island Ground Water Study. Due to funding limitations, the major focus of these studies has been on water quality. The LENS study, for example, was unable to thoroughly explore the physical availability and quality of groundwater at bedrock depths. If a deep aquifer existed, it would probably not be in hydraulic continuity with the closed surface water sources.

Since passage of the Municipal Water Law, most public water systems are now collecting data on current water usage and reporting that data to DOH on an annual basis. This data has been used in this CWSP and will be useful to those interested in reviewing the volume of water withdrawn and diverted for public water system use in the future. Most systems have source meters and all systems will eventually have individual service meters installed to enable data collection and analysis for different user categories. Water use data is necessary to evaluate the effectiveness of WUE efforts.

In addition, due to shallow aquifers, some water systems have wells that go dry during the summer and early fall. For these sources, interties with other water systems, emergency sources, and WUE measures may be options for increasing source reliability year-round.

The adoption of the WR1A 1 Watershed Management Plan was followed by development of the Lower Nooksack Strategy, which presented a number of action items necessary to meet the goals identified for the Lower Nooksack Sub-basin. In 2012, a water budget was developed for the area, a part of which was to be a groundwater model, to gain a better understanding of the hydrogeology
and ground/surface water interaction potential in the region. In 2014, as a follow-up, local agencies initiated a groundwater modeling project that will better characterize groundwater quantity. The study area will focus primarily on the Lynden-Everson-Nooksack-Sumas portion of Whatcom County. The primary objective for this effort is to develop a groundwater model that ultimately has the ability to estimate potential temporal and spatial impacts to surface water resources from activities ranging from general (large scale) changes in land use to the use of an individual domestic/irrigation groundwater supply well.

8.5.3 Wellhead Protection

The DOH maintains a database of water quality results as submitted by public water systems known as the Sentry database. This database is available to local water systems and the general public.

Although the County has collected some information on water quality in the past, there is not a comprehensive map of groundwater sources, aquifer recharge areas, flow directions, aquifer yields, or aquifer discharging areas for water purveyors to use when selecting new sources or trying to protect their existing sources from contamination.

Under the 1996 amendments to the Safe Drinking Water Act (SDWA), Washington State is required to implement Source Water Assessment Programs (SWAP). The DOH has addressed this requirement by implementing a wellhead protection program, among others. This program ensures Group A water systems delineate the 1-, 5-, and 10-year time of travel for groundwater around the source(s), inventory potential contamination sources in the time of travel, and conduct a susceptibility assessment for each drinking water source. Most water systems can use a calculated fixed radius approach, but are encouraged to use a more sophisticated method (i.e., a hydrogeological consultant) if needed.

By developing the time of travel around the source water, water systems are able to comment on proposed land use issues that may impact water quality in the future. Furthermore, water systems can educate the users on protecting the groundwater through septic system maintenance, conserving water, and limiting the use of herbicides and pesticides on lawns and gardens.

During the update of the CWSP, the WUCC expressed the need for a process to incorporate results from delineating wellhead recharge areas or vital source protection areas into the Comprehensive Plan. The WUCC felt that the state and federal mandate for water utilities to delineate time-of-travel zones and wellhead protection plans is ineffective if these areas are not reflected as critical aquifer recharge areas by the Growth Management Act (GMA) and incorporated into land use decisions. To address this concern, it is recommended that Goal 11F, and especially Goal 11F.3, of the Comprehensive Plan should be coordinated with water resource information and protection efforts of water systems.

8.6 Lack of Joint Facilities and System Interties

8.6.1 Joint Facilities

Many times water systems will plan improvements without taking into account the plans of neighboring utilities. Through coordination, sharing a facility can sometimes eliminate
duplication. Several types of shared source projects have proven to be very effective solutions to quantity, quality, and economic problems in the State of Washington. Advantages include:

- Combining sources can assist a utility in meeting water needs until additional sources can be developed.
- Neighboring systems experiencing quality problems can jointly afford the construction and maintenance costs of a treatment facility that is too expensive to provide separately.
- System reliability problems can be resolved by using different sources of supply during different time periods.
- Water of marginal quality may be combined with higher quality water to avoid the costs of treatment.

8.6.2 Interties

An intertie is an interconnection between public water systems that permits the exchange or delivery of water between the systems. An intertie can be used for emergency or seasonal supply, during repairs or facility maintenance only, or on a continual basis. Interties are recognized as a valuable management tool for public water systems because they improve overall system reliability, enhance the manageability of the system, provide opportunities for conjunctive use, or delay the need to develop new water sources.

Legislation related to public water system interties was enacted in 1991 that enables utilities to address water right matters related to system interties through submittal of water system plans or CWSPs to DOH. Its provisions are codified at RCW 90.03.583 and summarized as follows:

- Interties are recognized as a valuable management tool for public water systems and are defined to allow other than emergency use of water by systems other than the one holding the water right subject to certain conditions.

- The place of use of water resulting from interties which were existing and in use as of January 1, 1991, shall be recognized for water right purposes subject to certain conditions.

- System interties where use commenced after January 1, 1991, are to be incorporated into the CWSP or utility's water system plan for review and approval by DOH and Ecology as part of the plan review process. Water right requirements are to be addressed in this process. The plan is to state how the intertie will improve overall system reliability, enhance the manageability of the system, provide opportunities for conjunctive use, or delay or avoid the need to develop new water sources.

- Interties may be necessary to supply adequate potable water to those areas planned for growth, since the place of use described on water rights is not always perfectly aligned with anticipated growth. Interties also avoid the need to develop new water sources and provide a valuable tool to ensure reliable public water supplies. When facilities join together to share water treatment facilities, reservoirs and water lines, the cost of operating the water systems will lower capital facility costs for the county as a whole.
• Municipal water law was established to increase the flexibility of municipal purpose water rights, including the creation of interties to facilitate regional water solutions where such solutions are deemed appropriate.

Table 8-6 lists the existing permanent and emergency interties between Group A water systems within the CWSSA as identified through the Sentry database. The geographic locations of the systems are shown on Figure 8-3. Public water systems should identify interties in their WSPs. In those plans, the utility providing the water should identify the receiving utility's service area as all or part of their wholesale service area, and the receiving system should indicate the existence of the intertie in their WSP as well. Systems should also identify emergency interties in their WSPs but do not need to include the receiving area as a wholesale service area.

<table>
<thead>
<tr>
<th>System Providing Water</th>
<th>Providing System PWS ID</th>
<th>Receiving Water System</th>
<th>Receiving System PWS ID</th>
<th>Usage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bellingham-Water, City of</td>
<td>05600</td>
<td>Deer Creek Water Assn/Guide South</td>
<td>A8912</td>
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<tr>
<td></td>
<td></td>
<td>Glen Cove Water Association</td>
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<td>Permanent</td>
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<tr>
<td></td>
<td></td>
<td>Lummi Tribal Water and Sewer District</td>
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<td>Permanent</td>
</tr>
<tr>
<td></td>
<td></td>
<td>LWWSD - Eagle ridge</td>
<td>08118</td>
<td>Permanent</td>
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<td>LWWSD - South Shore Water System</td>
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<td>Emergency</td>
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<td>Whatcom County Water District No. 2</td>
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<td>Birch Bay Water &amp; Sewer</td>
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<td>Bell Bay Jackson Water Association</td>
<td>05450</td>
<td>Emergency</td>
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<tr>
<td>Blaine, City of</td>
<td>07300</td>
<td>Bell Bay Jackson Water Association</td>
<td>05450</td>
<td>Permanent</td>
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<td></td>
<td>Birch Bay Water &amp; Sewer District</td>
<td>95904</td>
<td>Permanent</td>
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<tr>
<td>Delta Water Association</td>
<td>18750</td>
<td>Valley View Water Association</td>
<td>91000</td>
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<tr>
<td>Everson, City of</td>
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<td>Everson Water Association</td>
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<td></td>
<td>Hampton Water Association</td>
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<td></td>
<td>Nooksack</td>
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<td>Ferndale, City of</td>
<td>24850</td>
<td>Central City Water Association</td>
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<td></td>
<td>Mountain View Water Association</td>
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</tr>
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<td>North Star Water Association</td>
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<td>Thornton Water Association</td>
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<td>Meridian School Complex</td>
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<td>Lynden Water Department</td>
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<td>Berthusen Road Water Association</td>
<td>05875</td>
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<tr>
<td></td>
<td></td>
<td>Meadowbrook Water Association</td>
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<td>Emergency</td>
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<td>Sumas Water Department</td>
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<td>Nooksack</td>
<td>59800</td>
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<td>Nooksack Valley</td>
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<td></td>
<td></td>
<td>Sumas Rural Water Association</td>
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<td>Permanent</td>
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<td>Greater Vancouver Water District</td>
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<td>Point Roberts Water District No. 4</td>
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<td>Permanent</td>
</tr>
</tbody>
</table>

1 Water can also be moved from Valley View Water Association to Delta Water Association through this emergency intertie.
8.7 Water Use Efficiency

8.7.1 Introduction

This discussion regarding water use efficiency (WUE) is intended to provide public water system owners, operators, managers, and customers with an understanding of what is required of them in terms of WUE, what options they have in establishing WUE goals, and how to design their WUE program to meet those goals. Specific information about individual water systems and their use of water is available in their comprehensive water system plans and WUE efficiency reports on file with the DOH Office of Drinking Water. https://fortress.wa.gov/doh/eh/portal/odw/si/DownloadsReports.aspx.

Due to the various tools now available, WUE can offer a variety of different benefits to utilities and their customers. This is important because the design of WUE programming needs to be carefully matched to the objectives of the utility, so the desired benefits can be achieved.

Some of the objectives that might be achieved from the efficient use of water through WUE are:

- Manage the Scale and Timing of New Supply and Treatment
  In recent years, it has become increasingly difficult to develop new sources of water supply due to limitations on the availability of new water rights. This trend is likely to continue as growth increases the need for water, while at the same time, environmental and water quality requirements grow more stringent.
  WUE planning can reduce, or delay, the need for new sources of supply, while increasing public support for new sources of supply if and when they are needed. At the same time, increased regulatory requirements for water treatment have driven up the cost of supplying potable water. By reducing water needed, WUE can also lower the cost of water treatment.

- Reduce Utility Operating Expenses
  Reducing water consumption and system losses allows a corresponding reduction in chemical usage, energy consumption, and carbon footprint. This can lead to considerable savings in utility operating expenses. In addition, a comprehensive leak detection and repair program can reduce expenditures on emergency repairs.

- Reduce or Delay Investments in Wastewater Capacity
  Given the connection between water consumption and wastewater flows, WUE also offers a means to reduce demand on wastewater collection and treatment systems. This, in turn, can reduce or delay capital expenditures on wastewater collection and treatment capacity.

- Minimize Impacts on Natural Resources
  By reducing the amount of water diverted from streams or pumped from aquifers that recharge rivers and wetlands, WUE provides a tool for utilities and their customers to minimize their impacts on the natural environment.

- Water Use Efficiency as an Ethic and for a Sustainable Future
  Citizens and public officials acknowledging that water is a finite resource that varies within the County can manage its use efficiently to ensure its continued availability. In this case,
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WUE may be implemented even though it is not the most cost-effective alternative to other supply development options because it has greater social or environmental benefits.

- Regulatory Compliance

The Municipal Water Law includes WUE elements. In response to the Municipal Water Law, WDOH promulgated WAC 246-290-800 through 840 related to water use efficiency, and added metering requirements to WAC 246-290-496. The purpose was to define the requirements of water use efficiency programs in water system plans developed under WAC 246-290-100, and small water system management programs developed under WAC 246-290-105. This included the following elements:

- Establish a water distribution system leakage standard;
- Define a process requirement for water use efficiency goal setting; and
- Establish annual water use efficiency performance reporting requirements.

Municipal water suppliers must:

- Publicly establish water savings goals for their customers through a public forum occurring at a minimum once every 6 years;
- Evaluate or implement specific water saving measures to achieve customer-based goals based on the number of active connections;
- Develop a WUE planning program to support the established goals;
- Install meters on all customer connections by January 22, 2017;
- Achieve a standard of no more than 10-percent water loss; and, if over the standard, develop and implement a water loss control action plan to achieve compliance;
- Report total production, authorized consumption, and distribution system leakage volumes and percent annually and include a short narrative about progress towards achieving these goals.

The DOH specified that any Group A community water system that serves at least 15 residential service connections must comply with the Water Use Efficiency Rule, whether they are publicly or privately owned. WAC 246-290-800 through 840, and WAC 246-290-496 are included in Appendix 4 of this CWSP. Additional details are available in the DOH Water Use Efficiency Guidebook, Third Edition, January 2011, DOH 331-375 (Revised).

8.7.2 WUE Program Measures

The term WUE embraces a range of supply and demand efficiency measures. Measures are identified once supply and demand characteristics are evaluated and factored into the final WUE goal. Activities may include, but are not limited to: system-wide water audits documenting authorized uses; leak surveys; and repairs on meters, lines, storage facilities, and valves. WAC 246-290-810(4) provides details on the WUE program that is required of municipal purpose water suppliers.

Supply-side WUE measures can be implemented readily and may be among the most cost effective tools available for managing water use. Supply-side measures include, but are not limited to:
Issues with Potential Implications for Public Water Systems in Whatcom County

- Leak detection and repair;
- Main replacement;
- Corrosion prevention;
- Management of hydrant flushing; and
- Meter repair, replacement, and calibration.

Demand side measures can involve customers in a variety of ways, ranging from customer education, financial incentives for installing water-saving equipment, developing rate structures that include an economic incentive to reduce consumption, or imposing regulatory requirements on plumbing fixtures, landscaping, or water use. In addition, WUE demand-side measures can be designed to reduce base water use, peak use, or both. Some common demand-side WUE measures include the following:

- Broadly packaged information and outreach (e.g., advertising, billing inserts).
- Narrowly targeted information and outreach (e.g., free water-use audits for businesses or homeowners).
- Water bill showing consumption history.
- Improved metering.
- Hardware retrofit programs.
- Appliance rebate programs.
- Conservation-based rate structure.
- Landscaping ordinances.
- Seasonal outdoor use restrictions.
- Recycling or re-use programs.

Utilities are encouraged to reference the DOH Water Use Efficiency Guidebook for additional information on planning WUE program measures.

8.7.3 Water Loss Control

In 2003, the American Water Works Association (AWWA) adopted improved best practice methods for defining and measuring water loss in water distribution systems. The AWWA abandoned the use of the term unaccounted for water as all water sent into the distribution system can be accounted for. The term now used is non-revenue water (NRW). NRW is specifically defined to include the sum of specific types of water loss and any authorized, unbilled consumption that occurs within water distribution systems. The AWWA states in its Best Practice in Water Loss Control: Improved Concepts for 21st Century Water Management that:

It is important to understand that all water utility distribution systems incur leakage (real losses). Similarly, all water utilities fail to recover revenue from all of the water that is (or should be) billed to customers (apparent losses). Although every system is unique, all water utilities should employ leakage control and revenue
recovery programs that strive to keep losses contained to appropriate, economically justified levels. AWWA’s Manual: Water Audits and Loss Control Programs (M36) and the AWWA FREE Audit Software (http://www.awwa.org/resources-tools/water-knowledge/water-loss-control.aspx) provide a robust pathway for utilities to develop data-driven program to cost-effectively manage all water loss components (apparent and real) in distribution systems, as shown below in the International Water Association (IWA)/AWWA Water Balance (Table 8-7).

### Table 8-7
The IWA/AWWA Water Balance

<table>
<thead>
<tr>
<th>Volume from Own Sources (corrected for known errors)</th>
<th>Water Exported (corrected for known errors)</th>
<th>Billed Water Exported</th>
<th>Revenue Water</th>
</tr>
</thead>
<tbody>
<tr>
<td>System input Volume</td>
<td>Water Supplied</td>
<td>Billed Authorized Consumption</td>
<td>Billed Metered Consumption</td>
</tr>
<tr>
<td>Water Imported (corrected for known errors)</td>
<td>Water Losses</td>
<td>Authorized Consumption</td>
<td>Unbilled Authorized Consumption</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Apparent Losses</td>
<td>Unauthorized Consumption</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Real Losses</td>
<td>Leakage on Transmission and Distribution mains</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Leakage on Service Connections up to the Point of Customer Metering</td>
</tr>
</tbody>
</table>

NOTE: All data in volume for the period of reference, typically one year.


### 8.7.4 Costs of WUE

The complete program of supply and demand side measures that is the most cost effective at achieving WUE goals will vary considerably from one utility to another. Since WUE programs may involve both up-front expenditures and continuing investments, it is valuable to develop levelized costs that provide equivalent comparisons. In addition, it is important to consider the costs and savings to the utility, as well as those experienced by the customer.

While performing an analysis of expected costs and benefits is important to WUE planning, it should be recognized that, in many cases, water savings cannot be projected with precision. Therefore, decisions on WUE programming require careful consideration of the importance of other factors besides cost effectiveness. For example, as a matter of policy, the utility may decide to promote WUE to respond to community desires or offer increased protection to an environmental resource. In addition, it is important to consider the impact on a variety of customer
classes and income groups in designing a complete WUE program. Finally, utilities need to consider the revenue implications of reduced water usage and modify their rate structure as necessary to maintain financial viability as WUE goals are achieved. These revenue implications need to be assessed in terms of wastewater system needs as well.

The CWSP recommends that water systems initiate WUE efforts that can be jointly implemented by several utilities and achieve cost savings through combined purchasing. Specific recommendations are for joint contracting of leakage detection analysis and the procurement of public education material. The DOH and AWWA are sources of literature and material that can be tailored for the Whatcom County area.

8.8 Reclaimed Water

Reclaimed water is a water supply produced by treatment of municipal or domestic wastewater. The treatment processes are designed to ensure that the water is safe and suitable for the intended use. Sometimes called water recycling or water reuse, the process of reclaiming water involves an engineered treatment system that speeds up nature’s restoration of water quality.

In Washington, reclaimed water can be used for a wide variety of non-potable benefits such as irrigation, industrial processes and cooling water, toilet flushing, dust control, and construction activities. Under current law, it cannot be used as potable water. It can also be used as a resource for creating, restoring, and enhancing wetlands, recharging groundwater supplies, and increasing flows in rivers and streams.

A hurdle for many reclaimed water projects is the issue of impairment. Reclaimed water use may not impair a water right existing at the time of the water reclamation. For example, if a facility has been discharging to a water body and that discharge is reduced or eliminated by reclaiming the water for other uses, the reduction in that discharge may not impair a downstream user, including a minimum instream flow established by rule as part of the Washington Administrative Code that has historically relied on the flow provided by the discharge. In such cases, the reclamation of water may not be allowed or the party reclaiming the water may have to provide mitigation to the party whose use of water is impaired. It is easier for a wastewater treatment facility that discharges directly to marine water to get authorization to reclaim water since there are no impairment concerns.

Ecology’s Water Quality Program is proposing a new rule, Chapter 173-219 WAC – Reclaimed Water, directed by the state Legislature under Chapter 90.46 RCW. The purpose is to establish an efficient, effective, and consistent statewide implementation framework, including standards and permit requirements, for reclaimed water.

8.8.1 Reclaimed Water in Whatcom County

8.8.1.1 City of Blaine

In 2010, the City of Blaine initiated operation of a new Class A water reclamation facility that features membrane bioreactor (MBR) technology and can treat up to 3.1 million gallons per day. The reclaimed water is not acceptable for drinking but is acceptable for human contact, irrigation, and industrial use. The treated water is being piped and re-sold to large customers such as the Semiahmoo Resort, where it will be used for golf course irrigation. It will also be used by Blaine
for street cleaning and other industrial uses. It is being sold at about 80 percent of the cost of fresh water. Use of reclaimed water can help to stretch the City’s available existing supplies of potable water into the future.

**8.8.1.2 City of Lynden**

The City of Lynden has been looking at reclaimed water options, but has yet to plan for delivery outside of the wastewater treatment facility. Currently, Lynden utilizes reclaimed water in its wastewater treatment facility for cleaning and wash down. The current range of use is between 300,000 and 500,000 gallons per day, and averages 350,000 gallons per day.

**8.8.1.3 Birch Bay and PUD No. 1 of Whatcom County**

The PUD is completing a water reclamation study that is looking at opportunities to work with some of its customers at Cherry Point to reclaim and/or reuse water those customers now buy from the PUD. As the source of that water is the mainstem of the Nooksack River, any reduction in the use of the Nooksack River will increase stream flow in the Nooksack downstream from the PUD’s diversions.

Two opportunities the PUD is considering are:

- Diverting Birch Bay Water and Sewer District wastewater discharge to industrial customers at Cherry Point for use in the refining process, which would decrease wastewater discharge into the Cherry Point Aquatic reserve, and reduce a small portion of the water taken from the mainstem of the Nooksack; and

- Discharging some of the Cherry Point industrial processing discharge water now going to Puget Sound back into the mainstem of the Nooksack.
Section 9 – Plan Implementation
Section 9 – Plan Implementation

9.0 Introduction

This CWSP update was prepared to fulfill the requirements of the Public Water System Coordination Act, RCW 70.116, and provide clarity on related processes and procedures. This section briefly outlines the approval process for the CWSP, a process of appealing CWSP decisions, how the CWSP will be updated, and the environmental review.

Throughout this CWSP, the words “must,” “will,” “shall,” or “required” are used when practices are required by rule or statute, sufficiently standardized to permit specific delineation of requirements, or where safeguarding the public health justifies definitive criteria or action (and is legally allowable to do so). Where requirements are spelled out in statutes or rules, an attempt has been made to cite the relevant source of the statements.

“Should” or “recommend” indicate procedures, criteria, or methods that are not required and can be approached with some degree of flexibility. In such cases, water system managers need to explain the basis of the altered approach or why another approach may be more applicable. Unless specifically noted, the WUCC has determined this flexibility should be retained and the related recommendations should not be codified.

In cases where the WUCC has determined that certain actions, standards, or procedures are sufficiently important to warrant adoption into the Whatcom County Code, this has been noted in the CWSP. These changes are summarized later in this section, where the WUCC recommends the Whatcom County Council amend the existing code to implement the recommendations of the WUCC.

9.1 Plan Approval Procedures

As outlined in Section 2, the completed CWSP is presented in two parts: (1) the supplemental provisions detailed in this Regional Supplement document; and (2) a compilation of individual water system plans for individual water utilities, which are approved separately by the County and the DOH. Approved WSPs are on file with DOH and the County. It is the responsibility of each utility to fulfill its water system planning requirements. The level of effort required is based upon the system size, the expansion plans of the utility, and the type of system ownership. Guidelines for preparing WSPs are available from DOH. All individual WSPs are to be updated on a schedule coordinated with DOH.

Preparation of the supplemental provisions is the responsibility of the County and the local utilities, acting through the WUCC. The WUCC identified local needs and gave direction to the development of the CWSP as it related to area-wide issues. Through the efforts of the WUCC and the County, the procedures, regional policies, and minimum design standards have been reviewed and revised accordingly.

Once approved by the WUCC, the completed CWSP is submitted to the Whatcom County Council for a consistency review. The purpose of the consistency review is to ensure this CWSP is not inconsistent with existing land use plans or policies. The council has 60 days upon receipt of the CWSP to hold a public hearing and act on the document. Once reviewed and accepted by the council, the CWSP is submitted to DOH, which must act upon adoption within 60 days.
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Once assured that the local preparation and review procedures of RCW 70.116 have been followed, DOH will be able to approve this document as the Regional Supplement of the Whatcom County CWSP. It should be emphasized that the DOH may approve portions of the CWSP found to be consistent with adopted plans and policies in effect at the time of their review. This will enable approval of this CWSP Regional Supplement and those completed individual WSPs. As specified in Section 2, requests for system expansion will be denied for those water utilities that have not completed their planning requirements.

Any changes requested to individual WSPs or service area boundaries prior to the next update of the CWSP can follow the administrative change procedures specified in the CWSP without additional formal action by the Whatcom County Council.

9.2 Appeals Process

As discussed in Section 6, the Utility Service Review Procedure (USRP) process gives existing systems preference for providing water service to new developments. Each service must be timely and reasonable. Disagreements as to what constitutes appropriate conditions of service may be expected to arise from time to time between applicants for new water service and existing systems. For these reasons, an appeal procedure was developed.

Per the USRP, applicants for land use permits that require potable water service within the designated service area of a water utility must work out the conditions for new service with the designated utility. Conditions of service disputes within a utility’s retail service area are not subject to the CWSP appeals process but may be pursued through means specified in the MWL, including Superior Court.

An applicant who is not satisfied with the designated utility’s conditions for new service outside of their retail service area may initiate an appeal as detailed in Sections 9.2.1 through 9.2.3, below.

9.2.1 Issues Subject to Appeal and Review

Only water service related issues are subject to appeal and review under this process. In most instances, such issues will be identified when the applicant requests the Water Availability Form from the water utility. Issues subject to appeal and review are limited to the following:

- Interpretation and application of water utility service area boundaries;
- Proposed schedule for providing service outside of the retail service area;
- Conditions of service outside of a utility’s retail service area, such as the timeliness and reasonableness of service, but excluding published rates and fees;
- Annexation provisions imposed as a condition of service; provided, however, existing authorities of city government are not altered by the CWSP, except where an interlocal agreement exists between a city and the County or as are specifically authorized by Chapter 70.116 RCW; and
- Lack of response by a utility.

Issues other than conditions of service, such as those related to conformance with the State Environmental Policy Act (SEPA), the GMA, any county-wide planning policies, county and city
land use plans, financing policies, and wholesale agreements are not subject to the CWSP appeals process, but may be addressed through other avenues.

9.2.2 Timeliness and Reasonableness of Service

State law requires that no other utility shall establish a public water system within the area covered by a CWSP unless the local legislative authority (Whatcom County Council) determines that the existing utilities are unable to provide the service in a timely and reasonable manner. The USRP makes reference to the provision of water service in a timely and reasonable manner. The term “timely and reasonable,” as included in both the Public Water System Coordination Act (RCW 70.116.060(3)(a)) and the Municipal Water Law, have different meanings.

With respect to the Coordination Act (Chapter 70.116 RCW), the term is applied to the conditions of service for applicants seeking water service within the future service area of a water utility. Applicants for water service located in an existing water system’s future service area must request service from the existing system. In this case, the existing utility has the “right of first refusal” of water service. If the system cannot provide the new service in a timely and reasonable manner, the applicant may pursue the following options in the order presented.

1. Receive service from another water system.

2. If service is not available, the applicant may develop a new public water system or a private supply.1

The Coordination Act defines “timely” as actions taken within 120 days, but it does not specify when the period begins and ends. The Coordination Act allows CWSPs to specify utility actions for completion in this 120-day period. The Coordination Act does not define “reasonable.” DOH suggests the following definitions for reasonable:

- Conditions of service are consistent with local land use plans and development regulations;
- Conditions of service and associated costs are consistent with those documented in the system’s approved water system plan; and
- Conditions of service and associated costs are consistent with the system’s acknowledged standard practice experienced by other applicants requesting similar water services.

Under the Municipal Water Law, the term “timely and reasonable” is used as one of the conditions in which a water utility has a “duty to serve” within their retail service area. Municipal water suppliers have a duty to provide service to all new connections within their retail service area when the following criteria are fulfilled.

1. The utility has sufficient capacity to serve water in a safe and reliable manner.

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1 Note: “Public water system” includes all systems except those serving one single-family residence or four or fewer service connections on the same farm. As used in this document, the term is generally synonymous with “Purveyor” and “Utility.” “Private water supply” means a non-Group B water supply serving up to two single-family residences (per WCC 24.11).
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2. The service request is consistent with adopted local plans and development regulations.

3. The utility has sufficient water rights to provide service.

4. The utility can provide service in a timely and reasonable manner.

Because the two laws define “timely” differently, and neither law defines “reasonable” service, the DOH recommends that a definition for timely and reasonable service be provided in the CWSP. Consequently, timely and reasonable service shall be defined as follows (in order of priority):

1. As defined in the water utility’s approved water system plan.

2. If the water utility does not have a water system plan, the definition shall be as defined in the utility’s service policies, so long as those policies are not inconsistent with the Coordination Act.

3. If the water utility does not have a water system plan or service policies, or the water system plan or service policies do not provide a definition for timely and reasonable, the definitions shall be as follows:
   - Water service is considered timely when:
     - the water utility can provide service within 120 days of receiving all necessary permits to begin installation of required system improvements, if the utility is conducting system installation; or
     - the water utility can provide service within 120 days of the applicant installing all necessary system improvements, or as otherwise agreed to between the applicant and utility.
   - Water service is considered reasonable if costs and conditions of service are consistent with the utility’s acknowledged standard practice experienced by other applicants requesting similar service.

9.2.3 Appeals Process

Step 1 — Filing of an Appeal

An aggrieved party has 30 days from receipt of a written decision from a utility to file an appeal of issues identified in Section 9.2.1 with the Whatcom County Hearing Examiner and notify the Whatcom County Health Department (WCHD). The appeal shall be accompanied by a fee as set forth in the Unified Fee Schedule. The current fee schedule is provided in Whatcom County Ordinance 2014-063.

Step 2 — Voluntary Appeal Resolution Process

When an aggrieved party notifies the WCHD that an appeal has been filed, the County will offer to initiate a voluntary appeal resolution process. The goal of the voluntary appeal resolution process is to amicably resolve the dispute of an issue subject to appeal with minimal cost to all parties in the hopes of avoiding the use of other more costly and time consuming remedies, such as a formal appeal before the Hearing Examiner or Superior Court. If both parties desire to enter into the voluntary appeal resolution process, the aggrieved party shall request a stay of the Hearing Examiner proceedings for a specific period of time. Additional stays can be requested, if necessary and desirable.
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The voluntary appeal resolution process can be initiated by either party sending a written request for review of the disputed issues to the Director of the WCHD. If all parties agree to the voluntary process, the appeal will be heard by an appeal resolution committee (ARC) consisting of the Director of WCHD (or his/her designee), the Director of Planning and Development Services (PDS) (or his/her designee), the Director of Public Works (or his/her designee), and a representative from a Satellite Management Agency (SMA) currently approved for operation in Whatcom County. The ARC shall be chaired by the representative from the WCHD.

The goal of the ARC shall be to find a mutually agreeable solution to the dispute and have the parties memorialize any agreement by executing a service agreement. However, neither party is bound by the decision; if either party subsequently wishes to pursue a final resolution in another venue, they may do so. Furthermore, no official record of this appeal resolution process will be provided. The WUCC recommends that Whatcom County develop a process for appellants to receive a refund of the Hearing Examiner filing fees if the voluntary appeal resolution process is successful.

Step 3 — Hearing Examiner

If the voluntary appeal resolution process is not successful, or if the parties choose not to engage in that process, either party may appeal issues identified in Section 9.2.1 to the Hearing Examiner in accordance with WCC 20.92.210. Further review will then take place under standard Hearing Examiner procedures (WCC 20.92).

Per WCC 20.92, the Hearing Examiner shall conclude review and issue a final decision within 45 days of receiving the appeal and "Staff Findings." Upon completion of the Hearing Examiner review and any appeals thereunder, the WCHD will continue processing the development application consistent with the final resolution.

Step 4 — County Council

The final decision of the Hearing Examiner may be appealed to the County Council within 10 days of the decision in accordance with WCC 20.92.600. This appeal shall be accompanied by a fee as set forth in the Unified Fee Schedule.

Step 5 — Review Court

Upon receipt of a report of findings and a decision regarding unresolved appeals from the Hearing Examiner, an appeal may be made to Superior Court and/or other appropriate courts following the rules of that venue.

9.3 Coordinated Water System Plan Update

Because rules, laws, and practices change over time, it is recommended that the CWSP be updated in coordination with updates of the Whatcom County Comprehensive Plan to ensure that both documents remain relevant and useful. More frequent updates of the CWSP may be initiated, as necessary, at the direction of the County Council or DOH. In accordance with RCW 70.116.060(8), if DOH initiates an update or revision of the CWSP, the state shall pay for the cost of the update.

9.4 Periodic Review of CWSP Implementation

The Director of WCHD (or his/her designee) shall contact WUCC members at least once per calendar year to determine whether there are issues of significance requiring attention by the full WUCC or a sub-committee of the WUCC. The Director will also contact the members of the Water
SECTION 9

Resource Inventory Area (WRIA) 1 watershed planning process established under RCW 90.82, including the WRIA 1 Planning Unit, at least annually to determine if there are issues from that process that require attention by the WUCC. These issues may include the identification of items for which the WUCC or the Planning Unit recommend the County engage in education-related efforts intended to foster the successful implementation of the CWSP.

9.5 Environmental Review

The State Environmental Policy Act (SEPA), Chapter 43.21C RCW, requires that all CWSPs be accompanied by an appropriate environmental document. A SEPA Checklist has been prepared for the Whatcom County CWSP and its recommended activities. This checklist is included as Appendix 5.

The CWSP update has been prepared to establish administrative, management, and policy procedures to respond to the needs of existing and future customers in the County. It is intended to address regional concerns within the County that are not ordinarily included in each utility's WSP. Examples of those regional issues are: procedures for reviewing and approving future water use activities; minimum design standards; designated water utility service areas; and water utility management policies.

The CWSP contents are referenced in the SEPA Checklist. It is anticipated that both negative and positive impacts will occur to earth, water, land use, population, public services, and utilities as a result of implementing the individual water system plans. The CWSP update has been developed in coordination with the GMA County-wide Planning Policies and County land use documents to reflect local land use policies and requirements. Therefore, implementation of this CWSP and the employment of sound engineering and construction practices during the implementation of each utility's WSP will minimize any adverse impacts.

Before the CWSP has been formally accepted by the Whatcom County Council, it is recommended that a final environmental determination be made by PDS. This final determination is attached as Appendix 5 for submittal to DOH for approval.

9.6 Implementation Tasks

This section presents a summary of actions that are recommended to fully implement this CWSP or otherwise improve the coordination of water service in the County. The first list (Section 9.6.1) includes new implementation measures that the WUCC identified during the 2016 CWSP update process and recommends for implementation. The second list (Section 9.6.2) is a list of other implementation actions that were included in the 2000 CWSP or otherwise in effect, but were not fully implemented or do not require continuing implementation.

9.6.1 New Implementation Measures

1. Whatcom County will provide a link to the Service Area Map on the PDS and WCHD websites for easy reference.

2. Whatcom County will update the Service Area Map whenever changes to Group A public water system service areas are filed with the County and will include the date of the update on the map to ensure that all users are working from the most current version.
Plan Implementation

3. Whatcom County will provide a link to staff contacts on the PDS and WCHD websites for questions regarding the CWSP.

4. Whatcom County will revise the Water Availability Notification forms for consistency with this update of the CWSP.

5. Whatcom County shall implement the voluntary appeals resolution process discussed in Section 9.2 as necessary.

6. The Director of WCHD (or his/her designee) shall contact WUCC members at least once per calendar year to determine whether there are issues of significance requiring attention by the full WUCC or a sub-committee of the WUCC. The Director will also make contact with members of the WRRA 1 watershed planning process at least annually to determine if there are issues from that process that require attention by the WUCC. These issues may include the identification of items for which the WUCC or the Planning Unit recommend the County engage in education-related efforts intended to foster the successful implementation of the CWSP.

7. Whatcom County Health Department will pursue the development of a GIS layer depicting all public water system services areas in Whatcom County, including community and non-community water systems.

8. The County shall seek to amend WCC 24.11 as follows:
   - Adopt the CWSP or its successor by reference;
   - Provide definitions of alternative private water supply and private water supply;
   - Provide a definition of the CWSP;
   - Distinguish the difference between public water systems and private water supply (well);
   - Include language that applicants must comply with provisions of the CWSP prior to director approval of private water supplies and new public water systems; and
   - Establish a public water denial form required for private water supply applications within public water system service areas.

9.6.2 Other Action Items

1. Whatcom County will continue to incorporate results from delineating wellhead recharge areas or vital source protection areas into the Whatcom County Comprehensive Plan with the goal of ensuring compliance with the intent of the state and federal mandate for water utilities to delineate time-of-travel zones and wellhead protection plans. The County will facilitate coordination of water resource information and protection efforts of water systems per Goal 11F, Policy 11F.3 of the Comprehensive Plan.

2. Per RCW 70.315.060, non-municipal corporations shall develop a description of their hydrant maintenance procedures and keep them on file to be eligible for liability protection for damages that may arise out of a fire event.

3. Whatcom County will notify those public water systems that are not required to comply with minimum fire flow standards that they are required to coordinate with the local fire control authorities to ensure that any hydrants on their system, if they can possibly be used in the
course of fire suppression activities, do not create adverse pressure problems within the water system as a result of fire control actions (WAC 246-290-221).

4. Local fire control authorities may only use collapsible hoses for hydrant connections unless the utility informs the local fire control authority otherwise.

5. Water utilities are responsible for taking action to restrict free flow from hydrants to protect against back flow and siphoning when water is being used for fire-fighting.

6. Water supply facilities for new developments and for new or expanding public water systems shall be designed to meet the minimum fire flow requirements set forth in Table 5-3.

7. Water utilities must color-code red caps on all hydrants when:
   - The effects of supplying fire flow are unknown;
   - Fire flow is less than 500 gallons per minute; or
   - Fire flow would reduce system pressures to less than 20 pounds per square inch.

8. Utilities should, where practical, provide the Fire Marshal and fire district with the locations of hydrants with color-coded red caps so that these locations can be mapped for use by fire crews (Section 5.3.7).

9. Fire hydrants that are temporarily inoperative or unusable shall be wrapped or otherwise provided with indication of their condition, and shall be repaired as soon as possible by the water utility as required by WAC 246-293-650(7).

10. Fire hydrants that are permanently out of service should be removed by the utility as soon as possible.

11. Where appropriate, a written agreement that identifies responsibilities for maintenance and testing of fire hydrants should be negotiated between the fire control authority and the water utility (WAC 246-296-650(8)). Such agreements should establish operation, maintenance, and testing policies that are mutually beneficial to both the fire authority and the water utilities and would clarify each party’s respective roles and responsibilities. Communication is seen as being most important in the unincorporated areas and/or where County fire districts exist with dynamic boards of commissioners and local fire district chiefs. Fire hydrants that are permanently inoperative or unusable must be removed by the water utility. All testing should be done according to application American Water Works Association and National Fire Protection Association standards.

12. NEW ACTION ITEM. Public water systems identified in Section 3 as not having sufficient water rights to meet existing or anticipated future demands are encouraged to explore options for reducing their system demand and increasing their system supply including, where appropriate, consideration of interties with existing water systems with available water. As Whatcom County continues to develop and implement a strategy for overall water resources management in the County, it should continue to support the creation of interties and other infrastructure improvements among and between public water systems in an on-going attempt to provide secure and high-quality sustainable sources of water throughout the County.
9.6.3 WUCC Items for Consideration by the Community

The items in the following list are not necessarily items that any single entity can successfully address or implement but are issues which were identified during the update of the CWSP and which, in the opinion of the WUCC, deserve acknowledgment as the community plans for the future.

- Water rights acquisition for current and future demand.
- Emergency intertie exploration.
- Permanent intertie exploration.
- Consolidation of water systems.
- Identify available inchoate water to be transferred to another municipal water supplier or integrated into a regional water supply system.
- Closely monitor any actions taken by the United States on behalf of the Lummi Nation and the Nooksack Tribe, and to become actively involved in any local efforts aimed at the resolution of these issues, which are beyond the scope of this CWSP update.
- Identify water systems at high risk based on their financial viability. Those systems should be encouraged to do the following:
  1. Develop an operating budget;
  2. Evaluate rates for adequacy;
  3. Create and fund an operating cash reserve;
  4. Create and fund an emergency reserve; and
  5. Create and fund reserves for capital improvements and equipment replacement. (Resources exist, DOH templates, programs, etc., but small troubled systems lack capacity and require coaching to follow through and gain financial viability).
- Continue discussions regarding issues and potential solutions related to the presence of nitrates in groundwater in the CWSSA.
- Plan for and encourage interlocal agreements between utilities to manage failing water associations that fall into receivership.
- Encourage and actively participate in forums, workshops, and other water-related planning activities.
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Appendix 1 – Water Rights Capacity Map
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**Note:** All values are in millimeters.
Appendix 2 – Water Right Procedures
Appendix 2 – Water Right Procedures

Typical Water Rights Process

The following discussion identifies the typical steps involved in the processing of a water right application by Ecology.

1. Submittal of an application to Ecology, with the appropriate application fee.
2. Ecology preparation of a legal notice for the applicant to have published once a week for two consecutive weeks.
3. Ecology solicits comments on the proposed application from the Washington Department of Fish and Wildlife (WDFW), Nooksack Tribe, and Lummi Nation.
4. Applicant submits an Affidavit of Publication to Ecology.
5. There is a 30-day period after the last date of publication for submittal of protests to the proposed application to appropriate water.
6. Ecology conducts a field examination and evaluates comments from the WSFE, tribes, and any other protests, and reviews Chapter 173-501 WAC to determine if affected water bodies have minimum instream flows assigned, or if they are closed to future consumptive appropriation.
7. Ecology prepares a draft Report of Examination that is posted on its website for 30 days to allow for review by the public and collection of additional public comment.
8. If no substantive comments are received, Ecology prepares a final Report of Examination with copies to anyone who has protested the application, either approving, approving with conditions, or denying the application. If the application is approved, Ecology includes a request for submittal of the appropriate permit fee.
9. Appeals of the Ecology decision in the Report of Examination can be filed with the Pollution Control Hearings Board within 30 days of this decision.
10. Upon submittal of the permit fee, and after the 30-day period for appeals has expired, Ecology issues a permit containing the development schedule from the Report of Examination (ROE).
11. The development schedule in the permit contains dates for beginning of construction, completion of construction, and putting the water to beneficial use.
12. When the water authorized in the permit has been put to beneficial use, and the appropriate fees are received, Ecology issues a certificate of water right or a certificate of change.

Alternative Means of Water Rights Processing

As a means of addressing the water rights backlog, the legislature has established alternative means of water rights processing that can be employed under certain conditions. These alternative methods are discussed briefly below.
Appendix 2 – Water Right Procedures

Cost Reimbursement

Cost reimbursement is a contract between a water right applicant and Ecology. Under this contract, applicants assume the full cost of processing their water right application, with some or all of the work performed by Ecology’s consultant. Presently, Ecology has eight consulting firms pre-approved to perform this work.

The cost reimbursement option allows a private consultant to complete the work that Ecology hydrogeologists and permit writers would ordinarily perform. This process makes Ecology staff more available to work with other applicants on their water right applications.

The consultant conducts a site investigation, performs the environmental and hydrogeologic analyses, identifies whether the water is available or would impair other water users, prepares a report with his or her findings, and recommends whether to approve the application. Ecology posts the draft ROE on the internet to solicit comments. Once the comment period is closed, Ecology works with the consultant to make any needed changes. Ecology makes the final decision on the application and then posts the final ROE on the internet for a 30-day appeal period.

The cost reimbursement process consists of two phases. In Phase One, the application is evaluated to identify the boundaries of the water source. This is the area that could be affected by a proposed water withdrawal. In the case of groundwater applications, this phase requires a preliminary delineation of the affected body of public groundwater. A Phase One analysis includes looking at whether there are other prior applications requesting water from the same source of supply. It will also identify likely issues that require further evaluation, and may provide a scope and cost estimate for completing Phase Two.

In Phase Two, Ecology’s consultant prepares a ROE for the application(s). The ROE consists of the background and technical analysis necessary for the particular water right or water right change requested.

If the applicant has an Ecology contract with a pre-approved consultant to conduct Phase One, a report will be provided to the applicant with a scope and cost estimate for Phase Two. If the applicant used his or her own consultant to prepare the Phase One report, the report will be forwarded to Ecology’s consultant (chosen by either the applicant or Ecology from Ecology’s pre-approved list) with a request to provide a scope of work and fee estimate for Phase Two.

Ecology recommends that any applicant considering the cost reimbursement process first consult with Ecology regional staff. Regional staff will be able to give an applicant an idea of how many other applications are in the same watershed, share their knowledge of watershed issues, and provide an initial impression of the likelihood that the application can be approved.

Ecology staff will also be able to discuss what type of costs the applicant must pay, such as:

- Consultant services;
- Ecology time spent reviewing the consultant’s work and managing the contract; and
- Certain legal costs.

(Source: Ecology FAQ: Cost Reimbursement)
Water Conservancy Boards

Water conservancy boards (boards) allow for the processing of water right transfer applications by an independent branch of local county government. The boards are separate units of government that process water right change applications within an identified geographic area. A board can serve a single watershed, multiple watersheds, a county, or multiple counties. They can also issue reports of examination and record decisions. Boards were authorized by the 1997 Legislature, under Chapter 90.80 RCW, as an alternative to the conventional application process to assist Ecology with the backlog of pending water right change applications, and to provide timelier water right change decisions. All board decisions are ultimately reviewed and affirmed, reversed, or modified by Ecology.

Each board consists of three or five commissioners with up to two alternates. All board commissioners and alternates must initially receive 32 hours of training from Ecology, and maintain 8 hours per year of continuing education thereafter.

Whatcom County established a water conservancy board in December 1999, but it was dissolved by the Whatcom County Council in July 2008, due to the inability to recruit volunteer board members. The board approved two water right transfers in Water Year 2003, one for groundwater and one for surface water.

(Source: https://fortress.wa.gov/ecy/publications/publications/0811046.pdf)

Certified Water Right Examiners (CWRE)

Historically, when a permit holder had completed their development, they filed a proof of appropriation form with Ecology attesting to the rate and (sometimes) volume of water that had been beneficially used. Ecology staff would then perform a proof examination, which consisted of a review of the water right file followed by a site visit, the extent the water right permit had been beneficially used. After this review, Ecology would issue the water right holder a water right certificate up to the limit of the beneficial use or the permit, whichever was lower, and this would conclude the development schedule of the permit.

In 2010, the legislature created RCW 90.03.665, which allowed Ecology to establish CWREs in the State of Washington, which they did in 2012, with the adoption of Chapter 173-165 WAC. CWREs are individuals that have been certified by Ecology as qualified to perform proof examinations and prepare a report necessary for Ecology to issue a water right certificate. A water right permit holder that is ready to advance to certificate stage contracts directly with a CWRE for preparation of the necessary report. Ecology reviews the document and, once in agreement, issues the water right certificate. Similar to cost reimbursement, this program pushes the responsibility and cost for completing work onto the entity that is interested in the work being performed.

Decision Making Process on Water Right Applications

Ecology adopted Chapter 173-152 WAC – Water Rights, in March 1998, which established a framework for processing water right applications and applications for change. This regulation contains the following pertinent provisions:

- The department will make decisions on water right applications and applications for change from the same water source in the order the application was received.
- Applications from more than one water source may be investigated at one time.
Appendix 2 – Water Right Procedures

- The department may conduct basin assessments to assemble and correlate information related to multiple applications from the same basin for decision-making purposes on all pending applications in the basin or the same water source.
- Multiple basin assessments may be conducted at the same time.
- Upon completion of the basin assessment and consultation with interested parties and agencies, the department will make decisions on the competing applications.
- Applications may be processed prior to competing applications if the department determines the application:
  - Meets certain criteria related to public health or safety,
  - Is a non-consumptive use,
  - Would substantially enhance the quality of the natural environment,
  - Would result in providing public water supplies to meet the general needs of the public, or
  - Is included in a pending adjudication of water rights.
Appendix 3 – Department of Ecology
Municipal Water Law Interpretive and Policy Statement
Appendix 3 – Department of Ecology Municipal Water Law Interpretive and Policy Statement

POL-2030 WATER RESOURCES PROGRAM POLICY

2003 Municipal Water Law Interpretive and Policy Statement

Contact: Program Development and Operations Support Section

Effective Date: February 5, 2007
Revised Date: May 7, 2012

References: Chapter 90.03 Revised Code of Washington

Purpose: To describe and provide interpretation of parts of the Municipal Water Law, and describe generally applicable procedures that the Department of Ecology (Ecology) will use in identifying and managing municipal water rights.

Application: This interpretive and policy statement is a review of the applicable sections of the state Water Code (Ch. 90.03 RCW) that were amended or added by the 2003 Municipal Water Law. The document describes how Ecology intends to apply the various sections of the law to municipal water rights and management.


Ecology has chosen to develop this Interpretive and Policy Statement (IPS) for carrying out the 2003 Municipal Water Law under the authority of the Administrative Procedure Act (RCW 34.05.230). This IPS clarifies the Department of Ecology's position and management approach for carrying out that law. This IPS supersedes earlier statements relating to the Municipal Water Law and has been issued subsequent to the Washington Supreme Court's decision in Lummi Indian Nation v. State of Washington, Washington Supreme Court No. 81809-6, which held that all sections of the Municipal Water Law are constitutional on their face, and thus valid and operative.

This document's primary audience is those interested in, and affected by, management of water rights for municipal supply purposes. It clarifies Ecology's approach in interpreting and implementing the law. It enables Ecology staff to have a common understanding and consistency of application.

Wherever possible, Ecology's goal is to be consistent in review and decisions on municipal water supply issues. While the following statements address many situations, exceptions based on case-by-case review may arise that do not conform to these statements. This interpretive and policy statement interprets the 2003 Municipal Water Law but is not a formal rule adopted through a rulemaking process. Thus, pursuant to RCW 34.05.230(1) this interpretive and policy statement is advisory only.

This document is organized by sections of the Water Code (Ch. 90.03 RCW) added or amended by SESSHB 1338. Each of the sections states what Ecology believes the section addresses, what it means, and how Ecology will apply that section.
RCW 90.03.015(3) & (4) DEFINITIONS of "Municipal Water Supplier" and "Municipal Water Supply Purposes." This section defines water rights that are for municipal water supply purposes.

1. Municipal water suppliers can hold water rights for municipal water supply purposes.

2. Municipal water suppliers can hold water rights that are not for municipal water supply purposes.

3. Ecology evaluates conformance with the definitions in this section on an individual water right basis. In reviewing individual water rights however, relationships between water rights must be identified and given consideration. Such relationships between water rights include but are not limited to "alternate" and other linkages (as more fully described in paragraph 9 below).

4. If one purpose of use on a water right is for a municipal water supply purpose, then another purpose of use under the same water right is for a municipal water supply purpose when it is a use generally associated with a municipality.

5. Beneficial purposes of use generally associated with a municipality include but are not limited to residential, governmental or governmental proprietary, commercial, industrial, irrigation of parks and open spaces, institutional, landscaping, fire flow, water system maintenance and repair, and the uses described in RCW 90.03.550.

6. If a municipal water supplier holds one water right that is for municipal water supply purposes, other water rights held by the municipal water supplier may or may not qualify as rights for municipal water supply purposes.

7. If a municipal water supplier holds or acquires a water right not for municipal water supply purposes, the purpose of use may be changed to municipal water supply purposes under RCW 90.03.380. The statutory tests for a change must be satisfied. Also, the beneficial use following the change must meet a definition in this section. Changes under RCW 90.03.380 require a tentative determination of the extent and validity of the water right proposed for transfer or change.

8. In general, agricultural irrigation purpose of use and dairy purpose of use water rights held or acquired by a municipal water supplier cannot be conformed as rights for municipal water supply purposes. These purposes are not generally associated with the use of water within a municipality. Water rights for other purposes of use may also fall into this exclusive group. These situations will be considered by Ecology on a case-by-case basis. [See "conformed water right" definition in the section concerning RCW 90.03.560, below.] Water rights for non-municipal purposes that cannot be conformed can still be changed to municipal purposes by filing and having approved an application for a water right change or amendment.

9. Ecology interprets the statute as requiring active compliance by conformance with the beneficial use definitions in RCW 90.03.015(4). Examples of conformance with the definitions include but are not limited to the following:

   a. Conformance with the definition occurs where a water right holder uses water for one or more of the categories of beneficial use included in the definition of a water right for municipal water supply purposes (e.g. the residential connection or nonresident population thresholds under RCW 90.03.015).
b. If the water right holder is a public water system participating in the water system planning process, then conformance with the definition occurs when the water right is identified as being held for existing customers, future growth or supply needs, standby/reserve, backup or emergency, or other reasonable future use in a water system plan (WAC 246-290-100), project report (WAC 246-290-110), construction document (WAC 246-290-120), source approval (WAC 246-290-130), existing system as-built approval (WAC 246-290-140), or coordinated water system plan (WAC 246-293) as approved by the Department of Health, or a small water system management program (WAC 246-290-105) as required by the Department of Health.

c. A water right authorized for one or more of the categories of beneficial use included in the definition of municipal water supply purposes that has been integrated or consolidated through Ecology action(s) or statutory procedure(s) (e.g. new permit, change decision, replacement or new additional well, showing of compliance under RCW 90.44.100(3), consolidation of rights for exempt wells under RCW 90.44.105) such that two or more water rights or water sources have alternate, well field, non-additive (formerly "supplemental"), or other relationships will be recognized as in conformance with the definitions.

d. If a water right does not meet the definition of a water right for municipal water supply purposes for 5 or more years, or does not otherwise qualify for the relinquishment exception under RCW 90.14.140(2)(d), then the water right would be valid only to the extent it had been beneficially used during that period, with any non-use resulting in relinquishment of the right unless the non-use is excused by one of the other exemptions to relinquishment provided under RCW 90.14.140.

**RCW 90.03.015(4)(a) DEFINITIONS — Defines Required Number of Residential Connections and Non-Residential Population for Municipal Water Supply Rights.** The statutory definitions in this subsection do not exactly match the Department of Health rules for Group A water systems under WAC 246-290-020.

1. In this section, we provide examples of water systems that might or might not be considered municipal water suppliers holding water rights for municipal water supply purposes. Whether or not the particular system is considered municipal or not depends on the specific fact pattern.

2. RCW 90.03.015(4)(a) provides statutory definitions for municipal water suppliers holding water rights for municipal water supply purposes. These definitions overlap Department of Health rules for Group A water systems, but they are not exactly the same.

3. All municipal water suppliers under this section are Group A water systems. However, not all Group A water systems are municipal water suppliers.

4. One difference between the definition in this section and Department of Health rules for Group A water systems is the statute requires 15 or more residential connections. The Department of Health rules consider both residential and non-residential connections. Therefore, a water right serving 15 homes would be for municipal water supply purposes but a water right serving 14 homes and a business would not. It does not meet the "municipal" definition, because it does not meet the "residential" criterion. However, both would be Group A water systems.
5. The statute does not define the term *residential service connection*. Ecology considers this term to be as defined in Department of Health rules for Group A community water systems in WAC 246-290-020. The definition reads: "service connections used by year-round residents for one hundred eighty or more days within a calendar year". This is a subset of Department of Health's general definition of a service connection in WAC 246-290-010, i.e. a connection to a public water system serving both residential and non-residential populations. By contrast, the Municipal Water Law only considers residential service connections.

6. Ecology interprets the term "connection" in a manner consistent with Department of Health rules. This includes provisions for alternative means of calculating the number of connections for a Group A water system. This can include counting "equivalent residential units" within a building. The determination on number of residential units (connections) is done on a case-by-case basis.

7. In general, the following Group A water systems could be examples of municipal water suppliers because the statutory definitions are equivalent to those adopted in rule by the Department of Health: a city, subdivision, mobile home park, or water association. The decisions on whether systems hold water rights for municipal supply purposes depend on the particular factual situations.

8. Another difference between the statutory definition and Department of Health rules for Group A water systems is the statute does not include a definition for *residential* populations but Department of Health rules do.

   For example, under WAC 246-290-020, a water system can be classified as a Group A community system if it serves at least 25 residents for 180 or more days within a calendar year. This is regardless of the number of connections. A water right serving such a system would not be for municipal water supply purposes under this section because the statute does not contain an equivalent definition. There are stand-alone Group A community water systems that, under particular factual situations, may not be municipal water suppliers because of this difference. These types of systems could include some colleges, nursing homes, or other residential facilities.

9. The Municipal Water Law does not include a minimum service connection requirement for nonresidential connections. RCW 90.03.015(4)(a) defines a water right for municipal water supply purposes in terms of nonresidential populations (residential use of water for a nonresidential population of, on average, at least twenty-five people for at least sixty days a year). Therefore, this category includes some Group A non-community systems and excludes others, depending upon particular factual situations.

10. Ecology interprets the phrase "residential use of water for a nonresidential population" to mean that the full range of residential water uses (e.g. drinking, cooking, cleaning, sanitation) are provided under the water right. Further, such service is for temporary domiciles for non-residents (an average of 25 or more people living there for more than 60 days per year). Examples of Group A non-community systems that might hold water rights for municipal water supply purpose under this section under particular factual situations could include vacation homes and temporary farm worker housing.
11. The following Group A non-community systems would not typically hold rights under RCW 90.03.015(4)(a) for municipal water supply purposes under the residential water use for a non-resident population definition:
   o schools,
   o daycares,
   o churches,
   o campgrounds,
   o fairgrounds,
   o restaurants,
   o businesses, and
   o factories.

Actual determination of whether such systems hold water rights for municipal supply purposes will depend upon the particular factual situations.

12. Group B water systems are also defined in WAC 246-290-020 and are public water systems smaller than Group A systems, either in terms of connections or population. Water rights serving Group B water systems do not qualify as water rights for municipal water supply purposes under RCW 90.03.015(4)(a).

**RCW 90.03.015(4)(b) Governmental Entities and Governmental Purposes.** Defines water rights for municipal water supply purposes for a specific group of governmental entities.

1. The governmental entities listed in this subsection constitute an exclusive list. Those entities are:
   o cities,
   o towns,
   o public utility districts,
   o counties,
   o sewer districts, or
   o water districts.

If an entity is not on the list, it is not a municipal water supplier for the purpose of this subsection. For example, neither a port district nor an irrigation district qualify as municipal water suppliers under RCW 90.03.015(4)(b).

2. Governmental and governmental proprietary purposes generally refer to those purposes listed at the end of RCW 90.03.015(4), including, but not limited to:
   o commercial,
   o industrial,
   o irrigation of parks and open spaces,
   o institutional,
   o landscaping,
   o fire flow,
   o water system maintenance and repair, or
   o related purposes.
3. A governmental or non-governmental entity not qualifying as a municipal water supplier under this subsection (e.g. a port district or irrigation district) may qualify under another subsection of RCW 90.03.015. However, domestic use rights issued to or acquired by a city, town, public utility district, county, sewer district, or water district that do not qualify as municipal under the more specific requirements of RCW 90.03.015(4)(a) cannot qualify under the more general "governmental or governmental proprietary purposes" standard of RCW 90.03.015(b).

4. When considering whether a water right qualifies for a governmental purpose under this section (e.g. irrigation of parks), Ecology considers the entity that was originally issued the water right, as well as the current owner of the right.

   For example, if a water right was issued for irrigation of parks (or another governmental purpose) to a "governmental entity", then the right is for a municipal water supply purpose. However, if the same right were issued to a non-governmental entity (e.g. a private developer) and later acquired by a "governmental entity", then the right would need to be changed to municipal water supply purposes under RCW 90.03.380. The right as issued did not then qualify as a municipal water supply purpose water right.

5. Municipal water rights held by entities listed in RCW 90.03.015(4)(b) may include agricultural irrigation as a governmental purpose under an existing municipal water supply purpose water right, if such an entity has statutory authority to provide agricultural irrigation water and the entity has used the right, at least in part, for agricultural irrigation since the time the right was issued.

   **RCW 90.03.260(4) & (5) Applications – Numbers of Connections and Population.** These subsections provide that the maximum population or number of connections specified on an application or any subsequent water right documents for a municipal water supply right is no longer a limitation of the water right. The municipal water supplier must have an approved water system plan or an approval from the Department of Health to serve a specified number of service connections to not be subject to this limit. These subsections do not relate to water rights documented by statements of water right claims.

   1. If a water system serving 15 or more existing residential service connections has a water right for community or multiple domestic supply, and the number of connections has been authorized by the Department of Health, the water right is for municipal water supply purposes and any population or connection limitations that may appear in water right documents are not limiting. Rather, the maximum instantaneous quantity (Q_i) and annual quantity (Q_a) are the controlling numbers.

   2. If a water system serving less than 15 existing residential service connections has a water right that issued for a project proposing more than 15 residential service connections, and any number of connections specified on the application or any subsequent water right documents is 15 or greater, then such a water right may be conformed as a right for municipal water supply purposes under RCW 90.03.560. This conformance must follow actual physical service to at least 15 residential service connections.

   3. If a water system serving less than 15 existing residential service connections has a water right that issued for a project proposing fewer than 15 residential service connections, and any
number of connections specified on the application or any subsequent water right documents is 14 or less, then the number of connections specified on the application or any subsequent water right documents is a limitation on the water right. Only a sufficient quantity of water necessary to serve those connections is authorized.

4. If a water system that qualifies as a municipal water supplier under RCW 90.03.015(3) physically consolidates another water system into its distribution system, or takes ownership of another water system and acquires a community or multiple domestic supply water right that was held by the acquired water system for a project proposing fewer than 15 residential service connections, then the number of connections specified on the application or any subsequent water right documents of the acquired system is not limiting, so long as the municipal water supplier receives a water system plan or other approval from the Department of Health to serve an authorized number of connections.

5. If a water system is providing water for residential use to a nonresidential population numbering less than an average of 25 people for sixty or more days per year, under a water right issued for a project proposing residential use of water to a nonresidential population for an average of greater than 25 people for sixty or more days per year, then such a water right may be conferred as a right for municipal water supply purposes under RCW 90.03.560 following actual service to an average of 25 or more people for sixty or more days per year.

6. If a water system is providing water for residential use to a nonresidential population numbering less than an average of 25 people for sixty or more days per year, under a water right issued for a project proposing residential use to a nonresidential population for an average of less than 25 people for sixty or more days per year, then the population intended to be served by the water right is a limitation on the water right and only a sufficient quantity of water necessary to serve that population is authorized.

**RCW 90.03.330(2) Appropriation Procedure — Water Right Certificate: Exceptions to Prohibition of Revocation or Diminishment of a Municipal Water Supply Purpose Water Right.** This section provides that Ecology may not revoke or diminish a water right for municipal water supply purposes documented by a certificate covered under RCW 90.03.330(3) except:

- when issuing certificates under RCW 90.03.240,
- issuing certificates following changes, transfers, or amendments under RCW 90.03.380 or 90.44.100, or
- if Ecology determines a certificate was issued with ministerial errors or obtained through misrepresentation.

1. Apart from the exceptions listed in this section, Ecology cannot rescind or diminish a certificate for municipal water supply purposes and/or revert a certificate to permit status.

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1 "Such a water right does not qualify as a right for municipal supply purposes. Changing the purpose of use of such a water right to municipal supply purposes would require approval of an application to change the purpose of use of the right, which, under RCW 90.44.100, is not permissible for an unperfected inchoate groundwater right."
2. A certificate for municipal water supply purposes may be revoked or diminished if the revocation or diminishment results from a general adjudication of water rights in superior court conducted pursuant to RCW 90.03.110 - 245.

3. When processing an application for change, transfer, or amendment of a water right documented by a certificate covered under RCW 90.03.330(3), Ecology may revoke the certificate, or issue a certificate for a quantity less than that on the original certificate. Revocation or diminishment may occur based on:
   - the tentative determination of validity and extent of the water right,
   - to prevent impairment of other existing water rights, or
   - to prevent detriment to the public welfare (for ground water changes under RCW 90.44.100).

[See RCW 90.03.330(3), below, for discussion relating to tentative determination of validity and extent.]

4. Upon determining that a certificate for municipal water supply purposes has been issued with ministerial errors, Ecology may revoke the certificate and issue a superseding certificate containing modifications only to the extent necessary to correct the ministerial errors.

5. Upon determining that a certificate for municipal water supply purposes has been issued through misrepresentation, Ecology may revoke the certificate and issue a superseding certificate containing modifications only to the extent necessary to correct the misrepresentation.

**RCW 90.03.330(3) Appropriation Procedure – Water Right Certificates.** This subsection provides that water rights for municipal water supply purposes documented by certificates issued prior to September 9, 2003 with maximum quantities based on system capacity (known as "pumps and pipes" certificates) are "rights in good standing."

1. "Pumps and pipes" certificates were issued based on the system capacity measure, rather than on the basis of actual beneficial use. These water rights include inchoate quantities that have not yet been exercised. See *Department of Ecology v. Theodoratus*, 135 Wn.2d 582, 957 P.2d 1241 (1998). Such rights may continue to be exercised to serve new growth. Ecology is not authorized to revoke or diminish water rights for municipal supply purposes documented by such "pumps and pipes" certificates, except under the circumstances set forth in RCW 90.03.330(2), discussed above.

2. RCW 90.44.100 authorizes changes of points of withdrawal and places of use for inchoate ground water rights. In the context of exceptions provided under RCW 90.03.330(2), such as when a conservancy board or Ecology evaluates an application for change or transfer of a water right documented by a "pumps and pipes" certificate and must perform a tentative determination of the validity and extent of the water right, an assessment must be performed to determine whether any of the inchoate quantity specified in the certificate remains valid. This requirement is based on the proposition that by including the term "in good standing" for such certificates, the Legislature intended that holders of such rights would still have to meet other water law principles, such as reasonable diligence in project development, to keep the rights in good standing.
Appendix 3 – Department of Ecology Municipal Water Law Interpretive and Policy Statement

In assessments under RCW 90.03.330(2), to determine if inchoate quantities remain in good standing, the conservancy boards and Ecology will consider at least the following parameters:

a. The original intent described in water right documents, including the nature of the project that the applicant sought to pursue through issuance of the permit;

b. Whether the water right holder has exercised reasonable diligence to complete the project sought to be developed through the water right\(^2\), and

c. Whether or not approval of the change would be contrary to the public interest. Public interest analysis can involve consideration of whether the proposed change or transfer is speculative in nature. As an example, evidence of speculation could be no continued involvement by the selling municipal water supplier in the water use served by the receiving entity. Additional evidence could be no discussion or rationale for the transfer indicated in planning documents, such as a water system plan.

Inchoate portions of water rights for municipal supply purposes found to be in good standing through this assessment (mentioned above), are eligible for change or transfer. This approach may, among other things, allow for the inchoate portion to be transferred to another municipal water supplier or integrated into a regional water system.

For inchoate surface water rights, the additional requirements in RCW 90.03.570 must be met before changes and transfers may be approved. Further, RCW 90.03.380 and 90.44.100 authorize changes and transfers of perfected surface and ground water rights for municipal supply purposes when the criteria of those statutes are met.

**RCW 90.03.330(4) Issuance of Certificates – Beneficial Use Requirement.** This section requires that for water rights represented by permits, after September 9, 2003, water right certificates may only be issued that document maximum quantities based on actual beneficial use of water.

1. Ecology will issue certificates, upon proof of appropriation by permit holders, based only on actual beneficial use of water, rather than system capacity. Such certificates will not include quantities of inchoate water.

2. Ecology will consider a permit holder's request to split a partially developed permit by issuing a certificate for the developed portion and issuing a superseding permit for the inchoate portion with a development schedule. The permit holder must demonstrate reasonable diligence in working toward full development.

3. In reports of examination authorizing changes and transfers of water rights for municipal supply purposes, Ecology may specify development schedules. The schedule may include an estimated date of final development. Extensions may be granted as described in Ecology Policy POL-1050. Upon completion of development, Ecology will issue superseding water right certificates.

\(^2\) RCW 90.03.320 provides guidance on factors to consider when evaluating whether a water right permittee has exercised reasonable diligence.
Appendix 3 – Department of Ecology Municipal Water Law Interpretive and Policy Statement

RCW 90.03.386(1) Coordination between Department of Health and Department of Ecology. This section requires coordinated review and approval procedures to ensure compliance and consistency with water system plans/small water system management programs. Ecology and the Department of Health developed a Memorandum of Understanding (MOU) to outline the agencies' roles and responsibilities.

RCW 90.03.386(2) Place of Use and Determinations of "Not Inconsistent" with Specified Local Plans. This section provides that a municipal water supplier's authorized place of use on its water right or rights can change to its current service area, provided that:

- a planning or engineering document describing the service area has been approved by the Department of Health;
- the municipal water supplier is in compliance with the terms of its water system plan or small water system management program; and
- the alteration of the water right place of use is "not inconsistent" with other local planning documents (see section 5(2) of Municipal Water Law Agency Responsibilities Outline - June 23, 2006 created by DOH and Ecology relating to implementation of this section http://www.ecy.wa.gov/programs/wr/rights/Images/pdf/mwl_62306_agencyrespons_fdldrfl.pdf


RCW 90.03.386(3) Water Conservation as a Part of an Approved Water System Plan/Small Water System Management Program. This section describes the responsibility for a municipal water supplier to implement a water use efficiency/water conservation program. It directs Ecology to consider such implementation when considering development schedules for municipal water supply rights.

1. Ecology supports the Department of Health's rule on water use efficiency/water conservation for municipal water suppliers. Ecology generally intends to be consistent with the Department of Health's water conservation requirements, but believes there may be exceptions when more stringent requirements may be necessary.

2. Ecology has statutory mandates to encourage conservation and eliminate waste. In some cases, Ecology may base water allocation decisions on conservation criteria more stringent than those in the Department of Health's rule. Such instances may include, but are not limited to:

- evaluations of applications for water right permits under RCW 90.03.290,
- waste of water determinations under RCW 90.03.005,
- coordination with watershed planning efforts under Chapters 90.54 and 90.82 RCW,
- drought permitting under Chapter 43.83B RCW,
- general adjudications of water rights, or
- settlements of administrative appeals and court cases.
Many factors could come into play when making the determination for more stringent conservation requirements. Ecology will address these instances on a case-by-case basis.

For example, Ecology could require more stringent conservation measures when issuing a new water right permit authorizing a withdrawal from a watershed with instream flows established by rule. In its decision, Ecology could determine that water is not available, or that it would impair other existing water rights or be contrary to the public interest, to allow water use at a level that would be allowed under the DOH rule. With proper mitigation and a requirement to conserve additional water over what the DOH rule might require, Ecology could be able to approve the application and issue a permit.

3. In its review of water system plans and related documents, Ecology might comment on those areas within its jurisdiction, including those listed above in number 2.

4. When Ecology believes it must be more stringent than DOH's water use efficiency rules, Ecology will consult with DOH before imposing more stringent conditions.

5. Ecology policy POL-1050 provides guidance on the agency's criteria for extending development schedules for all water rights, including those for municipal water supply purpose. Under this policy, Ecology may require additional conservation provisions and conditions at the time of a permit extension for a municipal, water supply purpose right. See the policy at: http://www.ecy.wa.gov/programs/wr/rules/images/pdf/pol1050r.pdf

**RCW 90.03.550 Municipal Water Supply Purposes – Beneficial Uses.**

1. Beneficial uses of water under a municipal water supply purposes water right may include water withdrawn or diverted under such a right and used for:
   - Uses that benefit fish and wildlife, water quality, or other instream resources or related habitat values;
   - Uses that are needed to implement environmental obligations called for by:
     - a watershed plan under Ch. 90.54 RCW or Ch. 90.82 RCW,
     - a federal habitat conservation plan,
     - a hydropower license of the federal energy regulatory commission, or
     - a comprehensive irrigation district management plan.

**RCW 90.03.560 Municipal Water Supply Purposes – Identification. "Conforming Documents" and Municipal Water Right Changes and Transfers.** Water rights meeting the definition under RCW 90.03.015 are for municipal water supply purposes. The water right documents can be conformed to correctly identify the purpose of use.

1. A "conformed water right" is one in which water right documents have been amended by the department to properly indicate it is for municipal water supply purposes. For a qualifying right, this can occur during the process of changing some other attribute of the water right under RCW 90.03.380 or 90.44.100. This can also occur when a municipal water supplier requests a correction of the listed purpose of use, pursuant to this section and not just during a change or transfer.
2. Purposes of use that can be conformed to a municipal water supply purpose generally include those identified in RCW 90.03.015 and RCW 90.03.550.

3. A municipal water supplier can hold or acquire water rights for non-municipal purposes (e.g., agricultural irrigation and daily purposes of use). However, these rights may not be conformed to a municipal water supply purpose of use under this section. They must undergo a purpose of use change under RCW 90.03.380 to become municipal purpose rights.

Maia Bellon  
Program Manager  
Water Resources Program

Special Note: These policies and procedures are used to guide and ensure consistency among water resources program staff in the administration of laws and regulations. These policies and procedures are not formal administrative regulations that have been adopted through a rule-making process. In some cases, the policies may not reflect subsequent changes in statutory law or judicial findings, but they are indicative of the department's practices and interpretations of laws and regulations at the time they are adopted. If you have any questions regarding a policy or procedure, please contact the department.
Appendix 4 – Excerpts from DOH Regulations Related to Public Water Systems
Appendix 4 – Excerpts from DOH Regulations Related to Public Water Systems

WAC 246-290-496

Metering requirements.

(1) Production:

(a) The volume of water produced or purchased must be measured using a source meter or other meter installed upstream of the distribution system.

(b) The requirements of this section do not alter any source metering regulations adopted by either the department of health or the department of ecology.

(c) The requirements of this section do not apply to volumes of water delivered to a public water system through an emergency intertie.

(2) Consumption:

(a) The requirements of this section apply to public water systems that supply water for municipal water supply purposes.

(b) Except as provided in (g) of this subsection, the volume of water delivered to consumers must be measured by meters installed on all direct service connections.

(c) Meters must be installed on all existing direct service connections and clustered entities as provided in (g) of this subsection within ten years of the effective date of this rule.

(d) Meters must be installed on all new direct service connections when the service connection is activated.

(e) Meters must be installed on all interties used as permanent or seasonal sources within ten years of the effective date of this rule.

(f) If a system is not fully metered, the municipal water supplier shall complete the following:

(i) Develop a meter installation schedule consistent with this section.

(A) For systems serving one thousand or more total connections, submit the schedule to the department by July 1, 2008.

(B) For systems serving less than one thousand total connections, submit the schedule to the department by July 1, 2009.

(C) The schedule must include milestones demonstrating steady and continuous progress toward compliance with the requirements of this section.

(ii) Implement activities to ensure distribution system leakage is minimized (e.g., periodic leak detection and repair) until the system is fully metered.

(iii) Report the status of meter installation and all actions taken to minimize leakage in annual performance reports developed under WAC 246-290-840 and water use efficiency programs developed under WAC 246-290-810.
(g) The volume of water may be measured through a single meter for the following clustered entities:

(i) A campground;
(ii) A recreational vehicle park;
(iii) A designated mobile home park;
(iv) A building with multiple units; and
(v) A complex with multiple buildings served as a single connection.

(3) Meters must be selected, installed, operated, calibrated, and maintained following generally accepted industry standards and information from the manufacturer.

[Statutory Authority: RCW 70.119A.180. WSR 07-02-025B, § 246-290-496, filed 12/22/06, effective 1/22/07.]

WAC 246-290-800
Purpose and applicability.

(1) The purpose of Part 8 is to:

(a) Define requirements for water use efficiency programs in water system plans developed under WAC 246-290-100 and small water systems management programs developed under WAC 246-290-105.

(b) Establish a water distribution system leakage standard.

(c) Define process requirements for water use efficiency goal setting.

(d) Establish water use efficiency performance reporting requirements.

(2) The requirements of Part 8 of this chapter apply to public water systems that supply water for municipal water supply purposes.

[Statutory Authority: RCW 70.119A.180. WSR 07-02-025B, § 246-290-800, filed 12/22/06, effective 1/22/07.]

WAC 246-290-810
Water use efficiency program.

(1) Water system plans and small water system management programs submitted for approval for the first year after the effective date of this rule, must describe the municipal water supplier’s existing water use efficiency program. The municipal water supplier must continue existing levels of water use efficiency.

(2) Subsections (3) and (4) of this section apply to:

(a) Water system plans submitted to the department for approval under WAC 246-290-100 one year after the effective date of this rule.
Appendix 4 – Excerpts from DOH Regulations Related to Public Water Systems

(b) Small water system management programs developed and implemented or submitted to the department for approval one year after the effective date of this rule.

(3) Municipal water suppliers shall develop and implement a water use efficiency program which includes sufficient cost-effective water use efficiency measures to meet the water use efficiency goals developed under WAC 246-290-830.

(4) Municipal water suppliers shall complete the following items in the water use efficiency program:

(a) Describe the current water use efficiency program;

(b) For systems serving one thousand or more total connections, estimate the amount of water saved through implementation of the water use efficiency program over the last six years;

(c) Describe the chosen water use efficiency goals and document the goals were established in accordance with WAC 246-290-830;

(d) Evaluate water use efficiency measures to determine if they are cost-effective as follows:

(i) Evaluate or implement, at a minimum, the number of water use efficiency measures specified in Table 1 based on the system’s total number of connections.

(ii) Evaluate or implement water use efficiency measures from the following categories of measures if they are applicable: Indoor residential, outdoor, and industrial/commercial/institutional.

(iii) For systems serving less than one thousand total connections, describe the evaluation process used to select water use efficiency measures.

(iv) For systems serving one thousand or more total connections, include the following criteria when evaluating water use efficiency measures:

(A) Quantitatively evaluate water use efficiency measures to determine if they are cost-effective from the system's perspective including the marginal costs of producing water.

(B) Address whether the water use efficiency measures are cost-effective if the costs are shared with other entities.

(C) Quantitatively or qualitatively evaluate water use efficiency measures to determine if they are cost-effective from the societal perspective.

Table 1

<table>
<thead>
<tr>
<th>Number of connections</th>
<th>Less than 500</th>
<th>500-999</th>
<th>1,000-2,499</th>
<th>2,500-9,999</th>
<th>10,000-49,999</th>
<th>50,000 or more</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water use efficiency measures</td>
<td>1</td>
<td>4</td>
<td>5</td>
<td>6</td>
<td>9</td>
<td>12</td>
</tr>
</tbody>
</table>

(c) Describe all water use efficiency measures to be implemented within the next six years including a schedule and a budget that demonstrates how the water use efficiency measures will be funded;
(f) Describe how consumers will be educated on water use efficiency practices;

(g) Estimate projected water savings from selected water use efficiency measures;

(h) Describe how the water use efficiency program will be evaluated for effectiveness;

(i) Evaluate water distribution system leakage as follows:

(i) Include distribution system leakage totals in accordance with WAC 246-290-820 for the past six years.

(ii) If necessary, include a copy of the water loss control action plan in accordance with WAC 246-290-820(4).

(iii) If all or portions of transmission lines are excluded when determining distribution system leakage, estimate the amount of leakage from the excluded portion of the transmission mains and describe how it is maintained to minimize leakage.

[Statutory Authority: RCW 70.119A.180. WSR 07-02-025B, § 246-290-810, filed 12/22/06, effective 1/22/07.]

WAC 246-290-820

Distribution system leakage standard.

(1) Municipal water suppliers shall determine distribution system leakage annually under subsection (2) of this section or an alternative methodology under subsection (3) of this section.

(a) Municipal water suppliers shall include (i), (ii), or (iii) of this subsection in water use efficiency performance reports developed under WAC 246-290-840 and water use efficiency programs developed under WAC 246-290-810:

(i) Distribution system leakage totals calculated under subsection (2) of this section shall be recorded in annual percent and volume;

(ii) Distribution system leakage totals calculated under subsection (3) of this section shall include annual figures and the approved alternative methodology's numerical standard(s); and

(iii) For systems not fully metered, the status of meter installation and any actions taken to minimize leakage.

(b) Municipal water suppliers will be considered in compliance with this section if any of the following conditions are satisfied:

(i) Distribution system leakage calculated in accordance with subsection (2) of this section is ten percent or less for the last three-year average;

(ii) Distribution system leakage calculated under subsection (3) of this section meets the numerical standards for the approved alternative methodology for the last three-year average;

(iii) For systems serving less than five hundred total connections, distribution system leakage calculated in accordance with subsection (2) of this section is twenty percent or less for the last three-year average and the steps outlined in subsection (5) of this section are completed; or
(iv) A water loss control action plan has been developed and implemented under subsection (4) of this section and the system is meeting the implementation schedule.

(2) Calculate the percent of distribution system leakage annually using the following equation:

$$\text{DSL} = \left(\frac{\text{TP} - \text{AC}}{\text{TP}}\right) \times 100$$

Where:

- DSL = Percent of Distribution System Leakage (%)
- TP = Total Water Produced and Purchased
- AC = Authorized Consumption

(a) Total water produced and purchased, and authorized consumption must be calculated using data from meters installed under WAC 246-290-496. Elements of authorized consumption that cannot be metered, such as fire flow, must be estimated.

(b) All or portions of transmission lines may be excluded when determining distribution system leakage.

(c) Any water that cannot be accounted for shall be considered distribution system leakage.

(3) Municipal water suppliers may use an alternative methodology to calculate distribution system leakage if both (a) and (b) of this subsection are satisfied.

(a) The alternative methodology is contained in published standards or specifications of the department, Environmental Protection Agency, American Water Works Association, American Public Works Association, or American Society of Civil Engineers.

(b) The alternative methodology is approved for statewide use by the department, to provide a better evaluation of distribution system leakage than percent of total water produced and purchased, is appropriate for the system requesting to use it, and uses numerical standards so that compliance and action levels can be determined.

(4) If the average distribution system leakage for the last three years does not meet the standard calculated under subsection (1)(b)(i), (ii), or (iii) of this section, the municipal water supplier shall develop and implement a water loss control action plan. Municipal water suppliers shall submit the water loss control action plan to the department as part of a water use efficiency program under WAC 246-290-810 and upon request by the department. The control methods described in a water loss control action plan shall be commensurate with the level of leakage reported. The following items shall be included in the water loss control action plan:

(a) The control methods necessary to achieve compliance with the distribution system leakage standard;

(b) An implementation schedule;

(c) A budget that demonstrates how the control methods will be funded;
(d) Any technical or economic concerns which may affect the system's ability to implement a program or comply with the standard including past efforts and investments to minimize leakage;

(e) If the average distribution system leakage calculated under subsection (2) of this section is greater than ten and less than twenty percent of total water produced and purchased, the water loss control action plan must assess data accuracy and data collection;

(f) If the average distribution system leakage calculated under subsection (2) of this section is between twenty and twenty-nine percent of total water produced and purchased, the water loss control action plan must include elements listed under (e) of this subsection and implementation of field activities such as actively repairing leaks or maintaining meters within twelve months of determining standard exceedance;

(g) If the average distribution system leakage calculated under subsection (2) of this section is at thirty percent or above the total water produced and purchased, the water loss control action plan must include elements listed under (e) and (f) of this subsection and include implementation of additional control methods to reduce leakage within six months of determining standard exceedance; and

(h) If the average distribution system leakage calculated under subsection (3) of this section is over the approved alternative methodology's numerical standard, the department will take appropriate compliance actions and work collaboratively with the municipal water supplier to ensure the control methods and level of activity are commensurate with the level of leakage.

(5) Systems serving less than five hundred total connections may submit a request to the department for approval of an average distribution system leakage up to twenty percent. The following information must be submitted to the department with the request:

(a) Production volume;

(b) Distribution system leakage volume;

(c) Evidence documenting that:

(i) A leak detection survey using best available technologies has been completed on the system within the past six years;

(ii) All leaks found have been repaired;

(iii) The system is unable to locate additional leaks; and

(iv) Ongoing efforts to minimize leakage are included as part of the system's water use efficiency program; and

(d) Any technical concerns or economic concerns, or other system characteristics justifying the higher distribution system leakage.

[Statutory Authority: RCW 70.119A.180 and 43.20.050. WSR 08-03-061, § 246-290-820, filed 1/14/08, effective 2/14/08. Statutory Authority: RCW 70.119A.180. WSR 07-02-025B, § 246-290-820, filed 12/22/06, effective 1/22/07.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency.
WAC 246-290-830

Water use efficiency goal setting.

(1) The elected governing board or governing body of the public water system shall establish water use efficiency goals within one year of the effective date of this rule for systems serving one thousand or more total connections, and within two years of the effective date of this rule for systems serving less than one thousand total connections.

(2) Water use efficiency goals must be designed to enhance the efficient use of water by the water system's consumers.

(3) If a municipal water supplier determines that further reductions over current consumption levels are not reasonably achievable, the municipal water supplier shall provide justification that considers historic water use efficiency performance and investment and any other factors that support that determination. Justification must be provided in water use efficiency programs developed under WAC 246-290-810 and in water use efficiency performance reports developed under WAC 246-290-840.

(4) Municipal water suppliers must provide documentation when requested by the department and in water use efficiency programs developed under WAC 246-290-810 that demonstrates the following goal setting requirements have been met:

(a) Goals shall be set in a public forum that provides opportunity for consumers and the public to participate and comment on the water use efficiency goals;

(b) Public notice must occur at least two weeks prior to the public forum. Public notice must include the purpose, date, time, and place of the forum, and where materials supporting the rationale for the proposed goals can be reviewed;

(c) The elected governing board or governing body of the public water system shall review and consider all comments received;

(d) The following must be made available to the public for the purpose of fully documenting the basis for each goal:

(i) The information listed under WAC 246-290-810(4);

(ii) Annual water use efficiency performance reports prepared under WAC 246-290-840;

(iii) Water supply characteristics description in accordance with WAC 246-290-100 (4)(f)(iiii)(B) or source description in accordance with WAC 246-290-105 (4)(f); and

(iv) A summary of the comments received and how they were considered.

(5) Existing public processes may be used if all requirements listed under subsection (4) of this section are met.

(6) Water use efficiency goals must include:

(a) Consideration of the system's forecasted demand and water supply characteristics;

(b) Measurable outcomes in terms of reduced or maintained water production or usage. Outcomes may be expressed on a per capita, per connection, total system, or other basis as deemed appropriate by the municipal water supplier;
Appendix 4 – Excerpts from DOH Regulations Related to Public Water Systems

(c) A schedule for achieving the water use efficiency goals; and

(d) Implementation schedule for each water use efficiency measure selected under WAC 246-290-810(4).

(7) The elected governing board or governing body of the public water system shall evaluate and reestablish water use efficiency goals following the process identified in subsection (4) of this section at least every six years and as part of a water system plan approval under WAC 246-290-100 or small water system management program approval under WAC 246-290-105.

(8) Water use efficiency goals may be changed at any time in accordance with subsection (4) of this section. Changes to goals must be identified in the next performance report.

(9) Water use efficiency programs must be modified if any water use efficiency goal is not met. Program modifications must be designed to achieve the system's water use efficiency goals.

[Statutory Authority: RCW 70.119A.180. WSR 08-12-019, § 246-290-830, filed 5/28/08, effective 7/1/08; WSR 07-02-025B, § 246-290-830, filed 12/22/06, effective 1/22/07.]

WAC 246-290-840

Water use efficiency performance reports.

(1) Municipal water suppliers shall develop an annual water use efficiency performance report and must:

(a) Send the water use efficiency performance reports to the department and the consumers by July 1st of each year for the previous year and make them available to the public;

(b) For systems serving one thousand or more total connections, develop the first water use efficiency performance report by July 1, 2008;

(c) For systems serving less than one thousand total connections, develop the first water use efficiency performance report by July 1, 2009; and

(d) Municipal water suppliers shall submit performance reports in a manner specified by the department.

(2) Water use efficiency performance reports shall include:

(a) Total annual production. Systems with multiple sources may provide aggregate data;

(b) Annual water distribution system leakage totals in accordance with WAC 246-290-820;

(c) A description of the system's water use efficiency goals set in accordance with WAC 246-290-830;

(d) A schedule for achieving the goals;

(e) A narrative description of progress toward achieving the goals; and

(f) Report the status of meter installation and all actions taken to minimize leakage.

[Statutory Authority: RCW 70.119A.180. WSR 07-02-025B, § 246-290-840, filed 12/22/06, effective 1/22/07.]
Appendix 5 – SEPA Checklist
SEPA Distribution List
SEP2016-00044
Date of Issuance: May 12, 2016

Please review this determination. If you have further comments, questions or would like a copy of the SEPA checklist, phone the responsible official at (360) 778-5900. Please submit your response by the comment date noted on the attached notice of determination.

WA State Department of Archaeology and Historic Preservation via email Gretchen Kaehler, gretchen.kaehler@dahp.wa.gov

SEPA Unit, WA State Department of Ecology, Olympia via email sepaunit@ecy.wa.gov

WA State Department of Fish and Wildlife via email Joel Ingram, joel.ingram@dfw.wa.gov

WA State Department of Natural Resources via email Rochelle Goss, sepacenter@dnr.wa.gov

SEPA Unit, WA State Department of Transportation, Burlington via email Roland Storme, stormer@wsdot.wa.gov
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City of Bellingham
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Brent Baldwin via email - bbaldwin@cob.org
Clare Fogelsong via email - cfogelsong@cob.org

City of Blaine
Michael Jones, AICP via email mjones@cityofblaine.com

City of Everson

City of Ferndale
Jori Burnett via email joriburnett@cityofferndale.org

City of Nooksack

City of Sumas

Public Utility District
Steve Jilk via email stevej@pudwhatcom.org

Lummi Nation Natural Resources
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Tamela Smart - tamelas@lummi-nsn.gov

Nooksack Indian Tribe
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Trevor Delgado via email - tdelgado@nooksack-nsn.gov

Terry J. Wechsler via email wechslerlaw@comcast.net

Applicant
Whatcom County Public Works – Gary Stoyka
SEPA Determination of Nonsignificance (DNS)

File: SEP2016-00044

Project Description:
Non-project action to adopt an updated Coordinated Water System Plan (CWSP) per RCW 70.116.030. Whatcom County has designated a critical water supply services area per RCW 70.116.030(2). The proposed CWSP updates prior planning efforts conducted in 1993 and 2000. A number of updates have been provided in the proposed CWSP, including the following: 1) identifies existing water systems within the study area, establishes services area boundaries of these water purveyors and analyzes projected future growth in connections and water rights capacities; 2) updates minimum design standards and review procedures for services to new customers; 3) addresses regional water resource issues such as tribal water issues, water rights, financial viability of small systems, existing and potential water quality problems, data management, lack of joint facilities and system interties, water use efficiency and reclaimed water; 4) provides an appeals process; and 5) identifies implementation measures.

Proponent: Whatcom County Public Works

Address and Parcel #: All of Whatcom County west of the Mount Baker-Snoqualmie National Forest boundary excluding certain portions of the Lummi and Nooksack reservations.

Lead Agency: Whatcom County Planning & Development Services

Zoning: County-wide Comp Plan: County-wide Shoreline Jurisdiction: County-wide

The lead agency for this proposal has determined that with proper mitigation, no significant adverse environmental impacts are likely. Pursuant to RCW 43.21C.030(2)(c), an environmental impact statement (EIS) is not required. This decision was made following review of a completed SEPA environmental checklist and other information on file with the lead agency. This information is available to the public on request.

There is no comment period for this DNS.

X Pursuant to WAC 197-11-340(2), the lead agency will not act on this proposal for 14 days from the date of issuance indicated below. Comments must be received by 4:00 p.m. on May 26, 2016 and should be sent to: Mark Personius

Responsible Official: Mark Personius, mpersoni@whatcomcounty.us

Title: Assistant Director

Telephone: 360-778-5900

Address: 5280 Northwest Drive
          Bellingham, WA 98226

Date of Issuance: May 12, 2016  Signature: [Signature]

SEPA Determination of Nonsignificance (DNS)
PL4-83-005E
An aggrieved agency or person may appeal this determination to the Whatcom County Hearing Examiner. Application for appeal must be filed on a form provided by and submitted to the Whatcom County Current Planning Division located at 5280 Northwest Drive, Bellingham, WA 98226, during the ten days following the comment period, concluding June 6, 2016.

You should be prepared to make a specific factual objection. Contact Whatcom County Current Planning Division for information about the procedures for SEPA appeals.
WHATCOM COUNTY
Planning & Development Services
5280 Northwest Drive
Bellingham, WA 98226-9097
360-778-5900, TTY 800-833-6384
360-778-5901 Fax

J.E. "Sam" Ryan
Director

SEPA Determination of Nonsignificance (DNS)
Legal Notice

To be published one time only on: May 12, 2016

CHARGE TO: Whatcom County Planning & Development Services
5280 Northwest Drive
Bellingham, Washington 98226
Acct #451232

WHATCOM COUNTY GIVES PUBLIC NOTICE THAT THE FOLLOWING SEPA THRESHOLD DETERMINATION OF NON-SIGNIFICANCE (DNS) HAS BEEN ISSUED TODAY SUBJECT TO THE 14 DAY COMMENT PERIOD CONCLUDING ON, May 26, 2016.

File: SEP2016-00044

Project Description:
Non-project action to adopt an updated Coordinated Water System Plan (CWSP) per RCW 70.116.030. Whatcom County has designated a critical water supply services area per RCW 70.116.030(2). The proposed CWSP updates prior planning efforts conducted in 1993 and 2000. A number of updates have been provided in the proposed CWSP, including the following: 1) identifies existing water systems within the study area, establishes services area boundaries of these water purveyors and analyzes projected future growth in connections and water rights capacities; 2) updates minimum design standards and review procedures for services to new customers; 3) addresses regional water resource issues such as tribal water issues, water rights, financial viability of small systems, existing and potential water quality problems, data management, lack of joint facilities and system interties, water use efficiency and reclaimed water; 4) provides an appeals process; and 5) identifies implementation measures.

Proponent: Whatcom County Public Works

Address and Parcel #: All of Whatcom County west of the Mount Baker-Snoqualmie National Forest boundary excluding certain portions of the Lummi and Nooksack reservations.

Lead Agency: Whatcom County Planning & Development Services

Zoning: County-wide Comp Plan: County-wide Shoreline Jurisdiction: County-wide

ANY PERSON OR AGENCY MAY APPEAL THE COUNTY'S COMPLIANCE WITH WAC 197-11 BY FILING AN APPEAL WITH THE WHATCOM COUNTY CURRENT PLANNING DIVISION LOCATED AT 5280 NORTHWEST DRIVE, BELLINGHAM, WA 98226. APPEALS MUST BE MADE WITHIN 10 DAYS AFTER THE END OF THE COMMENT PERIOD.
SEPA Environmental Checklist

Purpose of Checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

Instructions for Applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use “not applicable” or “does not apply” only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of Checklist for Non-Project Proposals:

For non-project proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the Supplemental Sheet for Non-project Actions (Part C). Please completely answer all questions that apply and note that the words “project”, “applicant”, and “property or site” should be read as “proposal”, “proponent” and “affected geographic area”, respectively. The lead agency may exclude (for non-projects) questions in Part B - Environmental Elements that do not contribute meaningfully to the analysis of the proposal.
A Background

1 Name of proposed project, if applicable:
   Whatcom County Coordinated Water System Plan (CWSP) Update

2 Name of applicant: Whatcom County Public Works Department
   Applicant phone number: 360-778-6218
   Applicant address: 322 North Commercial Street, Suite 210
   City, State, Zip or Postal Code: Bellingham, WA 98225
   Applicant Email address: gstoyka@whatcomcounty.us

3 Contact name: Gary Stoyka - Public Works Natural Resources Manager
   Contact phone number: 360-778-6218
   Contact address: 322 North Commercial Street, Suite 210
   City, State, Zip or Postal Code: Bellingham, WA 98225
   Contact Email address: gstoyka@whatcomcounty.us

4 Date checklist prepared: May 2016

5 Agency requesting checklist: Whatcom Co. Planning and Development Services

6 Proposed timing or schedule (including phasing, if applicable):
   Periodic updates

7 Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? Yes [ ] No [ ]
   If yes, explain:
   Yes, participating purveyors will update their respective comprehensive plans every five years. District plans will be updated for consistency with this CWSP. Individual utilities will add new wells, reservoirs, and piping to their systems.

8 List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal:
   Extensive background studies have been performed as well as individual utility water system plans.

9 Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? Yes [ ] No [ ]
   If yes, explain.
   Approval of individual Water System Plans.
10 List any government approvals or permits that will be needed for your proposal, if known.

County Council determination that the CWSP is consistent with County land use plans.
Final approval by the Washington State Department of Health (DOH).

11 Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. *There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.* (Lead agencies may modify this form to include additional specific information on project description.)

This is a non-project action to adopt an updated Coordinated Water System Plan per RCW 70.116.030. Whatcom County has designated a critical water supply service area per RCW 70.116.030(2). The proposed CWSP updates prior planning efforts conducted in 1993 and 2000. A number of updates have been provided in the proposed CWSP, including the following: 1) identifies existing water systems within the study area, establishes service area boundaries of these water purveyors and analyzes projected future growth in connections and water rights capacities; 2) updates minimum design standards and review procedures for service to new customers; 3) addresses regional water resource issues such as tribal water issues, water rights, financial viability of small systems, existing and potential water quality problems, data management, lack of joint facilities and system interties, water use efficiency, and reclaimed water; 4) provides an appeals process; and 5) identifies implementation measures.

12 Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

*All of Whatcom County west of the Mount Baker-Snoqualmie National Forest boundary excluding certain portions of the Lummi and Nooksack reservations. (See Figure 1-1 in the CWSP document)*
B Environmental Elements

1 Earth

a. General description of the site: Varies
   - Flat
   - Rolling
   - Hilly
   - Steep Slopes
   - Mountainous
   - Other

b. What is the steepest slope on the site (approximate percent slope)?
   Varies

b. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.
   Varies

d. Are there surface indications or history of unstable soils in the immediate vicinity? Yes ☐ No ☐
   If so, describe.
   N/A

e. Describe the purpose, type, total area, approximate quantities and total affected area of any filling excavation or grading proposed.
   N/A

   Indicate source of fill.
   N/A

   Indicate where excavation material is going.
   N/A
f. Could erosion occur as a result of clearing, construction, or use?  
   Yes ☐ No ☐  
   If so, generally describe.  
   N/A

   g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?  
   N/A

   h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:  
   N/A

2. Air

   a. What types of emissions to the air would result from the proposal during construction, operation and maintenance when the project is completed (i.e., dust, automobile, odors, or industrial wood smoke)?  
   N/A  
   If any, generally describe and give approximate quantities if known.  
   N/A

   b. Are there any off-site sources of emissions or odor that may affect your proposal?  Yes ☐ No ☐  
   If so, generally describe.  
   N/A

   c. Proposed measures to reduce or control emissions or other impacts to air, if any:  
   N/A
3. Water
   a. Surface:

   (1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? Yes [ ] No [ ]

   If yes, describe type and provide names. If appropriate, state what stream or river it flows into.
   N/A

   (2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? Yes [ ] No [ ]

   If yes, please describe and attach available plans.
   N/A

   (3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected.
   N/A

   Indicate the source of fill material.
   N/A

   (4) Will the proposal require surface water withdrawals or diversions? Yes [ ] No [ ]

   Not directly as a result of adoption of the CWSP.

   Give general description, purpose, and approximate quantities if known.

   Some existing purveyors currently divert surface water. Diversions may increase as population and need increases. However, any increased diversion would need to be consistent with the individual purveyor's Water System Plan and regulations.

   Does the proposal lie within a 100-year floodplain?
   Yes [ ] No [ ]

   If so, note location on the site plan.
   N/A
(5) Does the proposal involve any discharges of waste materials to surface waters?
   Yes □     No □
   If so, describe the type of waste and anticipated volume of discharge
   N/A

b. Ground Water:

(1) Will ground water be withdrawn from a well for drinking water or other purposes?    Yes □  No □
   If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.
   Some existing purveyors currently withdraw groundwater in the area. Groundwater withdrawal may increase as population and need increases. However, any increased withdrawal would need to be consistent with the individual purveyor’s Water System Plan and applicable regulations.

(2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals.....; agricultural; etc.). Describe the general size of the system, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.
   N/A

c. Water runoff (including stormwater):

(1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known).
   N/A
Where will this water flow? N/A

Will this water flow into other waters? Yes ☐ No ☐

If so, describe.

N/A

(2) Could waste materials enter ground or surface waters?
Yes ☐ No ☐

If so, generally describe.

N/A

(3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site? Yes ☐ No ☐

If so, describe.

N/A

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

N/A

4 Plants

a. Check types of vegetation found on the site:

☑ Deciduous tree: alder, maple, aspen, other
☑ Evergreen tree: fir, cedar, pine, other
☑ Shrubs
☑ Grass
☑ Pasture
☑ Crop or grain
☑ Orchards, vineyards or other permanent crops
☑ Wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
☑ Water plants: water lily, eelgrass, milfoil, other
☑ Other types of vegetation
b. What kind and amount of vegetation will be removed or altered?  
N/A

c. List threatened or endangered species known to be on or near the site.  
N/A

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:  
N/A

e. List all noxious weeds and invasive species known to be on or near the site.  
N/A

5. Animals

a. Check any birds and animals, which have been observed on or near the site or are known to be on or near the site:

Birds:
☑ Hawk,  ☑ Heron,  ☑ Songbirds;  
☑ Eagle,  ☑ Bear,  ☑ Beaver;
☑ Other:

Mammals:
☑ Deer,  ☑ Salmon,  
☑ Elk,  ☑ Herring,  
☑ Other:

Fish:
☑ Bass,  ☑ Other:
☑ Trout,  
☑ Shellfish;

b. List any threatened or endangered species known to be on or near the site.  
N/A
c. Is the site part of a migration route? Yes □ No □
   If so, explain.
   N/A

   d. Proposed measures to preserve or enhance wildlife, if any:
      N/A

   e. List any invasive species known to be on or near site.
      N/A

6. Energy and Natural Resources
   a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.
      N/A

   b. Would your project affect the potential use of solar energy by adjacent properties? Yes □ No □
      If so, generally describe.
      N/A

   c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:
      N/A

7. Environmental Health
   a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? Yes □ No □
      If so, describe.
      N/A

(1) Describe any known or possible contamination at the site from present or past uses.
   N/A
(2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

N/A

(3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the project's development or construction, or at any time during the operating life of the project.

N/A

(4) Describe special emergency services that might be required.

N/A

(5) Proposed measure to reduce or control environmental health hazards, if any:

N/A

b. Noise

(1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

N/A

(2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

N/A

(3) Proposed measures to reduce or control noise impacts, if any:

N/A
8 Land and Shoreline Use

a. What is the current use of the site and adjacent properties?  
   Varies
   Will the proposal affect current land uses on nearby or adjacent properties? Yes ☐ No ☐  
   If so, describe.  
   N/A

b. Has the project site been used as working farmlands or working forest lands? Yes ☑ No ☐  
   If so, describe.  
   N/A

   How much agriculture or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any?  
   N/A

   If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to non-farm or non-forest use?  
   N/A

   (1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling and harvesting? Yes ☐ No ☐  
   If so, how:  
   N/A

c. Describe any structures on the site.  
   Varies
d. Will any structures be demolished? Yes □ No □
   If so, what?
   N/A

e. What is the current zoning classification of the site?
   Varies

f. What is the current comprehensive plan designation of the site?
   Varies but the update of the CWSP has been coordinated with the County's update of its
   Comprehensive Plan.

g. If applicable, what is the current shoreline master program designation of
   the site?
   Varies

h. Has any part of the site been classified as a critical area by the city or
   county? Yes □ No □
   If so, specify.
   N/A

i. Approximately how many people would reside or work in the completed
   project?
   N/A

j. Approximately how many people would the completed project displace?
   N/A

k. Proposed measures to avoid or reduce displacement impacts, if any:
   N/A

l. Proposed measures to ensure the proposal is compatible with existing and
   projected land uses and plans, if any:
   Existing and projected land uses and plans will be followed and the CWSP update has been
   coordinated with the County's update of its Comprehensive Plan.

m. Proposed measures to ensure the proposal is compatible with nearby
   agricultural and forest lands of long-term commercial significance, if any?
   N/A
9 Housing
   a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.
      □ High       Number of Units N/A
      □ Middle
      □ Low-income
   b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.
      □ High       Number of Units N/A
      □ Middle
      □ Low-income
   c. Proposed measures to reduce or control housing impacts, if any:
      N/A

10 Aesthetics
   a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?
      N/A
   b. What views in the immediate vicinity would be altered or obstructed?
      N/A
   c. Proposed measures to reduce or control aesthetic impacts, if any:
      N/A

11 Light and Glare
   a. What type of light or glare will the proposal produce? What time of day would it mainly occur?
      N/A
   b. Could light or glare from the finished project be a safety hazard or interfere with views?
      N/A
c. What existing off-site sources of light or glare may affect your proposal?
N/A

12 Recreation

a. What designated and informal recreational opportunities are in the immediate vicinity?
N/A

b. Would the proposed project displace any existing recreational uses? If so, describe.
N/A

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:
N/A

13 Historic and Cultural Preservation

a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state or local preservation registers located on or near the site? Yes [ ] No [ ]
   If so, specifically describe.
   N/A

b. Are there any landmarks, features, or other evidence of Indian, historic use or occupation, this may include human burials or old cemeteries? Yes [ ] No [ ]
   Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Yes [ ] No [ ]
   Please list any professional studies conducted at the site to identify such resources.
   N/A
c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples: Include consultation with tribes and the Department of Archeology and Historic Preservation, archaeological surveys, historic maps, GIS data, etc.

N/A

d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

N/A

14 Transportation

a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plan, if any.

N/A

b. Is site or geographic area currently served by public transit?

Yes ☐ No ☐
If not, what is the approximate distance to the nearest transit stop?

N/A

c. How many parking spaces would the completed project have? How many would the project eliminate?

N/A

d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? Yes ☐ No ☐
If so, generally describe (indicate whether public or private).

N/A
e. Will the project use (or occur in the immediate vicinity of)
   Water,
   Rail, or
   Air transportation?
   If so, generally describe.
   N/A

f. How many vehicular trips per day would be generated by the completed
   project or proposal? If known, indicate when peak volumes would occur
   and what percentage of the volume would be trucks (such as commercial
   and non-passenger vehicles). What data or transportation models were
   used to make these estimates?
   N/A

   g. Proposed measures to reduce or control transportation impacts, if any:
   N/A

15 Public Services

   a. Would the project result in an increased need for public services (for
      example: fire protection, police protection, health care, schools, other)?
      Yes  No
      If so, generally describe.
      N/A

   b. Proposed measures to reduce or control direct impacts on public services,
      if any.
      N/A

16 Utilities

   a. Check utilities currently available at the site:

   Yes  Electricity,
       Water,
       Telephone,
       Septic system,
       Natural gas,
       Refuse service,
       Sanitary sewer,
       Other
b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

N/A

Signature

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: 

Date Submitted: 5/4/16

FOR OFFICE USE ONLY
Reviewed by Whatcom County Planning & Development Services Staff

Staff Signature: 

Date: 5/9/16

Reviewed by initials N.A.

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Rev October 2015

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C Supplemental Sheet for Non-project Actions

(\textit{It is not necessary to use this sheet for project actions})

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment. When answering these questions, be aware of the extent the proposal or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?
   
   N/A

   Proposed measures to avoid or reduce such increases are:

   N/A

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

   Additional groundwater use authorized by the WDOH and WDOE to accommodate future growth may have an impact on surface water stream flows in continuity with groundwater that could affect fish and wildlife habitat in and along WRIA 1 streams and rivers.

   Proposed measures to protect or conserve plants, animals, fish, or marine life are:

   The 2005 WRIA 1 Watershed Management Plan (WMP), 2007 WRIA 1 WMP Detailed Implementation Plan, Whatcom County Comprehensive Plan Update (2016) and the WRIA 1 Nooksack River Instream Flow Rule all contain measures to protect fish and wildlife habitat.

3. How would the proposal be likely to deplete energy or natural resources?

   The proposal involves coordinated planning for public water system surveyors which may increase the use of groundwater. Increased population and employment growth in the county authorized by the County Comprehensive Plan will increase the rate of depletion of groundwater resources to accommodate that growth.

   Proposed measures to protect or conserve energy and natural resources are:

   Preparation of the CWSP Update included coordination with the Comprehensive Plan (CP) Update and multiple policies in the CP Update address strategies and measures to manage and protect groundwater resources in coordination with the WDOH and WDOE.
4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

Additional groundwater use authorized by the WDOH and WDOE for public water systems to accommodate future growth may have an impact on surface waters in continuity with groundwater that could affect fish and wildlife habitat and other critical areas in and along WRJA 1 streams and rivers.

Proposed measures to protect such resources or to avoid or reduce impacts are:

In addition to policies in the Whatcom County Comprehensive Plan Update that protect critical areas, the Critical Areas Regulations (WCC Title 16) also protect the functions and values of environmentally sensitive areas, as required by the GMA.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

Preparation of the CWSP Update has been closely coordinated with the Whatcom County CP Update, as required by the GMA (RCW 36.70A) and the Public Water System Coordination Act of 1977 (RCW 70.116). The CWSP only serves to coordinate delivery of potable water to customers within both municipal and non-municipal (Group A) public water systems approved for service by the WDOH.

Proposed measures to avoid or reduce shoreline and land use impacts are:

The Whatcom County CP Update, proposed CWSP Update and Drinking Water Ordinance (WCC 24.11) all contain measures to ensure that legal potable water availability is required in order to facilitate future growth consistent with WDOH and WDOE requirements.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Proposal allows planned growth to proceed consistent with the Growth Management Act, local zoning, and land use plans.

Proposed measures to reduce or respond to such demand(s) are:

Response to demand will be met with water supply planning and coordinated service responsibilities.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

Proposal shall be approved by all applicable local, state, and federal governing agencies thus no conflict of laws is expected.
WHATCOM COUNTY COUNCIL  
Special Committee of the Whole  

May 31, 2016  

CALL TO ORDER  

Council Chair Barry Buchanan called the meeting to order at 3:10 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.  

ROLL CALL  

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

Absent: None.  

COMPREHENSIVE PLAN CHAPTERS 3 AND 7  

1. AUDIENCE MEMBERS ARE INVITED TO COMMENT SPECIFICALLY ON COMPREHENSIVE PLAN CHAPTER 3, HOUSING (AB2016-047C) AND CHAPTER 7, ECONOMICS (AB2016-047G)  

Clayton Petree submitted and read from a handout (on file) and stated don’t continue with the same housing assumptions or ignore existing problems. The vacancy rate is not healthy. Recalculate the amount of housing needed based on vacancy rates. Find solutions to the housing problems identified in the housing study.  

Jack Petree submitted and read from a handout (on file) and stated Whatcom County’s average wage is less than its peer counties. Urban growth areas (UGAs) are too protected against growth. The law requires adequate infrastructure, which the county doesn’t have. Subarea plans must comply with the Comprehensive Plan. Necessary data to make good decisions hasn’t been developed. The Countywide Planning Policies must be met.  

Linda Twitchell, Building Industry Association, stated differentiate between affordable housing and subsidized housing. Don’t fund subsidized housing through fees or taxes or by raising the cost of housing. A housing levy would have to apply to everyone countywide. She agrees with the first speaker about the housing analysis.  

Derek Long, Sustainable Connections Executive Director, referenced an email he sent to the Council. Research indicates most job and income growth is from the expansion of existing companies in the community. Invest in enhanced recruitment. Don’t start a new organization to work on recruitment. Work through the ChooseWhatcom collaboration. Strengthen those participating organizations.  

Juliana Fischer, Students for Renewable Energy, stated she supports changes to Chapter 7 as recommended by her previous written testimony. Her research has concluded there is no evidence documenting a significant connection between wind energy systems
and adverse health impacts. She supports the energy overlay and proposed changes from Councilmember Mann. The language regarding health concerns related to wind energy is unnecessary.

Roger Almskaar stated the cost of housing is too high and wages are stagnant. He suggests specific changes to the Proposed Changes from Councilmembers document beginning on Council packet page 277. Item 2 needs work, but he supports the goal in general. He agrees that subsidized housing should not be called affordable housing in proposed new policies 3D-4 and 3F-5.

2. DISCUSSION AND PRELIMINARY COUNCIL DIRECTION ON COMPREHENSIVE PLAN CHAPTER 3, HOUSING (AB2016-047C)

Brenner referenced Proposed Council Changes to Comprehensive Plan, Chapter 3, item one, and moved to amend Comprehensive Plan page 3-15, lines 13-15, “Both public and private investments can be directed into housing that ensures that low- to moderate-income people will be able to continue to live near where they work in the community. (According to the US Department of Housing and Urban Development, in 2015, in Whatcom County a family of four earning $54,100 was considered low-income, while the median income for a family of four was $67,600.)” She prefers that there be objective data.

The motion was seconded.

Weimer asked the source of the additional language in the motion.

Forrest Longman, Council Office, stated the language was from Planning Department staff.

The motion carried by the following vote:

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

**Nays:** None (0)

Brenner referenced Proposed Council Changes to Comprehensive Plan, Chapter 3, item two, and stated make sure people understand that affordable housing is not subsidized housing. Find out what is the preferred type of affordable housing for people. All they can do is encourage the City of Bellingham to do more infill. She moved to amend Comprehensive Plan page 3-17, Goal 3C, “Create opportunities and encourage all jurisdictions to support creation of an adequate supply of preferred housing types that are affordable for a broad range of housing types and encourage mixed affordability.”

The motion was seconded.

Donovan stated he doesn’t understand what “preferred” housing refers to.

Brenner stated she wants data to show what types of housing people prefer. Acknowledge and respect different styles of housing.

Donovan stated the next policy addresses the greatest possible mix of housing types.
Sidhu stated he’s heard suggestions that the County should install the services in urban growth areas to make housing affordable. That puts the cost on everyone else. He hasn’t heard any innovative ideas for making housing more affordable. The councilmembers don’t have the expertise to come up with the innovative ideas like developers and other people do who work in the industry.

Browne stated affordability is a function of the cost of a house and the income available to pay for the cost of the house. They must work on raising average wages. The Council doesn’t have an impact on housing costs, labor costs, or material costs.

Brenner stated come up with pre-approved designs and plans that someone can choose from. It would save money at the Planning Department minimizing the Planning Department’s staff time needed on a project. More people would rather live in a single family house. She amended her motion to amend Comprehensive Plan page 3-17, Goal 3C, “Create opportunities and encourage all jurisdictions to support creation of an adequate supply of preferred desired housing types that are affordable for a broad range of housing types and encourage mixed affordability.”

Browne moved to call the question.

The motion to call the question carried by the following vote:
Ayes: Sidhu, Browne, Buchanan, and Weimer (4)
Nays: Mann, Brenner and Donovan (3)

The motion to amend failed by the following vote:
Ayes: Brenner, Sidhu, and Buchanan (3)
Nays: Donovan, Browne, Mann, and Weimer (4)

Brenner referenced Proposed Council Changes to Comprehensive Plan, Chapter 3, item three, and asked if it is okay to use the word “goal” instead of “vision.”

Karin Beringer, Planning Department, stated this is a vision statement. There are already numbered goals in the Chapter.

Brenner moved to amend Comprehensive Plan page 3-15, line 17:

Adopting an Ambitious but Achievable Affordable Housing Vision Goal to ensure/support achievement of an adequate supply of desired housing types that are affordable.
Whatcom County and its cities might consider adopting a HOUSING VISION GOAL that sets the bar at a high but achievable level:

"By the year 2036, every community and neighborhood has a healthy mix of housing sizes, types and prices, affordable at the wages of the jobs nearby. A balanced mix of housing will have housing costs in sync with wages and incomes in the community."

To achieve this overarching vision goal, the following goals and policies are adopted: ...
The motion was seconded.

**Donovan suggested a friendly amendment**, “A goal to achieve an adequate supply of housing types that are affordable.”

**Brenner accepted** the friendly amendment.

The motion carried by the following vote:

**Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan and Donovan (6)

**Nays:** Weimer (1)

**Brenner** referenced Proposed Council Changes to Comprehensive Plan, Chapter 3, item four, and stated housing for young families with children is important and necessary. She moved to amend Comprehensive Plan page 3-18, lines 21-24, “Availability of housing for seniors, young adults, young families with children, single parents, and groups is frequently overlooked by both the private development sector and the public sector. In addition, many migrant farm workers entering the county each season face substandard housing and homelessness.” She stated young families with children is a necessary sector for affordable housing.

Mann stated young families with children are who the private sector is building for. The statement is incorrect.

The motion was seconded.

Linda Twitchell stated identify low and middle income buyers instead of these groups of people. Those are the groups who currently need help.

Mann asked if it’s true that those buyers are overlooked by the private and public sectors. They should just delete the whole thing.

**Brenner amended her motion and moved** to delete the entire two sentences on Comprehensive Plan page 3-18, lines 21-24, “Availability of housing for seniors, young adults, single parents, and groups is frequently overlooked by both the private development sector and the public sector. In addition, many migrant farm workers entering the county each season face substandard housing and homelessness.”

The motion was seconded.

The motion carried by the following vote:

**Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan and Donovan (6)

**Nays:** Weimer (1)

**Brenner** referenced Proposed Council Changes to Comprehensive Plan, Chapter 3, item five, and moved to amend Comprehensive Plan page 3-18, Goal 3D with changes, “Encourage provision of adequate housing types.”

The motion was seconded.

The motion carried by the following vote:
DISCLAIMER: This document is a draft and is provided as a courtesy. This document is not to be considered as the final minutes. All information contained herein is subject to change upon further review and approval by the Whatcom County Council.

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Weimer referenced Proposed Council Changes to Comprehensive Plan, Chapter 3, item six, and stated staff suggested this language. He moved to amend Comprehensive Plan page 3-19, to create a new policy, “3D-4: Consider establishing a housing development fund, accessible to individuals qualified for affordable housing assistance who are legal residents of the county, administered by an agency and funded by contributions from developers wishing to utilize affordable housing incentives and bonuses, but not wishing to include affordable housing in their own projects.”

Beringer stated it may have been an action item that was consolidated into a policy.

The motion was seconded.

Brenner stated it sounds like it’s required, not voluntary.

Donovan stated it’s voluntary. Someone could make a contribution to a fund rather than develop affordable housing if they still want to have the incentive.

Weimer amended his motion and moved to amend Comprehensive Plan page 3-19, to create a new policy, “3D-4: Consider establishing a housing development fund, accessible to individuals qualified for affordable housing assistance who are legal residents of the county, administered by an agency and funded by contributions from developers wishing to utilize affordable housing incentives and bonuses, but not wishing to include affordable housing in their own projects the project receiving the incentives or bonuses.”

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Brenner referenced Proposed Council Changes to Comprehensive Plan, Chapter 3, item seven, and moved to amend Comprehensive Plan page 3-19, Policy 3E-1, with changes, “Encourage all jurisdictions to provide adequate stocks of housing types. Review and revise existing regulations to identify....”

The motion was seconded.

Weimer stated it doesn’t relate to the rest of the policy.

The motion failed by the following vote:
Ayes: Brenner (1)
Nays: Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)

Weimer referenced Proposed Council Changes to Comprehensive Plan, Chapter 3, item 8a, and stated staff included it, but the Planning Commission removed it. He included the entire section from staff, including the language in item 8b, which is an extension of the third bullet item in item 8a. He moved to amend Comprehensive Plan page 3-20 to create a new policy, “3F-5: Explore and consider various financial incentives and funds to support affordable housing including but not limited to:
• Tax credits for low-income households.
• Use of EDI funds for a “housing trust fund” to provide funding for housing priorities set by the jurisdictions involved.
• Use of the “Real Estate Excise Tax”.

Brenner stated she doesn’t want a countywide tax or levy. There are plenty of taxes that can be applied to housing, and the emergency medical services (EMS) levy is coming up for a vote.

The motion was seconded.

Donovan stated don’t apply Economic Development Investment (EDI) funds to housing.

Sidhu stated that if people qualify, they can apply, but they don’t need to specifically identify EDI funds in the policy.

Browne stated don’t shift the burden of low income housing to those who can barely afford housing. Use federal or state funds that don’t put a burden on local people. Also, he struggles to find a connection to economic development.

Mann stated he is opposed to the motion. This isn’t something he likes philosophically.

Donovan stated include the policy without the specific bullet points.

Brenner stated specific language is necessary, or else it’s just feel-good language.

Donovan suggested a friendly amendment to remove the three bullet points from the motion and just approve the policy, “Explore and consider various financial incentives and funds to support affordable housing.”

Weimer accepted the friendly amendment.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

OTHER BUSINESS

The councilmembers discussed setting a deadline for submitting Council-proposed changes.

Brenner moved to set the deadline to the end of June.

The motion was not seconded.

Weimer stated set the deadline on June 24.
Buchanan stated they will continue discussion during the evening’s Committee of the Whole meeting.

**COMPREHENSIVE PLAN CHAPTERS 3 AND 7**

3. DISCUSSION AND PRELIMINARY COUNCIL DIRECTION ON COMPREHENSIVE PLAN CHAPTER 7, ECONOMICS (AB2016-047G)

This item was not discussed.

**COMPREHENSIVE PLAN CHAPTER 10, DESIGN**

1. BRIEFING AND DISCUSSION ON COMPREHENSIVE PLAN CHAPTER 10, DESIGN (AB2016-047J)

This item was not discussed.

**COMPREHENSIVE PLAN - GENERAL**

1. DISCUSSION AND PRELIMINARY COUNCIL DIRECTION ON OUTSTANDING AMENDMENT PROPOSALS (VARIOUS CHAPTERS): CHAPTER 2, LAND USE (AB2016-047B); CHAPTER 5, UTILITIES (AB2016-047E); CHAPTER 6, TRANSPORTATION (AB2016-047F); CHAPTER 8, LAND USE (AB2016-047H); CHAPTER 11, ENVIRONMENT (AB2016-047K); APPENDIX G, WATER RESOURCES AND SALMON RECOVERY (AB2016-047R)

This item was not discussed.

**ADJOURN**

The meeting adjourned at 4:30 p.m.

The Council approved these minutes on ______________, 2016.

**ATTEST:**

WHATCOM COUNTY COUNCIL

WHATCOM COUNTY, WASHINGTON

____________________________  ______________________________
Dana Brown-Davis, Council Clerk   Barry Buchanan, Council Chair

____________________________
Jill Nixon, Minutes Transcription
WHATCOM COUNTY COUNCIL
Special 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 volunteer 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 results 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 would like it expanded 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 to the State legislature on behalf of all the Counties in the Region.

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
WHATCOM COUNTY COUNCIL  
Regular County Council Meeting

June 14, 2016

CALL TO ORDER

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

ROLL CALL

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

Absent:  None.

FLAG SALUTE

ANNOUNCEMENTS

MINUTES CONSENT

Brenner moved to approve Minutes Consent items one through eight. The motion was seconded.

The motion carried by the following vote:

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

Nays:  None (0)

1. SPECIAL COMMITTEE OF THE WHOLE AM FOR MAY 3, 2016

2. SPECIAL COMMITTEE OF THE WHOLE PM FOR MAY 3, 2016

3. COMMITTEE OF THE WHOLE FOR MAY 3, 2016

4. BOARD OF HEALTH FOR MAY 10, 2016

5. SPECIAL COMMITTEE OF THE WHOLE FOR MAY 10, 2016

6. SPECIAL COMMITTEE OF THE WHOLE FOR MAY 17, 2016

7. REGULAR COUNTY COUNCIL FOR MAY 17, 2016

8. SURFACE WATER WORK SESSION FOR MAY 24, 2016
1. PRESENTATION OF THE BEHAVIORAL HEALTH REVENUE ADVISORY COMMITTEE QUARTERLY REPORT TO COUNTY COUNCIL (AB2016-111A)

Judy Ziels, Health Department, gave a staff report on the Nurse Family Partnership Program. She answered questions about eligibility requirements, capacity, costs, and sponsorship from the national office of the Nurse Family Partnership.

PUBLIC HEARINGS

1. WHATCOM COUNTY COMPREHENSIVE PLAN, CHAPTER 7, ECONOMICS (AB2016-047G)

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

Wendy Harris stated she supports new policies that support disadvantaged people who need help and developing the local food system. She does not support programs to create a new economic development agency, references to Whatcom Futures, and help for big businesses. She is also concerned about the growing emphasis on recreation, which causes ecological damage. Ecotourism is a better option.

Max Perry stated he supports efforts to recruit business to Whatcom County, which will provide many benefits to the county. Create a pro-business culture.

Carole Perry stated she supports presentations from businesses to the Council’s Finance Committee. There is much business potential in Whatcom County.

Hearing no one else, Buchanan closed the public hearing.

2. WHATCOM COUNTY COMPREHENSIVE PLAN, CHAPTER 10, DESIGN (AB2016-047J)

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

Wendy Harris read from the email sent to Council earlier in the day (on file).

Hearing no one else, Buchanan closed the public hearing and stated the Council will continue to take written comments.

3. RESOLUTION RELATING TO THE WHATCOM COUNTY COORDINATED WATER SYSTEM PLAN UPDATE (AB2016-192)

Gary Stoyka, Public Works Department, gave a staff report.

Buchanan opened the public hearing, and the following people spoke:
Ellen Baker, Glacier Water District, stated she’s pleased her questions about Section 8 received legal review. There was no legal review by a water rights attorney. Issues still need to be addressed. The Watershed Management Plan is only briefly mentioned once. It’s unfortunate that changes were made after the Water Utility Coordinating Committee (WUCC) voted. Make sure the Glacier Water District is shown as a WUCC participant.

Wendy Harris stated the letter from the Lummi Nation is not included in the public hearing materials for this hearing. A Supreme Court case is pending regarding exempt wells. There may be implications for the water associations. Instream flow still needs to be quantified. Consider critical areas ordinance requirements regarding aquifer recharge areas. Also address issues regarding nitrate contamination.

Hearing no one else, Buchanan closed the public hearing.

Weimer moved that the Council determine that the Coordinated Water System Plan update is not inconsistent with the Whatcom County Comprehensive Plan and Development Regulations, and to forward it on to the State Department of Health for approval.

The motion was seconded.

Brenner moved to amend to add a new Whereas statement, “Whereas, following the Water Utility Coordinating Committee (WUCC) unanimous vote, some new language was presented and approved.” Make a statement that more information was received after the WUCC approval, which staff put into the final recommendation.

The motion was seconded.

Stoyka stated the late comments were sent to the WUCC members twice, and he asked if the WUCC members wanted to revisit the issue. The WUCC members who responded indicated that the changes were minor and didn’t need reconsideration.

Mann asked for clarification on which language in Section 8 was changed and who recommended the changes. Stoyka described the changes.

Weimer stated the Lummi representatives asked for several suggestions that staff made regarding corrections. He is against the amendment. It’s not significant enough to amend the resolution. No one on the WUCC had concerns. Move the resolution forward.

Browne asked if the Tribes were involved in the WUCC process. Stoyka stated they were not. They were invited to participate as nonvoting members.

Brenner stated the changes that were made weren’t minor.

The motion to amend failed by the following vote:

Ayes: Brenner (1)
Nays: Weimer, Mann, Sidhu, Browne, Buchanan, and Donovan (6)

Mann stated sometimes minor changes have significant meaning to the Tribes. He doesn’t know how significant was the request of the Lummi representatives or their reaction to the final language change.
Donovan asked if there is time to get feedback from the Tribe before the Council votes on the resolution. Stoyka stated actual plan approval is done by the State Department of Health. The resolution just confirms the plan is not inconsistent. There is no deadline.

Brenner moved to hold the resolution in Council.

The motion was not seconded.

Councilmembers continued to discuss the language suggestion and change.

Sidhu moved to hold in Council for two weeks and seek clarification from the Lummi Nation and legal counsel.

The motion was seconded.

Browne suggested a friendly amendment that the County also seek consensus with the Lummi Tribe.

Mann stated they could also reconvene the WUCC to review the other changes.

Jon Hutchings, Public Works Department Director, stated the Lummi Tribe has already made its request. Staff can seek clarification on why legal counsel made the suggestion for the language change.

Mann stated he prefers to confirm that the Tribe accepts the final language from legal counsel, as a courtesy.

Sidhu amended his motion and moved to hold in Council to get clarification. Staff knows the concerns.

The amended motion was seconded.

Weimer asked if they need another hearing.

Karen Frakes, Prosecutor’s Office, stated none of the changes discussed are significant and will require another hearing.

The motion to hold in Council carried by the following vote:

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

Nays: None (0)

Browne stated he will initiate a Council-to-Council communication with the Lummi Tribe about the correct form of address via a letter or phone call.

Sidhu stated there may also need to be a legal counsel-to-legal counsel discussion.

Buchanan stated he will contact and consult with the Chair of the Lummi Indian Business Council.
4. ORDINANCE AUTHORIZING THE PUBLIC WORKS DIRECTOR AND THE COUNTY ENGINEER TO CLOSE OR RESTRICT USE OF COUNTY ROADS ON A TEMPORARY BASIS (AB2016-190)

Buchanan opened the public hearing, and hearing no one, closed the public hearing.

Brenner moved to adopt the ordinance.

The motion was seconded.

Sidhu asked the length of the closure or restriction.

Jon Hutchings, Public Works Department, stated it usually means a couple of days. He answered questions on the Revised Code of Washington (RCW) laws about closing roads for freeze conditions.

The motion carried by the following vote:

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

Nays: None (0)

OPEN SESSION

The following people spoke:

- Steve Harris spoke about the emergency medical services (EMS) levy proposal.
- Edward Ury, ReSources for Sustainable Communities, spoke about Comprehensive Plan Chapter 7.
- Adam Schaefer spoke about Comprehensive Plan Chapter 4.
- Mike Senate spoke about the Comprehensive Plan regarding wind energy.
- Wendy Harris spoke about wind energy and clean air policies in the Comprehensive Plan.

CONSENT AGENDA

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

The motion carried by the following vote:

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

Nays: None (0)

2. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND GEOTEST SERVICES, INC. FOR MATERIAL SAMPLE COLLECTION, ON-SITE MATERIAL INSPECTION, ON-SITE CONSTRUCTION INSPECTION, THE TESTING OF CONCRETE, HOT MIX ASPHALT, AGGREGATES AND OTHER CONSTRUCTION MATERIALS FOR VARIOUS WHATCOM COUNTY PUBLIC WORKS PROJECTS IN THE 2016-2017 PROGRAM YEARS, IN THE AMOUNT OF $300,000 (AB2016-194)

3. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO AMEND THE ADVANCED LIFE SUPPORT (ALS) AGREEMENT BETWEEN WHATCOM COUNTY AND THE CITY OF BELLINGHAM SPECIFICALLY FOR THE PURPOSE OF INCREASING THE ANNUAL SERVICE FEE IN 2017 SHOULD THE EMS LEVY NOT PASS (THE INCREASE IS CONSISTENT WITH CPI-U INFLATION MULTIPLIED BY 1.15 AS OUTLINED IN SECTION 5(C) OF THE ALS AGREEMENT) (AB2016-195)

OTHER ITEMS

1. REQUEST APPROVAL OF THE CITY OF BELLINGHAM’S REQUEST FOR ECONOMIC DEVELOPMENT INVESTMENT 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 will abstain because he understands the history of the project, but the score is not adequate.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, and Weimer (6)
Nays: None (0)
Abstains: Donovan (1)

2. ORDINANCE AMENDING WHATCOM COUNTY CODE CHAPTER 2.06.090 TO REVISE MEDICAL EXAMINER ADVISORY COUNCIL MEMBERSHIP DESIGNATION (AB2016-188)

Browne reported for the Finance and Administrative Services Committee and moved to adopt the ordinance.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

3. ORDINANCE AMENDING ORDINANCE 2011-049 (ESTABLISHMENT OF THE LUMMI NATION FERRY LEASE FUND) TO ESTABLISH A PROJECT BASED BUDGET AND APPROVE THE PROJECT BUDGET (AB2016-189)
Browne reported for the Finance and Administrative Services Committee and moved to adopt the ordinance.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

4. ORDINANCE AMENDING WHATCOM COUNTY CODE 3.08, PURCHASING SYSTEM (AB2016-191)

Browne reported for the Finance and Administrative Services Committee and stated this item is held in Committee.

5. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO AN INTERLOCAL AGREEMENT BETWEEN THE WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT (FCZD) AND DIKING DISTRICT #2 FOR SANDE-WILLIAMS LEVEE REHABILITATION, IN THE AMOUNT OF $80,000 (AB2016-175)

(Council acting as the Whatcom County Flood Control Zone District Board of Supervisors.)

Browne reported for the Finance and Administrative Services Committee and moved to approve the request.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

6. RESOLUTION ESTABLISHING A JAIL STAKEHOLDER WORKGROUP (AB2016-179)

Browne reported for the Finance and Administrative Services Committee.

Donovan moved to approve a substitute resolution.

The motion was seconded.

Mann stated he would like to have a public hearing on this resolution in two weeks. He moved to hold in Council for a public hearing in two weeks.

The motion was seconded.

Weimer stated they need to get this group formed soon. He doesn’t support a two-week delay.

Browne stated he agrees with Councilmember Weimer. People can comment retroactively.
Sidhu stated approve the resolution today. It’s a divisive issue, so people will always comment. This resolution is just a recommendation.

The motion to hold in Council failed by the following vote:

- **Ayes:** Brenner and Mann (2)
- **Nays:** Weimer, Browne, Buchanan, Donovan, and Sidhu (5)

The motion to approve the substitute carried by the following vote:

- **Ayes:** Sidhu, Browne, Buchanan, Weimer and Donovan (5)
- **Nays:** Brenner and Mann (2)

**COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES**

1. **DISCUSSION REGARDING PRIMARY ELECTION VOTERS’ PAMPHLET (AB2016-199)**

   Browne reported for the Finance and Administrative Services Committee and moved to authorize the Auditor to publish the larger voters’ pamphlet for the 2016 primary election.

   The motion carried by the following vote:

   - **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
   - **Nays:** None (0)

**EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES**

1. **REQUEST CONFIRMATION OF THE COUNTY EXECUTIVE’S APPOINTMENT OF KIM YUSKA TO THE WHATCOM COUNTY APPEALS BOARD (AB2010-196)**

   Brenner moved to confirm the appointment.

   The motion was seconded.

   The motion carried by the following vote:

   - **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
   - **Nays:** None (0)

**INTRODUCTION ITEMS**

1. **ORDINANCE AMENDING THE 2016 WHATCOM COUNTY BUDGET, TENTH REQUEST, IN THE AMOUNT OF $1,207,900 (AB2016-197)**

   Brenner moved to accept the Introduction Item.

   The motion was seconded.

   The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

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

Buchanan reported for the Special Council Meeting and moved to concur with the
priorities and guidelines as identified in the Executive’s memo to Council dated May 9, 2016,
and to add the Council’s priorities that include consideration of stormwater review,
performance benchmarks, and economic development.

The motion was seconded.

Brenner stated her priority is ensuring that contracts put out for bid go to all local
providers of those services.

Browne stated they need more competitive bids by making eligible bidders aware of
the bid. This priority applies to purchasing policies to drive down the cost of capital
projects.

Jack Louws, County Executive, stated he would like the Council to clarify the specifics
of their priorities in a Finance Committee discussion.

Councilmembers discussed the use of the Economic Development Investment (EDI)
funds, the benefits of investing in economic development activities, how to fund economic
development activities, including a priority on public safety, the number of deputy vacancies
in the Sheriff’s Office, and developing the Council’s priorities.

Mann stated include public safety as a priority.

Brenner moved to hold in Council for two weeks.

The motion was seconded.

The motion to hold in Council for two weeks carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Councilmembers gave updates on recent activities and upcoming events.

ADJOURN

The meeting adjourned at 9:25 p.m.

The County Council approved these minutes on ______, 2016.
DISCLAIMER: This document is a draft and is provided as a courtesy. This document is not to be considered as the final minutes. All information contained herein is subject to change upon further review and approval by the Whatcom County Council.

ATTEST: WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

______________________________  ___________________________
Dana Brown-Davis, Council Clerk  Barry Buchanan, Council Chair

______________________________
Jill Nixon, Minutes Transcription
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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</table>

**TITLE OF DOCUMENT:**
Petition to create Columbia Valley Park & Recreation District & set hearing

**ATTACHMENTS:**

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

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

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

**Requested Date:**  
7/26/2016

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

As required by RCW 36.59, the Council shall hold a public hearing on the proposal to create the Columbia Valley Park and Recreation District.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**
6/28/2016: Approved 7-0, Resolution 2016-023

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**  
Res. 2016-023

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)
PETITION TO CREATE THE COLUMBIA VALLEY PARK AND RECREATION DISTRICT

Initiative No. 2016-1

Whereas the Columbia Valley and surrounding area is a community of families and individuals who seek to benefit from a park and dedicated outdoor space, and recreational facilities as described in RCW 36.69.010 to serve to enrich community recreation opportunities, children and adult physical well-being, nurture neighborly connection; and

Whereas the Foothills Subarea Plan provides for the creation of a park in the Urban Growth Area; and

Whereas RCW 36.69.020 provides for creation of a park and recreation district by petition and for boundaries of the district as set forth in the petition; and

Whereas RCW 36.69.090, provides that five elected commissioner volunteer positions may be designated in the formation of a park district; and

Whereas a general tax on all property located in said Park and Recreation District shall not exceed sixty cents per thousand of assessed value each year as outlined in chapter 36.69.145 of Washington State Code, unless otherwise authorize by law, the exact amount to be determined by the elected board of volunteer commissioners with no more than ten percent of revenue used for administrative purposes.

NOW, THEREFORE

1. The Columbia Valley Park and Recreation District should be hereby created. The district boundaries generally would include ¼ mile north of where South Pass road and Silver Lake Road meet on Hwy 547 (Kendall HWY). It will encompass the properties east and west of that point about 1 mile each way to the foothills of both Red Mountain to the East and Paradise Mountain to the west and proceed South. It will contain Paradise Lakes Country Club divisions 1 through 8 and Campers Paradise, as well as the properties surrounding that area up to the foothills to the East and West. It will also contain Peaceful Valley and the properties both East and West of them to the foothills. It will continue South to include the Kendall Elementary School, the Fire Department, library, and commercial properties around the intersection of Hwy 547 and Hwy 542. Then it will continue down Hwy 542 including the properties both East and West of Hwy 542 up to the Northern most boundary of the Black Mountain Ranch. Excluding all commercial or rural forestry land contained within these boundaries.

2. Pursuant to RCW 36.69.090, the Park and Recreation District’s board of commissioners shall be composed as follows: five elected Volunteer Park and Recreation Commissioners.

3. The petitioners encourage the County Auditor to place this measure on the general election (November 8, 2016) ballot.

   The following ballot measure should be presented to the voters:
   
   "For the formation of a park and recreation district to be governed by five elected Park Commissioners"
   
   "Against the formation of a park and recreation district."

Warning: Every person who signs this petition with any other than his or her true name or who knowingly signs more than one of these petitions, or signs a petition seeking an election when he or she is not a legal voter or signs a petition when he or she is otherwise unqualified to sign, or who makes herein any false statement shall be guilty of a misdemeanor.

To Debbie Adelstein, Auditor of Whatcom County:

We, the undersigned citizens and legal voters of the proposed Columbia Valley Park and Recreation District, respectfully direct that the proposed measure known as the Columbia Valley Park and Recreation District, a true and correct copy which is printed hereon, shall be submitted to the legal voters of the proposed park district, and each of us, as signors of this petition, state:

I have personally signed this petition and I am a legal voter within the boundaries of the proposed district and my address is correctly stated on this petition.
Legal Description of the Boundaries of the Columbia Valley Park and Recreation District

The point of beginning to be the NW CORNER or the NW QUARTER of the SE QUARTER of SECTION 9, T40N, R5E, thence EAST 10,560 feet to the NE CORNER of the NE QUARTER of the SW QUARTER of SECTION 11, T40N, R5E, thence SOUTH 16,840 feet to the SE CORNER of the SE QUARTER of the NW QUARTER of SECTION 35, T40N, R5E, thence WEST 10,560 feet to the SW CORNER of the SW QUARTER of the NE QUARTER of SECTION 33, T40N, R5E, thence NORTH 16,840 feet to the beginning point. Excluding all rural forestry and commercial forestry.

Map of the Boundaries of the Columbia Valley Community Park District

Proposed Columbia Valley Park District

- Proposed Park District
June 4th, 2016

Whatcom County Council  
311 Grand, Suite 105  
Bellingham WA 98225

RE: Proposed Columbia Valley Park & Recreation District

Dear Honorable Council Members:

At our May 19th, 2016 Whatcom County Parks & Recreation Commission meeting, Commissioner Vern Yadon representing District 2 presented a letter from a Kendall/Columbia Valley community group proposing the forming of a new county parks district named the Columbia Valley Park & Recreation District.

They are in the final phase of collecting the necessary names to get their petition on the November ballot. After discussion of the merits of such a district, it was moved and passed unanimously by the commission to recommend to the County Council that their petition meet with approval of the Council.

This petition is part of a more complete effort by the residences of this part of East Whatcom County to improve the health and welfare of its citizens. We see this as an important step forward to secure important recreational facilities in the Columbia Valley area and we give it our full endorsement.

Thank you for your consideration.

Respectfully,

Paul Woodcock, Chair

cc. Jack Louws, County Executive
To: Dana Brown-Davis  
Clerk of County Council

From: Debbie Adelstein  
County Auditor

Re: Certificate of Sufficiency  
Columbia Valley Park and Recreation District

Date: June 22, 2016

Enclosed is the Certificate of Sufficiency for the creation of the Columbia Valley Park and Recreation District and the Petition Results Breakdown.

We are also enclosing the 30 petition pages submitted to us by the proponents of the district which are to be retained by the Council Office.

If you have any questions, please contact me at 778-5105.

cc: Richard Whitson  
Jessica Bee
CERTIFICATE OF SUFFICIENCY

I hereby certify that I and members of my Election Division staff have reviewed the petition submitted to this office by Richard Whitson and Jessica Bee entitled, “Petition to Create the Columbia Valley Park and Recreation District.”

The formula utilized in determining the number of signatures necessary is as follows:

Signed by at least fifteen percent (15%) of the registered voters residing within the area so described.

The authority used for counting was RCW 36.69.020, therefore, 234 signatures were required. We have approved 238 signatures; a sufficiency of signatures is established.

[Signature]
Debbie Adelstein
County Auditor

June 27, 2016
Date

Enclosure: Petition Result Breakdown
Petition Result Breakdown

May 2016 - CVPD Creation
Columbia Valley Park & Recreation District Creation

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Receipt for Certificate of Sufficiency
for the Creation of the Columbia Valley Park and Recreation District
and the Original Petitions

Date: June 22, 2016
Delivered To: Dana Brown-Davis
Clerk of County Council

30 Pages of Original Petitions Returned
X Certificate of Sufficiency

Signature of County Council Receiver
### WHATCOM COUNTY COUNCIL AGENDA BILL

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**EXECUTIVE:**

**TITLE OF DOCUMENT:**

Ordinance ordering election for Columbia Valley Park and Recreation District

**ATTACHMENTS:**

Ordinance

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

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

Ordinance ordering an election to determine the formation of the Columbia Valley Park and Recreation District

**COMMITTEE ACTION:**

<table>
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<td>7/12/2016: Introduced 7-0</td>
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**Related County Contract #:**  **Related File Numbers:**  **Ordinance or Resolution Number:**

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: [www.co.whatcom.wa.us/council](http://www.co.whatcom.wa.us/council)
PROPOSED BY: CITIZENS
INTRODUCTION DATE: JULY 12, 2016

ORDINANCE NO. ______

ORDERING AN ELECTION TO DETERMINE THE FORMATION OF
THE COLUMBIA VALLEY PARK AND RECREATION DISTRICT

WHEREAS, on June 22, 2016, a petition proposing the creation of a park and
recreation district in the Columbia Valley was delivered to the County Council Office; and

WHEREAS, the petition met the requirements of RCW 36.69.020; and

WHEREAS, on June 28, 2016, the County Council approved Resolution 2016-023,
officially receiving the petition into the record and scheduling a public hearing on the proposal;
and

WHEREAS, the County Council held a public hearing on the petition on July 26, 2016,
as required by RCW 36.69; and

WHEREAS, the next step in the park and recreation district formation process requires
the Council to establish the boundaries of the proposed park and recreation district, establish
its name, and call for an election of the property owners residing within the proposed district
boundaries to determine whether the district shall be formed.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the
proposed district shall be known as the Columbia Valley Park and Recreation District.

BE IT FURTHER ORDAINED that the boundaries of the proposed district, as
submitted by the petitioners, shall be as outlined in Exhibit A to this ordinance.

BE IT FINALLY ORDAINED that the proposal to form the Columbia Valley Park and
Recreation District is hereby forwarded to the County Auditor for inclusion on the November
General Election ballot.

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 FORWARDING PROPOSED COLUMBIA VALLEY PARK DISTRICT PROPOSAL TO AUDITOR)

PROPOSED DISTRICT BOUNDARIES:
The point of beginning to be the NW CORNER or the NW QUARTER of the SE QUARTER of SECTION 9, T40N, R5E, thence EAST 10,560 feet to the NE CORNER of the NE QUARTER of the SW QUARTER of SECTION 11, T40N, R5E, thence SOUTH 21,120 feet to the SE CORNER of the SE QUARTER of the NW QUARTER of SECTION 35, T40N, R5E, thence WEST 10,560 feet to the SW CORNER of the SW QUARTER of the NE QUARTER of SECTION 33, T40N, R5E, thence NORTH 21,120 feet to the beginning point.
MODIFIED EXHIBIT A
(ORDINANCE FORWARDING PROPOSED COLUMBIA VALLEY PARK DISTRICT PROPOSAL TO AUDITOR)

PROPOSED DISTRICT BOUNDARIES:
The point of beginning to be the NW CORNER or the NW QUARTER of the SE QUARTER of SECTION 9, T40N, R5E, thence EAST 10,560 feet to the NE CORNER of the NE QUARTER of the SW QUARTER of SECTION 11, T40N, R5E, thence SOUTH 15,840 21,120 feet to the SE CORNER of the SE QUARTER of the NW QUARTER of SECTION 35, T40N, R5E, thence WEST 10,560 feet to the SW CORNER of the SW QUARTER of the NE QUARTER of SECTION 33, T40N, R5E, thence NORTH 15,840 21,120 feet to the beginning point. Excluding all rural forestry and commercial forestry as now or hereafter established.
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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**TITLE OF DOCUMENT:**
Appointment Ed Bosscher to Nooksack/Sumas/Everson Subzone

**ATTACHMENTS:**
Advisory Committee Description, Vacancy List, Application

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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>( X ) NO</th>
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<td>SEPA review completed?</td>
<td>( ) Yes</td>
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**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:** (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)
Appointment to a vacancy on the Sumas/Everson/Nooksack Flood Control Subzone Advisory Committee. Four year term ending 1/31/2020. Duties of the Advisory Committee include being an integral part of the program reviewing the comprehensive plan for flood control; discussing and recommending budget appropriation; and being the liaison with the public by holding public meetings.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**
7/12/2016: Received 7-0 (Council acting as the PCZDBS)

**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).
FLOOD CONTROL ZONE DISTRICT BOARD OF SUPERVISORS-APPOINTED
BOARDS AND COMMISSION VACANCIES

The Whatcom County Council acting as the Flood Control Zone District Board of Supervisors makes appointments. All members must live in and be registered to vote in Whatcom County and, if applicable, meet the residency, employment, and/or affiliation requirements of the position. Applicants may apply online at www.co.whatcom.wa.us/boardsapplication. Applications are also available in the County Council Office, Whatcom County Courthouse, 311 Grand Ave., Suite 105, Bellingham, on the County website at: (http://www.co.whatcom.wa.us/boards/boardsapplication.pdf), or by phone at 360-778-5010. The Board of Supervisors will make appointments at a regular County Council meeting in the County Council Chambers, 311 Grand Avenue, Bellingham.

SUMAS/EVERSON/NOOKSACK FLOOD CONTROL SUBZONE ADVISORY COMMITTEE- 1 Vacancy, 4-year term
Applicants must live within the subzone boundary. The Committee is an integral part of the program reviewing the Comprehensive Plan for flood control, discusses and recommends budget appropriation, and is a liaison with the public at meetings. The Committee has special meetings throughout the year, as needed.
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Ed Bosscher
Date: 5-20-16
Street Address: 7980 Oat Coles Rd
City: Everett - WA.
Mailing Address (if different from street address):

Day Telephone: 360-966-9706 Evening Telephone:
Cell Phone: 360-815-7336
E-mail address: EdBosscher1412@HOTMAIL.COM

1. Name of board or committee—please see reverse:
   Sumas/Everson Flood

2. You must specify which position you are applying for.
   Please refer to vacancy list.

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: 2005 - to PRESENT

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.
   DAIRY MAN

10. Please describe why you’re interested in serving on this board or commission:
    COMMUNITY SERVICE

References (please include daytime telephone number): 360-815-7336

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.
WHATCOM COUNTY COUNCIL AGENDA BILL

CLEARANCES

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TITLE OF DOCUMENT:
Appointment of Members to Serve on the Jail Stakeholder Workgroup

ATTACHMENTS:

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

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

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

COMMITTEE ACTION:

6/21/2016: Introduced

COUNCIL ACTION:

6/28/2016: Appointed: Councilmembers Barry Buchanan and Todd Donovan
7/12/2016: Appointed 7-0

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

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Howard Hill Cummings
Street Address: 5751 Sterling Ave APT. 1
City: Ferndale W.A.
Zip Code: 98248
Mailing Address (if different from street address): PO Box 1795 Ferndale WA 98248
Day Telephone: ____________________ Evening Telephone: ____________________ Cell Phone: 360.483.9398
E-mail address: hillcummins@live.com

1. Name of board or committee—please see reverse: ____________________
   (Select the one board you wish to serve on)
   (X) Town Council
   ( ) Finance Committee
   ( ) Planning Commission
   ( ) Parks and Recreation
   (X) Recreation Commission
   ( ) Environmental Commission
   ( ) Tourism Commission

2. You must specify which position you are applying for. Please refer to vacancy list.
   (X) 1
   ( ) 2
   (X) 3

3. Do you meet the residency, employment, and/or affiliation requirements of the position for which you’re applying? (If applicable, please refer to vacancy list.) (X) Yes ( ) No

4. Which Council district do you live in? (X) One ( ) Two ( ) Three

5. Are you a US citizen? (X) Yes ( ) No

6. Have you ever been a member of this Board/Commission? (X) Yes ( ) No

7. Have you ever been a member of this Board/Commission? (X) Yes ( ) No

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? (X) Yes ( ) No

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.
   WA State Certified Peer Counselor, Since 2008. Past Member of the Whatcom County Mental Health Advisory Board, North Sound Mental Health Administration Advisory Board, Rainbow Center Member Council, and the Whatcom County Coalition to End Homelessness.

10. Please describe why you’re interested in serving on this board or commission: Being a 25yr resident of Whatcom County who has experienced most of the judicial, behavioral, and financial problems that face our community.

   It would be beneficial to have my voice and story added to this group.

References (please include daytime telephone number):
   Teal Cowdrey: 360.255.2091 ext 135
   Jennifer Hooper: 360.671.703 ext 105, Theresa Meurs: 360.737.9841

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.
JAIL STAKEHOLDER WORKGROUP
City of Bellingham Resident

Board and Commission Application

Step 1

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  kelli
Last Name  carroll
Date  7/19/2016
Street Address  725 Racine St
City  Bellingham
Zip  98229
Do you have a different mailing address?  Field not completed.
Primary Telephone  206-478-9242
Secondary Telephone  Field not completed.
Email Address  Kellicarrollsea@comcast.net

Step 2

1. Name of Board or Committee  Jail Stakeholder Workgroup

Jail Stakeholder Workgroup  Citizen living in the city of Bellingham

2. Do you meet the residency,  Yes
employment, and/or affiliation requirements of the position for which you’re applying?

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

9. Please describe why you're interested in serving on this board or commission

I love my hometown and home county. I have wanted to become more involved in Whatcom’s jail work and planning since I learned of it. As a policy advisor and former budget and policy analyst in King County, I have been deeply steeped in the criminal justice and behavioral health worlds for over 20 years.
years. I believe criminal justice and behavioral health are interwoven, and as such, I would bring a unique and informed perspective to the Whatcom Jail Work Group, if chosen. I am familiar with the various issues facing the county and am ready to contribute my expertise to assist. These factors make me an asset to help move the work forward effectively and in informed and collaborative ways. Please note that I am able to attend weekday meetings if scheduled in advance.

References (please include daytime telephone number):

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Phone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Ureqhart, King County Sheriff</td>
<td>206-263-2555 Dan Satterberg, King County Prosecutor</td>
<td>206-477-1200 Reagan Dunn, King County Councilmember</td>
</tr>
</tbody>
</table>

Signature of applicant: Kelli S. Carroll

Place Signed / Submitted: Seattle, Washington
SKILLS & ABILITIES SUMMARY

- Effective policy strategist with over 20 years of public policy development and implementation expertise in human services and criminal justice areas
- Proven public sector leader with experience building and maintaining strong, positive relationships with elected officials, service providers, and community members
- Successful senior project manager of high profile, complex regional projects spanning health/human services and criminal justice systems and branches of government
- Excellent written and oral communication abilities, including innovative facilitation, collaboration and negotiation skills

EDUCATION

Master of Arts in Public Administration
Seattle University, 2005

Bachelor of Arts in English
Western Washington University, 1987

PROFESSIONAL EXPERIENCE

Strategic Advisor, King County Department of Community and Human Services 2015-Present

- Working with a 30-member appointed Oversight Committee, develop and implement all aspects and phases of King County's $129 million biennial Mental Illness and Drug Dependency (MIDD) sales tax renewal (slated for Councilmanic action Fall, 2016).
- Oversee a staff team implementing the revised MIDD, including updating staffing and contracting models, improving operational policies and internal controls, and conducting Request for Proposal/Information/Qualifications process.
- Communicate and collaborate with wide array of elected officials including councilmembers, judges, prosecutor, sheriff and officials from 39 jurisdictions within the county along with over 40 provider agencies
- Developed and initiated transparent, accessible public outreach and engagement processes on MIDD resulting feedback from over 1,000 citizens.

Senior Principal Legislative Analyst, King County Council 2007-2015

- Provided public policy and fiscal analytical leadership and strategy development for a wide array of issues to the elected King County Council, specializing in health & human services and criminal justice areas.
- Managed policy planning groups comprising separately elected officials, staff, community stakeholders, and system experts in collaborative group processes; framing policy, statutory budgetary, conditions of projects; and jointly developing project objectives and outcomes with work groups and teams.
- Performed project manager duties for countywide projects, including: determining project scope, schedule, timelines, and budgets; managing consultant contracts; developing community outreach and communication strategies; providing technical guidance and direction on research, analysis and data gathering.
- Represented the Council and/or Councilmembers on inter-branch and inter-jurisdictional groups including: the Mental Health and Drug Dependency Oversight Committee, King County Drug Court...
Executive Committee, Regional Mental Health Court Executive Committee, Veterans Court Executive Committee, and the Regional Law, Safety and Justice Committee.

- Served as policy staff leader for the standing Metropolitan King County Council Law, Justice, Health, and Human Services Committee and annual Budget and Fiscal Management Budget Review Panel(s): manage Committee’s legislative workload, draft agendas for Chair approval, review analyses, and work with staff to identify and address policy matters in Committee; present at televised public meetings;
- Supervise and mentor of analysts and committee assistants, conduct performance evaluation and goal setting within the Legislative Branch’s collective bargaining environment.
- Prepare reports, analysis and other documentation, including ordinances and motions, for public presentation and discussion.

Senior Policy Analyst, King County Office of Management and Budget 2005-2007
- Performed policy, evaluation, strategic planning and project management for countywide projects such as the King County Sheriff’s Office operational master plan, the targeted Operational Master Plan for King County Superior Court, Adult Drug Diversion Court process evaluation, and Community Corrections Division evaluation.
- Managed policy, planning and evaluation projects that engaged separately elected officials, stakeholders and county staff in collaborative group processes.
- Served as internal consultant for special projects.

Health & Human Services Budget Supervisor, King County Office of Management and Budget 2001-2005
- Coordinated review and analyses of budgets and financial outputs for King County health and human service departments, representing annual budgets in excess of $500 million.
- Performed budget management and analysis activities of position control, expenditure and revenue monitoring, evaluation and implementation of annual budgets, and development of budget recommendations.
- Developed information for, and responded to, requests for information from media, community agencies and constituents.
- Trained and supervised budget analyst staff.

Budget Analyst III, King County Office of Management and Budget 2000-2001
- Reviewed and evaluated department budget requests.
- Worked with agency staff and Budget Office supervisors to identify budget issues for Budget Director and agency management; developed options and recommendations for department requests and issues.

Management Systems Analyst IV, King County Department of Finance 1999-2000
- Assisted with design, development and implementation of a countywide financial systems replacement project.
- Facilitated development of King County business requirements and reporting needs with department leaders.

Program Analyst III, Public Health-Seattle & King County 1997-1999
Kelli S. Carroll
725 Racine Street
Bellingham, WA 98229
206.478.9242
kellicarrollsea@comcast.net

- Created, implemented and managed $17 million budget for Public Health’s Central Region, representing over 200 staff in five sites within the City of Seattle.
- Collaborated with department managers and program coordinators to develop and recommend programs and/or program revisions.
- Managed administrative, hiring and contracting processes on behalf of Regional Administrator.
**WHATCOM COUNTY COUNCIL AGENDA BILL**

<table>
<thead>
<tr>
<th>CLEARANCES</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
<th>Assigned to</th>
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<td>Executive:</td>
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</table>

**TITLE OF DOCUMENT:**
Confirmation of Members to Serve on the Jail Stakeholder Workgroup

**ATTACHMENTS:**

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

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

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

Confirmation of Members to Serve on the Jail Stakeholder Workgroup

**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).
JAIL STAKEHOLDER WORKGROUP - CONFIRMATION OF MEMBERS

The Jail Stakeholder Workgroup members shall be:

Two members of the Whatcom County Council – Barry Buchanan and Todd Donovan

Two members of the Bellingham City Council - Pinky Vargas and Gene Knutson

One member of the Lummi Indian Business Council – ______________

One member of the Nooksack Tribal Council – ______________

The Whatcom County Executive – Jack Louws

The Mayor of Bellingham - Kelly Linville

One mayor representing the small cities – Jon Mutchler and Scott Korthuis (the Small Cities Caucus has requested that two small city mayors be appointed)

One councilmember representing the small cities - ______________(the Small Cities Caucus has requested that two small city mayors be appointed; no councilmember names were submitted)

The Whatcom County Sheriff – Bill Elfo

The City of Bellingham Police Chief – Clifford Cook

One resident of the City of Bellingham - ______________

One Whatcom County resident who resides outside the City of Bellingham ______________

One member of the Incarceration Prevention and Reduction (IPR) Task Force - Jack Hovenier

One Whatcom County Corrections Officer nominated by the Whatcom County Sheriff - Mark Holst
**TITLE OF DOCUMENT:**
Appointment of members to pro and con statement committees for EMS levy measure

**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>
</tr>
</thead>
<tbody>
<tr>
<td>SEPA review completed?</td>
<td>( ) Yes</td>
<td>( ) 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.)

On May 31, 2016, the Whatcom County Council adopted Ordinance 2016-019, submitting to the voters of Whatcom County a ballot proposition to authorize the County to impose a regular property tax levy of $.0295 or less per thousand dollars of assessed valuation, beginning in 2017 and continuing for six consecutive years, for the continued provision of emergency medical services. The County Council must appoint committees to prepare pro and con statements for the local voters’ pamphlet, with the pro committee preparing a statement in favor of the measure and the con committee preparing a statement opposing the measure.

**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.
PRO AND CON STATEMENT COMMITTEES - EMS LEVY

PRO COMMITTEE VOLUNTEERS:

ROBROY GRAHAM
PATRICIA DUNN (VOLUNTEERED FOR BOTH COMMITTEES)

CON COMMITTEE VOLUNTEERS:

RAY BARIBEAU
CARL UPPIANO
PATRICIA DUNN (VOLUNTEERED FOR BOTH COMMITTEES)
**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>
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<td>7/19/2016</td>
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<tr>
<td>Executive:</td>
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</tbody>
</table>

**TITLE OF DOCUMENT:**
Appoint Pro/Con Statement Committee - Columbia Valley Park District

**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>
</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.)

Council to appoint committees to prepare pro and con statements for the local voters' pamphlet related to the formation of the Columbia Valley Park and Recreation District.

**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.
PRO AND CON STATEMENT COMMITTEES –
COLUMBIA VALLEY PARK AND RECREATION DISTRICT

PRO COMMITTEE VOLUNTEERS:
RICHARD WHITSON
REBECCA BOONSTRA

CON COMMITTEE VOLUNTEERS:
**TITLE OF DOCUMENT:** Appointments to the Public Health Advisory Board

**ATTACHMENTS:** 2 Applications for Appointment

<table>
<thead>
<tr>
<th>SEPA review required?</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>SEPA review completed?</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Should Clerk schedule a hearing?</td>
<td>Yes</td>
<td>No</td>
</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.)

County Executive Jack Louws requests confirmation of his appointments of Lindsey Karas and Chi-Na (Kim) Stoane to the Whatcom County Public Health Advisory 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.
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         Lindsey
Last Name          Karas
Date               6/30/2016
Street Address     7520 Clamdigger Dr.
City               Blaine
Zip                98230
Do you have a different mailing address?  Field not completed.
Primary Telephone  360-303-3358
Secondary Telephone Field not completed.
Email Address      LNicoool@comcast.net

1. Name of Board or Committee
   Public Health Advisory Board

2. Do you meet the residency, employment, and/or affiliation requirements of the position for which you're applying? Yes

3. Which Council district do you live in? District 3

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 am the Resident Services Coordinator at Sterling Meadows and Sterling Senior, properties of Mercy Housing Northwest. I come in close contact, daily, with more than 250 residents who reside in affordable housing from more than 6 countries. I do programming in the areas of Education, Health and Wellness, Community, Financial Literacy, and Housing Stability. I am also a volunteer at Skookum House, a foster home for youth in the first 72 hours in foster care. I have a Bachelor's Degree in Cultural Anthropology and Spanish. I have received awards including the Molina Community Champion Award for Education, Spirit of Mercy Award, and the Ken Gass Community Builders Award.

9. Please describe why you’re interested in serving on this board or commission

I am interested in serving on the Public Health Advisory Board because I think I bring a unique perspective on the health of the families, children, and seniors who are less visible in the community. I would hope that the information I have to share can add another perspective to the table and can be used in collaboration with the Health Department. I know multiple employees in the Health Department and find their programs and focus very interesting and would love to be more involved, however is needed.

References (please include daytime telephone number):

Astrid Newell 778-6105 Angela Harwood 223-3318 Isabel Meaker 201-4875

Signature of applicant:

Lindsey Karas

Place Signed / Submitted

Bellingham, WA
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

Name: Chi-Na (Kim) Stoane  Date: 6-8-16
Street Address: 2369 North Shore Rd
City: Bellingham  Zip Code: 98226

Mailing Address (if different from street address):

Day Telephone: 360-735-1769  Evening Telephone: 360-778-3347  Cell Phone:
E-mail address: ChinaStoane@gmail.com

1. Name of board or committee—please see reverse: PHAB

2. 

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: _______________________________________________________________________

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.

I am a Board certified Emergency Medicine physician and have worked in Community Health Medicine for

10. Please describe why you’re interested in serving on this board or commission: last 12 years. 

please see attached

References (please include daytime telephone number): Dr. Greg Stein - 778-6008
Dr. Asma Naival - 778-6105

Signature of applicant: Child Kwun
I am interested in serving on PHAB because I think the board serves an important function in our community. I have worked in Community Health Clinic and Emergency Department in last 16 years, all of my career. Because of the nature of my work, I have felt the need of my patients first hand.

I believe that everyone should have opportunities, and we as society do better when everyone’s basic needs are met. Only then, can we live above the bottom of Maslow’s hierarchy, and fully express our potential. Only then, are we able to positively contribute to our society.

I have spent last 16 years working with the underserved patient population. Although it has been rewarding, I would like to change my focus and direct my attention to working with organizations that can affect bigger changes in our community.

I would greatly appreciate an opportunity to work with Public Health Advisory Board, it would be an honor to be a member of this board. Thank you for this opportunity to write to you.
TITLE OF DOCUMENT: 2016 Supplemental Budget Request #13

ATTACHMENTS: Ordinance, Memoranda & Budget Modification Requests

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

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

Supplemental #13 requests funding from the General Fund:

1. To appropriate $100,000 in the Assessor’s Office to fund continuation of refinery appeals defense.
2. To appropriate $5,000 in the Sheriff’s Office to fund boating safety patrols from grant proceeds.
3. To appropriate $5,000 in the Sheriff’s Office to fund overtime for drug enforcement investigations from reimbursement contract #RL-16-0014 proceeds.
4. To appropriate $5,000 in the Sheriff’s Office to fund overtime for drug enforcement investigations from reimbursement contract #RL-16-0018 proceeds.
5. To appropriate $46,200 in Non-Departmental to fund What-Comm E911 pass-through grant.

COMMITTEE ACTION:  

COUNCIL ACTION:  

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

540
ORDINANCE NO.
AMENDMENT NO. 13 OF THE 2016 BUDGET

WHEREAS, the 2015-2016 budget was adopted November 25, 2014; and,
WHEREAS, changing circumstances require modifications to the approved 2015-2016
budget; and,
WHEREAS, the modifications to the budget have been assembled here for deliberation by
the Whatcom County Council.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the 2015-2016
Whatcom County Budget Ordinance #2014-065 is hereby amended by adding the following
additional amounts to the 2016 budget included therein:

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<th>Fund</th>
<th>Expenditures</th>
<th>Revenues</th>
<th>Net Effect</th>
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<tr>
<td>Assessor</td>
<td>100,000</td>
<td>-</td>
<td>100,000</td>
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<tr>
<td>Sheriff's Office</td>
<td>15,000</td>
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<td>Non-Departmental</td>
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<td>Total General Fund</td>
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<td>Total Supplemental</td>
<td>161,200</td>
<td>(61,200)</td>
<td>100,000</td>
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ADOPTED this ___ day of __________________, 2016.

ATTEST:

Dana Brown-Davis, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Barry Buchanan, Chair of the Council

APPROVED AS TO FORM:

( ) Approved ( ) Denied

Jack Louws, County Executive

Date: ___________________
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<tr>
<th>Department/Fund</th>
<th>Description</th>
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<th>(Increased) Decreased Revenue</th>
<th>Net Effect to Fund Balance (Increase) Decrease</th>
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<td>Assessor</td>
<td>To fund continuation of refinery appeals defense.</td>
<td>100,000</td>
<td>-</td>
<td>100,000</td>
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<tr>
<td>Sheriff's Office</td>
<td>To fund boating safety patrols from grant proceeds.</td>
<td>5,000</td>
<td>(5,000)</td>
<td>-</td>
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<tr>
<td>Sheriff's Office</td>
<td>To fund overtime for drug enforcement investigations from reimbursement contract #RL-16-0014 proceeds.</td>
<td>5,000</td>
<td>(5,000)</td>
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<td>5,000</td>
<td>(5,000)</td>
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<td>161,200</td>
<td>(61,200)</td>
<td>100,000</td>
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<td><strong>Total Supplemental</strong></td>
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<td>161,200</td>
<td>(61,200)</td>
<td>100,000</td>
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Supplemental Budget Request

Assessor

Fund 1  Cost Center 300  Originator: Keith Willnauer

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

Name of Request: Continuation of Refinery Appeals Defense

[X] 7/19/16
Department Head Signature (Required on Hard Copy Submission)  Date

Costs:

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1a. Description of request:
Whatcom County's two Cherry Point petroleum refineries have appealed their 2013, 2014, and 2015 property valuations. They have placed over 310 million dollars of valuation into controversy. The Washington State Board of Tax Appeals will hear the case. The Whatcom County Assessor's Office with the assistance of the Washington State Department of Revenue is responsible for the defense.

The Assessor's Office will continue to contract professional services with specialty in this litigation arena to support the County's position. Approximately $200,000 has been spent or obligated in this effort to date. This supplemental requests additional budget authority to be able to complete this case in 2016.

1b. Primary customers:
The affected taxing districts including Whatcom County, the Port of Bellingham, the Rural Library, Fire District #7, and the Blaine and Ferndale School Districts. Also, the taxpayers in all of the affected districts.

2. Problem to be solved:
The Assessor's Office does not have the available staff resource and expertise to perform the required defense. The negative consequences for substantial valuation reductions and associated tax refunds are significant. Taxpayers will be effected by higher property tax bills and diminished service delivery from taxing district budget impacts.

3a. Options / Advantages:
The parties are significantly distant in their initial opinions of value. No reasonable settlement is likely. The scope of damage to taxpayers and taxing districts requires a fully adequate defense.

3b. Cost savings:
The cost savings are estimated to be over 1 million dollars in direct taxing district budget revenue and an additional increase in property tax bills of $80.00 for a 250K valuation for every Whatcom County property taxpayer.

4a. Outcomes:
The Washington State Board of Tax Appeals will deliver it's 2013 decision following the cause's scheduled August, 2016 hearings conclusion.

4b. Measures:
The ruling will establish both the outcome and the measure of success.

5a. Other Departments/Agencies:
The Whatcom County Prosecuting Attorney's Department has assigned outside legal counsel and will also be required to provide additional Deputy Civil Prosecuting Attorney assistance.

5b. Name the person in charge of implementation and what they are responsible for:
The Assessor's Office's assigned Deputy Civil Prosecuting Attorney is Jeffrey Sawyer. He will be
Supplemental Budget Request

Assessor

<table>
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<tr>
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<tr>
<td>2174</td>
<td>1</td>
<td>300</td>
<td>Keith Willnauer</td>
</tr>
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</table>

responsible for legal defense administrative support, strategic input, analysis, and document preparation, presentations and review.

6. Funding Source:

County Current Expense
MEMORANDUM

TO: Jack Louws, County Executive
FROM: Sheriff Bill Elfo
DATE: March 15, 2016
SUBJECT: Supplemental Budget ID# 2172
Recreational Boating Safety Grant 2016 Increase

The attached Supplemental Budget requests budget authority for the 2016 Recreational Boating Safety Grant increase in award.

Background and Purpose
The Sheriff’s Office received a Recreational Boating Safety Grant Award of $17,690.70 from Washington State Parks and Recreation Commission to conduct on the water patrols during the peak boating period from March 1 through September 30, 2016 (Whatcom County Contract #201603002).

In a letter dated July 8, 2016, The Washington State Parks and Recreation Commission awarded an additional $5,000 to the Sheriff’s Office in recognition of our long term support of the Recreational Boating Safety (RBS) Program and for providing State Parks RBS program instructors to conduct basic and advanced marine law enforcement training.

Funding Amount and Source
Additional $5,000 provided by Washington State Parks and Recreation Commission, Recreational Boating Safety Federal Financial Assistance Grant, CFDA No. 97.012.

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

Thank you.
**Supplemental Budget Request**

**Status:** Pending

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<tr>
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<td>1003512006</td>
<td>Dawn Pierce</td>
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**Expenditure Type:** One-Time  
**Year:** 2016  
**Add'l FTE:**  
**Add'l Space:**  
**Priority:** 1

**Name of Request:** Recreational Boating Safety Grant 2016 Increase

**Department Head Signature** (Required on Hard Copy Submission)  
**Date:** 7/11/16

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<td>Regular Salaries &amp; Wages</td>
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<td>6140</td>
<td>Overtime</td>
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<td></td>
<td>6259</td>
<td>Worker's Comp-Interfund</td>
<td>$122</td>
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**Request Total:** $0

1a. **Description of request:**

The Sheriff's Office will conduct additional on-the-water patrols to increase education and enforcement activities encouraging greater compliance with boating safety laws in an effort to reduce boating-related loss of life, personal injury, and property damage.

1b. **Primary customers:**

Whatcom County citizens and visitors

2. **Problem to be solved:**

The Sheriff's Office is currently the only law enforcement agency in Whatcom County that operates a state approved boating safety program under WAC 352-65. The Sheriff's Office provides recreational boating safety patrols and enforcement of both county code and state law.

3a. **Options / Advantages:**

Grant funds are awarded specifically for boating safety education, assistance, and enforcement activities.

3b. **Cost savings:**

Cost savings of $5,000.00

4a. **Outcomes:**

Marine patrols will be conducted during the peak boating period from May to September 2016.

4b. **Measures:**

Written vessel inspections using approved State Parks inspection forms will be completed and submitted.

5a. **Other Departments/Agencies:**

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

6. **Funding Source:**


---

**Sunday, July 10, 2016**
To: Whatcom County Sheriff’s Office, Sheriff Bill Elfo

From: Wade Alonzo, Washington State Parks Boating Program, Boating Law Administrator

Subject: Grant increase for instructor support

Date: Friday, July 08, 2016

In recognition of the long-term support of the Recreational Boating Safety program and the fiscal, personnel, and logistic expenditures made by your agency by providing instructors to State Parks we are increasing your grant amount.

Your agency for providing instructor(s) to the State Parks RBS program will be immediately awarded an additional $5000.00 to your Federal Financial Assistance Grant. Your current grant amount of $17,690.70 is increased to $22,690.70 upon receipt of this notification. As State Parks has grown the number, and types of boating courses offered, it has required much more support and participation from your personnel and your agency.

This bonus amount may change from year to year based on multiple factors that affect the Federal Financial Assistance Grants. However, it is State Parks intention to compensate your agency for actively supporting Recreational Boating Safety in Washington State by going beyond the call of duty. Without your personnel and the support provided to them by your agency, our ability to offer basic and advanced level marine law enforcement training would be severely impacted.

Please do not hesitate to email or call Hoyle Hodges 360-902-8835 hoyle.hodges@parks.wa.gov Marine Law Enforcement Coordinator if there are any questions.
Memorandum

TO: Jack Louws, County Executive
FROM: Sheriff Bill Elfo
DATE: July 11, 2016
SUBJECT: Supplemental Budget ID #2170
         Reimbursable OT – OCDETF DEA #RL-16-0014

The attached Supplemental Budget requests budget authority for overtime to participate in Federal Organized Crime Drug Enforcement Task Forces (OCDETF) investigations.

Background and Purpose
The Sheriff’s Office received approval from the U.S. Department of Justice Drug Enforcement Administration to participate in the investigation and prosecution of major drug trafficking organizations and will reimburse Whatcom County Sheriff’s Office overtime for deputies engaged in these Federal Organized Crime Drug Enforcement Task Forces (OCDETF) investigations.

Deputies assigned to assist in OCDETF investigations may perform a variety of functions, including: interviewing witnesses, conducting surveillance, performing undercover assignments, handling informant transportation and/or prisoner transportation, preparing and executing search and arrest warrants, serving subpoenas, assisting with trial preparation, and testifying at trials.

Funding Amount and Source
Funding of $5,000 will be provided by the U.S. Department of Justice Organized Crime Drug Enforcement Task Forces (OCDETF) State and Local Overtime (SLOT) Fund.

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

Thank you.
Supplemental Budget Request

Status: Pending

Sheriff Operations

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

Name of Request: Reimbursable OT - OCDETF DEA #RL-16-0014

Department Head Signature (Required on Hard Copy Submission) 7/11/16

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<td>6110</td>
<td>Regular Salaries &amp; Wages</td>
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<td>6140</td>
<td>Overtime</td>
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1a. Description of request:
The Sheriff's Office received approval from the U.S. Department of Justice Drug Enforcement Administration to participate in the investigation and prosecution of major drug trafficking organizations. The Organized Crime Drug Enforcement Task Forces (OCDETF) State and Local Overtime (SLOT) Fund will pay for overtime of Whatcom County Sheriff's Office deputies engaged in Federal OCDETF investigations.

1b. Primary customers:
Citizens of Whatcom County.

2. Problem to be solved:
Additional budget authority is needed to provide the investigative services.

3a. Options / Advantages:

3b. Cost savings:
Cost savings of $5,000

4a. Outcomes:
Sheriff's Office Drug Task Force deputies will participate in Federal OCDETF investigations.

4b. Measures:
Activity logs will be completed and monthly reports submitted.

5a. Other Departments/Agencies:

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

6. Funding Source:
$5,000 will be provided by U.S. Department of Justice Organized Crime Drug Enforcement Task Forces (OCDETF) State and Local Overtime Fund.

Monday, July 11, 2016
Memorandum

TO: Jack Louws, County Executive
FROM: Sheriff Bill Elfo
DATE: July 11, 2016
SUBJECT: Supplemental Budget ID #2171

The attached Supplemental Budget requests budget authority for overtime to participate in Federal Organized Crime Drug Enforcement Task Forces (OCDETF) investigations.

Background and Purpose
The Sheriff’s Office received approval from the U.S. Department of Justice Drug Enforcement Administration to participate in the investigation and prosecution of major drug trafficking organizations and will reimburse Whatcom County Sheriff’s Office overtime for deputies engaged in these Federal Organized Crime Drug Enforcement Task Forces (OCDETF) investigations.

Deputies assigned to assist in OCDETF investigations may perform a variety of functions, including: interviewing witnesses, conducting surveillance, performing undercover assignments, handling informant transportation and/or prisoner transportation, preparing and executing search and arrest warrants, serving subpoenas, assisting with trial preparation, and testifying at trials.

Funding Amount and Source
Funding of $5,000 will be provided by the U.S. Department of Justice Organized Crime Drug Enforcement Task Forces (OCDETF) State and Local Overtime (SLOT) Fund.

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

Thank you.
Supplemental Budget Request

Sheriff Operations

Status: Pending

SuppID # 2171 Fund 1 Cost Center 1003516002 Originator: Dawn Pierce

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

Name of Request: Reimbursable OT - OCDETF DEA #RL-16-0018

Department Head Signature (Required on Hard Copy Submission) Date

X

7/11/16

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1a. Description of request:
The Sheriff's Office received approval from the U.S. Department of Justice Drug Enforcement Administration to participate in the investigation and prosecution of major drug trafficking organizations. The Organized Crime Drug Enforcement Task Forces (OCDETF) State and Local Overtime (SLOT) Fund will pay for overtime of Whatcom County Sheriff's Office deputies engaged in Federal OCDETF investigations.

1b. Primary customers:
Citizens of Whatcom County.

2. Problem to be solved:
Additional budget authority is needed to provide the investigative services.

3a. Options / Advantages:

3b. Cost savings:
Cost savings of $5,000

4a. Outcomes:
Sheriff's Office Drug Task Force deputies will participate in Federal OCDETF investigations.

4b. Measures:
Activity logs will be completed and monthly reports submitted.

5a. Other Departments/Agencies:

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

6. Funding Source:
$5,000 will be provided by U.S. Department of Justice Organized Crime Drug Enforcement Task Forces (OCDETF) State and Local Overtime Fund.
MEMORANDUM

To:    Whatcom County Executive Jack Louws and
       Whatcom County Council Members

From:  Suzanne Mildner, Grant Coordinator

Subject:  Supplemental Budget Request for E911 funding (Pass through Grant to
What-Comm)

Date:  July 13, 2016

The County is in the process of entering into a subrecipient agreement with the City of
Bellingham to facilitate a pass-through grant from The Washington State Military
Department. The grant funding is for FY2015-17 Emergency 911 operational expenses
for What-Comm Communications.

The grant contract period is July 2016 through August 2017, for a total of $46,200. The
execution of the Subrecipient Agreement will be contingent upon your approval of this
budget authority. Accordingly, we are requesting approval for supplemental funding in
the amount of $46,200 to support 911 operations at What-Comm Communications.
Supplemental Budget Request

Executive

Fund 1  Cost Center 4281  Originator: Suzanne Mildner

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

Name of Request: What-Comm E911 Operations 2016-17

X  7/14/16

Department Head Signature (Required on Hard Copy Submission)

Costs: Object  Object Description  Amount Requested

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Request Total  $0

1a. Description of request:
This is an annual state-funded pass-through grant from the Washington State Military Department to reimburse the What-Comm Communications Center for eligible E911 operating expenditures under WAC 118-66-050 (eligible professional development and operational expenses).

1b. Primary customers:
City of Bellingham, What-Comm Communications Center

2. Problem to be solved:
What-Comm is able to access this State Military Department funding by way of passing through the local county government (by Subrecipient Agreement)

3a. Options / Advantages:
This intergovernmental grant agreement is a vehicle for accessing this fund source. The acceptance of these grant funds ultimately reduces the cost to the community for 911 services.

3b. Cost savings:
N/A

4a. Outcomes:
911 services cost reductions for our community due to state subsidies

4b. Measures:
N/A

5a. Other Departments/Agencies:
City of Bellingham, What-Comm Communications

5b. Name the person in charge of implementation and what they are responsible for:
Greg Erickson, E911 Coordinator

6. Funding Source:
Washington State Military Department

Wednesday, July 13, 2016
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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<th>CLEARANCES</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
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**TITLE OF DOCUMENT:**
Specified Fittings Comprehensive Plan Amendment and Rezone Ordinance

**ATTACHMENTS:**

1. Staff Memorandum
2. Proposed Ordinance with Attached Comprehensive Plan and Zoning Map Amendments

**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.)

A proposed Comprehensive Plan Amendment to change the land use designation from Rural to Rural Community (LAMIRD per RCW 36.70A.070(5)(d)(ii)), and a proposed zoning map amendment to rezone from Rural 1 dwelling unit per 5 acres (R-5A) to Rural Industrial Manufacturing (RIM) for approximately 2 acres on the north side of Smith Road about 500 feet west of Guide Meridian, located in Section 25, T.39 N., R.2 E., Assessor's Parcel 390225459079.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

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

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

FROM: Gary Davis, AICP, Senior Planner

THROUGH: Mark Personius, AICP, Assistant Director

DATE: July 12, 2016

SUBJECT: Specified Fittings Comprehensive Plan and Zoning Map Amendment

On January 15, 2013 the County Council voted to forward for concurrent review an ordinance changing the Comprehensive Plan designation and zoning district for about two acres on Smith Road west of Guide Meridian. This property is a portion of the 12-acre industrial property, and had been excluded from the industrial zoning because the zoning boundary had been drawn to follow BPA powerlines that cross the parcel diagonally.

The property owner applied to rezone the land from R-5A to RIM, and to include it within the boundary of the Comprehensive Plan "Rural Community" designation, a limited area of more intensive rural development (LAMIRD) (PLN2012-00006). Because the Smith/Guide Meridian LAMIRD was subject to a Growth Management Hearings Board order of invalidity in 2013 (GMHB Case No. 11-2-0010c), the ordinance to change the zoning and Comprehensive Plan designation could not be considered as part of the 2013, 2014, or 2015 concurrent review of the Comprehensive Plan.

On February 8, 2016, after Whatcom County and petitioners in the case signed a settlement agreement, the Hearings Board issued an order finding compliance and lifting the finding of invalidity concerning the LAMIRD boundary. PDS is now forwarding the ordinance for consideration of adoption concurrent with the 2016 periodic update of the Comprehensive Plan. The draft ordinance is attached. Please contact me at extension 5931 if you have questions concerning this proposal.

Attachments:
    Draft ordinance
AMENDING THE COMPREHENSIVE PLAN DESIGNATION IN THE SMITH ROAD / GUIDE MERIDIAN AREA FROM RURAL TO RURAL COMMUNITY AND AMENDING THE OFFICIAL WHATCOM COUNTY ZONING MAP FROM R5A TO RIM

WHEREAS, Specified Fittings, Inc. submitted an application to rezone a two-acre portion of a 12-acre parcel from Rural one dwelling per five acres (R-5A) to Rural Industrial Manufacturing (RIM); and

WHEREAS, the Whatcom County Planning Commission held a public hearing and recommended approval on November 15, 2012; and

WHEREAS, notice of the Whatcom County Planning Commission public hearing was published November 2, 2012; and

WHEREAS, notice of the subject rezone and development agreement was sent to state and local agencies, and property owners within 1000 feet of the site; and

WHEREAS, the Whatcom County Council has reviewed the Planning Commission recommendations; and

WHEREAS, legal notice requirements have been met; and

WHEREAS, the Whatcom County Council hereby adopts the following findings of fact and conclusion:

**FINDINGS OF FACT**

1. The subject property is a two acre portion of a 12 acre parcel, and is located largely within an easement for major electrical lines.

2. The owner has applied to amend the Comprehensive Plan land use designation from Rural to Rural Community (Type I LAMIRD), and to amend the zoning from Rural, one dwelling per five acres, to Rural Industrial Manufacturing on the two-acre property.
3. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on November 9, 2012.

4. The proposal was posted on the County website on November 2, 2012.

5. Notice that the proposal had been posted on the County website was sent to citizen, media and other groups on the County’s e-mail list on November 6, 2012.

6. Notice of the subject amendment was submitted to the Washington State Department of Commerce on October 26, 2012.

7. Notice of the Planning Commission hearing for the subject amendment was published in the Bellingham Herald on November 2, 2012.

8. Notice of the Planning Commission hearing for the subject amendment was posted on the County’s website on November 2, 2012.

9. Notice of the Planning Commission hearing was mailed to owners of the subject properties and surrounding land owners within 1,000’ of the subject properties on November 1, 2012.

10. Notice of the Planning Commission hearing was posted on the subject site on November 2, 2012.

11. The Planning Commission held a public hearing on the subject amendment on November 15, 2012.

12. 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:

i. The anticipated effect upon the rate or distribution of population growth, employment growth, development, and conversion of land as envisioned in the comprehensive plan.

ii. 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.

iii. 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.

13. A January 9, 2012 Growth Management Hearings Board order found the boundary of the Smith / Guide Meridian Rural Community (Type I LAMIRD) to be noncompliant with GMA and invalid (Case No. 11-2-0010c). Subsequent to a settlement agreement between Whatcom County and petitioners in the Hearings Board case, the Board issued an order finding compliance on February 8, 2016, which included the Smith / Guide Meridian LAMIRD boundary.

CONCLUSIONS

1. Because of the size of the subject parcel and its location within a power line easement, it is largely unusable as residential land.

2. The subject Comprehensive Plan amendment complies with the Growth Management Act and the approval criteria of WCC 2.160.080.

3. The subject zoning map amendment is consistent with the Whatcom County Comprehensive Plan.

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

Section 1. Map 2.1 of the Whatcom County Comprehensive Plan is hereby amended as shown in Exhibit 1.
Section 2. The Official Whatcom County Zoning Map is hereby amended as shown in Exhibit 2.

Section 3. Adjudication of invalidity of any of the sections, clauses, or provisions of this Ordinance shall not affect or impair the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

ADOPTED this ___ day of _________________ 2016.

ATTEST:                                    WHATCOM COUNTY COUNCIL
                                            WHATCOM COUNTY, WASHINGTON

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

APPROVED as to form:                      ( ) Approved ( ) Denied

Jack Louws, Executive

Date:______________________________
File #: PLN2012-00006
Proposed Rezoning

Existing Zoning Boundary
Proposed Rezone Area

Proposed Zoning - RIM (not in parentheses)
Existing Zoning - (R5A)
### WHATCOM COUNTY COUNCIL AGENDA BILL

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### TITLE OF DOCUMENT:


### ATTACHMENT:

1. Staff Memorandum
2. Proposed Ordinance

### 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 discuss with Council amendments to the County’s development regulations, official zoning map, and related changes to the Comprehensive Plan and its subsets, proposed as part of that review and described as follows:

Amendments to Whatcom County Code (WCC) Title 20 (Zoning), Title 21 (Land Division Regulations), Title 22 (Guide Meridian Improvement Plan), and the official zoning map. Title 20 amendments include amending WCC Chapter 20.36 to require reclamation plans for surface mining uses in the Rural zone, amending Chapter 20.43 revising the maximum percentage of lot area that can be removed from production of forest products in the Commercial Forestry zone, amendments to WCC Chapters 20.72, 20.80, 20.97 and the Point Roberts Character Plan involving sign regulations and permit review in the Point Roberts Special District, amending WCC Chapter 20.82 concerning new sewer lines and amendments to WCC Chapters 20.24, 20.65, 20.66, 20.68, and 20.80.210 to update references to the Urban Fringe Subarea Plan. WCC 20.80.210 is adopted by reference in the WCCP and amendments to that section are also a WCCP amendment. The Point Roberts Character Plan is a part of the Point Roberts Subarea Plan, which is a subset of the WCCP, therefore the amendment is an amendment to the WCCP. Title 21 amendments consist of amending WCC Chapters 21.03, 21.04, 21.06, and 21.08 to change standards for required disclosures for plats near significant pipelines. Title 22 amendments consist of repealing Title 22, the Guide Meridian Improvement Plan. The plan is a component of the Urban Fringe Subarea Plan, which is a subset of the WCCP, therefore the amendment is also an amendment to the WCCP. The changes to the zoning maps consist of amending the zoning maps for all urban growth areas to reflect changes to urban growth area and urban growth area reserve boundaries, and rescheduling the short term planning area zoning.

### COMMITTEE ACTION:

### 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).
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: July 13, 2016


In conjunction with the 2016 Comprehensive Plan periodic update required by RCW 36.70A.130, PDS proposes the attached amendments to provide for consistency within the Comprehensive Plan, and between the Plan and its implementing development regulations. On June 14 the County Council Special Committee of the Whole discussed a set of proposed amendments to development regulations and subsets of the Comprehensive Plan. On June 28 the County Council held a public hearing on the proposed amendments. The County Council has proposed no changes, and PDS is forwarding a draft ordinance to adopt these amendments. As before, these amendments include:

- 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 draft ordinance findings provide a discussion of each proposed amendment. Please contact me at extension 5931 if you have questions regarding the proposed ordinance.

Attachments:

Draft ordinance
ADOPTING DEVELOPMENT REGULATION AND COMPREHENSIVE PLAN AMENDMENTS RELATING TO THE 2016 COMPREHENSIVE PLAN PERIODIC UPDATE

WHEREAS, The Growth Management Act requires Whatcom County to periodically review and update the Comprehensive Plan; and

WHEREAS, The Growth Management Act requires Whatcom County to periodically review and update UGAs; and

WHEREAS, The Whatcom County Council reviewed and considered Planning Commission recommendations, staff recommendations, city recommendations, advisory committee recommendations, Tribal government comments, and public comments on the Comprehensive Plan update; and

WHEREAS, The County Council hereby adopts the following findings of fact:

FINDINGS OF FACT

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.** WCC 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

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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 amendments conform to applicable requirements of the Growth Management Act.

2. The subject amendments satisfy the approval criteria of WCC 2.160.080.
3. The proposed amendments to the development regulations are consistent with the comprehensive plan.

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

Section 1. Amendments to the Whatcom County Code are hereby adopted as shown on Exhibit A; and

Section 2. Amendments to the Whatcom County Comprehensive Plan are hereby adopted as shown on Exhibit B;

Section 3. Amendments to the Whatcom County Official Zoning Map are hereby adopted as shown on Exhibit C.

ADOPTED this ______ day of ______________, 2016.

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

ATTEST:

______________________________  ______________________________
Dana Brown-Davis, Council Clerk  Barry Buchanan, Chairperson

APPROVED as to form:  ( ) Approved  ( ) Denied

______________________________
Civil Deputy Prosecutor

______________________________
Jack Louws, Executive

Date: _______________________

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Exhibit A

Whatcom County Code Amendments

WCC Title 20 Zoning
WCC Title 21 Land Division Regulations
WCC Title 22 Guide Meridian Improvement Plan
Chapter 20.24

URBAN RESIDENTIAL - MIXED (UR-MX) DISTRICT

20.24.050 Permitted uses.

052 Single-family attached dwellings; provided, that public sewer, water and, where identified by the appropriate Comprehensive Plan policies, stormwater collection and detention facilities serve the site, not more than four units are attached, and the number of dwelling units conforms to the density requirements of the district. However, additional multifamily development shall not be allowed within the UR-MX zones identified on Map 3-2 of the Urban Fringe Subarea Comprehensive Plan.

20.24.130 Administrative approval uses.
The following uses are permitted subject to administrative approval pursuant to WCC 20.84.235.

.132 Duplex and multifamily dwellings subject to the following limitations and the developer has conducted at least one neighborhood meeting prior to application for the purpose of hearing neighborhood concerns and suggestions regarding the proposal. Where being developed in an existing neighborhood characterized by residential development at densities of one dwelling per acre or greater, the uses listed in WCC 20.24.132 shall be administered as conditional uses rather than administrative approval uses; and are subject to the same criteria, requirements, bonuses and restrictions as if they were administrative approval uses:
(1) Duplex and multifamily dwelling units do not comprise more than 25 percent of the total dwelling units allowed for the entire site.

(2) Duplex and multifamily dwelling units are constructed at the same time as, or after, at least 50 percent of the single-family units in an approved development.

(3) Additional multifamily development shall not be allowed within the UR-MX Zones identified on Map 32, Bennett Drive Residential Area of the Urban Fringe Subarea Comprehensive Plan.

(4) Multifamily dwellings are prohibited in Area 1 and Area 4 on Map 3, Bennett Drive Residential Area, Urban Fringe Subarea Land Use Plan.

20.24.700 Transfer of residential development rights.

Areas designated in the Comprehensive Plan and assigned a UR-MX zone district, with the exception of the Bennett Drive Residential Area designated on Map 3-2 of the Urban Fringe Subarea Plan, are considered receiving areas for transfer of development rights from any sending area or base zone which has been established as linked to these areas.

Chapter 20.36

RURAL (R) DISTRICT

20.36.150 Conditional Uses

.159 Surface mining and accessory washing and sorting outside of short-term planning areas; provided, that:

(1) The activity is not subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW).

(2) The activity will not result in excavation or equipment within 50 feet of county road rights-of-way.
(3) The activity will not result in excavation or equipment within 50 feet of the exterior property lines of the site, except in the case of two contiguous operations in which case by mutual consent this setback can be zero.

(4) Reclaimed side slopes shall not be steeper than three feet horizontal to one foot vertical for unconsolidated materials.

(5) At minimum, the operations shall adhere to the development and performance standards of WCC 20.73.650 and 20.73.700.

(6) All topsoil remains on site for use in subsequent reclamation.

(7) No soil erosion or sedimentation will occur beyond the exterior property lines of the site.

(8) No excavation shall occur within the five-year zone of contribution for designated wellhead protection areas. Excavations may occur within the 10-year zone of contribution outside of the five-year zone of contribution if they are not within 10 vertical feet of the seasonal high water table. Wellhead protection boundaries may be adjusted in accordance with WCC 20.73.131(2).

(9) A cumulative maximum of three acres may be mined within the outer boundary of the parcel as it existed at the time of adoption of the amendment codified in this subsection. The intent of this provision is to prevent multiple conditional use permits for three-acre surface mines on a single parcel and prevent lots that were divided from a parent parcel after adoption of the amendment codified in this subsection from each having a three-acre surface mine.

(10) Owners and/or Operators shall submit a reclamation plan that is consistent with the requirements of RCW 78.44.141.

(11) Performance bonds or other monetary security as approved by the prosecuting attorney equal to the costs of completing the proposed reclamation plan, subsection (10) of this section, are submitted to the county, which shall be released within two years after completion of surface mining; provided, that reclamation has been completed according to the reclamation plan.

Chapter 20.43
COMMERCIAL FORESTRY (CF) DISTRICT

WCC 20.43.450 - Lot Coverage:
No more than 25-20 percent of the lot area shall be permanently altered or removed from production of forest products, excluding natural meadows, bogs, surface water and rock outcrops.


Chapter 20.65

GATEWAY INDUSTRIAL (GI) DISTRICT


20.65.050 Permitted uses.
The following permitted and accessory uses shall be allowed subject to an evaluation by the zoning administrator pursuant to the provisions of this chapter and Chapter 20.80 WCC. No permitted or conditional use shall be issued a building permit without provision of public sewer and water as defined in Chapter 20.97 WCC except as provided in WCC 20.65.058 and 20.65.654. Further, each permitted and accessory use shall be administered pursuant to the applicable provisions of the Whatcom County SEPA Ordinance, the Whatcom County Subdivision Ordinance and the Whatcom County Shoreline Management Program.

.055 The following uses within one-quarter mile of a freeway interchange; except, that where this boundary divides a single parcel up to 10 percent of the area of a parcel that lies outside of this boundary may be included within it for the purposes of lot coverage and open space provisions:

(1) Retail shops; provided, they do not exceed 10,000 square feet per shop in the Gateway Industrial District west of Interstate 5 and north of Airport Way, and west of Bennett Drive and south of Airport Way, shown on Map 3 of the Urban Fringe Subarea Plan (Planning Areas 1 and 2, identified on Map 6 of the 1997 Urban Fringe Subarea Plan) and as described in the text of the Urban Fringe Subarea Plan Map 6: West Bakerview/I-5 Interchange Area, as adopted May 19, 1998. Retail shops in other Gateway Industrial areas shown on that map may not exceed 35,000 square feet per retail shop.


20.65.400 Height limitations.
Maximum building height shall not exceed 35 feet; except, that an additional foot in height is allowed for each one-foot increase in setback in the yard adjoining the interstate highway up to 45 feet in the West Bakerview/I-5 Interchange


5

574
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 recategorization of such sign as an illegal sign. Where there are conflicts between this section and Chapter 20.83 WCC, the provisions of this section shall prevail.

********

Chapter 20.80

SUPPLEMENTARY REQUIREMENTS

********

20.80.210 Setback Requirements (Adopted by reference in WCCP Chapter 2)

********

(5) Setbacks. For the purposes of this chapter, the road classification used to determine setback requirements shall be as set forth in this section. In the event a particular road is not listed in this section, the department of public works shall determine the classification, which classification shall be based on the Whatcom County Development Standards or such other local, state or federal roadway standards as the department of public works deems appropriate. Dead-end or loop streets providing access to 16 or fewer lots shall be classified as minor access streets.
(b) Setbacks Table.

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1. Maximum building height shall not exceed 35 feet; except, that an additional foot in height is allowed for each one-foot increase in setback in the yard adjoining the interstate highway up to 45 feet in the West Bakerview/I-5 Interchange area, Map 3 of the Urban Fringe Subarea and up to 75 feet in the Birch Bay-Lynden Road area of the Blaine Birch Bay Subarea. Height of structures, where applicable, shall also conform to the general requirements of WCC 20.80.675.

20.80.410 Signs – General Provisions – Applicable to all districts.

(1) No sign or any portion of a sign shall be located on or over public property, such as road rights-of-way and easements, transmission line corridors or utility easements. Standard building height limits and setbacks shall apply to all signs unless otherwise provided elsewhere in this title or on other county codes or regulations including the county’s Shoreline Management Program and the Point Roberts Character Plan. All freestanding signs advertising on-premise operations may be located within required landscaping areas, except that no such sign shall be closer than 10 feet to the road right-of-way. This distance shall be increased if it can be shown to present a traffic hazard.

Chapter 20.82
PUBLIC UTILITIES
20.82.030 Conditional Uses.

(4) New sewer lines extensions with an inside diameter of six inches or greater and length of 150 feet or greater, except for new sewer lines located and installed within urban growth areas or limited areas of more intensive rural development (LAMIRDS), and in conformance with a state approved sewer and/or water comprehensive plan and consistent with the Whatcom County Comprehensive Plan, which shall be permitted outright. Sewer lines shall not be extended to serve lots in rural outside urban growth areas unless such extensions are shown to be necessary to protect basic public health and safety and the environment, and when such services are financially supportable at rural densities and do not permit urban development. Sewer lines may pass through areas outside urban growth areas provided they do not provide sewer service to any lot in the non-urban areas.

Chapter 20.97
DEFINITIONS

20.97.382 Sign, internally illuminated.
"Internally illuminated sign" means a sign or portion of a sign that is illuminated by a light source that is contained within the sign.
Whatcom County Code Title 21 Land Division Regulations

AMENDMENTS

Chapter 21.03
EXEMPT LAND DIVISIONS AND BOUNDARY LINE ADJUSTMENTS

21.03.045 Required disclosures.
The following disclosures, if applicable, shall be recorded in the county auditor's office and shall be filed concurrently with all conveyances of property subject to this title:

(1) Right to farm, right to practice forestry, or mineral resource disclosures.

(2) Boundary discrepancies.

(3) Protective covenants, conditions and restrictions.

(4) Latecomers’ agreements.

(5) Significant pipeline in vicinity disclosure when the subject property is within 660 feet of a pipeline shown on Map 125-2, Chapter 5 of the Whatcom County Comprehensive Plan.

Chapter 21.04
SHORT SUBDIVISIONS

21.04.170 Disclosures and notes.
The following disclosures and notes, if applicable, shall be recorded in the county auditor's office and a statement identifying the subject and the auditor’s file number, if applicable, for each such instrument shall be on the final short plat map prior to final approval by the county:

(1) Right to farm, right to practice forestry, mineral resource disclosures.
(2) Critical area notes and protective easement as required.

(3) Boundary discrepancies.

(4) Drainage maintenance agreement block.

(5) Road maintenance agreement block (private roads only).

(6) Significant pipeline in vicinity disclosure when the subject property is within 660 500 feet of a pipeline shown on Map 125-2, Chapter 5 of the Whatcom County Comprehensive Plan.

Chapter 21.06
FINAL LONG SUBDIVISIONS

21.06.070 Disclosures and notes.
The following disclosures and notes, if applicable, shall be recorded in the county auditor's office and a statement identifying the subject and the auditor's file number for each such instrument shall be on the final plat map under surveyor's notes prior to final approval by the county:

(1) Right to farm, right to practice forestry, or mineral resource disclosures.

(2) Critical area notes and protective easements as required.

(3) Boundary discrepancies.

(4) Drainage maintenance agreement block.

(5) Road maintenance agreement block (private roads only).

(6) Significant pipeline in vicinity disclosure when the subject property is within 660 500 feet of a pipeline shown on Map 125-2, Chapter 5 of the Whatcom County Comprehensive Plan.
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 600 feet of a pipeline shown on Map 25-2, Chapter 5 of the Whatcom County Comprehensive Plan.
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.]
Exhibit B

Comprehensive Plan Amendments

Note: The Point Roberts Character Plan is a subset of the Whatcom County Comprehensive Plan. The Guide Meridian Improvement Plan (WCC Title 22) is both a subset of the Plan and a development regulation in the Whatcom County Code.
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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
2. Building Permit applications are also available at Planning and Development Services.
3. Prior to applying for a building permit, developers should familiarize themselves with the Character Plan document and seek professional assistance, where necessary. This will ensure a speedy and successful permit application.
4. In addition to the customary permit and servicing requirements of the County, any commercial or institutional use structure and/or sign permit application will be evaluated for “compliance” or “non-compliance” with the Point Roberts Character Plan. This will be reflected in the permit checklist.
5. The Point Roberts Character Plan Advisory Committee will examine applications within 24-30 days prior to the date of building permit application to indicate compliance with the Character Plan.
6. The Point Roberts Character Plan Advisory Committee is a local advisory body to Whatcom County administrative authority. It will examine applications with respect to compliance to the guidelines. The purpose of the Committee is to assist the County in making its determination of “compliance”. All decisions of the County will be final.
7. A successful applicant will be issued a building permit upon receipt of applicable County fees.

SECTION 3-003. PLANS AND OTHER INFORMATION REQUIRED
In order to assess compliance with the Character Plan, the Whatcom County Department of Planning and Development Services will require at the time of application the following:
1. A scale site plan indicating the street, all structures, landscaping, ingress / egress, parking facilities, freestanding sign locations, freestanding lighting facilities, waste facilities, pedestrian walkways, fencing, screening and other miscellaneous appurtenances (eg. fire hydrants), if any. The plan must be to scale and indicate the dimensions of any structures, setbacks, and parking facilities.
2. A scale elevation which clearly indicates structural dimensions, heights, and roof lines, as well as any other exterior designs and finishes visible at ground level from any point on the compass. Diagrams must include specification for all doors, windows, porches and awnings. The types of roofing and siding materials(s) must be specified. Color chips for roofing, siding, and awning materials must be made available. All exterior lighting facilities must be clearly outlined and indicate style and finish. The locations and dimensions of signs on structures will be clearly indicated.
3. Sign Regulations: Refer to ordinances on signs and flags.

SECTION 3-004. PLAN INFORMATION
Developers and or architects are required to submit a written rationale.

Lighthouse Packing Co.
PART A - GENERAL

SECTION 11.001. TITLE

The title of this Ordinance is "The Character Plan of the Community of Point Roberts, Washington.''.

SECTION 11.002. AUTHORITY

This Ordinance is adopted pursuant to the authority of State Law, the State Constitution, and the Ordinance of Point Roberts, incorporated in Whatcom County, State of Washington.

SECTION 11.003. PURPOSE

The purpose of this Ordinance is to:
1. Promote the general welfare and protect the property by preserving the character of the greater Point Roberts area.
2. Prevent the development of infrastructure and residential density that may conflict with the established design and architectural guidelines.
3. Promote the maintenance of continuity, health and safety, and the appearance and protection of open space in the greater Point Roberts area.
4. Protect the character and integrity of the built environment and the community.
5. Public welfare and protect the public welfare and enhance the overall appearance and economic value of the community.

PART B - DEFINITIONS

Abandoned sign: A sign that has not been maintained for a period of not less than one year or for any reason was left in the public view.
Administration: The personnel who are charged with the specific duties of implementation of this Ordinance and the statutes of Whatcom County Department of Planning and Development Services.
Back to back sign (Sandwich Board): A sign constructed on a movable support with messages visible on both sides, provided that the double message board are individually constructable.
Banners, pennants and balloons: Any animated, moving, or flapping sign, or any permanent device made of flexible materials designed to attract attention.
Billboard: Outdoor advertising sign containing a message, commercial in nature, unrelated to any type of business or the property on which the sign is located, but not including directional signs as defined herein.
Changeable copy sign: A sign on which the sign copy is changed and replaced from time to time through the installation of interchangeable letters, numbers, symbols, and other similar elements in a mechanical or electrical manner.
Campus: An area of at least 5 acres in size, located within the community area.
4. Commercial or industrial center

5. Development sign

6. Dilapidated sign

7. Directional sign

8. Directory sign

9. Double-faced sign

10. Electrical sign

11. Existing sign

12. Facade

13. Fixed projecting sign

14. Flashing sign

15. Flat sign

16. Free standing sign

17. Frontage

18. Height of sign

19. Illuminated sign, external

20. Illuminated sign, internal

21. Inflatable sign

22. Ingress sign

23. Moving message board

P.O.T.E.R. ROBERTS' CHARACTER PLAN
54. Sign: A device, or combination of devices, mounted or supported for the purpose of conveying to users of any public way or transportation system, non-verbal information intended for human perception through seeing, touching, or hearing, which is located on or attached to a building, real property, or a vehicle.

54. Sign area: The area covered by or enclosed by the perimeter of the sign face. When more than one area is enclosed by a sign or combination of signs, the sum of the areas shall be determined.

55. Sign face: The part of the sign that is used to display or communicate information.

55. Sign structure: A supporting structure erected, used, or intended for the purpose of identification or attracting attention, with or without a sign that is not, mounted, affixed, or attached to the structure upon which the sign is to be installed, affixed, displayed, or applied, provided, however, that a sign that is not, included within this definition, but is affixed to, mounted, or attached to the supporting structure, is not a sign structure.

55. Special event sign: A sign or group of signs that carry messages regarding a specific event to persons who have general interest in the event.

56. Swing sign: A sign which is affixed to a pole, post, or other structure fixed to the ground, wall, or any other support; or a sign which is suspended from the pole, post, or other structure in a manner which does not restrict the movement of the sign when the wind is directing.

57. Temporary sign: A sign for information that is in use for a period limited in duration, except for time of day or time period.

58. Time and temperature sign: An electric or mechanical device that is used to display the current time and temperature to the public.

59. Traffic direction, safety, or parking sign: A sign which is a permanent sign, consisting of a pole, post, or other structure, and erected as a part of the street or public way, for the purpose of regulating or controlling traffic, or parking, which has no advertising message or graphic.

60. Vehicle sign: A permanent or temporary sign affixed, mounted, or planted in, upon or on a vehicle, parked or not parked, that is capable of being moved, which is displayed in public view, which is not used for advertising, which is attached to the vehicle rather than the driver or owner of the vehicle, in such a manner that it is not visible to the driver of another vehicle.

61. Window sign: A sign or group of signs, which is fixed or affixed to or painted on the interior or exterior of an article, household fixture, or building, which is visible from the street or public way, which is designed to attract attention, which is not intended to conceal, obstruct, or otherwise interfere with the normal operation of the building or fixture or building, and is not intended to advertise.

62. Window sign, temporary: A window sign that is temporarily used to direct, attract or focus visual attention to the sign's message, or to change the image of the building or fixture, but not intended to advertise.

23
SECTION 1.005. LEGAL SIGNS

§ 1.005.01. Any sign permitted which complies with the provisions of this article and in which no other sign beyond the dimensions of the sign is placed within the setback from the street line shall be deemed to be a legal sign.

§ 1.005.02. Any sign permitted which complies with the provisions of this article and in which no other sign beyond the dimensions of the sign is placed within the setback from the street line shall be deemed to be a legal sign.

§ 1.005.03. Any sign permitted which complies with the provisions of this article and in which no other sign beyond the dimensions of the sign is placed within the setback from the street line shall be deemed to be a legal sign.

§ 1.005.04. Any sign permitted which complies with the provisions of this article and in which no other sign beyond the dimensions of the sign is placed within the setback from the street line shall be deemed to be a legal sign.

SECTION 1.006. NON-CONFORMING SIGNS

§ 1.006.01. Any non-conforming sign shall be maintained in substance and style as it existed on the effective date of this article. Any non-conforming sign shall be maintained in substance and style as it existed on the effective date of this article.

§ 1.006.02. Any non-conforming sign shall be maintained in substance and style as it existed on the effective date of this article.

§ 1.006.03. Any non-conforming sign shall be maintained in substance and style as it existed on the effective date of this article.

§ 1.006.04. Any non-conforming sign shall be maintained in substance and style as it existed on the effective date of this article.

SECTION 1.007. OFF-PREMISE SIGNS

§ 1.007.01. Any off-premise sign shall be maintained in substance and style as it existed on the effective date of this article.

§ 1.007.02. Any off-premise sign shall be maintained in substance and style as it existed on the effective date of this article.

§ 1.007.03. Any off-premise sign shall be maintained in substance and style as it existed on the effective date of this article.

§ 1.007.04. Any off-premise sign shall be maintained in substance and style as it existed on the effective date of this article.
PART D - PROHIBITED SIGNS

SECTION 11.005. PROHIBITED SIGNS

No signs shall be permitted that are not consistent with the character of the area and shall be limited to the following:

1. Signs that impart false or misleading information.
2. Signs that are not consistent with the intended use of the property.
3. Signs that obstruct public view or access.

However, permitted signs shall be limited to the following:

1. Street signs.
2. Parking signs.
3. Directional signs.
4. Real estate signs.
5. Signs identified with a permit issued by the Washington County Department of Planning and Development Services.

PART E - PERMISSIBLE SIGNS

SECTION 11.009. PERMIT REQUIRED

No signs may be erected, exhibited, published, or exposed to public view in the area unless a permit is granted by the Washington County Department of Planning and Development Services.

SECTION 11.010. SIGNS EXEMPT FROM PERMIT REQUIREMENT

Permits are not required for the following types of signs after proper exemption is made to the Land Use Permit Section of Planning and Development Services:

1. Street signs.
2. Parking signs.
3. Directional signs.
4. Real estate signs.
5. Signs identified with a permit issued by the Washington County Department of Planning and Development Services.
6. Signs that are consistent with the character of the area.
7. Signs that do not exceed four (4) square feet in area.
8. Signs that are exempt from the requirements of this article.
SECTION 11.011. SIGN ALTERATIONS EXEMPT FROM PERMIT REQUIREMENTS
A permit is not required prior to altering any sign alterations if such alteration involves only:

1. The changing of copy on a pre-arranged chargeable copy sign.
2. The painting or repainting 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 of approval.
3. The alteration of a sign face of a permitted sign to reflect changes in land use, type of business, 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 10 feet from the street right-of-way.

SECTION 11.013. SIGN ILLUMINATION
Electrical requirements: Electrical requirements pertaining to signs shall be described as follows:

1. 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.
3. No sign shall be illuminated internally or with the use of neon filaments.

SECTION 11.014. MATERIAL AND STYLE
The faces shall not have light reflecting backgrounds, but may use light reflecting lettering.

The various parts of a sign shall be compatible.

Any multi-faced sign shall have the advertising information for only one business.

Signs shall not contain more than one commercial business.

All signs shall be of standard geometric shapes.

A historical or nautical design theme is recommended, with suggestions given in a style guide available from the Point Roberts Design Review Committee.

The use of Day Glo (bright) colors is not permitted.

Wood carved or painted wood signs are the recommended signage material.

SECTION 11.015. ON-PREMISES SIGN STANDARDS
Building and wall graphics signs shall not occupy more than (a) forty percent of the signable space on any one facade of a building with a maximum size of the sign limited to forty (40) square feet.

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.

Obstruction: An on-premises sign shall be erected so as not to obstruct or impair direct view at business entrances, storefronts and intersections.

SECTION 11.016. DIMENSIONS AND QUANTITY OF FREE STANDING SIGNS
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 thousand (1,000) 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. Such 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 one hundred twenty (120) square feet.

2. Second primary commercial development consisting of retail and public commercial uses, either exclusively or mixed with residential uses, which contain one thousand (1,000) 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 (2) identification signs for the development. Such 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 is mixed with residential use which exceeds two hundred (200) dwelling units, the provisions of sub-paragraph one shall apply to said development.
A commercial development consisting of retail and public commercial uses, which contains more than 2,000 square feet of floor area and more than 500 square feet of floor area in the public vehicle area, may not be more than 300 square feet in area and shall be no more than one sign, and no space equally divided between more than two (2) signs.

Developments, which because of their composition may qualify for more than one of the above categories, may select the single category that provides the greatest restriction. The above categories shall not be cumulative. Residential subdivisions shall only be considered commercial for the purpose of sign restrictions.

1. Height: The maximum height of any free-standing sign shall not exceed twelve (12) feet above the average elevation of the nearest county road.

2. Width: The maximum width of the entire sign structure shall not exceed ten (10) feet.

3. Structure type: The size of the support structure for any free-standing sign shall not exceed the size for a structure no more than 120 square feet.

4. Where possible free-standing signs shall have adequate landscaping around the base of the structure.

SECTION 12.017, TEMPORARY SIGNS AND STANDARDS

1. Types: The following types of temporary signs shall be permitted:

   a. Vehicular directional and "No Parking" signs.
   b. Signs advertising temporary or special events.
   c. Longitudinal development or hardscape development signs.
   d. Signs advertising the location or nature of property upon which they are located.

2. Area, height and location:

   a. Area: The total area of temporary signs shall not exceed forty (40) square feet and shall not exceed one hundred (100) square feet per sign face, except for real estate signs on residential property, which shall not exceed one hundred square feet in accordance with the requirements of Section 12.017.10.

   b. Height: The maximum height of temporary signs shall not exceed eight (8) feet, while the lower edge shall not exceed one (1) foot in height from the average grade.

3. Location:

   a. Temporary signs shall be located so as to obstruct or impair driver vision or business signs - e.g. store signs.
   b. Temporary signs shall be located greater than one hundred (100) feet from any church, county, public building, historic site or district, and intersection of two or more public streets.
   c. Temporary signs are not to be located any closer than one hundred (100) feet from any other sign on the same premises.
SECTION 11-018. REAL ESTATE SIGNS

Commercial real estate signs shall exceed no to 50 square feet in area per face, and no more than one sign shall be permitted on an individual parcel of land. An additional sign shall be permitted when the sign is designed to be removed or temporarily removed by the property owner upon request.

SECTION 11-019. CANOPY SIGNS

Canopy signs shall be permitted one canopy sign per commercial establishment to a maximum of 10 square feet in area per face, and the sign shall be placed in a manner that it is visible from a distance of 200 feet. The sign shall be removed when the establishment is closed.

SECTION 11-020. MULTIPLE USE SHOPPING, BUSINESS, OFFICE AND PROFESSIONAL CENTER, FREE STANDING DIRECTORY SIGNS

Free standing directory signs shall be limited to one sign per establishment and not exceed 15 square feet in area per face. The sign shall be located within the establishment and be clearly visible from the street.

SECTION 11-021. GASOLINE FILLING STATIONS

Pumps for gasoline dispensers shall not exceed 50 square feet in area per face. The sign shall be located at the pump and be visible from the street.

SECTION 11-022. GASOLINE FILLING STATIONS

Pumps for gasoline dispensers shall not exceed 50 square feet in area per face. The sign shall be located at the pump and be visible from the street.

SECTION 11-023. GASOLINE FILLING STATIONS

Pumps for gasoline dispensers shall not exceed 50 square feet in area per face. The sign shall be located at the pump and be visible from the street.
SECTION II-024. MAINTENANCE (Code Enforcement)

To ensure the County in code enforcement, the Character Plan Advisory Committee may advise the County as to what it believes are violations to the Point Roberts Character Plan. Alleged violations shall be decided by a democratic vote at the Committee and submitted in writing to Whatcom County Code Enforcement Officer. (See Section 7.071.)

The Point Roberts Character Plan Advisory Committee shall conduct a Special Meeting within 30 days of receiving a formal written complaint of a proposed violation. An advisory report shall be made to Code Enforcement within 7 days of the Special Meeting. If the complaint is made in person at a regularly scheduled meeting and an advisory report shall be made to Code Enforcement within 7 days.

Any private individual(s) who believes that the Advisory Committee has acted in error may submit a formal complaint of a proposed code violation to the County Code Enforcement Officer.

Formal code enforcement action is deemed necessary and promulgated by Whatcom County Code Enforcement Officer only as directed by the County Code Enforcement Officer(s).

SECTION II-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. Where this Title 20 requirement imposes a higher standard than required by this article, Title 20 provision shall govern.

SECTION II-026. PRIVATE RESTRICTIONS

Whenever this article imposes a higher standard than required by covenant, contract, or agreement, the provisions of this article shall govern.

SECTION II-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 all applicable sign codes except that no flag shall exceed twenty-four (24) square feet per face.

b. Governmental flags must be displayed in a dignified non-commercial manner and follow the established flag protocol in respect to times of flying, arrangements, locations, etc. No governmental flag shall exceed twenty-four (24) square feet per face.

c. The height of flag poles shall not exceed twenty (20) feet.

d. Flag poles on top of buildings shall not exceed ten (10) feet above the roof top.

Non-conforming flags, according to section 12-001.a., shall have no amortization period and shall conform immediately.
SUGGESTED SIGNAGE STYLES
INCLUDED ARE SOME SAMPLES OF POSSIBLE
SIGNAGE FOR PT. ROBERTS,

RUSTIC STYLES

NATURAL MATERIALS CONVEY
A HISTORICAL/NAUTICAL
FEELING.

USE OF WOOD IS
PREFERABLE. SAND
BLASTING OR
PAINTING CREATES
INTEREST.

NAUTICAL
ELEMENTS
(ROPE,
HARDWARE)
SUPPORTS
NAUTICAL
THEME.

SIGNS CAN ALSO
BE APPLIED
DIRECTLY TO
BUILDINGS.
MATERIALS USED SHOULD HAVE A NATURAL APPEARANCE OR WOOD, STONE, BRICK, ETC.

STYLES OF LETTERING SHOULD BE SELECTED THAT REFLECT THOSE USED IN THE EARLY 1900'S, Q TIMES, BODONI, GOURD, FUTURA, EGYPTIAN.

GAS STATION SIGN WITH LANDSCAPING.

RELIEF WOODEN SIGNS HELP WITH THE HISTORICAL THEME.

BUSINESS DIRECTIONAL SIGN WITH NAUTICAL APPEARANCE CAN HELP SHOPPERS.
Exhibit C

Official Zoning Map Amendments
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

- Incorporoted City
- Urban Growth Area
- Existing/Proposed Zoning

Note: Short-Term Planning Area zoning is rescinded.
Cherry Point UGA & Title 20 Zoning

- Major Port/Industrial UGA
- Existing/Proposed Zoning

Note: Short-Term Planning Area zoning is rescinded.
Columbia Valley UGA & Title 20 Zoning

- Urban Growth Area
- Urban Growth Area Reserve
- Existing/Proposed Zoning

Note: Short-Term Planning Area zoning is rescinded.
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.
Ordinance adopting Whatcom County Comprehensive Plan amendments relating to the 2016 comprehensive plan periodic update and urban growth area review required by the Growth Management Act under RCW 36.70A.130.

1. Cover letter
2. Draft Ordinance and Exhibit

Under the Growth Management Act, Whatcom County and the seven cities within the County must complete the periodic update of their comprehensive plans and review urban growth areas (UGAs) in 2016 (RCW 36.70A.130). The Whatcom County Council will hold a public hearing and adopt amendments to the Whatcom County Comprehensive Plan, including UGA boundary changes, in order to complete the 2016 Comprehensive Plan Update and UGA Review.
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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**TITLE OF DOCUMENT:** Adopt a resolution to sell surplus property

**ATTACHMENTS:** Resolutions & list of property to be declared surplus

**SEPA review required?** (  ) YES ( x ) NO  
**SEPA review completed?** (  ) YES ( x ) 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.)

The attached list of equipment has been determined to be surplus and available for disposal by public auction. The Council may find by resolution, following a public hearing that it is in the public interest to sell the property.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

**Please Note:** Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: www.co.whatcom.wa.us/council.
A RESOLUTION AUTHORIZING
THE SALE OF WHATCOM COUNTY SURPLUS PROPERTY
PURSUANT TO WCC 1.10

WHEREAS, a public hearing was held on _________________, 2016 to discuss the sale of
Whatcom County property; and

WHEREAS, it was determined to be in the best interest of Whatcom County to sell the property
listed in Exhibit "A" and such property shall be sold by public auction after August 2016,
subsequent to compliance with the notice requirements of WCC 1.10.200; and

NOW THEREFORE BE IT RESOLVED that the property listed in Exhibit "A" be sold at public
auction after August 2016 pursuant to the notice requirements of WCC 1.10.200.

APPROVED this _____________ day of ____________, 2016

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

_________________________
Barry Buchanan, Council Chair

ATTEST:

_________________________
Dana Brown-Davis, Council Clerk

APPROVED AS TO FORM:

_________________________
Civil Deputy Prosecuting Attorney
## Capital Equipment Surplus Request – July 2016

<table>
<thead>
<tr>
<th>UNIT</th>
<th>YEAR</th>
<th>MAKE</th>
<th>MODEL</th>
<th>DEPT</th>
<th>VIN #</th>
<th>EST MILES / HRS</th>
<th>COMMENTS</th>
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Capital Equipment Surplus Request – July 2016

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### PUBLIC WORKS – EQUIPMENT SERVICES

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**N/A**

**DESCRIPTION**

- Miscellaneous broken and unusable tools, parts, and supplies
  - Spray equipment from vehicle #356 (Obsolete)
  - PTO generator (Obsolete)
  - 3 hydraulic tanks with pumps from old trash compactors (Obsolete)

- Used & unsalvageable bridge decks

- Miscellaneous inventory items (culvert, timbers, etc.)

- Miscellaneous mower items

### GENERAL FUND – SURPLUS EQUIPMENT

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<th>MODEL / DESCRIPTION</th>
<th>DEPT</th>
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<th>COMMENTS</th>
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**DESCRIPTION**

- Miscellaneous worn or broken office equipment & furniture

- Miscellaneous worn or broken computer components