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Executive:        |         | 1.17.17 |                                  |             |              |

TITILE OF DOCUMENT:

2016 Critical Areas Ordinance Update
- Article 4—Frequently Flooded Areas

ATTACHMENTS: (all current and past materials provided to the Council can be found at http://www.whatcomcounty.us/2417/County-Council-Review)
A. Staff memo to Council dated 1/12/2017
B. Proposed Amendments to Article 4 (Frequently Flooded Areas)

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

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

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE: (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)
This is another workshop (in a series of many) on the proposed ordinance to amend Whatcom County Critical Areas Ordinance (CAO) (WCC 16.16) pursuant to RCW 36.70A.130(1). The Growth Management Act (RCW 360.70A) defines critical areas as wetlands, frequently flooded areas, fish and wildlife habitat conservation areas (including streams), geologically hazardous areas, and critical aquifer recharge areas. The purpose of this periodic update is to ensure that the CAO meets the GMA requirements, including consistency with the Whatcom County Comprehensive Plan, best available science, and state agency guidance updates. Numerous amendments are being proposed, though most of them pertain to correcting grammar, updating references to other documents or laws, clarifying and updating administrative procedures, etc. The County is also required to integrate the CAO provisions with its Shoreline Master Program (SMP). Whatcom County has done so by adopting the CAO by reference within the SMP (WCC 23.10.060(A)). This reference is also proposed to be amended.

COMMITTEE ACTION:

COUNCIL ACTION:

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

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Memorandum

TO: The Honorable County Council
    Jack Louws, County Executive
FROM: Cliff Strong, Senior Planner
THROUGH: Mark Personius, Asst. Director
DATE: January 12, 2017
SUBJECT: 2016 Critical Areas Ordinance Update
County Council Review, Workshop 3, 24 January 2017

On January 24th the Council will continue its review of the 2016 Critical Areas Ordinance Update. Topics to be covered include:

- Review of Certain Proposed Amendments to:
  - Article 4 – Frequently Flooded Areas
  - Article 7 – Habitat Conservation Areas

To prepare for this meeting, please review Articles 4 and 7 of the draft code and read the Best Available Science Addendum regarding those two sections (in your previous meeting packet materials), in which I point out the more substantive recommended amendments.
ARTICLE 4. FREQUENTLY FLOODED AREAS

16.16.400 Purpose.
The purposes of this article are to:
A. Reduce the risk to life and safety, public facilities, and public and private property that result from floods.
B. Avoid and minimize impacts to fish and wildlife habitats that occur within frequently flooded areas.
C. Protect and maintain the beneficial ecological functions and values of frequently flooded areas, including providing the necessary flow regime to form and maintain a full range of functional and accessible salmonid habitats both within and outside of frequently flooded areas.
D. To ensure compliance with FEMA National Flood Insurance Program (NFIP) protection standards for critical habitats of species listed under the Endangered Species Act.
D.E. In conjunction with the provisions of WCC Title 17, establish review procedures that provide an integrated approach to managing floodplain development and maintaining the capacity of the floodplain or floodway to convey and store flood waters.

16.16.410 Designation and mapping – Frequently flooded areas.
A. Frequently flooded areas are areas located along major rivers, streams, and coastal areas where the depth, velocity, intensity and frequency of flood water during major events present a risk to human life and property. Areas susceptible to these types of hazards are hereby designated as frequently flooded areas and subject to the provisions of this article.
B. The approximate location and extent of frequently flooded areas are shown on the County’s critical area maps. These maps are to be used as a guide and do not provide a definitive critical area designation. The County shall update the maps as new hazard areas are identified and as new information becomes available. This article does not imply that land outside mapped frequently flooded areas or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of Whatcom County, any officer or employee thereof, or the Federal Insurance and Mitigation Administration (FIMA), for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.
C. Frequently flooded areas shall include, but not be limited to:
1. Areas subject to a one percent recurrence interval of flood water inundation or a 100-year base flood as mapped on the current effective Federal Emergency Management Agency’s Flood Insurance Rate Maps (FIRM). This includes coastal high hazard areas as defined by this chapter and as identified and designated on the FIRM maps as Zone VE or V; provided, that tsunami hazard areas are designated as geologically hazardous areas and subject to the provisions of Article 3 of this chapter.
2. Other flood hazard areas identified by the County Public Works Department based on review of historical data, high water marks, photographs of past flooding, or similar information from federal, state, county, or other valid sources when base flood elevation data from the Federal Insurance and Mitigation Administration has not been provided or is not accurate.

16.16.420 Frequently flooded areas – General standards.
A. All development shall conform to the provisions of WCC Title 17, Flood Damage Prevention, and the applicable provisions of this chapter.
B. Development within frequently flooded areas shall be allowed pursuant only when it is consistent with all of the following:
1. FEMA’s National Flood Insurance Program (NFIP), including the protection standards for critical habitats for listed species, which shall be demonstrated through submittal of a habitat assessment, and if necessary, a mitigation plan prepared by a qualified professional, in accordance with the FEMA Regional Guidance for the Puget Sound Basin. The plan shall identify any federally listed species and associated habitats, and demonstrate that no harm will occur to such species or habitats as a result of development within frequently flooded areas; and [CAC83]

2. The mitigation sequence in WCC 16.16.260; and,

3. Article 7, Habitat Conservation Areas, of this chapter; and [CAC83]

4. The applicable general protective measures found in WWC 16.16.265.

C. The technical administrator shall have the authority to require mitigation for adverse impacts to floodplain ecological functions of Frequently Flooded Areas; provided, that such mitigation shall be consistent and compatible with the goal of protecting health and safety and minimizing risks to property.

16.16.430 Review and report requirements.

A. When County critical area maps or other sources of credible information indicate that a site proposed for development is or may be located within a frequently flooded area, the County Public Works Department’s River and Flood Division and/or the technical administrator shall have the authority to require a critical area assessment report.

B. The public works department shall have primary responsibility for reviewing and approving proposed developments for consistency with WCC Title 17; provided, that the technical administrator shall review development proposals for consistency with the standards provided in this chapter. Either may place conditions for approval and/or require mitigation in accordance with this chapter [CAC84]

C. In addition to the requirements of WCC 16.16.275. Critical areas assessment reports for frequently flooded areas shall:

1. meet the requirements of WCC 17.12.010 and 16.16.255. Address adverse impacts to ecological functions and processes, including riparian vegetation. Positive impacts may also be discussed.

2. The reports shall also include mitigation for adverse effects on Frequently Flooded Areas’ floodplain ecological functions, where applicable.

D. The technical administrator shall have the authority to modify the requirements of Subsection C when s/he determines that any portion of these requirements is unnecessary given the scope and/or scale of the proposed development [P/C85]

E. The technical administrator shall have the authority to modify these requirements when he/she determines that any portion of these requirements is unnecessary given the scope and/or scale of the proposed development. The technical administrator also shall have the authority to require additional information to that required in Subsection C that discloses and describes the effects of proposed development on Frequently Flooded Area floodplain functions, including, but not limited to impacts on: storage and conveyance of flood water; channel migration [C586]; reducing peak flows and flow velocities; reducing bed scour and displacing displacement of rearing juvenile fish; maintaining sediment quality in streams; reducing shear stress and bank erosion; improving water quality; providing wildlife habitat; maintaining fish access; and cycling nutrients cycling or providing other hyporheic functions that link surface and groundwater systems. The reports shall also include mitigation for adverse effects on floodplain ecological functions.

D.F. Critical areas assessment report requirements may be waived for single-family developments and structures accessory to agricultural uses when the technical administrator and the public works department determine that no adverse impacts or risks to life, property, or ecological functions will occur.

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4
PROPOSED FINDINGS OF FACT

(AS ADOPTED BY THE PLANNING COMMISSION)
Proposed Findings of Fact (as adopted by the Planning Commission)

WHEREAS, the adopted Whatcom County Comprehensive Plan supports the protection of environmentally critical areas through the adoption of development regulations; and

WHEREAS, the State Growth Management Act (GMA) includes adopted goals and requirements to guide the development and adoption of comprehensive plans and development regulations including requirements to designate and protect environmentally critical areas; and

WHEREAS; the County has considered those adopted goals, policies, and requirements in development of the proposed Whatcom County Code Amendments related to critical areas, and, has considered other state requirements, law, rules, guidelines, and agency comments; and

WHEREAS, the County researched and assessed the experience of other jurisdictions in regard to standards and requirements for regulating critical areas, undertook a Best Available Science (BAS) review and public process in accordance with the requirements of the GMA, developed Whatcom County Code amendment drafts, prepared environmental documents in accordance with the requirements of the State Environmental Policy Act (SEPA), and held meetings and hearings throughout the code development process; and

WHEREAS, the County has been provided feedback on draft work products and guidance from members of the public, County staff, the Washington State Department of Fish and Wildlife, the Washington State Department of Ecology, the Washington State Department of Commerce, the Lummi Nation, the Nooksack Indian Tribe, other stakeholders and experts, the Whatcom Planning Commission, and elected and appointed officials during the development of the recommended code amendments; and

WHEREAS, in developing this ordinance, the County has followed the GMA's requirements, including to provide “early and continuous public involvement” through a variety of mechanisms described in the public record; and

WHEREAS, the County has followed the State guidelines for the BAS process required by RCW 36.70A.172 and WAC 365-195-900 through 925, employing a variety of mechanisms described in the public record; and

WHEREAS, a notice of intent to adopt the proposed code amendments was sent to the State of Washington Department of Commerce and to other State agencies on February 2, 2016, for a 60-day review and comment period in accordance with State law; and

WHEREAS, an environmental review has been conducted in accordance with the requirements of State Environmental Policy Act (SEPA), and a SEPA threshold determination was issued, and published on March 17, 2016, in the Bellingham Herald; and

WHEREAS, the Planning Commission held a total of 7 public meetings to consider the proposed amendments, which included two public hearings, one on May 12 and one on June 9, 2016, with deliberations throughout these meetings; and

WHEREAS, the Planning Commission has provided a recommendation to the County Council related to the proposed amendments; and
WHEREAS, the County Council held X study sessions on the proposed amendments on X, 2016, and a public hearing on X, 2016 and continued public hearing on X, 2016; and

WHEREAS, the County Council has considered the recommendation of the County Planning Commission and the public comments received; and

WHEREAS, the County Council has reviewed and considered a variety of information sources including Best Available Science materials, informational documents in the public record, and public testimony submitted verbally and in writing to the Planning Commission and to the County Council; and

WHEREAS, the County Council desires the proposed amendments to be effective throughout the County including within shoreline jurisdiction, a subsequent Shoreline Master Program amendment should be prepared for submittal to the State Department of Ecology for approval; and

WHEREAS, based upon the foregoing process, the County Council has made the following
Findings of Facts and Conclusions:

General Critical Areas Findings

1. The Growth Management Act requires critical areas to be designated and protected and to include and be informed by BAS when developing critical areas regulations. [RCW 36.70A]

2. Critical areas include wetlands, fish and wildlife habitat conservation areas, geologically hazardous areas, critical aquifer recharge areas, and frequently flooded areas.

3. The Whatcom County has within its borders a variety of environmentally sensitive areas that require protection of important functions and values.

4. Unregulated development may result in cumulative impacts to those functions and values of critical areas that contribute to and are necessary for a healthy natural environment and perceived quality of life.

5. The unregulated development of residences, businesses, shopping areas and other structures, and the clearing of land for accommodation of livestock and for such development all have the potential of adversely and significantly impacting the functions and values of critical areas.

6. The unregulated development of resource lands or areas susceptible to natural hazards may lead to inefficient use of limited public resources, jeopardize environmental resource functions and values, subject persons and property to unsafe conditions, and affect the perceived quality of life.

7. It is more costly to remedy the loss of critical area functions and values than to conserve and protect them from loss or degradation.

8. In determining what critical areas are to be afforded a particular degree of protection, Whatcom County has evaluated a wide range of the best science available with respect to the critical areas to make informed decisions that meet the intent of the Growth Management Act and that are also reflective of local needs.

9. The sources of this best available science that were evaluated and included in this ordinance are contained in Exhibit B: Whatcom County Critical Areas Ordinance 2016 Update – Best Available Science Review: Addendum to the 2005 BAS Report.
10. Protection standards for one critical area often provide protection for one or more other critical areas.

11. Critical areas may also be protected by other actions by the County, such as stormwater management standards, clearing and grading regulations, critical area restoration, and public education; and from other regulations, such as the Forest Practices Act, the Shoreline Management Act, the State Environmental Policy Act, and others.

12. The U.S. Constitution prohibits the taking of private property without just compensation.

13. The proposed regulations for critical areas are sufficient and appropriate to protect the functions and values of those areas consistent with the Whatcom Comprehensive Plan and Growth Management Act.

14. The amendments hereafter set forth address requirements related to development in and near environmentally critical areas including environmentally critical areas buffers, performance standards, mitigation requirements, exemptions and exceptions.

15. The amendments serve to further implement the Comprehensive Plan, and provide protection for critical areas that is consistent with BAS and with providing options and development flexibility, and are in the public interest.

16. The critical areas regulations continue to allow for reasonable use of property to ensure that such regulations do not infringe on constitutional private property rights.

17. The public record demonstrates that the amendments were developed through a review of the BAS literature available to the County for review and consideration.

18. The County has followed the GMA's requirements for public involvement and for including and considering BAS in modification of the regulations for critical areas.

19. The public testimony provided to the County included both support for the proposed amendments and suggestions for modifications.

20. Based on the review of the testimony and public record, the amendments attached to this ordinance reflect the County's requirement to protect critical areas and to consider the planning goals of the GMA, while recognizing public and private interests.

**Wetlands**

21. Wetlands and streams are environmentally sensitive and have numerous natural functions and values. These functions include: wildlife and fisheries habitat; water quality protection; flood protection; shoreline stabilization; stream flow; and ground water recharge and discharge. In many situations, these functions cannot be adequately replicated or replaced.

22. The scientific literature supports in the inclusion of protective buffers from wetlands to provide sediment control and nutrient inputs to wetlands, and to protect important wetland functions.

24. The scientific literature supports the inclusion of protective buffers of relatively intact native vegetation from wetlands to adequately protect wetland functions and values.


**Critical Aquifer Recharge Areas**

26. WAC 365-190-080 defines wellhead protection areas, sole source aquifers, special protection areas, and other areas that are susceptible or vulnerable to ground water contamination as areas with a critical recharging effect on aquifers used for potable water (also referred to as critical aquifer recharge areas).

27. Potable water is an essential life-sustaining element.

28. Much of the County’s drinking water in rural areas comes from groundwater supplies.

29. Once groundwater is contaminated it is difficult, costly, and sometimes impossible to clean up.

30. Preventing groundwater contamination is necessary to avoid exorbitant costs, hardships, and potential physical harm to people.


**Frequently Flooded Areas**

32. Flood hazard areas are subject to periodic inundation that results in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

33. These flood losses are caused by development in areas prone to inundation that increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to flood loss.

34. Floodplain and stream connectivity are major elements in maintaining healthy riparian habitat and off-channel habitats for the survival of fish species and conveyance of floodwaters. If river, floodplains, and other systems are not viewed holistically as biological, geomorphological units, this can lead to serious degradation of habitat and increase flood hazards, which in turn can contribute to listing of various fish species as threatened or endangered and result in extraordinary public expenditures for flood protection and relief.

35. Frequently flooded areas, including the 100-year floodplain and the floodway, are commonly mapped on flood insurance maps, often known as Flood Insurance Rate Maps, or FIRMs.
Geologically Hazardous Areas

36. Geologically hazardous areas are subject to periodic geological events that result in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

37. Geologic hazards may be exacerbated by development and human activity in sensitive areas, and impacts resulting from geologic hazards may be reduced by limiting development and human activity within or adjacent to the geologic hazard.

38. Some geologic hazards may be intensified during periods of consistent or heavy rainfall that results in ground saturation or surface water drainage flows.

Fish and Wildlife Habitat Conservation Areas

39. Fish and wildlife habitat conservation areas perform many important physical and biological functions that benefit Whatcom County and its residents, including but not limited to: maintaining species diversity and genetic diversity; providing opportunities for food, cover, nesting, breeding and movement for fish and wildlife; serving as areas for recreation, education and scientific study and aesthetic appreciation; helping to maintain air and water quality; controlling erosion; and providing neighborhood separation and visual diversity within urban areas.

40. Wetlands and streams are environmentally sensitive and have numerous natural functions and values. These functions include: wildlife and fisheries habitat; water quality protection; flood protection; shoreline stabilization; stream flow; and ground water recharge and discharge. In many situations these functions cannot be adequately replicated or replaced.

41. The scientific literature supports the inclusion of protective buffers from streams to provide sediment control, nutrient inputs to downstream waters, large woody debris, and other functions important to riparian areas.

42. The Washington Department of Fish and Wildlife (WDFW) has prepared management recommendations for the preservation of priority habitat and species, which are based on the best available science, and include, in some instances, recommended protective buffer distances.

43. Kelp and eelgrass beds have been identified and mapped by the Washington State Department of Natural Resources (DNR) in some areas. Herring and smelt spawning times and locations are outlined in WAC 220-110-240 through 220-110-260. Locations for both may be found by referring to Critical Spawning Habitat for Herring, Surf Smelt, Sand Lance and Rock Sole in Puget Sound, Washington: A Guide for Local Governments and Interested Citizens, 2002, and the Puget Sound Environmental Atlas, Volumes 1 and 2.

44. Salmonid and anadromous fish may be more impacted by development and human activity during some times than others. Such times are referred to as “fish windows,” which have been documented by WDFW.

45. DNR has classified watercourses according to two stream-typing systems based on channel width, fish use, and perennial or intermittent status.
46. WAC 365-190-080(5) grants [the jurisdiction] the flexibility to make decisions in the context of local circumstances, and specifically excuses local jurisdictions from being required to protect "all individuals of all species at all time."
WHATCOM COUNTY COUNCIL AGENDA BILL

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Executive: Jack Lowes

1.17.17

TITLE OF DOCUMENT:

2016 Critical Areas Ordinance Update

- Article 7—Habitat Conservation Areas

ATTACHMENTS: (all current and past materials provided to the Council can be found at http://www.whatcomcounty.us/2417/County-Council-Review)

A. Staff memo to Council dated 1/12/2017
B. Proposed Amendments to Areas

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

Should Clerk schedule a hearing? ( ) Yes (X) NO
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- Review of Certain Proposed Amendments to:
  - Article 4 – Frequently Flooded Areas
  - Article 7 – Habitat Conservation Areas

To prepare for this meeting, please review Articles 4 and 7 of the draft code and read the Best Available Science Addendum regarding those two sections (in your previous meeting packet materials), in which I point out the more substantive recommended amendments.
ARTICLE 7. HABITAT CONSERVATION AREAS (HCA)

16.16.700 Purpose.
The purposes of this article are to:
A. Protect, and restore, and maintain native fish and wildlife populations, especially populations of anadromous fish species, by protecting and conserving valuable fish and wildlife habitat and protecting the ecological processes, functions and values, and biodiversity that sustain these resources.
B. Protect marine shorelines, valuable terrestrial habitats, lakes, and ponds, and natural rivers, and streams and their associated riparian areas, and the ecosystem processes on which these areas depend.
C. Regulate development so that isolated populations of species are not created and habitat degradation and fragmentation are avoided, especially along riparian corridors.
D. Maintain the natural geographic distribution, connectivity, and quality of fish and wildlife habitat and ensure no net loss of such important habitats, including cumulative impacts.

16.16.710 Habitat conservation areas—Designation, mapping, and classification—Habitat conservation areas.
A. Habitat conservation areas are those areas identified as being of critical importance to the maintenance of certain fish, wildlife, and/or plant species. These areas are typically identified either by known point locations of specific species (such as a nest or den) or by habitat areas or both. All areas within the County meeting these criteria are hereby designated critical areas and are subject to the provisions of this article (see also Appendix D of this chapter).
B. The approximate location and extent of identified fish, and wildlife, and sensitive plant habitat areas are shown on the County’s critical area maps as well as state and federal maps. However, these maps are to be used as a guide and do not provide a definitive critical area determination; each applicant is responsible for having a property-specific determination made pursuant to Article 2. The County shall update the maps as new fish and wildlife habitat conservation areas are identified and/or more comprehensive information on function, condition, cover type, and resolution is developed.
C. For purposes of this chapter, habitat conservation areas shall include all of the following:
   1. Streams. Streams, as defined in Article 9, shall be designated according to the following criteria:
      a. Shoreline streams are those streams identified and regulated as shorelines of the state as defined by WAC 173-18-410 and designated in the Whatcom County Shoreline Master Program (WCC Title 23).
      b. Other fish-bearing streams that do not meet the definition of shorelines of the state but have current, historic, or potential use by anadromous or resident fish species. The technical administrator shall make determinations of known or potential fish use in consultation with federal, state, and tribal biologists and in accordance with best available science, and shall take into consideration factors such as factors of consideration when determining a stream as fish bearing include but are not limited to species life cycle requirements, habitat suitability, channel gradient, presence or lack of fish passage barriers, stocked fish populations by government or tribal entities, and/or a reasoned evaluation of current, historic, and potential fish use by a qualified professional.

\[^3\] Note that ditched channels may or may not meet the definition of a stream. See Article 89, Definitions.
c. Non-fish-bearing streams are those streams that have no current, historic, known or potential use by anadromous or resident fish.

c. d. Streams do not include drainage ditches as defined in Article 9.

2. Areas with in which federally and/or state-listed species are found, have a primary association with, or contain suitable habitat for said listed species, as listed in the US Fish & Wildlife’s Threatened & Endangered Species List or Critical Habitat List (http://ecos.fws.gov/ecp/), as amended have a primary association.

2.3 Areas in which state listed priority species are found, have a primary association with, or contain suitable habitat for said listed species, as listed Washington Department of Fish and Wildlife’s Priority Habitats and Species list (http://wdfw.wa.gov/mapping/phs/ or http://wdfw.wa.gov/conservation/phs/list/), as amended.

3.4 State priority habitats and areas associated with state priority species as listed in Washington Department of Fish and Wildlife’s Priority Habitats and Species list (http://wdfw.wa.gov/mapping/phs/ or http://wdfw.wa.gov/conservation/phs/list/), as amended.

5. Areas in which state listed rare plant species are found, or contain suitable habitat for said listed species, as listed in the Department of Natural Resources’ Natural Heritage Program (http://www1.dnr.wa.gov/nhp/refdesk/plants.html), as amended.

4.6 Commercial and recreational shellfish areas, including designated Shellfish Habitat Conservation Areas.

5.7 Kelp and eelgrass beds.

6.8 Documented and potential Surf smelt, Pacific herring, and Pacific sand lance-spawning areas of forage fish, including but not limited to: surf smelt, Pacific herring, Pacific sand lance, northern anchovy, and longfin smelt.

7.9 Naturally occurring ponds and lakes or manmade ponds and lakes (created prior to September 30, 2005, excluding agricultural, fire protection, and stormwater facilities) under 20 acres in size. In-stream ponds shall be regulated based on associated stream type.

8.10 Naturally occurring lakes over 20 acres and all other waters defined as Waters of the State, including marine waters, and waters planted with game fish by a government or tribal entity.

11. Natural Area Preserves, Aquatic Reserves, and Natural Resource Conservation Areas as defined by the Washington Department of Natural Resources.

9.12 Portions of the San Juan Islands National Monument within Whatcom County (including Chucksanut Rock, tip of Eliza Island, Eliza Island Rocks, Lummi Rocks, Baker's Reef, Carter Point, Carter Point Rock, and Seal Rock at the North end of Lummi Island, and subsequently designated areas).

13. Frequently Flooded Areas that are subject to the Federal Emergency Management Agency’s National Flood Insurance Program Biological Opinion (FEMA BIOp).

10.14 Species and Habitats of Local Importance. Locally important species and habitats that have recreational, cultural, and/or economic value to citizens of Whatcom County, including the following:

a. Species.

1. The Department of Planning and Development Services is authorized to maintain a current list of Species of Local Importance as designated by the County Council. As of 2016 the list includes:

1) Osprey;

2) Turkey Vulture;

3) Nooksack dace;
16

| 1)4| Salish sucker.
|   | i. Osprey;
|   | ii. Turkey-vulture;
|   | iii. Nooksack dace;
|   | iv. Salish sucker.

a-b. Habitats.

t. The marine nearshore habitat, including coastal lagoons, and the associated vegetated
marine riparian zone. These areas support productive eelgrass beds, marine algal turf, and
kelp beds that provide habitat for numerous priority fish and wildlife species including, but
not limited to, forage fish, seabird and shorebird foraging and nesting sites, and harbor
seal pupping and haulout sites. This designation applies to the area from the extreme low
tide limit to the ordinary high water mark; provided, that reaches of the marine shoreline
that were lawfully developed for commercial and industrial uses prior to the original
adoption of this chapter may be excluded from this designation, but not otherwise ex-
empt from this chapter. See Appendix E-A of this chapter.

  iii. Identified Roosevelt elk wintering and calving grounds.

iv. Unique natural plant communities designated by the Washington Department of Natural
Resources.[CAC147]

v.iii. The Chuckanut wildlife corridor, which extends east from Chuckanut Bay and adjacent ma-
rine waters, including Chuckanut Mountain, Lookout Mountain, the northern portions of
Anderson Mountain, and Stewart Mountain.[TAC148]continuing along the southern
Whatcom County border to Mount Baker/Snoqualmie National Forest boundary. Mountain
including Lookout Mountain, Stewart Mountain, and the northern portions of And-
erson Mountain to Chuckanut Bay and the adjacent marine.[TAC149]waters and This area
represents the last remaining place in the Puget Trough where the natural land cover of
the Cascades continues to the shore of Puget Sound. See Appendix E of this chapter.

  iv. The Department of Planning and Development Services is authorized to shall maintain a
current list and map of Habitats of Local Importance, as designated by the County Council.

D. In addition to the species, habitats, and wildlife corridors identified in subsection (C)(4)(1) of this
section, the County may designate additional species, habitats of local importance, and/or wildlife
corridors as follows:

1. In order to nominate an area, species, or corridor to the category of “locally important,” an indi-
vidual or organization must:

   a. Demonstrate a need for special consideration based on:

      i. Identified species of declining population;

      ii. Documented species sensitivity to habitat manipulation and cumulative loss;

      iii. Commercial, recreational, cultural, or, biological, other special value; or

      iv. Maintenance of connectivity between habitat areas;

   b. Propose conceptual relevant management strategies considered effective and within the
scope of this chapter;

   c. Identify the general effects on property ownership and use; and

   d. Provide a map showing the species or habitat location(s).

2. Submitted proposals shall be reviewed by the County and may be forwarded to the State De-
partments of Fish and Wildlife, Natural Resources, and/or other local, state, federal, and/or tribal
agencies or experts for comments and recommendations regarding accuracy of data and ef-
ficiveness of proposed management strategies.

3. If the proposal is found to be complete, accurate, and consistent with the purposes and intent of
this chapter and the various goals and objectives of the Whatcom County comprehensive plan
and the Growth Management Act, the County Council will hold a public hearing to solicit com-
ment. Approved nominations will become designated locally important habitats, species, or cor-
riders and will be subject to the provisions of this chapter.

3.4. The Council may remove species, habitats, or corridors from this list if it can be shown that there
is no longer a need to provide protection above and beyond that afforded by WDFW manage-
ment strategies. Species and habitats of local importance that are not regulated elsewhere in
this chapter may be removed if sufficient evidence has been provided by qualified professionals
that demonstrates that the species no longer meets any provisions of 16.16.710(D)(1)(a).

16.16.720 Habitat conservation areas – General standards.
The following activities may be permitted in habitat conservation areas and/or their buffers when, pur-
suant to Article 2, all reasonable measures have been taken to avoid adverse effects on species and hab-
itats, any applicable Washington Department of Fish and Wildlife management recommendations have
been applied, and compensatory mitigation is provided for all adverse impacts that cannot be avoid-
ed, and the amount and degree of the alteration are limited to the minimum needed to accomplish the
project purpose; provided, that locally important species and habitats shall be subject to WCC
16.16.730:
A. Developments that meet the reasonable use and variance standards set forth in WCC 16.16.270.
B. Relocation of streams, or portions of streams, when there is no other feasible alternative and when
the relocation will result in equal or better habitat and water quality and quantity, and will not di-
minish the flow capacity of the stream or other natural stream processes; provided, that the relocation
meets state hydraulic project approval requirements and that relocation of shoreline streams
shall be prohibited unless the relocation has been identified formally by the Washington State De-
partment of Fish and Wildlife as essential for fish and wildlife habitat enhancement or identified in
watershed planning documents prepared and adopted pursuant to Chapter 90.82 RCW, the WRIA 1
Salmonid Recovery Plan or the WRIA 1 Salmon Recovery Board Habitat Project List or County Shore-
line restoration plan.
C. Stream Road, trail, bridge, and right-of-way crossings, provided they meet all the following criteria:
1. There is no other feasible alternative route with less impact on critical areas.
2. The crossing minimizes interruption of natural processes such as channel migration, the down-
stream movement of wood and gravel, and the movement of all fish and wildlife. Bridges are
preferred for all stream crossings and should be designed to maintain the existing stream sub-
strate and gradient, span the bankfull width, or be proven to not have an appreciable increase in
backwater elevation at the minimum of a 10-year event and provide adequate horizontal
clearance on each side of the ordinary high water mark, and provide adequate vertical clearance
for debris likely to be encountered at high water above the ordinary high water mark.
3. Culverts shall be designed according to applicable state and federal guidance criteria for fish
passage as identified in Water Crossing Design Guidelines, WDFW 2013, as amended, Fish
Passage Design at Road Culverts, WDFW, March 1999, and/or the National Marine Fisheries Ser-
vice Guidelines for Salmonid Passage at Stream Crossings, 2000, (and subsequent revisions) and
in accordance with a state hydraulic project approval. The applicant or property owner shall
maintain fish passage through the bridge or culvert.
4. The County may require that existing culverts be removed, replaced, or fish passage barrier sta-
tus corrected as a condition of approval if the culvert is detrimental to fish passage or water
quality, and a feasible alternative exists.
5. Culvert crossings shall be limited to the minimum length width necessary. Roadway
widths at culvert crossings shall be limited to the minimum width necessary to accommodate
the roadway's classification. Culvert length shall be the minimum that is compatible with the roadway width [pc155]

5.6 C. Shared common crossings are the preferred approach where multiple properties can be accessed by one crossing.

6.D. Access to private development sites may be permitted to cross habitat conservation areas if there are no feasible alternative alignments. Alternative access shall be pursued to the maximum extent feasible, including through the provisions of Chapter 8.24 RCW. Exceptions or deviations from technical standards may be considered by the Technical Administrator on a case-by-case basis where the resulting outcome reduces overall impacts to any identified Critical Area for width or other dimensions, and specific construction standards to minimize impacts may be specified, including placement on elevated structures as an alternative to fill, if feasible.

D.E. Construction of a structure, other than a building, that is associated with an agricultural use in the outer 25% of the CPAL designated buffer [pc157], or the reconstruction, remodeling, or maintenance of such structures in a habitat conservation area buffer, subject to all of the following criteria:

1. The structure is located within an existing lot of record and is an existing ongoing agricultural use.
2. There is no other feasible location with less impact to critical areas.
3. Clearing and grading activity and impervious surfaces are limited to the minimum necessary to accommodate the proposed structure and, where possible, surfaces shall be made of pervious materials.
4. Unavoidable adverse effects on critical areas are mitigated in accordance with this chapter.

E.F. Stormwater management facilities limited to detention/retention/treatment ponds, media filtration, lagoons and infiltration basins may be permitted in a stream buffer, subject to all of the following standards:

1. The facility is located in the outer 50% percent of the standard stream buffer and does not displace or impact a forested riparian community;
2. There is no other feasible location for the stormwater facility and the facility is located, constructed, and maintained in a manner that minimizes adverse effects on the buffer and adjacent critical areas;
3. The stormwater facility meets applicable County or state stormwater management standards and the discharge water meets state water quality standards; and
4. Low impact development approaches have been considered and implemented to the maximum extent feasible.

F.G. Stormwater conveyance or discharge facilities such as dispersion trenches, level spreaders, and outfalls may be permitted in a habitat conservation area buffer on a case-by-case basis when the technical administrator determines that all of the following are met:

1. Due to topographic or other physical constraints, there are no feasible locations for these facilities outside the buffer;
2. The discharge is located as far from the ordinary high water mark as possible and in a manner that minimizes disturbance of soils and vegetation, except on shoreline slopes where location shall be determined by site characteristics to minimize adverse impacts;
3. The discharge outlet is designed to prevent erosion and promote infiltration; and
4. The discharge meets freshwater and marine state water quality standards, including the need to evaluate cumulative impacts to 303(d) impaired waterbodies and [TAC158] total maximum daily load (TMDL) standards as appropriate at the point of discharge. Standards should include filtration through mechanical or biological means, vegetation retention, timely reseeding of dis-
5. The discharge outlet is designed to exclude fish from entering or migrating into stormwater conveyance systems. [CAC160]

G.H. Clearing and grading, when allowed as part of an authorized activity or as otherwise allowed in these standards, may be permitted; provided, that the following shall apply:

1. Grading is allowed only during the designated dry season, which is typically regarded as May to October of each year; provided, that the County may extend or shorten the designated dry season on a case-by-case basis, based on actual weather conditions. Special scrutiny shall be given to Lakes Samish, Padden, and Whatcom watersheds, and Water Resource Special Management Areas as described in WCC 20.80.735. [CAC160]

2. Appropriate erosion and sediment control measures shall be used at all times, consistent with Best Management Practices in the Department of Ecology's Stormwater Management Manual for Western Washington. The soil duff layer shall remain undisturbed to the maximum extent possible. Where feasible, disturbed topsoil shall be salvaged and/or redistributed to other areas of the site. Areas shall be revegetated as needed to stabilize the site.

3. The moisture-holding and infiltration capacity of the topsoil layer shall be maintained by minimizing soil compaction or reestablishing natural soil structure and infiltrative capacity on all areas of the project area not covered by impervious surfaces.

H.I. Streambank stabilization and shoreline protection may be permitted subject to all of the following standards:

1. The stabilization or protection measures shall be designed in accordance with the Washington Department of Fish and Wildlife's most recent Integrated Streambank Protection Guidelines.

2. Natural shoreline processes will be maintained to the maximum extent practicable.

3. The activity will not result in increased erosion and will not alter the size or distribution of shoreline or stream substrate, or eliminate or reduce sediment supply from feeder bluffs.

4. Stream and shoreline protection and launching ramps on shorelines of the state shall comply with WCC Title 23 and with state hydraulic project approval requirements.

5. No adverse impact or net loss to critical fish or wildlife habitat areas or associated wetlands will occur.

6. No net loss alteration of juvenile fish migration corridors will occur.

7. No net loss of intertidal or riparian habitat function will occur.

8. Nonstructural measures, such as placing or relocating the development further from the shoreline, planting vegetation, or installing on-site drainage improvements, are not practicable or not sufficient.

9. Stabilization is achieved through bioengineering or soft armoring techniques in accordance with an applicable Hydraulic Permit Approval issued by the Washington State Department of Fish and Wildlife.

10. Hard bank armoring is discouraged and may occur only when the property contains an existing permanent structure(s) that is in danger from shoreline erosion caused by wave action or riverine processes and not erosion caused by upland conditions, such as the alteration of natural vegetation or drainage, and the armoring shall not increase erosion on adjacent properties and shall not eliminate or reduce sediment supply. An objective alternatives analysis, addressing up- and downstream impacts, shall be conducted to demonstrate that there is no other less environmentally damaging alternatives to the more impacting proposed action.

11. Normal sloughing, erosion of steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not a demonstration of need.
10.12. The bank stabilization or shore protection will not adversely affect habitat conservation areas or mitigation will be provided to compensate for adverse effects where avoidance is not feasible.

1.J. Construction of trails and roadways less than or equal to 30 feet wide may be permitted in a habitat conservation area buffer when not directly related to a crossing and are subject to all of the following standards:

1. There is no other feasible alternative route with less impact on the critical area.
2. The road or trail minimizes erosion and sedimentation, hydrologic alteration, and disruption of natural processes such as channel migration, wood recruitment and natural wildlife movement patterns.
3. The road or trails through in-riparian (stream) buffers shall be located in the outer [25%] percent of the standard buffer, except for limited viewing platforms and crossings, shall not exceed 12 feet in width and shall be made of pervious material where feasible.
4. Private trails shall not exceed 45 feet in width, and public trails shall not exceed 10 feet in width, and shall be made of pervious material or on an elevated structure where feasible. Trails may include limited viewing platforms that shall not exceed 12 feet in width and shall be made of pervious materials where feasible.
5. The road or trail is constructed and maintained in a manner that minimizes disturbance of the buffer and associated critical areas.

J.K. New utility lines and facilities may be permitted when all of the following criteria are met:

1. Impacts to fish and wildlife habitat and/ or corridors shall be avoided to the maximum extent possible.
2. Where feasible, installation shall be accomplished by boring beneath the scour depth of the stream or water body and the width of the channel migration zone where present.
3. Trenching of utilities across a stream channel shall be conducted as to not exceed 60 degrees to the centerline of the channel or perpendicular to the channel centerline as possible whenever boring under the channel is not feasible. Utilities shall be installed below potential scour depth regardless of method.
4. Crossings shall be contained within the footprint of an existing road or utility crossing where possible.
5. The utility installation shall not increase or decrease the natural rate, extent, or opportunity of channel migration.

K.L. New public flood protection measures and expansion of existing ones may be permitted, subject to WCC Title 17, Article 4 of this chapter and a state hydraulic project approval; provided, that bioengineering or soft armoring techniques shall be used where feasible. Hard bank armoring may occur only in situations where soft approaches do not provide adequate protection.

L.M. In-stream structures such as, but not limited to, high-flow bypasses, dams, and weirs, shall be allowed only as part of a watershed restoration project as defined pursuant to WCC 23.110.230(10) or identified in watershed planning documents prepared and adopted under Chapter 90.82 RCW, the salmonid recovery plan or Salmon Recovery Board Habitat Project List, and the County’s shoreline restoration plan and upon acquisition of any required state or federal permits. The structure shall be designed to avoid adverse effects on stream flow, water quality, or other habitat functions and values.

M.N. Construction, reconstruction, repair, and maintenance of docks and public or private [CAC162]launching ramps may be permitted subject to the following:

1. The dock or ramp is located and oriented and constructed in a manner that minimizes adverse effects on navigation; wave action, water quality, movement of aquatic and terrestrial life; eco-
logical processes; eelgrass beds, shellfish beds, spawning habitat, and wetlands, or other critical
areas.
2. Docks or ramps on shorelines of the state shall comply with WCC Title 23 and state hydraulic
project approval requirements.
3. Natural shoreline processes will be maintained to the maximum extent practicable. The activity
will not result in increased erosion and will not alter the size or distribution of shoreline or
stream substrate, or eliminate or reduce sediment supply from feeder bluffs.
4. No net loss adverse impact to critical fish or wildlife habitat areas or associated wetlands will oc-
cur.
5. No net loss alteration of juvenile fish migration corridors will occur.
6. No net loss of intertidal or riparian habitat function will occur.
N.O. On-site sewage disposal systems (OSS) may be permitted in the outer 50% of HCA buffers when
accessory to an approved residential structure for which there are no alternatives and when it is not
feasible to connect to a public sanitary sewer system and when operated and maintained in accord-
ance with WCC 24.05.170; provided, that there are no adverse effects on water quality and slope
stability are avoided.
P. Domestic wells serving single-family developments (including plats, short plats, and individual single-
family residences) and necessary appurtenances, including a pump and appropriately sized pump
house, but not including a storage tank, in HCA buffers when all of the following conditions are met:
1. There is no viable alternative to the well site outside of the buffer and the well is located as far
back from the wetland edge as is feasible;
2. Any impacts to the HCA buffer from staging equipment and the well-drilling process are mitigat-
ed.[p/c163]
O.O. Single-family developments may be permitted to encroach into stream buffers subject to the
technical administrator’s approval; provided, that all of the criteria in WCC 16.16.270(A) are met.
P.R. All other developments may be allowed in shellfish protection districts outside of actual shellfish
habitats when permitted by zoning with a valid development permit and when the requirements of
subsection N-O of this section are met.
Q.S. Alteration or removal of beaver-built structures more than two years old; provided, that
1. The property owner can show that the beaver dam is harming or likely to harm his or her prop-
erty.
2. It has been demonstrated that beaver deceivers or auto leveler devices have been demon-
strated to cannot appropriately resolve ponding/backwatering that is negatively affecting adja-
cent land or property.[ITAC165] The applicant demonstrates that nondestructive measures, such
as the use of "beaver deceivers" are not feasible.
3. Impacts to wetland, river, or stream functions are minimized and mitigation is provided to com-
pensate for lost ecological value.
4. The property owner obtains an HPA from WDFW prior to initiating alteration or removal of the
beaver-built structure.
5. The property owner provides a copy of the HPA to the technical administrator.
R.T. On Eliza Island, WCC 20.35.653 (Bald eagle management plan) shall also apply.

16.16.730 Standards—Locally important habitats and species—Standards.
Alterations that occur within a locally important habitat area or that may affect a locally important spe-
cies as defined herein shall be subject to review on a case-by-case basis. The technical administrator
shall have the authority to require an assessment of the effects of the alteration on species or habitats
and may require mitigation to ensure that unmitigated adverse effects do not occur. This standard is
intended to allow for flexibility and responsiveness with regard to locally important species and habitats.
16.16.740 Standards—Habitat conservation area buffers—Standards.
In addition to the applicable general protective measures found in WWC 16.16.265 and
16.16.720, the technical administrator shall have the authority to require buffers from the edges of all habitat conservation areas (in addition to the building setback required by 16.16.265(D) in accordance with the following:

1) Buffers shall be established for activities adjacent to habitat conservation areas as necessary to protect the integrity, functions, and values of the resource. Buffer widths shall reflect the sensitivity of the species or habitat present and the type and intensity of the proposed adjacent human use or activity. Buffers shall not include areas that are functionally and effectively disconnected from the habitat area by an existing, legally established road or other substantial developed surface.

2) Stream Buffers.

1. The standard buffer widths required by this article are considered to be the minimum required and presumed the existence of a dense vegetation community in the buffer zone adequate to protect the stream functions and values at the time of the proposed activity. When a buffer lacks adequate vegetation to protect critical area functions, the technical administrator may increase the standard buffer, require buffer planting or enhancement, and/or deny a proposal for buffer reduction or buffer averaging.

2. The standard buffer shall be measured landward horizontally on both sides of the stream from the ordinary high water mark as identified in the field; provided, that for streams with identified channel migration zones, the buffer shall extend outward horizontally from the outer edge of the channel migration zone on both sides. The required buffer shall be extended to include any abutting adjacent, regulated wetland(s), landslide hazard areas and/or erosion hazard areas and required buffers, but shall not be extended across roads or other lawfully established structures or hardened surfaces.

3. The following standard buffer width requirements are established; provided, that portions of streams that flow underground may be exempt from these buffer standards at the technical administrator’s discretion when it can be demonstrated that no adverse effects on aquatic species will occur:

   1. i. Shoreline streams: 150 feet;
   2. ii. Fish-bearing streams: 100 feet;
   3. iii. Non-fish-bearing streams: 50 feet.

4. Portions of streams that flow underground may be exempt from these buffer standards at the technical administrator’s discretion when it can be demonstrated that no adverse effects on aquatic species will occur.

203 Buffers for Other Habitat Conservation Areas. The technical administrator shall determine appropriate buffer widths for other habitat conservation areas based on the best available information.

Buffers for non-stream habitat conservation areas shall be as follows identified in Table 4:
### Table 4. Buffer Requirements for HCAs

<table>
<thead>
<tr>
<th>Habitat Conservation Area</th>
<th>Buffer Requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Areas with which federally listed species have a primary association</td>
<td>Minimum buffers shall be based on recommendations provided by the Washington State Department of Fish and Wildlife PHS Program; provided, that local and site-specific factors shall be taken into consideration and the buffer width based on the best available information concerning the species/habitat(s) in question and/or the opinions and recommendations of a qualified professional with appropriate expertise. When there are no state recommendations or species management guidelines then only the building setback (WCC 16.16.255) shall be applied.</td>
</tr>
<tr>
<td>State priority habitats and areas with which Priority Species have a primary association</td>
<td>Buffers shall extend 150 feet landward from ordinary high water mark of the marine shore. Buffers shall not be required adjacent to shellfish protection districts, but only in nearshore areas where shellfish reside.</td>
</tr>
<tr>
<td>Commercial and recreational shellfish areas</td>
<td>Buffers shall extend 150 feet landward from ordinary high water mark of the marine shore.</td>
</tr>
<tr>
<td>Kelp and eelgrass beds</td>
<td>Buffers shall extend 150 feet landward from ordinary high water mark of the marine shore.</td>
</tr>
<tr>
<td>Surf smelt, Pacific herring, and Pacific sand lance spawning areas</td>
<td>Buffers shall extend 150 feet landward from ordinary high water mark of the marine shore.</td>
</tr>
</tbody>
</table>
| Natural ponds and lakes                                                                   | Ponds under 20 acres – buffers shall extend 50 feet from the ordinary high water mark.  
Lakes 20 acres and larger (which are subject to Title 23) – buffers shall extend 100 feet from the ordinary high water mark; provided, that where vegetated wetlands are associated with the shoreline, the buffer shall be based on the wetland buffer requirements in WCC 16.16.630. |
| Natural area preserves and natural resource conservation areas                            | Buffers shall not be required adjacent to these areas. These areas are assumed to encompass the land required for species preservation. |
| Locally important habitat areas                                                           | The buffer for marine nearshore habitats shall extend landward 150 feet from the ordinary high water mark.  
The need for and dimensions of buffers for other locally important species or habitats shall be determined on a case-by-case basis, according to the needs of the specific species or habitat area of concern. Buffers shall not be required adjacent to the Chuckanut wildlife corridor. The technical administrator shall coordinate with the Washington State Department of Fish and Wildlife and other state, federal or tribal experts in these instances, and may use WDFW PHS management recommendations when available. |

3)4) The technical administrator shall have the authority to reduce buffer widths on a case-by-case basis; provided, that the general standards for alternatives analysis and mitigation sequencing avoidance and minimization per WCC 16.16.260 have been applied(A)(1)(a) and (b) shall apply, and when the applicant demonstrates to the satisfaction of the technical administrator that all of the following criteria are met:  
1. The buffer reduction shall not adversely affect the habitat functions and values of the adjacent habitat conservation area or other critical area.  
2. The buffer shall not be reduced to less than 75% percent of the standard buffer specified in Table 3, above as defined in subsection C of this section.  
3. The slopes adjacent to the habitat conservation area within the buffer area are stable and the gradient does not exceed 30% percent (see Article 3).  
4. The area that has been reduced shall be mitigated at least at a ratio of 1:1, on an area basis. [CES170]
4) The technical administrator shall have the authority to average buffer widths on a case-by-case basis; provided, that the general standards for avoidance and minimization per WCC 16.16.260(A)(1)(a) and (b) shall apply, and when the applicant demonstrates to the satisfaction of the technical administrator that all of the following criteria are met:

1. The total area contained in the buffer area after averaging is no less than that which would be contained within the standard buffer and all increases in buffer dimension are parallel to the habitat conservation area.
2. The buffer averaging does not reduce the functions or values of the habitat conservation area or riparian habitat, or the buffer averaging, in conjunction with vegetation enhancement, increases the habitat function.
3. The buffer averaging is necessary due to site constraints caused by existing physical characteristics such as slope, soils, or vegetation.
4. The buffer width is not reduced to less than 75% percent of the standard width specified in Table 3, above, as defined in subsection C of this section.
5. The slopes adjacent to the habitat conservation area within the buffer area are stable and the gradient does not exceed 30% percent.
6. Buffer averaging shall not be allowed if habitat conservation area buffers are reduced pursuant to subsection D of this section.
7. Where a buffer has been reduced, the Technical Administrator may require enhancement to the remaining buffer to ensure no net loss of ecologic function, services, or value.

5) The technical administrator shall have the authority to increase the width of a habitat conservation area buffer on a case-by-case basis when there is clear evidence that such increase is necessary to achieve any of the following:

1. Comply with the requirements of a habitat management plan prepared pursuant to WCC 16.16.750.
2. Protect fish and wildlife habitat, maintain water quality, ensure adequate flow conveyance, provide adequate recruitment for large woody debris, maintain adequate stream temperatures, or maintain in-stream conditions.
3. Compensate for degraded vegetation communities, Clean Water Act 303(d) impaired water bodies, or steep slopes adjacent to the habitat conservation area.
4. Maintain areas for channel migration and/or frequently flooded areas.
5. Protect adjacent or downstream areas from erosion, slides, or other hazards.
6. Protect streams from high intensity adjacent land uses.

16.16.750 Habitat conservation areas – Review and reporting requirements.

When County critical area maps or other sources of credible information indicate that a site proposed for development or alteration is more likely than not to contain habitat conservation areas or buffers, or could adversely affect a habitat area or buffer, the technical administrator shall require a site evaluation (field investigation) by a qualified professional or other measures to determine whether or not the species or habitat is present. If no habitat conservation areas are present, then review will be considered complete. If the site evaluation determines that the species or habitat is present, the technical administrator shall require a critical areas assessment report or habitat management plan (HMP). Provided that:

No report or evaluation shall be required for developments outside of buffers within the upland portions of shellfish conservation areas.

A. The technical administrator shall have the authority to waive the report requirement when he/she determines that the project is a single-family building permit development that involves less than one-half acre of clearing and/or vegetation removal and will not directly disturb the species, or spe-
specific areas or habitat features that comprise the habitat conservation area (nest trees, breeding sites, etc.) as indicated by a site plan or scaled drawing of the proposed development (TAC 172).

B. In addition to the reporting requirements of WCC 16.16.255, the Habitat Conservation Area assessment report/HMP shall describe the characteristics of the subject property and adjacent areas, including condition, quality, function, and values of the Habitat Conservation Area at a scale appropriate to the function being evaluated (see WAC 365-196-830(6)). The assessment shall include determination of appropriate buffers as set forth in WCC 16.16.740. The assessment shall also include field identification and/or delineation of habitat areas, analysis of historical aerial photos, review of public records, and interviews with adjacent property owners as necessary to determine potential effects of the development action on critical areas. Assessment reports shall include the following site- and proposal-related information unless the technical administrator determines that any portion of these requirements is unnecessary given the scope and/or scale of the proposed development:

1. A map drawn to a common scale or survey showing the following information:
   a. Topographic, hydrologic, and vegetative features.
   b. The location and description of wildlife and habitat features, and all critical areas on or within 200 feet of the site abutting the site (TAC 173), or farther given the scale appropriate to the function being evaluated.
   c. Proposed development activity.
   d. Existing physical features of the site including buildings, fences, and other structures, roads, parking lots, utilities, water bodies, etc.
   d-e. Surrounding land uses and zoning (to ensure appropriate buffer).

2. An analysis, including an analysis of cumulative impacts, of how the proposed development activities will affect the fish and wildlife habitat conservation area and/or buffer, including the area of direct disturbance; effects of stormwater management; effects on any 303(d) impaired waterbodies; proposed alteration to surface or subsurface hydrology; natural drainage or infiltration patterns; clearing and grading impact; temporary construction impacts; effects of increased intensity of use (including noise, light, or human intrusion, etc.).

3. Provisions to reduce or eliminate adverse impacts of the proposed development activities on the functions and values of the Habitat Conservation Area including, but not limited to:
   a. Buffering;
   a-b. And clustering of development;
   b. Retention of native vegetation;
   c-d. Access limitations;
   d-e, Seasonal restrictions on construction activities in accordance with the guidelines developed by the Washington State Department of Fish and Wildlife, the U.S. Army Corps of Engineers, the salmonid recovery plan and/or other agency or tribe with expertise and jurisdiction over the subject species/habitat; and e-f. Other appropriate and proven low impact development techniques.

4. Management recommendations developed by WDFW through its PHS program.

5. When appropriate due to the type of habitat or species potentially present on the project area conditions, the technical administrator may also require that the report include additional information including, but not limited to, direct observations of species use or detailed physical and biological characteristics surface and subsurface hydrologic features both on and adjacent to the site (off-site at an appropriate scale (see WAC 365-196-830(6))). The assessment of off-site conditions shall be based on available information and shall not require accessing off-site properties.
5.6. Bald eagle habitats shall be protected pursuant to the Washington State Bald Eagle Protection Rules (WAC 232-12-292), the provisions of which require a site cooperative habitat management plan to be developed in coordination between the WDFW and landowner whenever projects are proposed on land that involves land containing or adjacent to an eagle nest or communal roost site that alter habitat are proposed within a nest territory or communal roost. The County shall issue development permits only after certification from the WDFW that the development is in compliance with an approved habitat management plan. (See WAC 232-12-292 for specific details.)

C. All habitat management plans shall be prepared in consultation with the State Department of Fish and Wildlife and/or other federal, state, local or tribal resource agencies with jurisdiction and expertise in the subject species/habitat.

D. At the request of the applicant, the County may gather the required information in this section for applicants seeking to develop a single-family home; provided, that:

1. Availability of County staff shall be at the discretion of the technical administrator and subject to workload and scheduling constraints.
2. Fees for County staff services shall be in accordance with the unified fee schedule.

16.16.760 Habitat conservation areas – Mitigation standards for habitat conservation areas.
Activities that adversely affect habitat conservation areas and/or their buffers as determined by the technical administrator shall include mitigation sufficient to achieve no net loss of habitat functions and values in accordance with WCC 16.16.260 and this section.

A. In determining the extent and type of mitigation required, the technical administrator may consider all of the following:

1. The ecological processes that affect and influence critical area structure and function within the watershed or sub-basin;
2. The individual and cumulative effects of the action upon the functions of the critical area and associated watershed;
3. Observed or predicted trends regarding the gains or losses of specific habitats or species in the watershed, in light of natural and human processes;
4. The likely success of the proposed mitigation measures;
5. Effects of the mitigation actions on neighboring properties; and
6. Opportunities to implement restoration actions formally identified by an adopted shoreline restoration plan, watershed planning document prepared and adopted pursuant to Chapter 90.82 RCW, a salmonid recovery plan or project that has been identified on the Salmon Recovery Board Habitat Project List or by the Washington State Department of Fish and Wildlife as essential for fish and wildlife habitat enhancement.

B. The following additional mitigation standards shall apply:

1. Compensatory mitigation for alterations to habitat areas shall achieve equivalent or greater biologic functions, and shall provide similar functions to those that are lost or altered.
2. Compensatory mitigation in the form of habitat restoration or enhancement is required when a habitat is altered permanently as a result of an approved project. Alterations shall not result in net loss of habitat.
3. Where feasible, mitigation projects shall be completed prior to activities that will disturb habitat conservation areas. In all other cases, mitigation shall be completed as quickly as possible following disturbance and prior to use or occupancy of the activity or development. Construction of mitigation projects shall be timed to reduce impacts to existing fish, wildlife and flora; provided, that the technical administrator may adjust the timing requirements to allow grading, planting, and other activities to occur during the appropriate season(s).
4. Compensatory mitigation shall be provided on-site whenever feasible, or off-site mitigation in the location that will provide the greatest ecological benefit to the species and/or habitats affected and have the greatest likelihood of success may be accepted at the discretion of the Technical Administrator. Mitigation shall occur as close to the impact site as possible within the same sub-basin, and in a similar habitat type as the permitted alteration unless the applicant demonstrates to the satisfaction of the technical administrator through a watershed- or landscape-based analysis that mitigation within an alternative sub-basin of the same watershed would As mitigation is moved further away from the impacted habitat the Technical Administrator may increase the amount of mitigation required. If offsite mitigation is proposed, the applicant must demonstrate through an alternatives/ mitigation sequencing analysis (WWC 16.16.260) that the mitigation will have greater ecological benefit  

5. All mitigation sites shall have buffers consistent with the buffer requirements established in 16.16.740 of this chapter; provided, that the technical administrator shall have the authority to approve a smaller buffer when existing site constraints (such as a road) prohibit attainment of the standard buffer. Mitigation actions shall not create buffer encumbrances on adjoining properties.

6. The technical administrator shall have authority to require annual monitoring of mitigation activities and submittal of annual monitoring reports in accordance with WCC 16.16.260(C) to ensure and document that the goals and objectives of the mitigation are met. The frequency and duration of the monitoring shall be based on the specific needs of the project as determined by the technical administrator.

7. All mitigation areas shall be protected and managed to prevent degradation and ensure protection of critical area functions and values in perpetuity. Permanent protection shall be achieved through deed restriction or other protective covenant in accordance with WCC 16.16.265.

8. Mitigation projects involving in-stream work including, but not limited to, installation of large woody debris shall be designed to ensure there are no adverse hydraulic effects on upstream or downstream properties. The County River and Flood Division shall review any such mitigation projects for compliance with this provision.

9. On a case-by-case basis, the Technical Administrator shall have the authority to require mitigation for impacts to a Habitat Conservation Area 11 at the following ratios:

   i. Where the mitigation is placed after the impact occurs, at a 1:25:1 ratio (area or function); and,

   ii. Where the mitigation is in place and functional before the impacts occur (i.e., advanced mitigation), at a 1:1 ratio (area or function).
Proposed Findings of Fact (as adopted by the Planning Commission)

WHEREAS, the adopted Whatcom County Comprehensive Plan supports the protection of environmentally critical areas through the adoption of development regulations; and

WHEREAS, the State Growth Management Act (GMA) includes adopted goals and requirements to guide the development and adoption of comprehensive plans and development regulations including requirements to designate and protect environmentally critical areas; and

WHEREAS; the County has considered those adopted goals, policies, and requirements in development of the proposed Whatcom County Code Amendments related to critical areas, and, has considered other state requirements, law, rules, guidelines, and agency comments; and

WHEREAS, the County researched and assessed the experience of other jurisdictions in regard to standards and requirements for regulating critical areas, undertook a Best Available Science (BAS) review and public process in accordance with the requirements of the GMA, developed Whatcom County Code amendment drafts, prepared environmental documents in accordance with the requirements of the State Environmental Policy Act (SEPA), and held meetings and hearings throughout the code development process; and

WHEREAS, the County has been provided feedback on draft work products and guidance from members of the public, County staff, the Washington State Department of Fish and Wildlife, the Washington State Department of Ecology, the Washington State Department of Commerce, the Lummi Nation, the Nooksack Indian Tribe, other stakeholders and experts, the Whatcom Planning Commission, and elected and appointed officials during the development of the recommended code amendments; and

WHEREAS, in developing this ordinance, the County has followed the GMA’s requirements, including to provide “early and continuous public involvement” through a variety of mechanisms described in the public record; and

WHEREAS, the County has followed the State guidelines for the BAS process required by RCW 36.70A.172 and WAC 365-195-900 through 925, employing a variety of mechanisms described in the public record; and

WHEREAS, a notice of intent to adopt the proposed code amendments was sent to the State of Washington Department of Commerce and to other State agencies on February 2, 2016, for a 60-day review and comment period in accordance with State law; and

WHEREAS, an environmental review has been conducted in accordance with the requirements of State Environmental Policy Act (SEPA), and a SEPA threshold determination was issued, and published on March 17, 2016, in the Bellingham Herald; and

WHEREAS, the Planning Commission held a total of 7 public meetings to consider the proposed amendments, which included two public hearings, one on May 12 and one on June 9, 2016, with deliberations throughout these meetings; and

WHEREAS, the Planning Commission has provided a recommendation to the County Council related to the proposed amendments; and
WHEREAS, the County Council held X study sessions on the proposed amendments on X, 2016, and a public hearing on X, 2016 and continued public hearing on X, 2016; and

WHEREAS, the County Council has considered the recommendation of the County Planning Commission and the public comments received; and

WHEREAS, the County Council has reviewed and considered a variety of information sources including Best Available Science materials, informational documents in the public record, and public testimony submitted verbally and in writing to the Planning Commission and to the County Council; and

WHEREAS, the County Council desires the proposed amendments to be effective throughout the County including within shoreline jurisdiction, a subsequent Shoreline Master Program amendment should be prepared for submittal to the State Department of Ecology for approval; and

WHEREAS, based upon the foregoing process, the County Council has made the following Findings of Facts and Conclusions:

General Critical Areas Findings
1. The Growth Management Act requires critical areas to be designated and protected and to include and be informed by BAS when developing critical areas regulations. [RCW 36.70A]

2. Critical areas include wetlands, fish and wildlife habitat conservation areas, geologically hazardous areas, critical aquifer recharge areas, and frequently flooded areas.

3. The Whatcom County has within its borders a variety of environmentally sensitive areas that require protection of important functions and values.

4. Unregulated development may result in cumulative impacts to those functions and values of critical areas that contribute to and are necessary for a healthy natural environment and perceived quality of life.

5. The unregulated development of residences, businesses, shopping areas and other structures, and the clearing of land for accommodation of livestock and for such development all have the potential of adversely and significantly impacting the functions and values of critical areas.

6. The unregulated development of resource lands or areas susceptible to natural hazards may lead to inefficient use of limited public resources, jeopardize environmental resource functions and values, subject persons and property to unsafe conditions, and affect the perceived quality of life.

7. It is more costly to remedy the loss of critical area functions and values than to conserve and protect them from loss or degradation.

8. In determining what critical areas are to be afforded a particular degree of protection, Whatcom County has evaluated a wide range of the best science available with respect to the critical areas to make informed decisions that meet the intent of the Growth Management Act and that are also reflective of local needs.

9. The sources of this best available science that were evaluated and included in this ordinance are contained in Exhibit B: Whatcom County Critical Areas Ordinance 2016 Update – Best Available Science Review: Addendum to the 2005 BAS Report.
10. Protection standards for one critical area often provide protection for one or more other critical areas.

11. Critical areas may also be protected by other actions by the County, such as stormwater management standards, clearing and grading regulations, critical area restoration, and public education; and from other regulations, such as the Forest Practices Act, the Shoreline Management Act, the State Environmental Policy Act, and others.

12. The U.S. Constitution prohibits the taking of private property without just compensation.

13. The proposed regulations for critical areas are sufficient and appropriate to protect the functions and values of those areas consistent with the Whatcom Comprehensive Plan and Growth Management Act.

14. The amendments hereafter set forth address requirements related to development in and near environmentally critical areas including environmentally critical areas buffers, performance standards, mitigation requirements, exemptions and exceptions.

15. The amendments serve to further implement the Comprehensive Plan, and provide protection for critical areas that is consistent with BAS and with providing options and development flexibility, and are in the public interest.

16. The critical areas regulations continue to allow for reasonable use of property to ensure that such regulations do not infringe on constitutional private property rights.

17. The public record demonstrates that the amendments were developed through a review of the BAS literature available to the County for review and consideration.

18. The County has followed the GMA’s requirements for public involvement and for including and considering BAS in modification of the regulations for critical areas.

19. The public testimony provided to the County included both support for the proposed amendments and suggestions for modifications.

20. Based on the review of the testimony and public record, the amendments attached to this ordinance reflect the County’s requirement to protect critical areas and to consider the planning goals of the GMA, while recognizing public and private interests.

**Wetlands**

21. Wetlands and streams are environmentally sensitive and have numerous natural functions and values. These functions include: wildlife and fisheries habitat; water quality protection; flood protection; shoreline stabilization; stream flow; and ground water recharge and discharge. In many situations, these functions cannot be adequately replicated or replaced.

22. The scientific literature supports in the inclusion of protective buffers from wetlands to provide sediment control and nutrient inputs to wetlands, and to protect important wetland functions.

24. The scientific literature supports the inclusion of protective buffers of relatively intact native vegetation from wetlands to adequately protect wetland functions and values.


**Critical Aquifer Recharge Areas**

26. WAC 365-190-080 defines wellhead protection areas, sole source aquifers, special protection areas, and other areas that are susceptible or vulnerable to ground water contamination as areas with a critical recharging effect on aquifers used for potable water (also referred to as critical aquifer recharge areas).

27. Potable water is an essential life-sustaining element.

28. Much of the County’s drinking water in rural areas comes from groundwater supplies.

29. Once groundwater is contaminated it is difficult, costly, and sometimes impossible to clean up.

30. Preventing groundwater contamination is necessary to avoid exorbitant costs, hardships, and potential physical harm to people.


**Frequently Flooded Areas**

32. Flood hazard areas are subject to periodic inundation that results in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

33. These flood losses are caused by development in areas prone to inundation that increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to flood loss.

34. Floodplain and stream connectivity are major elements in maintaining healthy riparian habitat and off-channel habitats for the survival of fish species and conveyance of floodwaters. If river, floodplains, and other systems are not viewed holistically as biological, geomorphological units, this can lead to serious degradation of habitat and increase flood hazards, which in turn can contribute to listing of various fish species as threatened or endangered and result in extraordinary public expenditures for flood protection and relief.

35. Frequently flooded areas, including the 100-year floodplain and the floodway, are commonly mapped on flood insurance maps, often known as Flood Insurance Rate Maps, or FIRMs.
Geologically Hazardous Areas

36. Geologically hazardous areas are subject to periodic geological events that result in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

37. Geologic hazards may be exacerbated by development and human activity in sensitive areas, and impacts resulting from geologic hazards may be reduced by limiting development and human activity within or adjacent to the geologic hazard.

38. Some geologic hazards may be intensified during periods of consistent or heavy rainfall that results in ground saturation or surface water drainage flows.

Fish and Wildlife Habitat Conservation Areas

39. Fish and wildlife habitat conservation areas perform many important physical and biological functions that benefit Whatcom County and its residents, including but not limited to: maintaining species diversity and genetic diversity; providing opportunities for food, cover, nesting, breeding and movement for fish and wildlife; serving as areas for recreation, education and scientific study and aesthetic appreciation; helping to maintain air and water quality; controlling erosion; and providing neighborhood separation and visual diversity within urban areas.

40. Wetlands and streams are environmentally sensitive and have numerous natural functions and values. These functions include: wildlife and fisheries habitat; water quality protection; flood protection; shoreline stabilization; stream flow; and ground water recharge and discharge. In many situations these functions cannot be adequately replicated or replaced.

41. The scientific literature supports the inclusion of protective buffers from streams to provide sediment control, nutrient inputs to downstream waters, large woody debris, and other functions important to riparian areas.

42. The Washington Department of Fish and Wildlife (WDFW) has prepared management recommendations for the preservation of priority habitat and species, which are based on the best available science, and include, in some instances, recommended protective buffer distances.

43. Kelp and eelgrass beds have been identified and mapped by the Washington State Department of Natural Resources (DNR) in some areas. Herring and smelt spawning times and locations are outlined in WAC 220-110-240 through 220-110-260. Locations for both may be found by referring to Critical Spawning Habitat for Herring, Surf Smelt, Sand Lance and Rock Sole in Puget Sound, Washington: A Guide for Local Governments and Interested Citizens, 2002, and the Puget Sound Environmental Atlas, Volumes 1 and 2.

44. Salmonid and anadromous fish may be more impacted by development and human activity during some times than others. Such times are referred to as “fish windows,” which have been documented by WDFW.

45. DNR has classified watercourses according to two stream-typing systems based on channel width, fish use, and perennial or intermittent status.
46. WAC 365-190-080(5) grants [the jurisdiction] the flexibility to make decisions in the context of local circumstances, and specifically excuses local jurisdictions from being required to protect "all individuals of all species at all time."
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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**TITLE OF DOCUMENT:**
Discussion regarding CH2M Hill contract #201205028 & contract #201205029

**ATTACHMENTS:**

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

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

Executive's Report: Discussion regarding amendments to County contract #201205028 (CH2M Hill) and contract #201205029 (Pacific International Inc. and BNSF)

**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.
**TITLE OF DOCUMENT:**
CRP #916008 Yacht Club Rd. RR Quiet Zone

**ATTACHMENTS:**
1. Memo
2. Project Narrative
3. Preliminary Design Drawing
4. Public Authority Application to Federal Railroad Administration
5. Approval Letter from the Federal Railroad Administration
6. Cost Estimate for Project Improvements by County Forces

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<th>SEPA review required?</th>
<th>(x) Yes</th>
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<th>Should Clerk schedule a hearing?</th>
<th>(x) Yes</th>
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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.)

Public Works Department reporting back to County Council regarding the Federal Railroad Administration’s response to a proposed quiet zone design for the Yacht Club Road at grade railroad crossing.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

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MEMORANDUM

To: The Honorable Jack Louws, Whatcom County Executive and The Honorable Whatcom County Council
Through: Jon Hutchings, Director/\nFrom: Joseph P. Rutan, P.E., County Engineer/Assistant Director/\n        James P. Karcher, P.E., Engineering Manager/\nDate: January 6, 2017
Re: YachtClub Rd. Railroad Quiet Zone; CRP No. 916008
     Project Status Update

Attached to this document for your review is project narrative, preliminary design drawing, Public Authority Application to the Federal Railroad Administration (the FRA), the approval letter from the FRA, and cost estimate for project improvements by County forces.

Requested Action
Public Works Department reporting back to County Council regarding the Federal Railroad Administration’s response to a proposed quiet zone design for the Yacht Club Road at grade railroad crossing.

Project Background
Following a presentation at a County Council Meeting in 2015 by Christine Adams, FRA Grade Crossing Manager that detailed the options and procedures for the conversion of an at grade railroad crossing, to a quiet zone, Public Works moved forward with the process to convert the Yacht Club Road crossing.

Public Works formed a diagnostics team with Burlington Northern Santa Fe (BNSF) and Utilities and Transportation Commission (UTC) to explore improvement options unique to the crossing. Public Works has recently received approval from the FRA for the design of Mountable Medians with Reflective Traffic Channelization Devices that was submitted in part of a Public Authority Application to the FRA.

Funding Amount and Source
The improvements costs for the installation of the medians were estimate to be $40,586. No County funds have been designated for the remaining administrative or construction costs.

With Council direction Public Works is able to work with the community using County forces on the remaining administrative and construction efforts. However, the community also has the option to proceed with site improvements with their own construction and administrative forces.

Please contact Joe Rutan or Roland Middleton at extension 6219 and 6212, respectively, if you have any questions or concerns regarding this topic.
Yacht Club Rd RR Quiet Zone
CRP # 916008

Construction Funding Year(s): 2017 / 2018

Project Narrative:
This project is located in Section 30, T37N, R3E. This project proposes to upgrade the BNSF crossing to “Quiet Zone” standards. This project is listed #R30 on the 2017-2022 Six-Year Transportation Improvement Program.

Project Status: Federal Application is submitted to the Federal Railroad Administration for approval; construction date pending approval and funding source.

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<th>Total Estimated Project Cost: $40,586</th>
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Environmental Permitting                    TBD
Right-of-Way Acquisition (Estimate)         TBD
County Forces (Estimate)                    TBD
Public Authority Application to Federal Railroad Administration
Whatcom County, Washington-
Yacht Club Rd., DOT #084796F M.P. 89.37 Proposed Quiet Zone

I. **Current Safety Measures:**

The railway grade crossing at Yacht Club Road (#084796F) Bellingham, Washington is a public single track crossing serving 32 residents. This no outlet road serves Chuckanut Lane and Chuckanut Shore Road residents and has an average daily traffic (ADT) of 222 vehicles. This ADT value more precisely defined is 111 vehicles entering the community via Yacht Club Road and 111 vehicles exiting via Yacht Club Road. One percent of the ADT is truck traffic.

The intersection of Yacht Club Road and Chuckanut Lane (north of Yacht Club Road)/Chuckanut Shore Road (south of Yacht Club Road) is approximately 35-feet west of the crossing. Both of these roads have an existing Parallel Railroad Crossing sign (Manual of Uniform Traffic Control Devices (MUTCD) W10-3) displayed approximately 150-feet from the intersection. The crossing is currently identified on the easterly Yacht Club Road approach using Highway-rail Grade Crossing pavement markings (MUTCD 10-15) and Railroad Crossing Advanced Warning sign (MUTCD W10-1).

The crossing implements a Two Quadrant Gate Configuration and flashing lights to indicated oncoming train traffic. The westerly gate mast has four pair of flashing lights that face east and west down Yacht Club Road, south down Chuckanut Shore Road, and north down Chuckanut Lane. The east mast has two pair of flashing lights that face east and west down Yacht Club Road.

The Constant Warning Time detection system is currently in place at the crossing. The oncoming train sounds its horn as it approaches the crossing and the pedestrian bell sounds.

The current U.S. DOT Crossing Inventory does not identify all of the existing safety measures detailed above.

II. **Diagnostics Team Review:**
Whatcom County (County) has examined the Yacht Club Road crossing thoroughly to identify and
develop reasonable, safe improvement option that will allow the crossing to be converted to a Quiet
Zone. The ultimate goal of County is to increase the safety facilities at the crossing in the most effective
and feasible manner to mitigate the absence of the train horn.

The County has formed a diagnostics team of County staff to examine the site conditions and make
engineering recommendations that satisfy Federal Railway Administration (FRA) requirements for
converting this crossing to a Quiet Zone. The Whatcom County diagnostics team includes:

Jim Karcher: Engineering Manager
Roland Middleton: Special Programs Manager
Cody Swan: Project Engineer
Dave Hower: Senior Traffic Engineer

Whatcom County’s diagnostics team also includes personnel from BNSF and Washington Utilities and
Transportation Commission (UTC) that discussed safety concerns and potential safety improvement
options for crossings Quiet Zone conversion. The representatives that Whatcom County has worked with
on this project were:

Bob Boston: UTC Operation Lifesaver Coordinator
Richard Wagner: BNSF Manager Public Project
John Shurson: BNSF Assistant Director Public Projects

The County has incorporated the needs of a very involved Chuckanut Bay Community affected by the
train horns into the final improvement decision. This community has expressed their concerns at County
Council meetings and the County Council has made great considerations to their concerns.

The diagnostics team has made multiple site visits to examine the potential safety concerns involved
with discontinuing the sounding of the train horn. The safety concerns that were recognized are as follows:

- Proximity of intersection;
- Sight distance of approaching and queued vehicles on road approaches;
- Sight distance of train engineer;
- Lane widths restraint on larger vehicle or trailered vehicles;
- Pedestrian traffic;
- Steep grade (10-12%) of road approaches;
- Drainage;

The recommendations made by diagnostics team resulting from examination of the site and the safety
concerns unique to this crossing were a:

1. Supplemental Safety Measures (SSM)-4-Quadrant Gate System;
2. Alternative Safety Measures (ASM)-Non- Mountable Median;
3. ASM-Combination of Exit Gate with Non-Mountable Median;
4. ASM-Mountable Medians with Reflective Traffic Channelization Devices;

Additional considerations made by the diagnostics team while evaluating options:
• Current (2013) ADT is 222 vehicles, of which 1% is trucks;
• Posted speed limit on east side of tracks is 35 mph and 25 mph on the west;
• Maximum allowable train speeds are; freight=59 mph and passenger=79 mph;
• There have been no accidents within the last 10 years at this crossing;
• School Buses and transit bus do not use this crossing;
• The crossing serves a “No Outlet” road;
• Residents using the crossing are educated and aware of safety concerns with discontinuing sounding of the train horn;
• Sanitary Services Company needs for access during their weekly trash pick-ups;

III. Proposed Safety Improvements:

Considering all options, holding safety paramount, and factoring cost, unique site conditions, and the knowledge base of the affected community on this issue, we have identified the most feasible option to be the ASM - Mountable Median with Reflective Traffic Channelization Devices (mountable median).

The easterly road approach will be equipped with a durable plastic 4-inch tall mountable median. That will be installed 1-foot or less from the existing entrance gate in it’s down position and will extend 100-feet east along the existing double yellow centerline of Yacht Club Road. There will be a 1-foot, or less, gap in the mountable median 20-feet from the starting point at the gate to allow for drainage of a small portion of the asphalt road. Reflective Traffic Channelization Devices with an 8-inch by 29-inch Type III Reflective Sheeting surface will be installed atop the 4-inch composite curb at 80-inch intervals. This safety improvement qualifies as SSM defined in 49 Code of Federal Regulations (FCR) 222, Appendix A, Section 3-Gates with Medians or Channelization Devices.

The closed proximity of the intersection on the westerly road approach of the crossing will not allow for installation the full 60-foot mountable median per requirement of 49 Code of Federal Regulations (FCR) 222, Appendix A, Section 3. The mountable median will be installed at 35 foot in length beginning at no more than 1-foot from the westerly gate in its down position. This modified SSM will qualify as an ASM under 49 Code of Federal Regulations (FCR) 222, Appendix B Section I and is subject to Federal Railroad Administration (FRA) review.

In addition to the mountable median the County will install No Train Horns signs (MUTCD W10-9) at all road approaches.

The County has also taken great consideration to the involvement of the community affected by the crossing and although the County is not implementing a Public Education and Awareness ASM, as covered under the 49 CFR 222 Appendix B, Section II(2), we do acknowledge the fact that the community has a comprehension of the laws governing this crossing when converted to a Quiet Zone. The community has been present at several council meetings, community meetings, and has been kept abreast on all topics concerning the process of converting the crossing to a Quiet Zone.

IV. Quiet Zone Risk Index Calculation:

The current Risk Indexes are:

- Nationwide Significant Risk Threshold - 14,347.00
- Risk Index with Horns - 11,804.82
- Quiet Zone Risk Index - 19,690.44
When using the Quiet Zone Calculator to calculate the potential risk reduction when using the SSM, (12) Mountable Median with Reflective Traffic Channeliziation Devices, the Quiet Zone Risk Index is reduced by 14,767.83 to 4,922.61. It is assumed that this calculator factors the requirement in 49 CFR 222, Appendix A, Section 3(b) defining required length and adjustments for effectiveness rating. This CFR would require 100 feet of the SSM mentioned above to be install on the east side of the crossing and 60 feet to be installed where the intersection is located within 100 feet. Since the proximity of the intersection prohibits the installation of the full 60 feet on the west and only 35 feet will be installed we have prorated the reduction in risk accordingly using the following method.

Required median length = 160 ft.
Installed median length = 135 ft.
Percentage installed = 85%
Quiet Zone Risk Reduction = 14,767.83

Adjusted Risk Reduction
85% x 14,767.83 = 12,552.65

Quiet Zone Risk Index with Proposed Safety Improvements
19,690.44 – 12,552.65 = 7,137.79

The proposed safety improvements reduce the Quiet Zone Risk Index below the existing Risk Index with Horns and below the Nationwide Significant Risk Threshold.

V. **County Response to Notice of Intent (NOI) Comments:**

A. **Whatcom County Response to BNSF Comments:**

The BNSF NOI comment letter had no direct comments to the County’s proposed safety improvements for the crossing. The comments below have been assumed from the statements within the letter.

1. **BNSF Comment:**

While no specifics are given on either the product or construction of the mountable medians, it is clear from watching the on-line “Product Videos” of the mountable median Tuff Curb at [http://www.impactrecovery.com/products/tuff-curb1/](http://www.impactrecovery.com/products/tuff-curb1/), this product seems to be contradictory to the Quiet Zone treatment goal of deterring motorists from driving over the median and around the gates.

**County Response:**

The note on the preliminary plan indicates that, **Median Notes: 1. Install, Qwick Kurb or approved equivalent, per the manufacturer’s recommendations. (See mountable raised curb detail this sheet).**

Installation of this product would be per manufacturer’s recommendations of the approved product that meets the specifications detailed in the plans. The “Product Video” referenced in the BNSF comment appears to be contradictory to the product specified in the preliminary plans and would not qualify as an approved equivalent.
Please reference the following webpage, http://www.qwickkurb.com/, to view a video (video on right) of the product that is specified to be the ASM installed at the crossing.

2. **BNSF Comment:**

*BNSF believes the County should install, at a minimum, concrete medians with 6-inch minimum height curbs for channelization, which provide a physical barrier to prevent drivers from attempting to drive around down gates.*

**County Response:**

The County determined there to be several issues with installing 6-inch concrete median while the safety benefit was insignificant compared to using mountable median.

The non-mountable median may potentially restrict ingress of emergency vehicles, such as fire trucks, when accessing this community. Unintentionally contact from emergency vehicles may cause damage to the vehicle and/or the non-mountable median. The mountable median will be able to be straddled by emergency vehicle in the event of an emergency without the possibility of damage to the vehicle.

The non-mountable median will impact future road improvement and maintenance such as paving, chip sealing, and snowplowing. Whereas, the mountable median can be removed for maintenance and reinstall and will endure low speed impact from snowplows with little to no damage to either the median or the snowplow.

The non-mountable concrete median is NOT the preference of Sanitary Services Company (garbage pick-up). The non-mountable concrete median has the potential to be damaged by unintentional contact by their garbage truck and could potentially damage their truck. The mountable median option detailed in the County plans will allow that garbage truck driver to unintentionally roll over the median without potential damage to the truck or median.

The proposed mountable median is made of a highly durable material that is anchored to the existing asphalt with 8-inch molly bolt anchors and requires little maintenance. The reflective channelization devices will be monitored frequently to ensure continued effectiveness and defective items will be replaced when the need exists.

3. **BNSF Comment:**

*The on-site meeting with you and Messrs. Swan, Hower, Donahue and Vandersypen in June 2015 left both John Shurson and me with the opinion that exit gates and/or non-traversable medians or a combination of the two treatments were the consensus for this crossing’s treatment. Additionally, we discussed safety concerns not addressed by the Rule, such as:*

- Grade to both approaches;
- Lane widths at the west bound approach;
- Site (sight) distances at both approaches due to geography and double-track rail traffic;
- Types of daily traffic use;
- Drainage;
County Response:
When referencing the BNSF and Whatcom County meeting notes, dated June 3, 2015 that were provided to BNSF it appears that during the meeting several options of potential improvements were discussed. BNSF made it abundantly clear that their preference was to install exist gates in both directions at the crossing and gave a verbal approximation of cost to be $150k for each gate and $10k annual maintenance costs. No official concurrence was made at this time and in conclusion to the meeting the required actions by both Whatcom County and BNSF are as follows per the meeting notes:

1. **Whatcom County** — will compile a couple of alternatives to present to County Council to determine which option is best for the Yacht Club crossing. Then Whatcom County will contact BNSF to arrange a meeting to meet on site with UTC.

2. **BNSF** — Whatcom County will need an unofficial engineers estimate from BNSF detailing the costs associated with SSMs discussed on site. This estimate will then be used to support the alternatives that will be presented to County Council.

On November 12, 2015 the County received BNSF’s unofficial engineers estimate for the two additional exit gates and the estimated was $644,126. This estimate was in excess of the verbal estimate by over twice as much.

The February 3, 2016 team meeting both BNSF and UTC expressed concern with the mountable median and they suggested that the County install a combination of a non-mountable median on the easterly road approach and an exit gate on the westerly road approach. The requirement action by the County following the meeting was to contact BNSF for a revised unofficial engineers estimate detailing a single exit gate cost or to proceed with the NOI proposing the mountable median with reflective traffic channelization devices.

The County chose to pursue the mountable median with reflective traffic channelization devices option. The County researched the efficacy of channelization devices used at highway-rail grade crossing and in the Federal Railroad Administration (2005), Use of Locomotive Horns at Highway-Rail Grade Crossings: Final Rule, 49 CFR Parts 222 and 229, Federal Register, Vol. 70, No. 80, gates with median or channelization devices have an effectiveness rating of 0.75. This effectiveness rating was slightly less than the non-mountable medians rating of 0.80.

The County determined that the 0.75 effectiveness rating which translates to a 75% reduction of the risk of a collision at the crossing, at a crossing that had no collision history in the last 10 years, would be a suitable safety improvement. That coupled with the facts that the ADT of this “No Outlet” road is 222, 111 entering and 111 exiting, and the community using this crossing has a superior knowledge base than that of the typical motorist on the implications of removing the train horn, the County concluded that the mountable median would provide a safer crossing for the community.

The safety concerns mentioned in BNSF’s statement are addressed by the proposed ASM as follows:

- **Grade to both approaches;** The approach grades have not been an issue for the travelling public at this crossing at no point in the past. The grades will not be lessen as a result of any of the recommendations made by BNSF and will continue to be a safety concern inherent to living at the bottom of Yacht Club Road.
• **Lane widths at the west bound approach:** The proposed ASM will be installed within the existing limits of double yellow centerline. This road is both low traffic and low speed. The County will install advanced warning signs to inform drivers of the changed traffic configuration.

• **Site distances at both approaches due to geography and double-track rail traffic:** The single-track Yacht Club Road crossing site has steep geography on the easterly road approach that does impair the sight distance of the train engineer and the motorist. On higher volume roads with large vehicle ques and a history of gate violations and collisions this concern would have a large impact on the final design of this safety improvement. Since the vehicle ques at this crossing typically do not exceed 2 or 3 vehicle at which point the only sight distance obstruction is the railroad bungalow.

The westerly approach has some overgrowth that does restrict sight distance. This issue can be resolved to the during the other safety improvements with the cooperation of BNSF. The proposed safety improvement is intended to reduce collision in the absence of the train horn and deter motorist from attempting an unlawful gate crossing. Ultimately, the train engineer still reserves the right to sound the train horn if any safety risk is present.

• **Types of daily traffic use:** The largest vehicle using this crossing on a regular basis is the garbage truck that makes weekly pickups. Whatcom County has discussed the needs required by this service and the proposed design accommodates their requirements. The proposed mountable median was laid out in the field and the garbage truck driver drove his normal route as a trial and no conflicts were noted. The proposed mountable median will allow oversized vehicle the ability to drive over the median without damage to the vehicle or median. As infrequent as this route is used by large vehicles maintenance caused from vehicle damage is anticipated to be minimal.

• **Drainage:** In order to address drainage issues that may occur as result of installing the ASM, the mountable median will have a gap of less than 1 foot at the low point on the easterly road approach. The median will be routinely cleaned and free of any debris that may accumulate and impede flow of the storm water.

B. **Whatcom County Response to UTC Comments:**

The UTC NOI comment letter stated some of the same concerns as the BNSF comment letter. The County responses to UTC comments call reference to the above responses to BNSF on related topics. The comments below have been assumed from statements within the letter.

1. **UTC Comment:**

   The team at the February 3, crossing review agreed that the preferred treatment would be adding an exit gate for eastbound traffic and installing non-traversable medians on both approaches.

   **County Response:**
The preferred treatment of BNSF and UTC upon the conclusion of the meeting on February 3 was adding an exit gate for westbound traffic and installing non-traversable medians on both approaches. This treatment however is not the treatment that the County found to be the most feasible option and decided to move forward with a reasonable alternative with proven effectiveness.

Reference above County Response to BNSF Comments 2 and 3.

2. UTC Comment:
In addition, the short 35 foot median allows for easy drive around and the absence of an exit gate increases the chance of collision. Sight distance for motorists approaching the west side of the crossing is also limited due to steep grade and angle.

County Response:
The existing two quadrant gate configuration allow for the same easy drive around as it would with the absence of a westbound exit gate. There have been no collisions or reported gate violations in the past 10 years at this crossing. The County does not believe that the added safety feature would increase the chances of collision or gate violations at this crossing in the absence of the train horn. The sight distance on the westerly approach can be improved with some trimming of vegetation within BNSF right of way. This improvement can be accomplished with the cooperation of BNSF during the construction of the safety improvements.

Reference above County Response to BNSF Comment 3.

3. UTC Comment:
During the on-site meeting it was discussed that the crossing is equipped with constant warning train detection, but the current crossing inventory shows “DC” type train detection. The County should contact BNSF to verify the type of train detection and request that they update the FRA crossing inventory. If train detection is “DC” it will need to be upgraded prior to implementing a quiet zone at this crossing.

County Response:
On the February 3, 2016 onsite diagnostics team meeting BNSF confirmed that the constant warning train detection system is the current detection system at this crossing. Although, the U.S. DOT Crossing Inventory does not reflect this the County has confirmed with the FRA inspector that the constant warning system is in place at the crossing.

VI. Commitment to Implement Proposed Safety Improvements:
The County intends to mitigate the potential safety hazards that may arise in the absence of the train horn by installing a mountable median with reflective traffic channelization devices as visual indication to motorists to proceed with caution through the crossing. This ASM will be present at all times as a reminder to motorists of the crossing when trains are not present and as an added layer of safety when trains are present. The County commits to installing the safety improvements that are described in this document and detailed on the preliminary plan sheet. The County’s goal is to increase the safety of all motorists travelling on Whatcom County roads and this improvement satisfies that goal.
Please feel free to contact Cody Swan at 360-778-6265 or by e-mail cswan@co.whatcom.wa.us, for additional information.

Respectfully,

[Signature]

Joseph P. Rutan, P.E.
County Engineer/Assistant Director

Encl:  
(1) U.S. DOT Crossing Inventory Form (current)  
(2) Whatcom County Notice of Intent (NOI)  
(3) BNSF Comment Letter to Whatcom County NOI  
(4) UTC Comment Letter to Whatcom County NOI  
(5) Preliminary Plan Sheet

Cc:  
Richard W. Wagner  
Manager Public Projects for WA, ID & BC  
BNSF Railway  
2454 Occidental Avenue So Suite 2D  
Seattle, WA 98134

Elizabeth F Klute (LIS), CEM  
Northwest Regional Emergency Manager (OR/WA/ID/MT/ND)  
Emergency Management & Corporate Security Department  
National Railroad Passenger Corporation - Amtrak  
187 S Holgate St.  
Seattle, WA 98134

Kathy Hunter  
Deputy Assistant Director, Transportation Safety  
Washington Utilities and Transportation Commission  
1300 S. Evergreen Park Dr. SW  
PO Box 47250  
Olympia, WA 98504-7250

Christine Adams  
Region 8 Grade Crossing Manager  
U.S. Department of Transportation  
Federal Railroad Administration  
500 Broadway, Suite 240  
Vancouver, WA 98660

Cc Via Email:  
Roland Middleton, Whatcom County  
Kathy Bovenkamp, Chuckanut Bay Community
### Part I: Location and Classification Information

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Primary Operating Railroad</td>
<td>BNSF Railway Company [BNSF]</td>
</tr>
<tr>
<td>2. State</td>
<td>WASHINGTON</td>
</tr>
<tr>
<td>3. County</td>
<td>WHATCOM</td>
</tr>
<tr>
<td>4. City / Municipality</td>
<td>BELLINGHAM</td>
</tr>
<tr>
<td>5. Street/Road Name &amp; Block Number</td>
<td>YACHT CLUB RD</td>
</tr>
<tr>
<td>6. Highway Type &amp; No.</td>
<td>U.S. 2, CO40670</td>
</tr>
<tr>
<td>7. Do Other Railroads Operate a Separate Track at Crossing?</td>
<td>Yes ☑ No ☐</td>
</tr>
<tr>
<td>8. Do Other Railroads Operate Over Your Track at Crossing?</td>
<td>Yes ☐ No ☑</td>
</tr>
<tr>
<td>9. Railroad Division or Region</td>
<td>NORTHWEST</td>
</tr>
<tr>
<td>10. Railroad Subdivision or District</td>
<td>BELLINGHAM</td>
</tr>
<tr>
<td>11. Branch or Line Name</td>
<td>PA J-US CAN BDR</td>
</tr>
<tr>
<td>12. RR Milepost</td>
<td>0089.389</td>
</tr>
<tr>
<td>13. Line Segment</td>
<td>0050</td>
</tr>
<tr>
<td>14. Nearest RR Timetable Station</td>
<td>BELLINGHAM</td>
</tr>
<tr>
<td>15. Parent RR</td>
<td>BNSF</td>
</tr>
<tr>
<td>16. Crossing Owner</td>
<td>If applicable</td>
</tr>
<tr>
<td>17. Crossing Type</td>
<td>Public</td>
</tr>
<tr>
<td>18. Crossing Purpose</td>
<td>At Grade</td>
</tr>
<tr>
<td>19. Crossing Position</td>
<td>N/A</td>
</tr>
<tr>
<td>20. Public Access</td>
<td>N/A</td>
</tr>
<tr>
<td>21. Type of Train</td>
<td>Freight</td>
</tr>
<tr>
<td>22. Average Passenger Train Count Per Day</td>
<td>Less Than One Per Day</td>
</tr>
<tr>
<td>23. Type of Land Use</td>
<td>Open Space</td>
</tr>
<tr>
<td>24. Is there an Adjacent Crossing with a Separate Number?</td>
<td>Yes ☑ No ☐</td>
</tr>
<tr>
<td>25. Quiet Zone</td>
<td>(FRA provided)</td>
</tr>
<tr>
<td>26. HSR Corridor ID</td>
<td>N/A</td>
</tr>
<tr>
<td>27. Latitude In decimal degrees</td>
<td>48.6755733</td>
</tr>
<tr>
<td>28. Longitude in decimal degrees</td>
<td>-122.4892095</td>
</tr>
<tr>
<td>29. Lat/Long Source</td>
<td>Actual ☑ Estimated ☐</td>
</tr>
<tr>
<td>30.A. Railroad Use</td>
<td>BNSF</td>
</tr>
<tr>
<td>30.B. Railroad Use</td>
<td>N/A</td>
</tr>
<tr>
<td>30.C. Railroad Use</td>
<td>N/A</td>
</tr>
<tr>
<td>30.D. Railroad Use</td>
<td>N/A</td>
</tr>
<tr>
<td>30.E. Railroad Use</td>
<td>N/A</td>
</tr>
<tr>
<td>31.A. State Use</td>
<td>N/A</td>
</tr>
<tr>
<td>31.B. State Use</td>
<td>N/A</td>
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<tr>
<td>31.C. State Use</td>
<td>N/A</td>
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<tr>
<td>31.D. State Use</td>
<td>N/A</td>
</tr>
<tr>
<td>31.E. State Use</td>
<td>N/A</td>
</tr>
<tr>
<td>32.A. Narrative (Railroad Use)</td>
<td>N/A</td>
</tr>
<tr>
<td>33. Emergency Notification Telephone No. (posted)</td>
<td>800-832-5452</td>
</tr>
<tr>
<td>34. Railroad Contact (Telephone No.)</td>
<td>817-352-1549</td>
</tr>
<tr>
<td>35. State Contact (Telephone No.)</td>
<td>360-664-1262</td>
</tr>
</tbody>
</table>

### Part II: Railroad Information

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Estimated Number of Daily Train Movements</td>
<td></td>
</tr>
<tr>
<td>1.A. Total Day Thru Trains (6 AM to 6 PM)</td>
<td>10</td>
</tr>
<tr>
<td>1.B. Total Night Thru Trains (6 PM to 6 AM)</td>
<td>10</td>
</tr>
<tr>
<td>1.C. Total Switching Trains</td>
<td>0</td>
</tr>
<tr>
<td>1.D. Total Transit Trains</td>
<td>0</td>
</tr>
<tr>
<td>1.E. Check if Less Than One Movement Per Day How many trains per week?</td>
<td>☐</td>
</tr>
<tr>
<td>2. Year of Train Count Data (YYYY)</td>
<td>2013</td>
</tr>
<tr>
<td>3. Speed of Train at Crossing</td>
<td>50</td>
</tr>
<tr>
<td>3.A. Maximum Timetable Speed (mph)</td>
<td>50</td>
</tr>
<tr>
<td>3.B. Typical Speed Range Over Crossing (mph) From</td>
<td>to 50</td>
</tr>
<tr>
<td>4. Type and Count of Tracks</td>
<td></td>
</tr>
<tr>
<td>Main</td>
<td></td>
</tr>
<tr>
<td>Siding</td>
<td></td>
</tr>
<tr>
<td>Yard</td>
<td></td>
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<tr>
<td>Transit</td>
<td></td>
</tr>
<tr>
<td>Industry</td>
<td></td>
</tr>
<tr>
<td>5. Train Detection (Main Track only)</td>
<td></td>
</tr>
<tr>
<td>☐ Constant Warning Time</td>
<td>☐ Motion Detection</td>
</tr>
<tr>
<td>6. Is Track Signaled?</td>
<td></td>
</tr>
<tr>
<td>☑ Yes</td>
<td>☐ No</td>
</tr>
<tr>
<td>7.A. Event Recorder</td>
<td></td>
</tr>
<tr>
<td>☑ Yes</td>
<td>☐ No</td>
</tr>
<tr>
<td>7.B. Remote Health Monitoring</td>
<td></td>
</tr>
<tr>
<td>☑ Yes</td>
<td>☐ No</td>
</tr>
</tbody>
</table>
### Part III: Highway or Pathway Traffic Control Device Information

1. **Are there Signs or Signals?**
   - Yes [ ]
   - No [ ]

2. **Types of Passive Traffic Control Devices associated with the Crossing**
   - 2.A. Crossbuck Assemblies (count)
   - [ ]
   - 2.B. STOP Signs (R1-1) (count)
   - [ ]
   - 2.C. YIELD Signs (R2-2) (count)
   - [ ]
   - 2.D. Advance Warning Signs (Check all that apply; include count)
     - [ ] W10-1
     - [ ] W10-3
     - [ ] W10-11
     - [ ] W10-2
     - [ ] W10-4
     - [ ] W10-12

3. **Components of a Railway Crossing**
   - 2.E. Low Ground Clearance Sign (W11-5)
     - [ ] Yes [ ]
     - [ ] No [ ]
   - 2.F. Pavement Markings
     - RR Xing Symbols [ ]
     - Seamless [ ]
     - None [ ]
   - 2.G. Channelization Devices/Medians
     - [ ] All Approaches
     - [ ] Median
     - [ ] One Approach
     - [ ] None
   - 2.H. EXEMPT Sign (R15-3)
     - [ ] Yes [ ]
     - [ ] No [ ]
   - 2.I. ENDS Sign (L-13)
     - [ ] Displayed [ ]
     - [ ] Yes [ ]
     - [ ] No [ ]

4. **Additional MUTCD Signs**
   - [ ] Yes [ ]
   - [ ] No [ ]

5. **Other MUTCD Signs**
   - Count [ ]

6. **3. Types of Train Activated Warning Devices at the Grade Crossing (Specify count of each device for all that apply)**
   - 3.A. Gate Arms (count)
     - [ ] 2 Quad [ ]
     - [ ] Full (Barrier) [ ]
     - [ ] 3 Quad [ ]
     - [ ] Resistance [ ]
     - [ ] 4 Quad [ ]
     - [ ] Median Gates [ ]
   - 3.B. Gate Configuration
     - [ ] Over Traffic Lane [ ]
     - [ ] Incandescent [ ]
     - [ ] Back Lights Included [ ]
     - [ ] Incandescent [ ]
     - [ ] LED [ ]
     - [ ] Side Lights Included [ ]
   - 3.C. Cantilevered or Bridged Flashing Light Structures (count)
     - Not Over Traffic Lane [ ]
     - [ ] Incandescent [ ]
     - [ ] LED [ ]
   - 3.D. Mast Mounted Flashing Light (count of mast) [ ]
     - [ ] Yes [ ]
     - [ ] No [ ]
   - 3.E. Total Count of Flashing Light Pairs [ ]
     - [ ] Yes [ ]
     - [ ] No [ ]

7. **3. Non-Train Active Warning Devices**
   - [ ] Yes [ ]
   - [ ] No [ ]

8. **3.6. Other Lighting or Warning Devices**
   - Count [ ]

9. **4. Does nearby Hwy intersection have Traffic Signals?**
   - [ ] Yes [ ]
   - [ ] No [ ]

10. **4.6. Additional Information**
    - [ ] Yes [ ]
    - [ ] No [ ]

### Part IV: Physical Characteristics

1. **Traffic Lanes Crossing Railroad**
   - [ ] One-way Traffic [ ]
   - [ ] Two-way Traffic [ ]

2. **Number of Lanes**
   - [ ] 2 [ ]

3. **Crossing Surface**
   - [ ] 1 Timber [ ]
   - [ ] 2 Asphalt [ ]
   - [ ] 4 Concrete [ ]
   - [ ] 8 Unconsolidated [ ]

4. **Width**
   - [ ] 30" - 59" [ ]
   - [ ] 60" - 90" [ ]

5. **Length**
   - [ ] 0" - 29" [ ]
   - [ ] 30" - 59" [ ]
   - [ ] 60" - 90" [ ]

6. **Intersection with roadway within 500 feet?**
   - [ ] Yes [ ]
   - [ ] No [ ]

### Part V: Public Highway Information

1. **Highway System**
   - [ ] (01) Interstate Highway System [ ]
   - [ ] Other Nat Highway System (NHS) [ ]
   - [ ] Federal Aid, Not NHS [ ]
   - [ ] Non-Federal Aid [ ]

2. **Functional Classification of Road at Crossing**
   - [ ] (0) Rural [ ]
   - [ ] (1) Urban [ ]
   - [ ] (2) Other Freeways and Expressways [ ]
   - [ ] (3) Other Principal Arterial [ ]
   - [ ] (4) Minor Arterial [ ]

3. **Is Crossing on State Highway System?**
   - [ ] Yes [ ]
   - [ ] No [ ]

4. **Highway Speed Limit**
   - [ ] MPH [ ]

5. **Linear Referencing System (LRS Route ID)**
   - [ ] [ ]

6. **LRS Milepost**
   - [ ] [ ]

### Submission Information - This information is used for administrative purposes and is not available on the public website.

Submitted by: [ ]
Organization: [ ]
Phone: [ ]
Date: [ ]

Public reporting burden for this information collection is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed and completing and reviewing the collection of information. According to the Paperwork Reduction Act of 1995, a federal agency may not conduct or sponsor, and a person is not required to, nor shall a person be subject to a penalty for failure to comply with, a collection of information unless it displays a currently valid OMB control number. The valid OMB control number for information collection is 2130-0017. Send comments regarding this burden estimate or any other aspect of this collection, including for reducing this burden to: Information Collection Officer, Federal Railroad Administration, 1200 New Jersey Ave. SE, MS-25Washington, DC 20590.
March 11, 2016

Notice of Intent to Establish a Quiet Zone
Whatcom County, Washington-
Yacht Club Rd., DOT #084796F M.P. 89.37 Proposed Quiet Zone

This letter is a Notice of Intent for the establishment of a quiet zone at the aforementioned location in accordance with the regulations set forth by the Federal Railroad Administration’s (FRA) Train Horn Rule (49 CFR Part 222).

The railway is currently active 24 hours a day and Whatcom County at the request of the residents, would like to eliminate the routine sounding of the locomotive horn at Yacht Club Rd., DOT #084796F M.P. 89.37. This will be the only public highway-rail grade crossing included in this quiet zone.

Yacht Club Road serves as the only local access road accessing Chuckanut Shore Road and Chuckanut Lane (which are both dead end roads connecting to SR11). There are 32 residences on the westerly side of the Yacht Club Road crossing that predominantly use this crossing. The current Average Daily Traffic (ADT) is 222 vehicles.

The current configuration of the Yacht Club Road public highway-rail grade crossing prohibits the installation of Supplemental Safety Measures (SSM) on both sides of the crossing that are required by the FRA for the creation of a quiet zone. Whatcom County proposes to install mountable medians with reflective traffic channelization devices on the east side of the crossing in accordance to FRA’s requirement for a SSM. On the west side of the crossing an intersection at Chuckanut Shore Road/ Chuckanut Lane restricts the county from installing the full 60 feet requirement by the FRA to be considered a SSM. The county proposes that the westerly mountable medians with reflective traffic channelization devices be installed 35 feet in length to be considered as an Alternative Safety Measure (ASM.)

The name and title who will act as the point of contact for Whatcom County during the quiet zone development process is as follows:

Cody Swan, E.I.T., L.S.I.T.
Engineering Technician III
Design & Construction
Whatcom County Public Works
322 N. Commercial St. Suite 301
Bellingham, WA 98225-4042
(360) 778-6265
Email: cswan@co.whatcom.wa.us
**Action Required:**
Please consider this notice as the beginning date of the required 60-day comment period in the Quiet Zone process. The 60-day comment period for this Quiet Zone will end on May 10, 2016, or when a written comment of a "no comment" statement is received from each recipient of this notice.

The following is a list of names and addresses of each party that will receive this notification:

1. Railroads operating over grade crossing:

   Richard W. Wagner  
   Manager Public Projects for WA, ID & BC  
   BNSF Railway  
   2454 Occidental Avenue So Suite 2D  
   Seattle, WA 98134

   Elizabeth F. Klute (LIS), CEM  
   Northwest Regional Emergency Manager (OR/WA/ID/MT/ND)  
   Emergency Management & Corporate Security Department  
   National Railroad Passenger Corporation - Amtrak  
   187 S Holgate St, Seattle, WA 98134

2. State agency responsible for highway and road safety, and State agency responsibility for grade crossing safety:

   Kathy Hunter  
   Deputy Assistant Director, Transportation Safety  
   Washington Utilities and Transportation Commission  
   1300 S. Evergreen Park Dr. SW  
   PO Box 47250  
   Olympia, WA 98504-7250

Attached for your convenience is:
- Preliminary exhibit of the proposed improvements
- Existing Quiet Zone Risk Index Calculations
- Sample photographs of proposed SSM/ASM used in Vancouver, WA.

Please feel free to contact Cody Swan with any questions regarding this topic.

Respectfully,

Joseph P. Rutan, P.E.
County Engineer/Assistant Director
May 10, 2016

Cody Swan  
Engineering Technician III  
Whatcom County Public Works  
322 N. Commercial St., Suite 301  
Bellingham, WA 98225-4042

Joseph Rutan  
County Engineer/Assistant Director  
Whatcom County Public Works-4042  
322 N. Commercial Street Ste 301  
Bellingham, WA 98225-4042

RE: Whatcom County WA – Yacht Club Rd (084796F) NOI Letter BNSF Response

Mr. Rutan:

BNSF is in receipt of the Whatcom County’s (“County”) Notice of Intent (“Notice”) dated March 11, 2016 for a proposed quiet zone (“Quiet Zone”) at the following crossing: Yacht Club Rd (084796F). At the outset of this letter, BNSF would like to be clear that we believe that if not properly accounted for with appropriate safety enhancements, the elimination of the train horn can be detrimental to safety. The train horn is intended to alert the motoring and pedestrian public of train movement. The County’s use of the Rule should be used as a minimum guideline in its approach to creating a situation where the train horn is eliminated as a safety measure. For any quiet zone implemented on BNSF-owned track, we strongly recommend each crossing receive appropriate enhanced safety devices to accommodate for removal of the horn prior to the establishment of the quiet zone. BNSF writes this comment letter based in part upon requirements set by FRA in the Train Horn Rule (“Rule”) at 49 CFR 222.

BNSF understands that the County plans to use a mountable median for safety treatment in lieu of raised concrete non-traversable median channelization for this crossing. While no specifics are given on either the product or construction of the mountable medians, it is clear from watching the on-line “Product Videos” of the mountable median Tuff Curb at http://www.impactrecovery.com/products/tuff-curb1/, this product seems to be contradictory to the Quiet Zone treatment goal of deterring motorists from driving over the median and around the gates. BNSF believes the County should install, at a minimum, concrete medians with 6-inch minimum height curbs for channelization, which provide a physical barrier to prevent drivers from attempting to drive around down gates. Please understand that BNSF is NOT supportive of a mountable curb product absent a 6” concrete curb.

We were disappointed to see the County’s treatment described within the Notice. The on-site meeting with you and Messrs. Swann, Hower, Donahue and Vandersypen in June 2015 left both John Shurson and me with the opinion that exit gates and/or non-traversable medians or a combination of the two treatments were the consensus for this crossing’s treatment. Additionally, we discussed safety concerns not addressed by the Rule, such as:
• Grades to both approaches;
• Lane widths at the west bound approach;
• Site distances at both approaches due to geography and double-track rail traffic;
• Types of daily traffic use;
• Drainage issues.

In subsequent conversations with the County since, the County made it clear that the cost of proper safety treatment is the driving force in selecting only the traversable medians as the quiet zone treatment for the crossing at Yacht Club Rd. BNSF strongly believes traversable medians to be inadequate for the west-bound approach and wholly inadequate on the east-bound approach for this quiet zone.

Please forward the County’s final engineering plans to BNSF Railway. We are not trying to be difficult or confrontational. I am sure that you agree that public safety is a priority for all of us and we are simply bringing our public safety concerns to your attention. The County is required to issue a Notice of Establishment for the quiet zone implementation. In the Notice of Establishment, the County should certify that the required SSMs have been constructed and comply with the requirements set forth in Appendix A of the Rule. Please ensure all proper advanced warning signage (“NO TRAIN HORN”, etc.) will be installed. The County, by issuing the NOE, certifies that it has proper jurisdiction to establish the Quiet Zone, and that the Quiet Zone meets or exceeds federal requirements.

If BNSF can be of further assistance, please feel free to contact me or French Thompson, Public Projects Director for BNSF, 2500 Lou Menk Drive, OOB 3 FTW 76131 and the phone number to 817-352-1549.

Regards,

Richard Wagner
Manager Public Projects, BNSF

c: Kathy Hunter
Deputy Assistant Director, WUTC
1300 S. Evergreen Park Dr. SW
P.O. Box 47250
Olympia, WA 98504-7250

FRA Associate Administrator
1200 New Jersey Avenue, SE
Washington, D.C. 20590

Chris Adams
FRA Regional Manager
500 Broadway, Suite 240
Vancouver, WA 98660

c: via electronic mail:
John Shurson, BNSF Railway
French Thompson, BNSF Railway
Nicole Hightower, BNSF Railway
Jennifer Willingham, BNSF Railway
May 17, 2016

Joseph P. Rutan, P.E.
County Engineer/Assistant Director
Whatcom County Public Works Dept.
322 N. Commercial Street, Suite 301
Bellingham, WA 98225-4042

Re: TR-160319 – Notice of Intent to Establish a Railroad Quiet Zone at Yacht Club Road, DOT #084796F

Dear Mr. Rutan:

Thank you for the opportunity to comment on Whatcom County’s proposed quiet zone, as described in Docket TR-160319.

On March 11, 2016, Whatcom County notified the Washington Utilities and Transportation Commission (commission) of its intent to establish a railroad quiet zone at Yacht Club Road.

On February 3, 2016, Bob Boston, commission railroad safety staff, participated in an on-site quiet zone review of the Yacht Club Road crossing along with representatives from Whatcom County Public Works and BNSF Railway Co. (BNSF). The city is proposing a 24-hour, seven day per week quiet zone.

This crossing has one main line track and is currently equipped with the minimum requirements per Code of Federal Regulations Part 222 of gates and flashing lights. In addition the Yacht Club Road crossing has a pedestrian bell and power out indicators. The County proposes to install mountable medians with three-foot high reflectorized channelization devices on both approaches to the crossing. The median on the east side of the crossing is proposed to be 60 feet in length and would qualify as a supplemental safety measure (SSM). The median on the west side of the crossing is proposed to be 35 feet in length and would qualify as an alternative safety measure (ASM). The medians at this crossing will therefore be considered ASM improvements and require an application to the Federal Railroad Administration (FRA). The ASM spreadsheet will also need to be applied to the FRA quiet zone calculator in order to determine the correct quiet zone risk index when submitting the application to the FRA.
The team at the February 3, crossing review agreed that the preferred treatment would be adding an exit gate for eastbound traffic and installing non-traversable medians on both approaches. It is commission's staff opinion that non-traversable medians provide a much higher disincentive for motorists to drive over them because of the potential damage to vehicles. In addition, the short 35 foot median allows for easy drive around and the absence of an exit gate increases the chance of collision. Sight distance for motorists approaching the west side of the crossing is also limited due to steep grade and angle.

Commission staff reviewed the FRA crossing inventory data on file and updated the vehicle traffic ADT to 222 per the latest Whatcom County traffic study. During the on-site meeting it was discussed that the crossing is equipped with constant warning train detection, but the current crossing inventory shows "DC" type train detection. The County should contact BNSF to verify the type of train detection and request that they update the FRA crossing inventory. If train detection is "DC" it will need to be upgraded prior to implementing a quiet zone at this crossing.

As you know, the commission may comment on quiet zone proposals, but may not approve or disapprove the proposal because states have been preempted in this area by federal rule. Based on staff's participation and observations at the crossing review, commission staff offers these comments.

Thank you for the opportunity to provide comments. Please feel free to contact Bob Boston at 360-701-1615 or by email boston@utc.wa.gov, if you would like additional information.

Sincerely,

Steven W. King
Executive Director and Secretary

cc: John Shurson and Richard Wagner, BNSF Railway Co.
    Cody Swan, Whatcom County Public Works
    FRA Associate Administrator for Safety
    Christine Adams, FRA Crossing and Trespass Manager
    Kurt Laird, Amtrak
    Ahmer Nizam, Washington State Department of Transportation
Mr. Joseph P. Rutan  
County Engineer/Assistant Director  
Whatcom County Public Works Department  
322 North Commercial Street, Suite 301  
Bellingham, WA 98225-4042

Re: THR-000000440001 (U.S. DOT National Highway-Rail Crossing Inventory Number 084796F)

Dear Mr. Rutan:

The Federal Railroad Administration (FRA) reviewed the public authority application you submitted on behalf of Whatcom County (County), Washington, under Title 49 Code of Federal Regulations (CFR) Section 222.39(b).

The County is seeking FRA’s approval of the proposed effectiveness rate for the alternative safety measure (ASM) at the Yacht Club Road crossing. The proposed ASM at the Yacht Club Road crossing will consist of 100 feet of channelization on the east side of the crossing.\(^1\) The west side of the crossing will be equipped with 35 feet of channelization due to an intersecting street within 60 feet of the gate arm. The County suggested a 15 percent reduction in risk. However, FRA has determined that an effectiveness rate of 0.59 is more appropriate due to the lengths of the channelization.

After recalculating the risk index using the revised effectiveness rate, FRA approves the County’s application. FRA has determined that implementation of the proposed ASM, as described in the application, will result in a Quiet Zone Risk Index of 7.269. This index is below the Risk Index With Horns (the risk that would be present if the horns were still sounding) of 17.730.

The County may submit its Notice of Quiet Zone Establishment consistent with 49 CFR 222.43, *What notices and other information are required to create or continue a quiet zone?*, after implementation of the proposed ASM described in the application and compliance with all applicable quiet zone requirements in 49 CFR 222.25, *How does this rule affect private highway-rail grade crossings?*, 222.27, *How does this rule affect pedestrian grade crossings?*, and 222.35, *What are the minimum requirements for quiet zones?*. In addition, 49 CFR 222.39(b)(1)(vi) requires the County to provide a commitment to implement the safety

---

\(^1\) The County stated that approximately 20 feet from the gate arm there will be a 1-foot or less gap in the channelization to allow for drainage.
improvements it proposed in the public authority application. Thus, FRA’s approval is conditioned upon implementation of the safety improvements described in the County’s application.

If you have any questions or need additional information, please contact Mr. Ron Ries, Staff Director, Highway-Rail Crossing and Trespasser Programs Division, at (202) 493-6285 or Ronald.Ries@dot.gov.

Sincerely,

[Signature]

Karl Alexy
Director, Office of Safety Analysis

cc: Ms. Kathy Hunter, Washington Utilities and Transportation Commission
    Ms. Elizabeth F. Klute, National Railroad Passenger Corporation
    Mr. Richard W. Wagner, BNSF Railway
**CRP #916008: Yacht Club Rd., DOT #084796F M.P. 89.37 Quiet Zone**

Cost Estimate for County Forces to install Qwick Curb

<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>
<th>calculation notes</th>
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<tbody>
<tr>
<td>1</td>
<td>LUMP SUM</td>
<td>Mobilization</td>
<td>L.S.</td>
<td>L.S.</td>
<td>$ 1,561.00</td>
<td>6% of subtotal</td>
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<tr>
<td>2</td>
<td>EACH</td>
<td>Mountable Raised Curb Median</td>
<td>41</td>
<td>$ 300.00 per EA.</td>
<td>$ 12,300.00</td>
<td>Quote from supplier was $10,350</td>
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<tr>
<td>3</td>
<td>EACH</td>
<td>Reflective Traffic Channelization Device</td>
<td>18</td>
<td>$ 200.00 per EA.</td>
<td>$ 3,600.00</td>
<td></td>
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</tbody>
</table>
| 4        | LUMP SUM     | Traffic Control  | 1               | $ 4,320.00            | $ 4,320.00                | 4-people @ $50.00/hr 10 hrs @ 16 hrs = $3200
               |              |                 |                  |                       | 1 BNSF Flagger @ $75/hr for 16 hrs = $1,120 |
| 5        | EST.         | Permit Fees     | 1               | $ 1,000.00            | $ 1,000.00                | BNSF Permit-$600 |
| 6        | LUMP SUM     | Permanent Signage| 1               | $ 2,000.00            | $ 2,000.00                | No Train Horn Ahead x1 |
| 7        | LUMP SUM     | County Labor Force| 1          | $ 4,000.00            | $ 4,000.00                | 4-people @ $50.00/hr @ 16 hrs = $3200
               |              |                 |                  |                       | 2 Work Trucks @ $25/hr for 16 hrs = $600 |
| 8        | Est.         | Unanticipated Work | Est.     | $ 4,000.00            | $ 4,000.00                | Potential grading, tree trimming or other safety measures, paint striping |

**SUBTOTAL BID AMOUNT (Bid Items 1-8)** $ 31,220.00

| 9        | Est.         | Administrative Cost @ 20% | Est.     | $ 6,244.00            | $ 6,244.00                |
| 10       | Est.         | Contingency @ 10%          | Est.     | $ 3,122.00            | $ 3,122.00                |

**SUBTOTAL BID AMOUNT (Bid Items 9-10)** $ 9,366.00

**TOTAL BID AMOUNT (Bid Items 1-10)** $ 40,586.00
# 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>
<td></td>
<td></td>
<td></td>
<td>01/10/17</td>
<td>Intro</td>
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<tr>
<td>Division Head:</td>
<td></td>
<td></td>
<td></td>
<td>01/24/17</td>
<td>Finance Committee; Council</td>
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<td>Dept. Head:</td>
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<td>Prosecutor:</td>
<td>61/03/17</td>
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<td>Purchasing/Budget:</td>
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<tr>
<td>Executive:</td>
<td>3/17</td>
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<td></td>
<td></td>
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**TITLE OF DOCUMENT:** 2017 Supplemental Budget Request #1

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

<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>
<th>Requested Date:</th>
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<tbody>
<tr>
<td>SEPA review completed?</td>
<td>Yes</td>
<td>NO</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
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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 #1 requests funding from the General Fund:

1. To appropriate $25,500 in Health to fund Social Research project from Whatcom Community Foundation grant.
2. To re-appropriate $10,302 in Health to fund HPV vaccine program from Group Health grant.

From the Chemical Dependency / Mental Health Fund:

3. To re-appropriate $89,500 to fund lower level remodel – Girard Street Emergency Management Fund.
4. To appropriate $45,000 to fund WUECC Situational Assessment Management System from grant proceeds.

**COMMITTEE ACTION:**

<table>
<thead>
<tr>
<th>COUNCIL ACTION:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/10/2017: Introduced 6-0, Sidhu absent</td>
</tr>
</tbody>
</table>

| Related County Contract #: | Related File Numbers: | Ordinance or Resolution Number: |
ORDINANCE NO.
AMENDMENT NO. 1 OF THE 2017 BUDGET

WHEREAS, the 2017-2018 budget was adopted December 6, 2016; and,
WHEREAS, changing circumstances require modifications to the approved 2017-2018
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 2017-2018
Whatcom County Budget Ordinance #2016-068 is hereby amended by adding the following
additional amounts to the 2017 budget included therein:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Expenditures</th>
<th>Revenues</th>
<th>Net Effect</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health</td>
<td>35,802</td>
<td>(40,302)</td>
<td>(4,500)</td>
</tr>
<tr>
<td>Total General Fund</td>
<td>35,802</td>
<td>(40,302)</td>
<td>(4,500)</td>
</tr>
<tr>
<td>Chemical Dependency / Mental Health Fund</td>
<td>89,500</td>
<td>-</td>
<td>89,500</td>
</tr>
<tr>
<td>Emergency Management Fund</td>
<td>45,000</td>
<td>-</td>
<td>45,000</td>
</tr>
<tr>
<td>Total Supplemental</td>
<td>170,302</td>
<td>(40,302)</td>
<td>130,000</td>
</tr>
</tbody>
</table>

ADOPTED this ___ day of ________________, 2017.

ATTEST:

Dana Brown-Davis, Council Clerk

Chair of the Council

APPROVED AS TO FORM:

Daniel L. Gibson
Civil Deputy Prosecutor

( ) Approved   ( ) Denied

Jack Louws, County Executive

Date: ____________________________
### WHATCOM COUNTY

#### Summary of the 2017 Supplemental Budget Ordinance No. 1

<table>
<thead>
<tr>
<th>Department/Fund</th>
<th>Description</th>
<th>Increased (Decreased) Expenditure</th>
<th>(Increased) Decreased Revenue</th>
<th>Net Effect to Fund Balance (Increase) Decrease</th>
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</thead>
<tbody>
<tr>
<td><strong>General Fund</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Health</td>
<td>To fund Social Research project from Whatcom Community Foundation grant.</td>
<td>25,500</td>
<td>(30,000)</td>
<td>(4,500)</td>
</tr>
<tr>
<td>Health</td>
<td>To re-appropriate funding for HPV vaccine program from Group Health grant.</td>
<td>10,302</td>
<td>(10,302)</td>
<td>-</td>
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<tr>
<td><strong>Total General Fund</strong></td>
<td></td>
<td>35,802</td>
<td>(40,302)</td>
<td>(4,500)</td>
</tr>
<tr>
<td><strong>Chemical Dependency / Mental Health Fund</strong></td>
<td>To re-appropriate funds for lower level remodel - Girard Street.</td>
<td>89,500</td>
<td>-</td>
<td>89,500</td>
</tr>
<tr>
<td><strong>Emergency Management Fund</strong></td>
<td>To fund WUECC Situational Assessment Management System from grant proceeds.</td>
<td>45,000</td>
<td>-</td>
<td>45,000</td>
</tr>
<tr>
<td><strong>Total Supplemental</strong></td>
<td></td>
<td>170,302</td>
<td>(40,302)</td>
<td>130,000</td>
</tr>
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Supplemental Budget Request

Status: Pending

<table>
<thead>
<tr>
<th>Health</th>
<th>Community Health</th>
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<tbody>
<tr>
<td>Supp'l ID # 2230</td>
<td></td>
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<tr>
<td>Fund 1</td>
<td>Cost Center 621205</td>
</tr>
</tbody>
</table>

Expenditure Type: One-Time Year 1 2017 Add'l FTE □ Add'l Space □ Priority 1

Name of Request: Children and Family Assessment

X

Department Head Signature (Required on Hard Copy Submission)

Date 12/21/16

Costs:

<table>
<thead>
<tr>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>4367.1000</td>
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<tr>
<td>Request Total</td>
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<td>($4,500)</td>
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</table>

1a. Description of request:

The Community Health division of the Health Department plans to conduct a social research project to learn what families of children prenatal to age three are currently experiencing focusing on their strengths, assets, resources and needs. This will provide information that will help our community focus in on creating safe, stable and nurturing relationships and environments for children in Whatcom County. Qualitative data from families will be used in tandem with data from our Community Health Status Assessment to convene community members and stakeholders to review the assessment findings and develop an implementation plan for change.

1b. Primary customers:

Those in our community that have an interest in improving community supports and services for families with young children, including:
- Community service providers
- Systems leaders
- Community organizations
- Families

2. Problem to be solved:

Through the Community Health Assessment (2011) and other local efforts, there is growing recognition that a significant number of families in Whatcom County are experiencing high levels of stress due to economic instability, housing challenges, mental health and substance use issues, strained family relationships, and challenging social contexts. Manifestations of significant family stress can be seen in our child abuse and neglect rates, child development outcomes, readiness for school statistics, and increasing behavior challenges seen in pre-school and school-aged children. Our community understands these issues impact some populations more than others, leading to an "uneven start" for some children and families in Whatcom County. In order to optimize child development, promote school readiness, and help our children and families thrive, our community must provide families the support they need to nurture their children and buffer or reduce toxic stress. In particular, we must find a way to support our most vulnerable families.

In order to provide a foundation for this work, it is necessary to collect information directly from families about their strengths and needs. Currently, very little is known about the period between birth and kindergarten. In fact, the time of birth is often the last reliable point of contact between a family and system of community services before a child enters kindergarten.

3a. Options / Advantages:

While the Community Health Assessment can identify data trends and pockets of vulnerability, the design of it is intentionally broad. Through a well-designed social research project, we aim to gather in-depth
Supplemental Budget Request

Status: Pending

<table>
<thead>
<tr>
<th>Health</th>
<th>Community Health</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supp'I ID #: 2230</td>
<td>Fund 1</td>
</tr>
</tbody>
</table>

Information about and from the families in Whatcom County and find the best leverage points for our community to take action to support families and young children, especially those families that are most vulnerable to poor outcomes.

3b. Cost savings:
This supplemental budget request is to accept funds from the Whatcom Community Foundation in order to engage consultants in work that adds to our current divisional capacity and goals. The proposal is cost neutral but will provide gains in productivity.

4a. Outcomes:
- Increase our understanding of the current experiences of young families (prenatal to 3 years) in Whatcom County focusing on challenges, opportunities, hopes and dreams.
- Identify gaps in services and supports, including utilization of existing services.
- Provide a foundation for cross-sector collaboration and system change focused on young children and families.

4b. Measures:
The success of this funding will be measured by the successful completion of a family assessment project to increase our understanding of families with children prenatal to age three.

5a. Other Departments/Agencies:
The Health Department is the lead for this work and will be collaborating with external agencies and coalitions including: The Opportunity Council, Whatcom Early Learning Alliance, First Steps Coalition and Whatcom Taking Action.

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

6. Funding Source:
Grant from Whatcom Community Foundation
Supplemental Budget Request

Health

Communicable Disease & Epidemiology

Supp'I ID # 2229 | Fund 1 | Cost Center 627215 | Originator: Patty Proctor

Expenditure Type: One-Time | Year 1 | 2017 | Add'l FTE □ | Add'l Space □ | Priority 1

Name of Request: HPV Immunization Project Group Health

Department Head Signature (Required on Hard Copy Submission) 12/21/16

<table>
<thead>
<tr>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>4367.1000</td>
<td>Donations</td>
<td>($10,302)</td>
</tr>
<tr>
<td>6340</td>
<td>Books-Publications-Supsc</td>
<td>$3,500</td>
</tr>
<tr>
<td>7140</td>
<td>Meeting Refreshments</td>
<td>$6,602</td>
</tr>
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</table>

Request Total: $0

1a. Description of request:
This is a resubmission of a supplemental budget from 2016. The project did not complete by the end of 2016. This project will promote disease prevention/immunization with emphasis on increasing rates of HPV vaccine. Our strongest attribute lies with our community partners. We participate in Washington State's Vaccine for Children program and consult with over 30 health care clinics to ensure safe and viable vaccines. Our ties to the local university and to our school districts are strong and we have worked with both entities in the past to hold mass vaccination clinics during outbreaks and as immunization needs have been identified.

1b. Primary customers:
Whatcom County healthcare providers
9 to 26 year olds and parents.

2. Problem to be solved:
Low vaccine rates for human papilloma virus vaccine which can prevent most genital warts and most cases of cervical cancer.

3a. Options / Advantages:
The goal of this grant is to provide an infrastructure to educate healthcare providers, adolescents and parents about HPV infection and HPV vaccine. Vaccination for HPV is highly recommended but is not required by law in Washington State. It is also a newer vaccine approved in 2006, many adolescents start the series of three injections but do not complete. Reasons cited by parents for not vaccinating or not planning to vaccinate their adolescent include: lack of knowledge about the vaccine, belief that the vaccine is not necessary, concerns about safety of the vaccine and side effects, it was not recommended to them, and their adolescent is not sexually active.

"HPV infection in the U.S. is widespread; there are more than 14 million new infections annually, and it is estimated that 50% of sexually

3b. Cost savings:

4a. Outcomes:

4b. Measures:

5a. Other Departments/Agencies:

Wednesday, December 21, 2016

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

6. Funding Source:
The program is funded by a Group Health grant received in 2016 for $45,000. A portion of the funds were spent in 2016 and the balance will be in 2017.
Supplemental Budget Request

Status: Pending

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<th>Human Services</th>
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<tr>
<td>Expenditure Type: One-Time</td>
<td>Year 1 2017</td>
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</tbody>
</table>

Name of Request: Lower Level Remodel - Girard

Department Head Signature (Required on Hard Copy Submission) 12/12/16

<table>
<thead>
<tr>
<th>Costs:</th>
<th>Object</th>
<th>Object Description</th>
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</table>

1a. Description of request:

This request will fund the creation of four additional staff offices in the lower level of the Girard Street Health Department building. This remodel addresses immediate space shortages that would have been addressed in the multi building remodel and move that has been put on indefinite hold. This request was made and approved in 2016. However, the work has been delayed and requires a request for 2017.

1b. Primary customers:

Human Services staff within the Health Department

2. Problem to be solved:

Large open spaces in the lower level are currently underutilized. Minor upgrades that create dedicated office spaces will allow for full utilization of space. Staff meet with community members and clients and have a need for confidential space that currently is not available.

3a. Options / Advantages:

The offices will allow for confidential meetings with citizens.

3b. Cost savings:

4a. Outcomes:

Confidential space for staff meeting with public.

4b. Measures:

5a. Other Departments/Agencies:

No

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

6. Funding Source:

Chemical Dependency and Mental Health Program Fund

Monday, December 12, 2016
MEMO

To: Jack Louws, County Executive

From: Sheriff Bill Elfo, Director of Emergency Management
       John Gargett, Deputy Director of Emergency Management

Subject: Supplemental Budget Request ID # 2231
         WUECC Situational Assessment Management System

Date: December 21, 2015

The attached Supplemental Budget Request seeks authority to purchase a Situational Assessment Management System for the Whatcom Unified Emergency Coordination Center to be funded by a Phillips 66 Corporate Citizenship General Grant.

- **Background and Purpose**
  The Whatcom Unified Emergency Coordination Center (WUECC) is the single coordinated emergency point for all of Whatcom County and includes participation from the private sector and multiple political jurisdictions. The WUECC currently has very limited audio/visual capabilities for display of situational status during events. The display equipment that is in place is old and does not support the software that has been acquired by the WUECC, the Incident Action Plan (IAP) software made by the Response Group.

  This project will provide the display boards used with the Incident Action software which will provide the Incident Management Teams that respond to the WUECC the ability to manage and organize the entirety of an incident response from the necessary resources (personnel & equipment) to the finances and logistics. This will ensure that command officials have valid, up-to-the-minute data through the duration of an incident.

  During actual activations of the WUECC, the display boards will be used to brief community and partner leaders on the status of operations on a common display, providing a truly common operating picture.

  The WUECC will be supporting this effort by providing the briefing room, staffing and operating environment for use of this display system. The briefing room is a dedicated and secure operating environment.

- **Funding Amount and Source**
  $45,000 from a Phillips 66 Corporate Citizenship General Grant.

Please contact John Gargett or Frances Burkhart if you have any questions.
1a. Description of request:

The Whatcom Unified Emergency Coordination Center (WUECC) is the single coordinated emergency point for all of Whatcom County and includes participation from the private sector and multiple political jurisdictions. The WUECC currently has very limited audio/visual capabilities for display of situational status during events. The display equipment that is in place is old and does not support the software that has been acquired by the WUECC, the Incident Action Plan (IAP) software made by the Response Group. This is the same software used by the US Coast Guard as well as the industry partners of the WUECC.

This project will provide the display boards used for the display of the Incident Action software which will provide the ability for the Incident Management Teams that respond to the WUECC to be able to manage and organize the entirety of an incident response from the necessary resources (personnel & equipment) to the finances and logistics. This will insure that command officials have valid, up-to-the-minute data through the duration of an incident.

The ability to have the necessary display boards will support pre-planning and facilitation of many types of Whatcom Counties incident management team drills/exercises both in Whatcom County as well as with our international partners in British Columbia and with our private sector partners.

During actual activations of the WUECC, the display boards will be used to brief community and partner leaders on the status of operations on a common display, providing a truly common operating picture.

The WUECC will be supporting this effort by providing the briefing room, staffing, and operating environment for use of this display system. The briefing room is a dedicated and secure operating environment.

1b. Primary customers:

Whatcom County, Whatcom County Emergency Management Council members, City of Bellingham, and partner agencies that utilize the Whatcom Unified Emergency Coordination Center.

2. Problem to be solved:

The Whatcom Unified Emergency Coordination Center (WUECC) is the single coordinated emergency point for all of Whatcom County and includes participation from the private sector and multiple political jurisdictions. The WUECC currently has very limited audio/visual capabilities for display of situational status during events. The display equipment that is in place is old and does not support the software that has been acquired by the WUECC, the Incident Action Plan (IAP) software made by the Response Group. This is the same software used by the US Coast Guard as well as the industry partners of the WUECC.
Supplemental Budget Request

<table>
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<th>Sheriff</th>
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<tbody>
<tr>
<td>Supp1 ID # 2231</td>
<td>Fund 167 Cost Center 16786 Originator: Frances Burkhart</td>
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</table>

3a. Options / Advantages:
Phillips 66 Corporate Citizenship General Grant was awarded to Whatcom County for the purchase of the Situational Awareness Management System for use in the Whatcom Unified Emergency Coordination Center.

3b. Cost savings:
$45,000 in direct cost savings due to funding provided by Phillips 66. Additional indirect cost savings will result in the increased efficiency in gathering and disseminating information to support a shared situational awareness which will lead, in turn, to a more effective and coordinated response.

4a. Outcomes:
The primary outcome of this project will be a Whatcom Unified Emergency Coordination Center that can brief on the status of incidents in a truly interactive manner. A second outcome will be the elimination of the need for the renting of similar equipment for drills, exercises and real-world events.

4b. Measures:
The Situational Assessment Management System will be purchased, installed, and tested.

5a. Other Departments/Agencies:
Whatcom County, Whatcom County Emergency Management Council members, City of Bellingham, and partner agencies that utilize the Whatcom Unified Emergency Coordination Center.

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

6. Funding Source:
WCSO-DEM received a Phillips 66 Corporate Citizenship General Grant in the amount of $45,000 to fund this project.
The $45,000 check was received and deposited on 12/15/2016.

Wednesday, December 21, 2016

Rpt: Rpt Suppl Regular
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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<tr>
<th>CLEARANCES</th>
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**TITLE OF DOCUMENT:**
Ord amend Ord20156-037 to extend due date for Incarceration Prevention Task Force

**ATTACHMENTS:**

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

Ordinance Amending Ordinance 2015-037, Which Amended Ordinance 2015-025 (Establishment Of The Whatcom County Incarceration Prevention And Reduction Task Force) To Extend Due Dates For Delivery Of The Initial And Final Phase III Reports

**COMMITTEE ACTION:**

**COUNCIL ACTION:**
1/10/2017: Introduced 6-0, Sidhu absent

**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 2017-_______

ORDINANCE AMENDING ORDINANCE 2015-037, WHICH AMENDED ORDINANCE 2015-025 (ESTABLISHMENT OF THE WHATCOM COUNTY INCARCERATION PREVENTION AND REDUCTION TASK FORCE) TO EXTEND DUE DATES FOR DELIVERY OF THE INITIAL AND FINAL PHASE III REPORTS

WHEREAS, since 2015, the Incarceration Prevention and Reduction Task Force (the Task Force) and three subcommittees have met monthly; and

WHEREAS, in January of 2016, the Task Force delivered its Phase I report to the Whatcom County Council; and

WHEREAS, in October of 2016, the Task Force delivered its Phase II report; and

WHEREAS, both reports were well developed and provided excellent information and proposals to reduce and prevent incarceration in Whatcom County; and

WHEREAS, the authorizing legislation instructed the Task Force to deliver its Phase III report in March of 2017; and

WHEREAS, completion of the Phase III report is dependent on not only the efforts of the Task Force, but also support from Whatcom County staff and expertise from outside consultants; and

WHEREAS, the County Council recognizes that additional time is needed to properly complete the work assigned in the report, including specific operational plans for implementation of appropriate crisis intervention, triage services and incarceration and reduction programs.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the Task Force will deliver the initial Phase III report with sufficient details to proceed with construction and programming of a new or expanded crisis triage center no later than July 11, 2017.

BE IT FINALLY ORDAINED that the Task Force will deliver the final Phase III report no later than December 5, 2017.

APPROVED this ______ day of __________________, 2017.

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Barry Buchanan
Council Chair

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON

Jack Louws, County Executive

( ) Approved   ( ) Denied

Date Signed: ____________
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**TITLE OF DOCUMENT:**
Contract between Applied Geomorphology, Inc. and Whatcom County Flood Control Zone District for a geomorphic assessment of the lower Nooksack River.

**ATTACHMENTS:**
1. Scope of Work
2. Insurance Certificate

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

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

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

This contract between Applied Geomorphology and Whatcom County Flood Control Zone District is for the preparation of a detailed geomorphic assessment of the Lower Nooksack River from near Deming downstream to Bellingham Bay in support of an update to the Comprehensive Flood Hazard Management Plan.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

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

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

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

THROUGH: Jon Hutchings, Public Works Director

FROM: Paula Harris, River & Flood Manager
       Gary Stoyka, Natural Resources Manager

RE: Contract with Applied Geomorphology Inc. for a Geomorphic Assessment of the Lower Nooksack River

DATE: January 6, 2017

Enclosed are two (2) originals of a contract between Applied Geomorphology Inc. and Whatcom County Flood Control Zone District (FCZD) for your review and signature.

- **Background and Purpose**
   A detailed geomorphic assessment is needed for the lower Nooksack River from near Deming downstream to Bellingham Bay to support an update of the Comprehensive Flood Hazard Management Plan (CFHMP). The plan update will more fully integrate the needs of salmon habitat recovery and floodplain agriculture with flood hazard reduction. The proposed contract will provide for an assessment of the geomorphology of river reaches not previously analyzed and for the compilation of all existing and new data into a single comprehensive product for the full length of the lower Nooksack. Multiple stakeholder meetings will be used to harness local knowledge related to floods, fish, and agriculture and to incrementally build stakeholder knowledge as an integrated floodplain management plan update progresses.

- **Funding Amount and Source**
   The proposed contract is for $150,000 and the expenditure authority was included in the 2016 FCZD budget; while the consultant was selected in 2016, there was insufficient time to develop the proposed agreement for approval under the 2016 budget. The 2017 FCZD budget includes expenditure authority for other components of the CFHMP that are yet to be contracted; this budget authority will be reallocated to cover the proposed contract and a supplemental budget will be brought forward to re-establish the budget authority for the remaining CFHMP components.

The Nature Conservancy has secured a grant through the National Oceanic and Atmospheric Association (NOAA) which will provide funding to reimburse the FCZD for $50,000. After the first year, an additional $50,000 may be provided if our progress is acceptable to the granting agency. A separate subrecipient agreement for this funding will be forthcoming.

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

Encl.
### WHATCOM COUNTY CONTRACT INFORMATION SHEET

**Originating Department:** Public Works  
**Division/Program:** (i.e. Dept. Division and Program) River & Flood  
**Contract or Grant Administrator:** John N. Thompson, PW - NR  
**Contractor’s / Agency Name:** Karin Boyd / Applied Geomorphology

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

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

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

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

**Is this contract the result of a RFP or Bid process?**  
- Yes ☒  
- No ☐  
If yes, RFP and Bid number(s): RFQ 16-01  
Cost Center: 169104

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

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

**Contract Amount:** (sum of original contract amount and any prior amendments): $150,000

**This Amendment Amount:** $  

**Total Amended Amount:** $ 

Council approval required for; all property leases, contracts or bid awards exceeding $40,000, and professional service contract amendments that have an increase greater than $10,000 or 10% of contract amount, whichever is greater, except when:

1. Exercising an option contained in a contract previously approved by the council.  
2. Contract is for design, construction, r-o-w acquisition, professional services, or other capital costs approved by council in a capital budget appropriation ordinance.  
3. Bid or award is for supplies or equipment included approved in the budget.  
4. Contract is for manufacturer’s technical support and hardware maintenance of electronic systems and/or technical support and software maintenance from the developer of proprietary software currently used by Whatcom County.

**Summary of Scope:**  
This contract between Applied Geomorphology and Whatcom County Flood Control Zone District is for the preparation of a detailed geomorphic assessment of the Lower Nooksack River from near Deming downstream to Bellingham Bay in support of an update to the Comprehensive Flood Hazard Management Plan.

**Term of Contract:** January 25, 2017  
**Expiration Date:** June 30, 2018  

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

**Date:** 1/03/2017  
**Date:** 01/03/17  
**Date:** 01/04/17  
**Date:** 1/11/17  
**Date:** 1/15/17  
**Date:**
CONTRACT FOR SERVICES
Lower Nooksack River Geomorphic Analysis

Applied Geomorphology, Inc., 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 11,
Exhibit B (Compensation), pp. 12–14,
Exhibit C (Proposed Schedule), p. 15
Exhibit D (Insurance Certificate), p. 16.

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 25th day of January, 2017, and shall, unless terminated or renewed as elsewhere provided in the Agreement, terminate on the 31st day of December, 2018.

The general purpose or objective of this Agreement is to prepare a geomorphic assessment of the Nooksack River from near Deming downstream to Bellingham Bay, as more fully and definitively described in Exhibit A – Scope of Work, 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 $150,000. The Contract Number, set forth above, shall be included on all billings or correspondence in connection therewith.

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

IN WITNESS WHEREOF, the parties have executed this Agreement this 5th day of January, 2017.

CONTRACTOR:

Applied Geomorphology, Inc.

Karin Boyd, Owner

STATE OF MONTANA )

) ss.

COUNTY OF ( )

On this 05 day of January, 2017 before me personally appeared Karin Boyd, to me known to be the owner (title) of Applied Geomorphology, Inc. (Company) and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

SHALINA CURTIS
NOTARY PUBLIC for the
State of Montana
Residing at Bozeman, Montana
My Commission Expires March 24, 2019

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

Bozeman. My commission expires

03-20-2019
WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT:
Recommended for Approval:

[Signature] 1-9-17
Jon Hutchings Date
Public Works Department Director

Approved as to form:

[Signature] 01/11/17
Daniel Gibson Date
Chief Civil Deputy Prosecuting Attorney

Approved:
Accepted for Whatcom County Flood Control Zone District:

By: _________________________
Jack Louws, Whatcom County Executive, acting for the Whatcom County Flood Control Zone District Board of Supervisors

STATE OF WASHINGTON )
COUNTY OF WHATCOM ) ss

On this _______ day of _________, 2017, 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:

Applied Geomorphology, Inc.

Karin Boyd, Owner

Address:
211 N. Grand Ave, Suite C
Bozeman, MT 59715

Mailing Address:
Same

Contact Name: Karin Boyd
Contact Phone: (406) 587-6352
Contact FAX: N/A
Contact Email: kboyd@appliedgeomorph.com
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:** Not Applicable

11.2 **Termination for Reduction in Funding:** Not Applicable

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 rate 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 and its subcontractors Elements Solutions, Northwest Hydraulic Consultants (NHC), and DTM Consulting. 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: Not Applicable

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

34.1 Proof of Insurance:
The Contractor shall carry for the duration of this Agreement:
1) Commercial general liability insurance with the following minimums:
   Property Damage - $300,000.00 per occurrence;
   General Liability & Bodily injury- $1,000,000.00 per occurrence.

A Certificate of insurance that also identifies the County as an additional insured on the above stated policy is attached hereto as Exhibit "D". 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:
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.

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

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

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

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

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

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

35.2 Non-Discrimination in Client Services: Not Applicable

36.1 Waiver of Noncompetition: Not Applicable

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

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

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

Paula Harris, River & Flood Manager
322 N. Commercial St., Suite 120
Bellingham, WA 98225-4042
(360) 778-6285

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:
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.

38.3 E-Verify: Not applicable.

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

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

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

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

42.1 **Disputes:**

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

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

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

d. **Arbitration:** Not Applicable

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

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

45.1 **Entire Agreement:**
This written Agreement, comprised of the writings signed or otherwise identified and attached hereto, represents the entire Agreement between the parties and supersedes any prior oral statements, discussions or understandings between the parties.
EXHIBIT A – Scope of Work

Lower Nooksack Geomorphic Assessment
Scope of Work
Applied Geomorphology Inc.
December 16, 2016

The objective of this project is to provide a geomorphic assessment of the lower Nooksack River from near Deming to Bellingham Bay. The geomorphic baseline that will be developed will integrate previous relevant studies and ultimately support the ongoing development of an integrated approach to both risk reduction and salmon habitat recovery on the river. This information will then be used to help update The Whatcom County Flood Control Zone District’s Lower Nooksack Comprehensive Flood Hazard Management Plan (CFHMP).

The CFHMP updating process includes extensive stakeholder involvement in an effort to gain understanding and support from a wide range of perspectives and concerns, such as flood management, salmon recovery, and active agricultural land uses of the floodplain. A lower mainstem habitat assessment and planned updates to the WRIA 1 Salmonid Recovery Plan will also draw from the results of this assessment.

**Task 1—Project Kickoff and Initial Field Review**
Attend a project kickoff meeting in Bellingham. The meeting will be held to clarify scoping elements, discuss supporting data sources, identify parallel efforts that are generating relevant data, and refine the project schedule (Exhibit B). This meeting would also include a reach-level field visit to gain overall site familiarity.

**Task 2—Data Compilation**
Compile and review existing data, including GIS datasets, reports, and other relevant information. Compile the following maps and imagery into one project. Data stored in-house from the Upper Reach 4 assessment will be complimented with other available datasets. The data sources will be summarized to identify timeframes for historic analyses, identify gaps in historical imagery, and fill those gaps as possible. Identify sources of potential supporting data and provide data requests to appropriate parties. The following seven timeframes, which match those of the Upper Reach 4 assessment, will be analyzed to the extent provided by the coverage:

1. Pre-1900 (1885 in Upper Reach 4).
2. 1930’s (1933 in Upper Reach 4)
3. 1950s
4. 1970s
5. 1990s
6. 2002
7. 2013
8. 2015
In addition to imagery and maps listed above, additional other relevant spatial data related to topography, physical features mapping, habitat mapping, flood mapping, hydraulic analysis, channel morphology etc. will be compiled into a single GIS project to support the Geomorphic Analysis.

**Task 3—Geomorphic Analysis**

Perform a baseline geomorphic evaluation of the project reach. Focus on remote analysis using aerial imagery, LiDAR, and other mapping layers to document rates and patterns of geomorphic change in the project reach. This task will provide a comprehensive review of the geomorphology of all reaches, and support the additional work of Task 4. It will bring Reaches 1-4 to the same baseline generated previously in Upper Reach 4.

1. Subdivide the project reach into geomorphic subreaches.

2. Summarize baseline background conditions for each reach:
   a. Geologic influences
   b. Glacial history
   c. Hydrologic history
   d. History of channel modifications (e.g., dredging, gravel mining, or channelization)
   e. History of levee construction
   f. History of bank armoring

3. For each reach, summarize the following geomorphic parameters:
   a. Channel and floodplain slope
   b. Channel pattern (braiding parameter and planform attributes)
   c. Channel size
   d. Channel morphology
   e. Estimated age of riparian stands
   f. Substrate
   g. Bankline migration rates and patterns
   h. Evidence of pre-1880’s channel and floodplain condition
   i. Floodplain connectivity and associated geomorphic processes

Use results to evaluate trends in channel form, riparian establishment/recruitment rates, avulsion history and risk. Integrate physical influences such as hydrologic history, geology, human influences, and any other relevant factors. Develop cause- and effect relationships as possible. Compile results in a technical memorandum and present to stakeholders.

**Deliverable:** Interim deliverable describing results of baseline geomorphic analysis.

**Task 4—Evaluate Additional Geomorphic Parameters to Support Habitat Assessment**

In support of the habitat analysis, perform a more detailed assessment of the following:

1. Role of Large Wood
   a. History of wood management/removal
   b. Role of wood in habitat creation (association of wood with other morphologic units)
   c. Persistence of wood (as was done by Pittman in Lower Reach 4)

2. Riparian habitat and wood recruitment potential
   a. Riparian age classes
b. Floodplain turnover and wood recruitment potential

3. In-stream habitat
   a. Morphologic habitat types

Work with those involved in the salmon recovery plan to identify any additional relevant parameters. Provide strategic support to expand the salmon habitat assessment effort to a broader scale. Data will be compiled and consistent between Reaches 1-4. Results will be presented at a stakeholder meeting when Task 3 results are also presented.

**Task 5 – Technical Assistance**

Throughout the term of this agreement, the District may call upon the Contractor to perform specific professional services to support the geomorphic assessment process as needed. Anticipated services will likely include:

- Additional analysis to respond to stakeholder input
- Attendance and participation in additional stakeholder meetings beyond those identified in the detailed task table in Exhibit D.

In each instance, a separate task order will be prepared, each being separately subject to the terms and conditions of this Agreement. The task order will define (1) Specific scope of services to be performed, (2) Proposed schedule of services, and (3) Estimated cost of services (budget) pursuant to the rate schedule in Exhibit C. Each task order will be mutually agreed upon by the District and the Contractor, subject to the terms and conditions within this Agreement and will be executed by an authorized representative of each party.

**Task 6—Integration of Results with Flood Control Strategies**

Evaluate flood control strategies with regard to their influences on geomorphic processes and habitat-related parameters. Consider anticipated geomorphic trajectories both site specifically and in a broader floodplain management context. Provide site-scale recommendations for modifying existing infrastructure to achieve ecological gain and reduce flood risk and maintenance requirements. On a broader level, provide recommendations regarding management strategies that will optimize geomorphic function, system resilience, and habitat sustenance. Provide recommendations for further steps.

**Task 7—Reporting**

Prepare and present a draft report. Request comments and make revisions as necessary. Prepare and present a final report. This task includes budgeting for two additional stakeholders meetings.

**Deliverables**

Deliverables will include a technical memorandum (digital .pdf) upon completion of Task 3. This deliverable and associated comments will be incorporated into the draft report. The draft report (digital .pdf) will be submitted for comments. With comments addressed, the final report will be delivered as two hard copies, and as a digital .pdf on DVD with the supporting ARCMAP geodatabase.
EXHIBIT B – COMPENSATION

As consideration for the services provided pursuant to Exhibit A, Scope of Work, the County agrees to compensate the contractor according to the hourly rates provided in the Rate Schedule below and as further described in the Detailed Task Table, also below. Other reasonable expenses incurred in the course of performing the duties herein shall be reimbursed. Mileage is to be reimbursed at the 2017 IRS rate; lodging and per diem will be reimbursed at a rate not to exceed the GSA rate for the location at which services are provided. Reimbursement for air travel will be at coach rates. Other expenditures such as printing, postage and telephone charges shall be reimbursed at actual cost.

The Contractor will invoice monthly. Invoices will include hours work by employee by day together with tasks accomplished. Requests for reimbursement of expenses must be accompanied by copies of paid invoices itemizing costs incurred. Costs of alcoholic beverages are not eligible for reimbursement. Compensation shall not exceed $150,000. Any work performed prior to the effective date of this contract or continuing after the completion date of the same unless otherwise agreed upon in writing, will be at the contractor’s expense.

RATE SCHEDULE

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<thead>
<tr>
<th>Personnel</th>
<th>Role</th>
<th>Rate ($/hr)</th>
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<tbody>
<tr>
<td>Karin Boyd, AGI</td>
<td>Project Manager, Lead</td>
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<td></td>
<td>Geomorphologist</td>
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<td>Paul Pitman, Element</td>
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<td>Andrew Nelson, NHC</td>
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<td>Tony Thatcher, DTM</td>
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<td>Adam Cockrill, Element</td>
<td>Fisheries Support</td>
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<td>Dave McLean, NHC</td>
<td>NHC Internal Review</td>
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<td>Work Tasks</td>
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<td>Attend kickoff meeting in Bellingham</td>
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<td>Channel slope, pattern, size, substrate, and morphology</td>
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<td>Migration Rates—digitize banklines and analyze movement</td>
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<td>Floodplain connectivity and associated geomorphic processes</td>
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<td>Assess bank armor and flood control influences</td>
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<td>3.11</td>
<td>Evaluate and summarize spatial and temporal trends</td>
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<td>Summarize results into technical memorandum</td>
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<td>Present Results at Stakeholder Meeting #1</td>
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<td>6.5</td>
<td>Summarize Results and Present at Stakeholder Meeting #2</td>
<td>16</td>
</tr>
<tr>
<td></td>
<td><strong>Task 5.0 Sub-Totals</strong></td>
<td>44</td>
</tr>
<tr>
<td>7.0</td>
<td><strong>Task 7: Reporting</strong></td>
<td></td>
</tr>
<tr>
<td>7.1</td>
<td>Prepare Draft report</td>
<td>32</td>
</tr>
<tr>
<td>7.2</td>
<td>Present Results at Stakeholder Meeting #3</td>
<td>16</td>
</tr>
<tr>
<td>7.3</td>
<td>Address Comments</td>
<td>6</td>
</tr>
<tr>
<td>7.4</td>
<td>Finalize Report</td>
<td>16</td>
</tr>
<tr>
<td>7.5</td>
<td>Allow for two extra meetings</td>
<td>20</td>
</tr>
<tr>
<td></td>
<td><strong>Task 5.0 Sub-Totals</strong></td>
<td>106</td>
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<td></td>
<td><strong>Total Quantity</strong></td>
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<td></td>
<td><strong>Direct Costs</strong></td>
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<td><strong>Total Cost</strong></td>
<td>$80,300.00</td>
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<tr>
<td>Task No.</td>
<td>Work Tasks</td>
<td>Quantity</td>
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<td>---------</td>
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<tr>
<td>All</td>
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<tr>
<td></td>
<td>Airfare</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>Lodging</td>
<td>8</td>
</tr>
<tr>
<td>3 and 4</td>
<td>One drone flight to collect oblique photos</td>
<td>1</td>
</tr>
<tr>
<td>5.0</td>
<td>Additional drone flight based on stakeholder input</td>
<td>1</td>
</tr>
<tr>
<td>6.0</td>
<td>Printing and Binding</td>
<td>400</td>
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<tr>
<td></td>
<td><strong>TOTAL DIRECT COSTS</strong></td>
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</tr>
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EXHIBIT C— Proposed Schedule

**Schedule**
The project schedule is intended to provide achievable milestone dates based upon the estimated level of effort for each task and availability of project team members. The schedule may shift as the project progresses and additional stakeholder input is received.

<table>
<thead>
<tr>
<th>Task</th>
<th>Duration (months)</th>
<th>Completion Date (2017)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Kickoff and Field Visit</td>
<td>0.5</td>
<td>February 1</td>
</tr>
<tr>
<td>2. Data Compilation</td>
<td>0.5</td>
<td>February 15</td>
</tr>
<tr>
<td>3. Geomorphic Analysis</td>
<td>4</td>
<td>July 1</td>
</tr>
<tr>
<td>4. Fisheries Parameters</td>
<td>4</td>
<td>July 1</td>
</tr>
</tbody>
</table>

**MILESTONE:** Tech Memo Delivery and Stakeholder Presentation of Task 2-4 Results

<table>
<thead>
<tr>
<th>Task</th>
<th>Duration (months)</th>
<th>Completion Date (2017)</th>
</tr>
</thead>
<tbody>
<tr>
<td>5. Additional Technical Support</td>
<td>3</td>
<td>As needed</td>
</tr>
<tr>
<td>6. Evaluation of Flood Control Strategies</td>
<td>2</td>
<td>Dec 1</td>
</tr>
<tr>
<td>7. Draft and Final Reports</td>
<td>2</td>
<td>September 30, 2018</td>
</tr>
</tbody>
</table>

**MILESTONE:** Draft Report Delivery and Stakeholder Presentation of Task 1-3 Results

**MILESTONE:** Final Report Delivery and Stakeholder Presentation
EXHIBIT D – INSURANCE CERTIFICATE

CERTIFICATE OF LIABILITY INSURANCE

AUTHORISED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or 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).

NORTHEAST AGENCIES INC/PHS
214608 P: (866) 467-8730 F: (888) 443-6112
301 WOODS PARK DRIVE
CLINTON NY 13323

APPLIED GEOMORPHOLOGY, INC.
211 N GRAND AVE STE C
BOZEMAN MT 59715

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

<table>
<thead>
<tr>
<th>LINE #</th>
<th>TYPE OF INSURANCE</th>
<th>LIMIT (ABOVE)</th>
<th>LIMIT</th>
<th>POLICY #</th>
<th>POLICY PERIOD</th>
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<tr>
<td>COMMERCIAL GENERAL LIABILITY</td>
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<td>01 SBM 903453</td>
<td>05/30/2016 - 05/30/2017</td>
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<tr>
<td>AUTOBAND LIABILITY</td>
<td></td>
<td></td>
<td></td>
<td>X</td>
<td></td>
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<tr>
<td></td>
<td>X</td>
<td>01 SBM 903453</td>
<td>05/30/2016 - 05/30/2017</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES (ACORD 191, Additional Remarks Schedule, may be attached if more space is required)

Those usual to the Insured’s Operations. Certificate holder is an additional insured per the Business Liability Coverage Form SS0008 and the Hired Auto and Non Owned Auto Endorsement SS0438, attached to this policy.

CERTIFICATE HOLDER
Whatcom County
Flood Control Zone District
322 N COMMERCIAL ST STE 120
BELLEVUE, WA 98025

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

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WHATCOM COUNTY COUNCIL AGENDA BILL

CLEARANCES

<table>
<thead>
<tr>
<th>Originator: E. Douglas</th>
</tr>
</thead>
<tbody>
<tr>
<td>Division Head: G. Stoyka</td>
</tr>
<tr>
<td>Dept. Head: J. Hutchings</td>
</tr>
<tr>
<td>Prosecutor: D. Gibson</td>
</tr>
<tr>
<td>Purchasing/Budget: M. Caldwell</td>
</tr>
<tr>
<td>Executive: J. Louws</td>
</tr>
</tbody>
</table>

INITIAL: ED

Date: 12/22/16

Date Received in Council Office: 1/17/17

Agenda Date: 1/24/17

Assigned to: Finance/Council

TITILE OF DOCUMENT:

Interlocal and Subrecipient Agreement between Whatcom County and the Whatcom Conservation District for Non-Dairy Agriculture Technical Assistance

ATTACHMENTS:

- Memo
- Contract Information Sheet
- Interlocal Agreement

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

Should Clerk schedule a hearing? ( ) Yes (X) No
Requested Date: 1/17/17

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.)

Through this agreement, the Whatcom Conservation District will support the Whatcom County Pollution Identification and Correction (PIC) Program through offering technical assistance to landowners with non-dairy agricultural activities. Additionally, the Conservation District will provide data coordination services to assist with greater accessibility to water quality results for agencies and community members.

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 Members of the Whatcom County Council

THROUGH: Jon Hutchings, Public Works Director

FROM: Gary Stoyka, Natural Resources Manager
Erika Douglas, Senior Planner

RE: Interlocal/Subrecipient Agreement between Whatcom County and the Whatcom Conservation District: Whatcom County Pollution Identification and Correction (PIC) Program Non-Dairy Agriculture Technical Assistance

DATE: January 10, 2016

Please find enclosed for your review and signature two (2) originals of an interlocal/subrecipient agreement, between Whatcom County and the Whatcom Conservation District, in the amount of $100,000 to provide support to the Pollution Identification and Correction (PIC) Program.

Requested Action
Public Works respectfully requests that the County Council authorize the County Executive to sign the attached interlocal/subrecipient agreement.

Background and Purpose
Through this agreement, the Whatcom Conservation District will support the Whatcom County Pollution Identification and Correction (PIC) Program through offering technical assistance to landowners with non-dairy agricultural activities to protect and improve water quality in PIC areas. Additionally, the Conservation District will provide data coordination services to assist with greater accessibility to water quality results for agencies and community members.

Whatcom County received a grant amendment from the Washington State Department of Health to extend the non-dairy agriculture technical assistance component of the PIC program and establish a data coordinator position through a partnership with the Whatcom Conservation District.

Funding Amount and Source
This interlocal agreement will provide $100,000 to the Whatcom Conservation District to implement a technical assistance program and data coordination to support the Whatcom County PIC program. This agreement is fully funded through Washington State Department of Health interagency agreement N20989. Please contact Erika Douglas at extension 6294 if you have any questions regarding the terms of this agreement.

Enclosures
WHATCOM COUNTY CONTRACT INFORMATION SHEET

Originating Department: Public Works
Division/Program: (i.e. Dept. Division and Program) Natural Resources- PIC Program
Contract or Grant Administrator: Erika Douglas
Contractor's / Agency Name: Whatcom Conservation District

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

Does contract require Council Approval? Yes X 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 X If yes, grantor agency contract number(s): N20989 CFDA#: 66.123

Is this contract grant funded? Yes X No □ If yes, Whatcom County grant contract number(s): 201411029-2

Is this contract the result of a RFP or Bid process? Contract
Yes □ No X If yes, RFP and Bid number(s): ____________________________

Is this agreement excluded from E-Verify? Yes X 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.
X Interlocal Agreement (between Governments).
□ Contract for Commercial off the shelf items (COTS).
□ Work related subcontract less than $25,000.
□ Public Works - Local Agency/Federally Funded FHWA.

Contract Amount:(sum of original contract amount and any prior amendments):
$ 100,000

This Amendment Amount: ____________________________

Total Amended Amount: ____________________________

Summary of Scope: Through this agreement, the Whatcom Conservation District will support the Whatcom County Pollution Identification and Correction (PIC) Program through offering technical assistance to landowners with non-dairy agricultural activities to protect and improve water quality in PIC areas. Additionally, the Conservation District will provide data coordination services to assist with greater accessibility to water quality results for agencies and community members.

Term of Contract: January 11 – December 31, 2017 Expiration Date: December 31, 2017

Contract Routing:
1. Prepared by: E. Douglas Date: 12/22/16
2. Attorney signoff: L. Lefkowitz Date: 01/11/17
3. AS Finance reviewed: M. Caldwell Date: 01/10/17
4. IT reviewed (if IT related):
5. Contractor signed: ____________________________ Date: ____________________________
6. Submitted to Exec.: ____________________________ Date: 11/1/17
7. Council approved (if necessary):
8. Executive signed:
9. Original to Council:

Last edited 10/31/16
2017 INTERLOCAL AND SUBRECIPIENT AGREEMENT
WHATCOM COUNTY- WHATCOM CONSERVATION DISTRICT
Pollution Identification and Correction (PIC) Program
Non-Dairy Agriculture Technical Assistance

WHEREAS, Whatcom County (County) and the Whatcom Conservation District (WCD or Subrecipient), deside to establish an arrangement wherein Whatcom County will provide funding to the WCD to provide technical assistance for the non-dairy agriculture best management practices component of the Whatcom County Pollution Identification and Correction (PIC) program to the mutual advantage of each jurisdiction; and,

WHEREAS, the Drayton Harbor Shellfish Recovery Plan identified a coordinated water quality monitoring program to identify pollution sources and increased capacity for following up on monitoring findings as high priorities; and,

WHEREAS, the Portage Bay Shellfish Recovery Plan identified a Whatcom County PIC program as the highest priority recommendation; and,

WHEREAS, a PIC program is a data-driven program guiding pollution tracking activities to areas with the greatest water quality problems, followed by technical and financial assistance offered to landowners to implement fixes to improve and protect water quality; and,

WHEREAS, agricultural activities have been identified as one priority source of bacteria in the Drayton Harbor, Portage Bay, and Birch Bay Shellfish Protection Districts; and,

WHEREAS, the WCD provides local expertise and technical assistance to landowners with livestock and other agricultural activities using manure for nutrients to support development and implementation of farm plans; and,

WHEREAS, the most efficient use of resources is to have the WCD supplement its technical assistance programs consistent with the specific needs of the Whatcom County PIC program as described in Exhibit A to help improve and protect water quality in the Drayton Harbor, Birch Bay, and Portage Bay Shellfish Protection Districts; and

WHEREAS, Whatcom County has received grant funding from the Washington State Department of Health (DOH Interagency Agreement N20989-2) to enhance the Whatcom County PIC program which includes funding for WCD staff for non-dairy agriculture technical assistance and data coordination; and

WHEREAS, it is in the best interest of each party to enter into this Interlocal Agreement.

NOW THEREFORE, the WCD and County agree as follows:

I. Purpose: The purpose of this agreement is to set the terms whereby the County will make available funds to the WCD so that the WCD will implement the non-dairy agriculture best management practices and data coordination components of the PIC program as described in Exhibit A attached hereto.

II. Administration: No new or separate legal or administrative entity is created to administer the provisions of this agreement.

III. Whatcom Conservation District Responsibilities: The WCD hereby agrees to implement the non-dairy agriculture best management practices and data coordination components of the PIC program as described in Exhibit A attached hereto.
IV. **Whatcom County Responsibilities:** The County hereby agrees to reimburse the WCD, not to exceed the total budget amount allocated to the WCD as shown in Exhibit B attached hereto, for the costs in providing and performing the services stated.

V. **Payment:** Subrecipient shall submit itemized invoices in a format approved by the County in accordance with the requirements of Exhibit B. The County will compensate the WCD for services rendered within thirty (30) days following receipt of an approved invoice, provided all other terms and conditions of the contract have been met and are certified as such by the Contract Administrator.

VI. **Term:** This Agreement shall be effective for services performed from January 11, 2017, through December 31, 2017, regardless of date of signature.

VII. **Responsible Persons:** The persons responsible for administration of this Agreement shall be the Whatcom County Public Works (WCPW) Department Director and the WCD Executive Director or their respective designees.

VIII. **Treatment of Assets and Property:** No fixed assets or personal or real property will be jointly or cooperatively acquired, held, used, or disposed of pursuant to this Agreement.

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

X. **Modifications:** This Agreement may be changed, modified, amended or waived only by written agreement executed by the Parties hereto. Waiver or breach of any term or condition of this Agreement shall not be considered a waiver of any prior or subsequent breach.

XI. **Applicable Law:** In the performance of this Agreement, it is mutually understood and agreed upon by the Parties hereto that this Agreement shall be governed by the laws and regulations of the State of Washington and the federal government, both as to interpretation and performance. The venue of any action arising here from shall be in the Superior Court of the State of Washington in and for Whatcom County.

XII. **Severability:** In the event any term or condition of this Agreement or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other terms, conditions, or applications of this Agreement that can be given effect without the invalid term, condition, or application. To this end the terms and conditions of this Agreement are declared severable.

XIII. **Special Terms and Conditions:** This Agreement is funded by a contract between Washington State Department of Health (DOH or Department) and Whatcom County (DOH Contract N20989-2). The following terms and conditions from the DOH contract apply to this Agreement:

**ASSIGNMENT:** The work to be provided under this Agreement, and any claim arising thereunder, is not assignable or delegable by either party in whole or in part, without the express prior written consent of the other party, which consent shall not be unreasonably withheld.

**CONFIDENTIALITY/SAFEGUARDING OF INFORMATION:** The use or disclosure by any party of any information concerning a client obtained in providing service under this agreement shall be subject to Chapter 42.56 RCW and Chapter 70.02 RCW, as well as any other applicable federal and state statutes and regulations. Any unauthorized access or use of confidential information must be reported to the DOH IT Security Officer at (360) 236-4432. The notification must be made in the most expedient time possible (usually within 24
hours of discovery) and without unreasonable delay, consistent with the legitimate needs of law enforcement, or any measures necessary to determine the scope of the breach and restore the reasonable integrity of the data system.

**DISPUTES:** In the event that a dispute arises under this Agreement, it shall be determined by a Dispute Board in the following manner: Each party to this agreement shall appoint one member to the Dispute Board. The members so appointed shall jointly appoint an additional member to the Dispute Board. The Dispute Board shall review the facts, contract terms and applicable statutes and rules and make a determination of the dispute. The determination of the Dispute Board shall be final and binding on the parties hereto.

**GOVERNANCE:** This contract is entered into pursuant to and under the authority granted by the laws of the state of Washington and any applicable federal laws. The provisions of this agreement shall be construed to conform to those laws.

In the event of an inconsistency in the terms of this Agreement, or between its terms and any applicable statute or rule, the inconsistency shall be resolved by giving precedence in the following order:

- Applicable state and federal statutes and rules;
- Special Terms and Conditions: EPA Administrative & Programmatic Conditions;
- Federal Compliance, and Standard Federal Certifications and Assurances;
- Statement of work, and;
- Any other provisions of the agreement, including materials incorporated by reference.

**NONCOMPLIANCE:**

If a non-Federal entity fails to comply with Federal statues regulations, or the terms and conditions of a Federal award, the Federal awarding agency or pass-through entity may impose additional conditions, as described in §200.207 Specific conditions. If the Federal awarding agency or pass-through entity determines that noncompliance cannot be remedied by imposing additional conditions, the Federal awarding agency or pass-through entity may take one or more of the following actions, as appropriate in the circumstances:

- Temporarily withhold cash payments pending correction of the deficiency by the non-Federal entity or more severe enforcement action by the Federal awarding agency or pass-through entity.
- Disallow (that is, deny both use of funds and any applicable matching credit for) all or part of the cost of the activity or action not in compliance.
- Wholly or partly suspend or terminate the Federal award.
- Initiate suspension or debarment proceeding as authorized under 2 CFR part 180 and Federal awarding agency regulations (or in the case of a pass-through entity, recommend such a proceeding be initiated by a Federal awarding agency.)
- Withhold further Federal awards for the project or program.
- Take other remedies that may be legally available.

**PRIVACY:** Personal information collected, used or acquired in connection with this contract shall be used solely for the purposes of this contract. Contractor and its subcontractors agree not to release, divulge, publish, transfer, sell or otherwise make known to unauthorized persons personal information without the express written consent of the agency or as provided by law. Contractor agrees to implement physical, electronic and managerial safeguards to prevent unauthorized access to personal information.

The Department and County reserve the right to monitor, audit or investigate the use of personal information collected, used or acquired by the contractor through this contract. The monitoring, auditing, or investigating may include but is not limited to “salting” by the Department. Contractor shall certify the return or destruction of all personal information upon expiration of this contract. Salting is the act of placing a record containing unique but false information in a database that can be used later to identify inappropriate disclosure of data contained in the database.
Any breach of this provision may result in termination of the contract and the demand for return of all personal information. The contractor agrees to indemnify and hold harmless the Department and the County for any damages related to the contractor's unauthorized use of personal information.

**RECORDS, DOCUMENTS, AND REPORTS:** The parties to this contract shall each maintain books, records, documents and other evidence relating to this contract and performance of the services described herein, including but not limited to accounting procedures and practices which sufficiently and properly reflect all direct and indirect costs of any nature expended in the performance of this contract. Such records shall be retained for a period of six (6) years following the date of final payment. At no additional cost, these records, including materials generated under the contract, shall be subject at all reasonable times to inspection, review or audit by the County, DOH, personnel duly authorized by DOH, the office of the state auditor, and federal and state officials so authorized by law, regulations or agreement.

Records and other documents, in any medium, furnished by one party to this Agreement to the other party, will remain the property of the furnishing party, unless otherwise agreed. The receiving party will not disclose or make available this material to any third parties without first giving notice to the furnishing party and giving it a reasonable opportunity to respond. Each party will utilize reasonable security procedures and protections to assure that records and documents provided by the other party are not erroneously disclosed to third parties.

If the contract reimburses the Contractor for costs incurred in performance, the Contractor shall in addition maintain books, records, documents and other evidence of procedures and practices which sufficiently and properly reflect all direct and indirect costs of any nature expended in the performance of this contract.

If any litigation, claim or audit is started before the expiration of the six (6) year period, the records shall be retained until all litigation, claims, or audits finding involving the records have been resolved.

**RIGHTS IN DATA:** Unless otherwise provided, data, which originates from this Agreement shall be "works for hire" as defined by the U.S. Copyright Act of 1976 and shall be owned by DOH. Data shall include, but not be limited to, reports, documents, pamphlets, advertisements, books magazines, surveys, studies, computer programs, films, tapes, and/or sound reproductions. Ownership includes the right to copyright, patent, register, and the ability to transfer these rights.

**RISK ASSESSMENT:** Shall mean (2 CFR 200.331(b)) the County is required to evaluate each subrecipient's risk of noncompliance with Federal statutes, regulations, and the terms and conditions of the subaward for purposes of determining the appropriate sub-recipient monitoring described in paragraphs (d) and (e) of such factors as:

A. The sub-recipient’s prior experience with the same or similar sub-awards;
B. The results of previous audits including whether or not the sub-recipient receives a Single Audit in accordance with Subpart F-Audit Requirements of this part, and the extent to which the same or similar sub-award has been audited as a major program;
C. Whether the sub-recipient has new personnel or new or substantially changes systems; and
D. The extent and results of Federal awarding agency monitoring (e.g., if the sub-recipient also receives Federal awards directly from a Federal awarding agency).

**SUBCONTRACTING:** The subrecipient shall not enter into subcontracts for any of the work contemplated under this agreement without prior written approval of DOH and the County.

**SUSPENSION OF PERFORMANCE AND RESUMPTION OF PERFORMANCE:** In the event contract funding from state, federal, or other sources is withdrawn, reduced, or limited in any way after the effective date of this contract and prior to normal completion, the County may give notice to Subrecipient to suspend performance as an alternative to termination. The County may elect to give written notice to Subrecipient to suspend performance when the County determines that there is a reasonable likelihood that the funding insufficiency
may be resolved in a timeframe that would allow performance to be resumed prior to the end date of this contract. Notice may include notice by facsimile or email to Subrecipient’s representative. Subrecipient shall suspend performance on the date stated in the written notice to suspend. During the period of suspension of performance each party may inform the other of any conditions that may reasonably affect the potential for resumption of performance.

When the County determines that the funding insufficiency is resolved, the County may give Subrecipient written notice to resume performance and a proposed date to resume performance. Upon receipt of written notice to resume performance, Subrecipient will give written notice to the County as to whether it can resume performance, and, if so, the date upon which it agrees to resume performance. If Subrecipient gives notice to the County that it cannot resume performance, the parties agree that the Contract will be terminated retroactive to the original date of termination. If the date Subrecipient gives notice it can resume performance is not acceptable to the County and DOH, the parties agree to discuss an alternative acceptable date. If an alternative date is not acceptable to the County and DOH, the parties agree that the Contract will be terminated retroactive to the original date of termination.

SPECIFIC CONDITIONS:
For purposes of this agreement, Whatcom Conservation District is considered a recipient and a non-Federal entity. A. The Federal awarding agency or pass-through entity may impose additional specific award conditions as needed, in accordance with (2 CFR 200.207) paragraphs (b) and (c) of this section, under the following circumstances:
1) Based on the criteria set forth in §200.205 Federal awarding agency review of risk posed by applicants;
2) When an applicant or recipient has a history of failure to comply with the general or specific terms and conditions of a Federal award;
3) When an applicant or recipient fails to meet expected performance goals as described in §200.210
Information contained in a Federal award; or
4) When an applicant or recipient is not otherwise responsible.

B. These additional Federal award conditions may include items such as the following:
1) Requiring payments as reimbursements rather than advance payments;
2) Withholding authority to proceed to the next phase until receipt of evidence of acceptable performance within a given period of performance;
3) Requiring additional, more detailed financial reports;
4) Requiring additional project monitoring;
5) Requiring the non-Federal entity to obtain technical or management assistance; or
6) Establishing additional prior approvals.

C. The Federal awarding agency, DOH, or the County must notify the non-Federal entity as to:
1) The nature of the additional requirements;
2) The reason why the additional requirements are being imposed;
3) The nature of the action needed to remove the additional requirement, if applicable;
4) The time allowed for completing the actions if applicable, and
5) The method for requesting reconsideration of the additional requirements imposed.

Any specific conditions must be promptly removed once the conditions that prompted them have been corrected.

SUBRECIPIENT: Shall mean a non-Federal entity that received a sub-award from a pass-through entity to carry out part of a Federal program; but does not include an individual that is a beneficiary of such program. A sub-recipient may also be a recipient of other Federal awards directly from a Federal awarding agency. (2 CFR 200.93) Whatcom Conservation District is considered a subrecipient for Federal award purposes.
**TERMINATION**: Either party may terminate this Agreement upon 30 days prior written notification to the other party. If this Agreement is so terminated, the parties shall be liable only for performance rendered or costs incurred in accordance with the terms of this Agreement prior to the effective date of termination.

**TERMINATION FOR CAUSE**: If, for any cause, either party does not fulfill in a timely and proper manner its obligations under this Agreement, or if either party violates any of these terms and conditions, the aggrieved party will give the other party written notice of such failure or violation. The responsible party will be given the opportunity to correct the violation or failure within 15 working days. If the failure or violation is not corrected, this Agreement may be terminated immediately by written notice of the aggrieved party to the other.

In addition, WCD is subject to all applicable grant requirements described in Exhibit C. Contract Information, Exhibit D. Special Terms and Conditions-EPA Administrative & Programmatic Conditions, Exhibit E. Federal Compliance and Standard Federal Certifications and Assurances, and Exhibit F. Federal Assurances-Non Construction Programs. WCD shall sign the 1) Federal Compliance and Standard Certifications and Assurances and 2) Federal Assurances-Non-Construction Programs documents.

XIV. **Entire Agreement**: This Agreement contains all the terms and conditions agreed upon by the Parties. All items incorporated herein by reference are attached. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the Parties hereto.

XV. **Recordation**: Upon execution of this Agreement, Whatcom County shall file a copy of it with the office of its County Auditor pursuant to the requirements of RCW 39.34.

IN WITNESS WHEREOF, the parties have signed this Agreement this ____________ day of ________________________, 2017.
WHATCOM CONSERVATION DISTRICT

By __________________________
Larry Helm, WCD Chair

Approved as to form:

____________________________
Office of the WCD Attorney

WHATCOM COUNTY

By __________________________
Jack Louws, County Executive

Approved as to form:

____________________________
Whatcom County Prosecuting Attorney

____________________________
Director of Public Works

STATE OF WASHINGTON  )
COUNTY OF WHATCOM  ) ss.

On this ________ day of _____________, 2017, before me personally appeared Jack Louws, to me known to be the County Executive of Whatcom County and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

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

STATE OF WASHINGTON  )
COUNTY OF WHATCOM  ) ss.

On this ________ day of _____________, 2017, before me personally appeared Larry Helms, to me known to be the Chair of the Whatcom Conservation District and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

____________________________
NOTARY PUBLIC in and for the State of Washington, residing at ______________.
My commission expires: ______________
EXHIBIT A - SCOPE OF WORK
Pollution Identification and Correction (PIC) Program
Non-Dairy Agriculture Technical Assistance

PROJECT DESCRIPTION
The purpose of this interlocal agreement is to identify the activities that will be conducted by the WCD to provide community outreach, and technical assistance to landowners with non-dairy agricultural activities in support of the Whatcom County PIC Program. In general the categories of activities consist of program administration, broad community outreach and engagement for landowners with livestock or crops, site-specific technical assistance, and data coordination. Details of each of these activities are provided below.

Task 1: Program Administration
WCD will track and report participation in community outreach efforts, landowner contacts and technical assistance, and data coordination provided under this program.

Deliverables and Timelines:
- Monthly invoices and summaries of landowner/operator contacts. Monthly summaries will include a list of landowners/operators that have been contacted, landowners/operators participating in the program, and the corresponding parcels owned or operated. Monthly summaries will also include a summary of data coordination activities completed.
- Quarterly progress reports. Quarterly reports will include number of landowners/operators contacted, number of landowners/operators participating in the program, number and type of pollution sources identified, number of farm plans completed, and number of BMPs installed. This information will be summarized by focus area. Quarterly reports will also include a summary of data coordination activities completed.
- Quarterly reports shall be submitted by the following dates:
  - April 7, July 7, October 7, and December 30, 2017.

Task 2: Non-Dairy Agriculture Technical Assistance
- Introductory letters from the County Executive and County Council will be sent to landowners in the PIC focus areas informing landowners of water quality issues, potential sources of fecal coliform bacteria, and the PIC program.
- WCPW staff will generate and prioritize a list of parcels with potential livestock activities in PIC focus areas and provide this list to WCD. One week following the introductory letter, WCPW will send the first in a series of three letters to landowners with potential non-dairy agricultural activities (as described in Flow Chart B). When referring landowners to WCD for assistance in either the PIC or CAO context, WCD will be identified as a local, non-regulatory agency that provides assistance to landowners on a voluntary basis. WCD will directly contact (through phone calls) landowners/operators of these parcels. Initial contact will occur within one week of issuance of the first letter from WCPW sent to landowners (per Flow Chart B). WCD will continue to attempt direct contact throughout the following two month period of subsequent letters sent by WCPW as described in Flow Charts A & B.
- Through direct landowner/operator contacts, WCD staff will offer free technical assistance to landowners/operators in the form of confidential risk assessments, farm plan development, and guidance in the implementation of BMPs. BMP cost-share options will be described and offered as available.
- WCD will offer technical assistance for temporary fixes to problems identified through the risk assessment that require immediate attention (e.g. animal access to creek, discharge or potential discharge of manure to creek or ditch). Permanent fixes for these problems will be addressed through development and implementation of a farm plan.
• Whatcom County will exercise prosecutorial discretion in withholding enforcement action for violations of the Critical Areas Ordinance or referral of landowners to other agencies for enforcement so long as the landowner is demonstrating good faith in working with the WCD to correct pollution problems.
• WCPW and WCD staff will meet monthly to discuss any adaptations needed to improve the process for landowner contacts. WCPW and WCD technical assistance staff will also participate in WCWP field staff coordination meetings.

**Deliverables and Timelines:**

• Monthly summaries of landowner/operator contacts shall be submitted to the County by the tenth day of the following month. Monthly summaries will include a list of landowners/operators that have been contacted, landowners/operators participating in the program, and the corresponding parcels owned or operated.
• Progress will be tracked through quarterly reports described above including number of landowners/operators contacted, number of landowners/operators participating in the program, number and type of pollution sources identified, number of farm plans completed, number of BMPs planned and installed. This information will be aggregated by focus area.
• A minimum of 40 landowners/operators will be contacted in Drayton Harbor watershed focus areas and 40 landowners/operators will be contacted in Nooksack River watershed focus areas (as identified in the Whatcom County PIC program) between January and July 2017. There is a goal of providing site risk assessments to 50% of landowners/operators that are contacted.
  o Reports on these activities will be included in the April and July quarterly progress reports described in Task 1.

**Task 3: Data Coordination**

• WCD will hire a data coordinator to support the efforts of the Whatcom Clean Water Program (WCWP). Water quality data collected by WCWP partners will be compiled, entered into a comprehensive database, and analyzed to support efforts to improve water quality in Whatcom County.
• The Data Coordinator will prepare a description of options for improving the effectiveness and efficiency of the WRIA1 Water Quality database. These options will be presented to the WCWP Data Team by April 30, 2017. The options will be included in the July quarterly report.
• The Data Coordinator will initiate implementation of priority options for the database (identified by the WCWP Data and Outreach Teams) by June 30, 2017. Activities will be documented in quarterly progress reports listed in Task 1.
• An active database with water quality results from all WCWP partners will be in place by December 1, 2017.
• As time allows, the data coordinator will assist the WCWP with other database management needs identified by the field coordination staff and PIC Managers Team. These activities will be included in the quarterly progress reports described in Task 1.

**Deliverables and Timelines:**

• Options for improving database- April 30, 2017.
• Active database with water quality data from WCWP Partners- December 1, 2017.
• Quarterly progress reports describing data management activities as described in Task 1.
Flow Chart A
Broad-Scale Description of Landowner Contacts through Whatcom County PIC Program

Whatcom County Pollution Identification and Correction (PIC) Program
Community Solutions for Clean Water

[Flowchart with decision points and actions]

Page 10 of 40
Flow Chart B
Description of Landowner Contacts for Non-Dairy Livestock

Introductory PIC Letter Sent by Council Executive and Council to Watershed Residents (1 week)

First WCPW Letter Sent to Landowners with Potential Livestock Source (30 days)

Second WCPW Letter Sent to Landowners with Potential Livestock Source (21 days)

Third WCPW Letter Sent to Landowners with Potential Livestock Source (2 weeks)

WCPW Sends Referral to Appropriate Regulatory Agency with Background Documentation
- Priority Level
- Discharge or Potential to Discharge
- Water Quality Data

Referrals to PDS with Clear Violations will be Given 10 Days to Respond to PDS. Notice of Violation and Standard Compliance Process. All Landowners Entering Compliance Phase will be Required to Submit and Implement a Certified Farm Plan.

WCD Initiates Offers of Technical Assistance Through Phone Calls and/or Door Knocking. Progress Reports to WCPW (following timeline on left). Continue Offers Through Timeframe of WCPW Letters.

1 week

No Response to Offer of Technical Assistance

Offer Accepted and Landowner Engaged

Animal Access or Discharge Identified Through Technical Assistance

Unwilling to Implement Emergency Action

Implements Emergency Action and Initiates Development of Farm Plan. Offer Incentives.

Farm Plan or Farm Plan Checklist Completed

Unwilling to Implement Farm Plan. No Longer Eligible for Incentives.

Implements Farm Plan. Remains Eligible for Incentives.
EXHIBIT B- BUDGET
Pollution Identification and Correction (PIC) Program
Non-Dairy Agriculture Technical Assistance

As consideration for the services provided pursuant to the Scope of Work, the County agrees to compensate the District in an amount not to exceed the contract amount of $100,000 with additional details provided below. The budget for this agreement is provided through federal funding from DOH Grant Agreement N20989-2. Federal funding is provided by US Environmental Protection Agency federal grant award #PC-00J88801, DOH Puget Sound Restoration, CFDA# 66.123, CFDA Title: Puget Sound Action Agenda: Technical Investigations and Implementation Assistance Program. Requests for payment and reimbursement by the County will coincide and be based on the successful completion of services described in Exhibit A.

Requests for reimbursement should contain the name of the employee, title, dates of service, number of hours, individual hourly billing rate, total by employee and grand total. Personnel time shall be supported by signed employee timesheets that account for the total activity of the employee including time spent on this grant-funded project. In addition, supporting documentation for the hourly billing rate computation and the most recent federally approved indirect rate must be submitted at the beginning of the project. Requests for reimbursement of other expenses must be accompanied by copies of paid invoices itemizing costs incurred. Mileage requests should be supported by mileage logs. Supporting records shall comply with documentation requirements found in OMB Super Circular 2 CFR Part 200.430 (I) Standards for Documentation of Personnel Expenses. Whatcom County does not reimburse the cost of alcoholic beverages. Any work performed prior to the effective date of this contract or continuing after the completion date of the same unless otherwise agreed upon in writing, will be at the contractor’s expense.

<table>
<thead>
<tr>
<th>Personnel (Salaries and Benefits) Actual Costs*</th>
<th>Estimated Rate/Unit</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Admin</td>
<td>$ 44.35/hr</td>
<td></td>
</tr>
<tr>
<td>Mgmt/Admin/Engineer</td>
<td>$ 71.97/hr</td>
<td></td>
</tr>
<tr>
<td>Planner</td>
<td>$ 35.45/hr</td>
<td></td>
</tr>
<tr>
<td>GIS Specialist</td>
<td>$ 45.31/hr</td>
<td></td>
</tr>
<tr>
<td>Outreach Specialist</td>
<td>$ 49.64/hr</td>
<td></td>
</tr>
<tr>
<td>Planner</td>
<td>$ 41.20/hr</td>
<td></td>
</tr>
<tr>
<td>Planner</td>
<td>$ 37.89/hr</td>
<td></td>
</tr>
<tr>
<td>Data Coordinator</td>
<td>$ 38.76/hr</td>
<td></td>
</tr>
<tr>
<td>Overhead</td>
<td>25% of salaries/benefits</td>
<td>$ 19,300</td>
</tr>
<tr>
<td>Office Equipment (Data Coordinator)</td>
<td></td>
<td>$ 3,000</td>
</tr>
<tr>
<td>Travel**</td>
<td></td>
<td>$ 500</td>
</tr>
<tr>
<td>Totals</td>
<td></td>
<td>Not to exceed $ 100,000.00</td>
</tr>
</tbody>
</table>

* These are January 2017 rates and are subject to changes with annual WCD adjustments.
** Mileage rate will be at current federal approved mileage reimbursement.
### Exhibit C. CONTRACT INFORMATION

<table>
<thead>
<tr>
<th>Item Description</th>
<th>Federal Funding Source</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>1</strong> Subrecipient Name (Exactly as listed in DUNS): <a href="http://www.SAM.gov">www.SAM.gov</a></td>
<td>Whatcom Conservation District</td>
</tr>
<tr>
<td><strong>2</strong> Subrecipient DUNS Number: <a href="http://www.SAM.gov">www.SAM.gov</a></td>
<td>142424899</td>
</tr>
<tr>
<td><strong>3</strong> Federal Award Identification Number (FAIN):</td>
<td>PC-00J88801</td>
</tr>
<tr>
<td><strong>4</strong> Federal Award Date</td>
<td>9/25/2015</td>
</tr>
<tr>
<td><strong>5</strong> Start and End Date of the contract: Found in the “Term” section of the contract.</td>
<td></td>
</tr>
<tr>
<td><strong>6</strong> Amount of Federal Funds Obligated by this action:</td>
<td>$100,000</td>
</tr>
<tr>
<td><strong>7</strong> Total Amount of Federal Funds Obligated to the subrecipient by Whatcom County for this subaward (per funding source):</td>
<td>$260,000</td>
</tr>
<tr>
<td><strong>8</strong> Total Amount of the Federal Award to Whatcom County:</td>
<td>$455,000</td>
</tr>
<tr>
<td><strong>9</strong> Project description as listed on the FFATA form:</td>
<td></td>
</tr>
<tr>
<td><strong>10</strong> Name of the Federal awarding agency:</td>
<td>EPA/Region 10/ Office of Water and Watersheds</td>
</tr>
<tr>
<td><strong>11</strong> Name of the pass-through entity:</td>
<td>Washington State Department of Health and Whatcom County</td>
</tr>
<tr>
<td><strong>12</strong> Contact information for awarding official- Statement of Work (Name of County project coordinator)</td>
<td>Erika Douglas</td>
</tr>
<tr>
<td><strong>13</strong> Contact information for awarding official- General Contact:</td>
<td><a href="mailto:PICprogram@co.whatcom.wa.us">PICprogram@co.whatcom.wa.us</a></td>
</tr>
<tr>
<td><strong>14</strong> CFDA Number</td>
<td>66.123</td>
</tr>
<tr>
<td><strong>15</strong> CFDA Name</td>
<td>Puget Sound Action Agenda: Technical Investigations and Implementation Assistance Program</td>
</tr>
<tr>
<td><strong>16</strong> Is the award Research and Development?</td>
<td>No</td>
</tr>
<tr>
<td><strong>17</strong> The limiting indirect cost rate for the Federal award, if any:</td>
<td>NA</td>
</tr>
<tr>
<td><strong>18</strong> Certifications and Assurances- all requirements imposed on the subrecipient by the federal awarding agency: The contract covers all standard certifications and assurances.</td>
<td></td>
</tr>
<tr>
<td><strong>19</strong> Are there any additional requirements imposed by the pass-through entity (Whatcom County) to meet its own responsibilities to the awarding agency: Included in contract.</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>20</strong> Indirect Rate: DOH Grant Website Does the subrecipient have an approved indirect rate? If your contract allows indirects, you must use the subrecipient’s approved indirect rate. Indirect rates approved by DOH are posted on the DOH Grant website.</td>
<td>Yes- 25%</td>
</tr>
<tr>
<td><strong>21</strong> Access to Subgrantee’s accounting records: All subrecipients are required to make their accounting records available and accessible to the awarding agency. You can find this requirement in the “Records Maintenance” section of the contract.</td>
<td></td>
</tr>
<tr>
<td><strong>22</strong> Closeout Requirements</td>
<td>(1) Submit all final billing within 30 days of the end of the contract. (2) Submit all required program reports and deliverables according to timelines in Exhibit A (scope of Work)</td>
</tr>
</tbody>
</table>
(3) Dispose of property purchased with subaward funds and dispose of or return government-furnished property no longer used for subaward related activities.
Administrative Conditions

1. General Terms and Conditions

The recipient agrees to comply with the current EPA general terms and conditions available at: http://www.epa.gov/ogd/tc/general/te_applicable_aa_recipients_dec_26_2014.pdf. These terms and conditions are in addition to the assurances and certifications made as part of the award and terms, conditions or restrictions cited below.

The EPA repository for the general terms and conditions by year can be found at: http://www.epa.gov/ogd/tc.htm.

2. General Terms and Conditions - Consultant Cap - Additional Information

In addition to the General Terms and Conditions #6 "Consultant Cap", as of January 1, 2015, the limit is $908.34 per day - $76.04 per hour.

NOTE: For future years' limits, the recipient may find the annual salary for Level IV of the Executive Schedule on the following Internet site: http://www.opm.gov/oca/. Select "Salary and Wages", and select "Rates of Pay for the Executive Schedule". The annual salary is divided by 2087 hours to determine the maximum hourly rate, which is then multiplied by 8 to determine the maximum daily rate.

3. General Terms and Conditions - Cybersecurity

The recipient agrees to comply with the current EPA general terms and conditions "Cybersecurity". The terms and conditions can be found on the EPA Grants Terms and Conditions Website.

For STATE: http://www.epa.gov/ogd/tc/state_grant_cyber_security_condition.pdf.


For Other Recipients: http://www.epa.gov/ogd/tc/cyber_security_grant_condition_for_other_recipients.pdf.

4. Cost Principles/Indirect Costs for States and Tribal

The cost principles of 2 CFR 200 Subpart E are applicable, as appropriate, to this award.

If the recipient does not have a previously established indirect cost rate, it agrees to prepare and submit its indirect cost rate proposal in accordance with 2 CFR 200 Appendix VII.

For State Agencies

The recipient must send its proposal to its cognizant federal agency within six (6) months after the close of the governmental unit's fiscal year. If EPA is the cognizant federal agency, the state recipient must send its indirect cost rate proposal within six (6) months after the close of the governmental unit's fiscal year to:
Regular Mail
Financial Analysis and Rate Negotiation Service Center
Office of Acquisition Management
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW, MC 380.2 R
Washington, DC 20460

Mail Courier (e.g., FedEx, UPS, etc.)
Financial Analysis and Rate Negotiation Service Center
Office of Acquisition Management
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW, 6th floor
Bid and Proposal Room Number 61147
Washington, DC 20460

For Indian Tribe

If the recipient does not have a previously established indirect cost rate, the recipient must submit their indirect cost rate proposals to:

National Business Center
Indirect Cost Services
U.S. Department of the Interior
2130 Harvard Street, Suite 430
Sacramento, CA 95815-3317

Recipient is entitled to reimbursement of indirect costs, subject to any statutory or regulatory administrative cost limitations, if they have a current rate agreement or have submitted an indirect cost rate proposal to their cognizant federal agency for review and approval. Recipients are responsible for maintaining an approved indirect cost rate throughout the life of the award. Recipients are responsible for submitting any subsequent rate proposals to the appropriate cognizant agency no later than six (6) months after the close of the governmental unit's fiscal year, unless an exception is approved by the cognizant agency for indirect costs.

Recipients may draw down grant funds once a provisional or final rate has been approved, and only for indirect costs incurred during the period specified in the rate agreement. Recipients are entitled to indirect costs for any period in which the rate has expired. Recipients may not draw down grant funds for any indirect costs which were not incurred during the period of the approved rate agreement.

Recipients with differences between their provisional rates and final rates are not entitled to more than the award amount, without EPA approval. Recipients may request supplemental amendments (to grants which have not expired or been closed out) for additional funding to cover increased indirect costs. EPA approval of a supplemental amendment is subject to the availability of funds.

The recipient agrees to comply with the audit requirements in accordance with 2 CFR 200 Subpart F.
5. UTILIZATION OF SMALL, MINORITY AND WOMEN'S BUSINESS ENTERPRISES (MBE/WBE)

GENERAL COMPLIANCE, 40 CFR, Part 33
The recipient agrees to comply with the requirements of EPA's Disadvantaged Business Enterprise (DBE) Program for procurement activities under assistance agreements, contained in 40 CFR, Part 33.

MBE/WBE REPORTING, 40 CFR, Part 33, Subpart E
MBE/WBE reporting is required in annual reports. Reporting is required for assistance agreements where there are funds budgeted for procuring construction, equipment, services and supplies, including funds budgeted for direct procurement by the recipient or procurement under subcontracts or loans in the “Other” category that exceed the threshold amount of $150,000, including amendments and/or modifications.

Based on EPA’s review of the planned budget, this award meets the conditions above and is subject to the Disadvantaged Business Enterprise (DBE) Program reporting requirements. However, if the recipient believes this award does not meet these conditions, the recipient must provide a justification and budget detail within 21 days of the award date clearly demonstrating that, based on the planned budget, this award is not subject to the DBE reporting requirements to the Region 10 DBE Coordinator.

The recipient agrees to complete and submit a “MBE/WBE Utilization Under Federal Grants, Cooperative Agreements and Interagency Agreements” report (EPA Form 5700-52A) on an annual basis. All procurement actions are reportable, not just that portion which exceeds $150,000.

When completing the annual report, recipients are instructed to check the box titled “annual” in section IB of the form. For the final report, recipients are instructed to check the box indicated for the “last report” of the project in section IB of the form. Annual reports are due by October 30th of each year. Final reports are due by October 30th or 90 days after the end of the project period, whichever comes first.

The reporting requirement is based on total procurements. Recipients with expended and/or budgeted funds for procurement are required to report annually whether the planned procurements take place during the reporting period or not. If no budgeted procurements take place during the reporting period, the recipient should check the box in section 5B when completing the form.

The current EPA Form 5700-52A can be found at the EPA Office of Small Business Program's Home Page at http://www.epa.gov/osbsp/dbe_reporting.htm.

This provision represents an approved deviation from the MBE/WBE reporting requirements as described in 40 CFR, Part 33, Section 33.502; however, the other requirements outlined in 40 CFR Part 33 remain in effect, including the Good Faith Effort requirements as described in 40 CFR Part 33 Subpart C, and Fair Share Objectives negotiation as described in 40 CFR Part 33 Subpart D and explained below.

SIX GOOD FAITH EFFORTS, 40 CFR, Part 33, Subpart C
Pursuant to 40 CFR, Section 33.301, the recipient agrees to make the following good faith efforts whenever procuring construction, equipment, services and supplies under an EPA financial assistance agreement, and to require that sub-recipients, loan recipients, and prime contractors also comply. Records documenting compliance with the six good faith efforts shall be retained:

(a) Ensure DBEs are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. For Indian Tribal, State and Local and Government
recipients, this will include placing DBEs on solicitation lists and soliciting them whenever they are potential sources.

(b) Make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive process. This includes, whenever possible, posting solicitations for bids or proposals for a minimum of 30 calendar days before the bid or proposal closing date.

(c) Consider in the contracting process whether firms competing for large contracts could subcontract with DBEs. For Indian Tribal, State and local Government recipients, this will include dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation by DBEs in the competitive process.

(d) Encourage contracting with a consortium of DBEs when a contract is too large for one of these firms to handle individually.

(e) Use the services and assistance of the SBA and the Minority Business Development Agency of the Department of Commerce.

(f) If the prime contractor awards subcontracts, require the prime contractor to take the steps in paragraphs (a) through (e) of this section.

CONTRACT ADMINISTRATION PROVISIONS, 40 CFR, Section 33.302
The recipient agrees to comply with the contract administration provisions of 40 CFR, Section 33.302.

BIDDERS LIST, 40 CFR, Section 33.501(b) and (c)
Recipients of a Continuing Environmental Program Grant or other annual reporting grant, agree to create and maintain a bidders list. Recipients of an EPA financial assistance agreement to capitalize a revolving loan fund also agree to require entities receiving identified loans to create and maintain a bidders list if the recipient of the loan is subject to, or chooses to follow, competitive bidding requirements. Please see 40 CFR, Section 33.501 (b) and (c) for specific requirements and exemptions.

FAIR SHARE OBJECTIVES, 40 CFR, Part 33, Subpart D

1. For Grant Awards $250,000 or Less
This assistance agreement is a Technical Assistance Grant (TAG), or the award amount is $250,000 or less; or the total dollar amount of all of the recipient’s financial assistance agreements from EPA in the current Federal fiscal year is $250,000 or less. Therefore, the recipient of this assistance agreement is exempt from the fair share objective requirements of 40 CFR, Part 33, Subpart D, and is not required to negotiate fair share objectives/goals for the utilization of MBE/WBEs in its procurements.

Accepting the Fair Share Objectives/Goals of Another Recipient
The dollar amount of this assistance agreement, or the total dollar amount of all of the recipient’s financial assistance agreements in the current federal fiscal year from EPA is $250,000, or more. The recipient accepts the applicable MBE/WBE fair share objectives/goals negotiated with EPA. The Region 10 fair share objectives/goals can be found: http://www.epa.gov/oshp/pdfs/r10_fair_share_goals.pdf.
By signing this financial assistance agreement, the recipient is accepting the fair share objectives/goals and attests to the fact that it is purchasing the same or similar construction, supplies, services and equipment, in the same or similar relevant geographic buying market.

**Negotiating Fair Share Objectives/Goals, 40 CFR, Section 33.404**
The recipient has the option to negotiate its own MBE/WBE fair share objectives/goals. If the recipient wishes to negotiate its own MBE/WBE fair share objectives/goals, the recipient agrees to submit proposed MBE/WBE objectives/goals based on an availability analysis, or disparity study, of qualified MBEs and WBEs in their relevant geographic buying market for construction, services, supplies and equipment.

The submission of proposed fair share goals with the supporting analysis or disparity study means that the recipient is not accepting the fair share objectives/goals of another recipient. The recipient agrees to submit proposed fair share objectives/goals, together with the supporting availability analysis or disparity study, to the Regional MBE/WBE Coordinator within 120 days of its acceptance of the financial assistance award. EPA will respond to the proposed fair share objective/goals within 30 days of receiving the submission. If proposed fair share objective/goals are not received within the 120 day time frame, the recipient may not expend its EPA funds for procurements until the proposed fair share objective/goals are submitted.

2. For Recipients with Established Goals

The recipient must negotiate with the appropriate EPA award official, or his/her designee, fair share objectives for MBEs and WBEs participation in procurement under the financial assistance agreements.

In accordance with 40 CFR, Section 33.411 some recipients may be exempt from the fair share objectives requirements described in 40 CFR, Part 33, Subpart D. Recipients should work with their DBE coordinator, if they think their organization may qualify for an exemption.

**Current Fair Share Objective/Goal**
The dollar amount of this assistance agreement or the total dollar amount of all of the recipient’s financial assistance agreements in the current federal fiscal year from EPA is $250,000, or more. The Region 10 fair share objectives/goals can be found: [http://www.epa.gov/osbp/pdfs/r10_fair_share_goals.pdf](http://www.epa.gov/osbp/pdfs/r10_fair_share_goals.pdf).

**Negotiating Fair Share Objectives/Goals**
In accordance with 40 CFR, Part 33, Subpart D, established goals/objectives remain in effect for three fiscal years unless there are significant changes to the data supporting the fair share objectives. The recipient is required to follow requirements as outlined in 40 CFR Part 33, Subpart D when renegotiating the fair share objectives/goals.

3. For DWSRF, CWSRF and BROWNFIELDS RLF Recipients ONLY

**Objective/Goals of Loan Recipients**
As a recipient of an EPA financial assistance agreement to capitalize revolving loan funds, the recipient agrees to either apply its own fair share objectives negotiated with EPA to identified loans using a substantially similar relevant geographic market, or negotiate separate fair share objectives with its identified loan recipients. These separate objectives/goals must be based on demonstrable evidence of the availability of MBEs and WBEs in accordance with 40 CFR, Part 33, Subpart D.
The recipient agrees that if procurements will occur over more than one year, the recipient may choose to apply the fair share objective in place either for the year in which the identified loan is awarded or for the year in which the procurement action occurs. The recipient must specify this choice in the financial assistance agreement, or incorporate it by reference therein.

6. International Travel (Including Canada)

All International Travel must be approved by the Office of International and Tribal Affairs (OITA) BEFORE travel occurs. Even a brief trip to a foreign country, for example to attend a conference, requires OITA approval. Please contact your DOH Grant Manager as soon as possible if travel is planned out of the country, including Canada and/or Mexico, so that they can obtain appropriate approvals from EPA Headquarters. If you have questions, please contact your DOH Grant Manager listed on the front page of the Award Document.

Programmatic Conditions

1. Competency of Organizations Generating and/or Using Environmental Measurement Data

In accordance with Agency Policy Directive Number F1:M-2012-02, Policy to Assure the Competency of Organizations Generating Environmental Measurement Data under Agency-Funded Assistance Agreements, recipient shall maintain competency for the duration of the project period of this agreement and this will be documented during the annual reporting process. A copy of the Policy is available online at http://www.epa.gov/lsem/1ab_comp.htm or a copy may also be requested by contacting the EPA Project Officer for this award.

Federal Assistance Agreement Funds Up To $200,000

Recipient agrees that if the total federal funding obligated on this award exceeds $200,000 (resulting from subsequent amendments to this agreement) and will involve the use or generation of environmental data it will (unless it has otherwise done so) demonstrate competency prior to carrying out any activities involving the generation or use of environmental data under this agreement.

Federal Assistance Agreement Funds Exceed or Expect to Exceed $200,000

Recipient agrees, by entering into this agreement, that it has demonstrated competency prior to award, or alternatively, where a pre-award demonstration of competency is not practicable. Recipient agrees to submit documentation and demonstrate competency prior to carrying out any activities under the award involving the generation or use of environmental data.

2. Semi-Annual Performance Reports

The subrecipient shall submit performance reports every six (6) months during the life of the project, unless a different reporting frequency is outlined in the Scope of Work, using the reporting tool supplied by DOH. Reports are due 15 calendar days after the end of each reporting period. Reports shall be submitted to the DOH Grant Manager and may be provided electronically. Reporting periods are from October 1 to March 31 and April 1 to September 30. Performance reports are due to DOH 15 calendar days after the end of each reporting period.

In accordance with 2 CFR 200.328, as appropriate, the subrecipient agrees to submit performance reports that include brief information on each of the following areas:
DOH Contract N20989-2
SPECIAL TERMS AND CONDITIONS
EPA Administrative & Programmatic Conditions
Whatcom County

(a) a comparison of actual accomplishments to the outputs/outcomes established in the assistance agreement work plan for the period;

(b) the reasons why established goals were not met, if appropriate;

(c) additional pertinent information including, when appropriate, analysis and explanation of cost overruns or high unit costs.

In addition to the semi-annual performance reports, the subrecipient shall immediately notify the DOH Grant Manager of developments that have a significant impact on the award-supported activities. As appropriate, the subrecipient agrees to inform the DOH Grant Manager as soon as problems, delays or adverse conditions become known which will materially impair the ability to meet the outputs/outcomes specified in the assistance agreement work plan. This notification shall include a statement of the action taken or contemplated, and any assistance needed to resolve the situation.

3. Geospatial Data Standards

All geospatial data created must be consistent with Federal Geographic Data Committee (FGDC) endorsed standards. Information on these standards may be found at www.fgdc.gov.

4. Quality Assurance Requirements (2 CFR 1500.11)

Acceptable Quality Assurance documentation must be submitted to the DOH Grant Manager within 30 days of the acceptance of this agreement or another date as negotiated with the DOH Grant Manager. No work involving direct measurements or data generation, environmental modeling, compilation of data from literature or electronic media, and data supporting the design, construction, and operation of environmental technology shall be initiated under this project until the DOH Grant Manager, in concert with the EPA Quality Assurance Manager, has approved the quality assurance document. Additional information on these requirements can be found at the EPA Office of Grants and Debarment website: http://www.epa.gov/ogd/grants/assurance.htm.

Instructions to Submit Quality Assurance Documents for Review

Please refer to The Department of Ecology’s website at: http://www.ecy.wa.gov/programs/eap/qa/docs/NEPQAPP/index.html for guidance and templates. Submit the Acceptable Quality Assurance documentation to Tom Gries at tgr1461@ecy.wa.gov for review with a cc to megan.schell@dohealth.wa.gov.

7. Recognition of EPA Funding

Reports, documents, signage, videos, or other media, developed as part of projects funded by this assistance agreement shall contain the following statement:

“This project has been funded wholly or in part by the United States Environmental Protection Agency under assistance agreement PC-0038801 to Washington Department of Health. The contents of this document do not necessarily reflect the views and policies of the Environmental Protection Agency, nor does mention of trade names or commercial products constitute endorsement or recommendation for use.”

10. Peer Review

The results of this project may affect management decisions relating to Puget Sound. Prior to finalizing any significant technical products the Principal Investigator (PI) of this project must solicit advice, review
and feedback from a technical review or advisory group consisting of relevant subject matter specialists. A record of comments and a brief description of how respective comments are addressed by the PI will be provided to the Project Monitor prior to releasing any final reports or products resulting from the funded study.

11. STORET Requirement

Recipients are required to institute standardized reporting requirements into their work plans and include such costs in their budgets. All water quality data generated in accordance with an EPA approved Quality Assurance Project Plan as a result of this assistance agreement, either directly or by subaward, will be required to be transmitted into the Agency’s Storage and Retrieval (STORET) data warehouse using either WQX or WQX web. Water quality data appropriate for STORET include physical, chemical, and biological sample results for water, sediment and fish tissue. The data include toxicity data, microbiological data, and the metrics and indices generated from biological and habitat data. The Water Quality Exchange (WQX) is the water data schema associated with the EPA, State and Tribal Exchange Network. Using the WQX schema partners map their database structure to the WQX/STORET structure. WQX web is a web-based tool to convert data into the STORET format for smaller data generators that are not direct partners on the Exchange Network. More information about WQX, WQX web, and the STORET warehouse, including tutorials, can be found at [http://www.epa.gov/storet/wqx/](http://www.epa.gov/storet/wqx/).

12. Riparian Buffers

Riparian buffer restoration projects in agricultural areas shall be consistent with the interim riparian buffer recommendations provided to EPA and the Natural Resource Conservation Service by National Marine Fisheries Service letters of February 4, 2013 and April 9, 2013, or the October 28, 2013 guidance previously agreed to by Lead Organizations (LOs) (see attachments). LOs shall confirm in writing projects’ consistency with the recommendations referenced above. When evaluating project proposals, LOs also should consider the extent to which proposals include appropriate riparian buffers or otherwise address pollution sources on other water courses on the properties in the project area to support water quality and salmon recovery. Deviations can only be obtained through an exception approved by EPA. In order for EPA to evaluate a request for an exception, the LO must submit the scientific rationale demonstrating adequacy of buffers for supporting water quality and salmon recovery. The request must summarize tribal input on the scientific rationale or other relevant issues. The scientific rationale could be developed from sources such as site-specific assessment data, salmon recovery plans, Total Maximum Daily Loads (TMDLs) and the state nonpoint plan. EPA will confer with the National Oceanic and Atmospheric Administration (NOAA) and the Washington Department of Ecology and provide the opportunity for affected tribes to consult with EPA before making a final decision on a deviation request.
Class I
Constructed
ditches; fishless streams.

1. Constructed ditches, intermittent streams and ephemeral streams that are not identified as being accessed and were historically not accessed by anadromous or ESA listed fish species
   Water quality protection; shade; sediment filtration
   1. 35'

2. Perennial waters that are not identified as being accessed and were historically not accessed by anadromous or ESA listed fish species
   Modified or highly entrenched perennial, intermittent and ephemeral waters that are identified as being accessed or were historically accessed by anadromous or ESA listed fish species
   Water quality, large wood debris (LWD) for cover, complexity and shade
   100' supporting site assessment recommended to increase buffer width

Class II
Fish bearing.
modified natural channel, entrenched or spring fed

1. Unconfined perennial, intermittent and ephemeral waters that are identified as being accessed or were historically accessed by anadromous or ESA listed fish species
   Water quality, large wood debris (LWD) for cover, complexity and shade
   100’ supporting site assessment recommended to increase buffer width

Class III
Fish bearing

Class IV
Diked, permanently fixed

Class V
Fish bearing, intertidal/estuary

1. perennial, intermittent and ephemeral waters that are identified as being accessed or were historically accessed by anadromous or ESA listed fish species in intertidal and estuarine streams and channels
   Site potential vegetation (salt water) species, shrubs, etc.
   25' - 75'

Supporting site assessment of adjacent land use recommended to increase buffer protection needed to meet all applicable water quality standards.
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Whatcom County

UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northwest Region
7600 Sand Point Way N.E., Bldg. 3
Seattle, WA 98115

[Signature]

January 31, 2014

[Signature]

[Proponent]

[Proponent Address]

[Recipient]

[Recipient Address]

Dear [Recipient Names]

[Text of the letter]

[Proponent Signature]

[Proponent Address]

[Proponent Name]

[Proponent Title]

[Proponent Date]

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The system as a whole, particularly the lower elevation and estuarine areas that are the focus of this recommendation. Therefore, a variety of alternatives to evaluate the impact of an additional buffer, including those in numerous state and federal agencies, tribal and local governments, and the private sector. This provides the opportunity for NOAA Fishery recommendations for minimum riparian buffer requirements and riparian buffer management practices. The technical guidance is intended to help shape recovery and rebuilding efforts effectively and to offer technical advice on what aquatic functions that have

In many cases, the recommendations are framed in terms of ranges of buffer widths, rather than specific outcomes and expressed as probabilities of achieving desired outcomes. Local conditions and local circumstances matter, and may affect the choice of the riparian buffer most effective at achieving salmon recovery. Nevertheless, the scientific information does support conclusions about the probability of differing buffer widths to provide a range of aquatic functions that are essential for water quality and salmon needs, as depicted in the enclosures. We are ready to work with project proponents, landowners, agencies, departments, and tribes to provide technical advice and find solutions that will support salmon recovery.

The enclosures matrix tool assists in the Washington Agriculture, Fish and Wildlife process (WAF), which occurred from 1999 to 2001 and included participation by state and federal agencies, tribal governments, and diverse agricultural interests. One of the factors in the conclusion of the WAF process was the need to determine how to best protect aquatic habitats that provide adequate salmon habitat and are implementable. Several options were developed by the WAF participants. For the sake of clarity, the enclosures matrix displays the proposed development by the federal agencies in the report of the WAF Executive Committee. Option 1 was presented to the Executive Committee by NOAA Fisheries, along with several options which still need to today. Below is a summary of those on the buffer matrix, supported by the technical conclusions and other references. It represents current scientific information and scientific conclusion is to an adequate state fishery and federal water quality standards and improve salmon habitat. NOAA Fisheries have now the numbers in water quality, and stated that they could implement more complex approaches when looking at more efforts to balance water quality protection and salmon habitat improvement are agreed in at least in part that provided by our recommendations.

The future is relevant for water quality and the buffer goals are unchanged. We support revegetation in 2002, and we will support revegetation in 2013 in a guide for establishing and maintaining buffer to programs to focus regional wetland projects and aquatic conditions important to survival and other species. We're committed to implementing water quality science-based riparian management standards, which are considered critical for protecting and enhancing water quality. We recognize the need for water quality where the coastal and marine water quality, where the coastal and marine water quality standards suggest that a buffer of 150 feet is needed to protect that quality. We are currently working on a comprehensive approach to water quality standards, including riparian buffer management, and we are monitoring the riparian buffer management plans.
DOH Contract N20989-2
Sub-recipient Statement of Work
Whatcom County

If you have any further questions about this letter, please feel free to call me directly or
Mr. Steve Landres, the director of our Washington State Habits Office.

Sincerely,

[Signature]

William W. Stoll Jr.
Regional Administrator

Attachments:
- Puget Sound Federal Civilian Agencies
- Northwest Indian Federal Commission
- Washington State Dept. of Ecology
- Washington State Department of Fish and Wildlife
- Washington State Department of Natural Resources
- Washington State Department of Agriculture
- Washington State Department of Health
- Washington State Department of Social Services
- Washington State Department of Transportation
- Washington State Department of Natural Resources
- Puget Sound Partnership
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UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northwest Region
7600 Sand Point Way N.E., Bldg. 1
Seattle, WA 98115

April 9, 2013

RECEIVED

Ms. Raylene Rider-at-the-Door
Washington State Conservationist
USDA - Natural Resources Conservation Service
316 W. Boone Avenue, Suite 550
Spokane, Washington 99201-2348

Mr. Dennis McLellan, Regional Administrator
U.S. Environmental Protection Agency - Region 10
1200 Sixth Avenue, Suite 600
Seattle, Washington 98101

Dear Ms. Rider-at-the-Door and Mr. McLellan:

I am writing to convey my support for slight modifications to the riparian matrix that I
distributed on January 30 of this year. As Natural Resources Conservation Service (NRCS) staff
developed guidelines for implementing riparian restoration actions consistent with the matrix, they
recognized that internal agency issues prevented the use of a 100-year soil site index upon which
the matrix is predicated. It is my understanding that the NRCS is required to use soils data that
are available online, and that only 50-year soil site index data are so available. Fortunately,
NRCS and VMT staff crafted a workaround that requires only minor modifications to the
matrix while enabling the use of 50-year soil site index data.

Buffers for two of the channel types on the matrix were to be set at minimums equal to either
two-thirds or three-fourths of a 100-year-old site potential tree. Using the same fractions of a 50-
year site index potential tree height, at least where site potential tree size differences would result
in much narrower buffers. However, a review of smaller growth rates across a range of western
Washington soil types suggests that modifying the matrix to set minimums at three-quarters and
100 percent of a 50-year site potential tree height, respectively, would yield nearly identical
minimum buffer widths as those in the original matrix. I support this modification as a practical
accommodation to on-the-ground implementation.

In addition, I understand there are concerns that the matrix is too vague regarding type 1
channels. The intent is that type 1 channels not contribute to water quality problems
downstream. Reference to the Field Office Technical Guide is intended to convey that the
necessary width and composition of buffers on type 1 channels will vary depending on the
adjacent land use and geomorphic setting.

Office of Public Affairs
TRIBAL & PUBLIC AFFAIRS

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Exhibit A-2

To implement the recommendations in the matrix, when surface waters are present, water quality must be identified as a resource concern and appropriate combinations of best management practices (BMPs) must be applied to ensure the associated farm operation will comply with water quality standards. For example, where pathogens are of concern, there is no support in the literature for buffers narrower than 33 feet. Therefore, we expect that type I channels on lands occupied by tree crop or where manure or other material is being applied will be treated with a combination of BMPs that will result in a buffer width of 33 feet or greater, e.g., a 13-foot wide hedge row and a 20-foot or water filter strip.

Lastly, I agree that channel type A buffered channels should be removed from the list, as these features are managed according to Corps of Engineers' requirements.

I look forward to working with each of you in improving our shared authorities and responsibilities to dynamically improve natural and water quality in the Puget Sound basin. If you have any further questions about this letter, please feel free either to call me directly or to contact Mr. Steve Landrum, the director of our Washington State Marine District.

Sincerely

[Signature]

William W. Steffe, Jr.
Regional Administrator

for Washington State Dept. of Ecology
Washington State Conservation Commission
Mike Gray, Northwest Indian Fisheries Commission
Theresa Fong, Environmental Protection Agency
Lincoln Anderson, Carmalian, Environmental Protection Agency
Sharon Lopata, Natural Resources Conservation Service

1"BMPs may include any combination of practices found in the Washington State BMP Guide approved by the state department of agriculture and that are found to be effective in attaining or maintaining water quality goals.
1 Fish presence based on Washington's integrated fish distribution database. Fish presence includes all classes of presence of anadromous or ESA listed fish. Where no fish distribution data is available, fish presence must be determined by contacting local WDFW or Tribal biologist.

* Buffer widths are required minimums, however, if a landowner believes that the buffers called for by the table significantly interfere with his/her ability to reasonably use their property, there is a process to identify alternative buffers that are smaller. Please see FAQs for more information.

* Generally, buffer vegetation is required between the watercourse and dike, based upon the criteria of the corresponding channel type. However, levee vegetation requirements are subject to U.S. Army Corps of Engineers (Corps) guidance which can be found in Engineering Technical Letter No. 1110-2-571, "Engineering and Design: Guidelines for Landscape Planting and Vegetation Management at Levees, Floodwalls, Embankment Dams, and Appurtenant Structures", as well as in the USACE Levee Owner's Manual for Non-Federal Flood Control Works.

* Estuarine channels are defined as stream channels having direct, daily tidal influence such that the vegetation is adapted to saltwater or intertidal conditions.
EXHIBIT E

FEDERAL COMPLIANCE
AND STANDARD FEDERAL CERTIFICATIONS AND ASSURANCES

In the event federal funds are included in this agreement, added by future amendment(s), or redistributed between fund sources resulting in the provision of federal funds, the following sections apply: I. Federal Compliance and II. Standard Federal Assurances and Certifications. In the instance of inclusion of federal funds as a result of an amendment, the Contractor may be designated as a subrecipient and the effective date of the amendment shall also be the date at which these requirements go into effect.

I. FEDERAL COMPLIANCE - The use of federal funds requires additional compliance and control mechanisms to be in place. The following represents the majority of compliance elements that may apply to any federal funds provided under this contract. (Refer to Catalog of Domestic Assistance number(s) cited in the “Payment” section of this contract for requirements specific to that fund source.) For clarification regarding any of these elements or details specific to the federal funds in this contract, contact:

Compliance and Internal Control Officer
Office of Financial Services
Department of Health
Post Office Box 47901
Olympia, Washington 98504-7901

1. UNIFORM ADMINISTRATIVE GUIDANCE:: The Uniform Administrative Guidance (Supercircular) became effective December 26, 2014 and combines numerous OMB Circulars into one document. This document established requirements which govern expenditure of federal funds. These requirements apply to the Department of Health, as the primary recipient of federal funds, and then follow the funds to the subrecipient. The Uniform Administrative Guidance provides the applicable administrative requirements, cost principles, and audit requirements are identified by subrecipient organization type.

<table>
<thead>
<tr>
<th>Compliance Matrix</th>
<th>OMB CIRCULAR</th>
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<tbody>
<tr>
<td>ENTITY TYPE</td>
<td>ADMINISTRATIVE REQUIREMENTS</td>
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<tr>
<td>State, Local and Indian Tribal Governments &amp; Governmental Hospitals</td>
<td>2 CFR 200 Subpart D</td>
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2. **CITIZENSHIP/ALIEN VERIFICATION/DETERMINATION** - The Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996 (PL 104-193) states that federal public benefits should be made available only to U.S. citizens and qualified aliens. Entities that offer a service defined as a "federal public benefit" must make a citizenship/qualified alien determination/verification of applicants at the time of application as part of the eligibility criteria. Non-US citizens and unqualified aliens are not eligible to receive the services. PL 104-193 also includes specific reporting requirements. Exemptions from the determination/verification requirement is afforded the following programs offered by the Department of Health: Family Planning, Breast & Cervical Health Program (BCHP), Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), WIC Farmers Market Program, Immunization Programs, and Ryan White CARE Act programs and other communicable disease treatment and diagnostic programs.

3. **CIVIL RIGHTS AND NONDISCRIMINATION** - During the performance of this agreement, the Contractor shall comply with all current and future federal statutes relating to nondiscrimination. These include but are not limited to: Title VI of the Civil Rights Act of 1964 (PL 88-352), Title IX of the Education Amendments of 1972 (20 U.S.C. §§ 1681-1683 and 1685-1686), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794), the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-6107), the Drug Abuse Office and Treatment Act of 1972 (PL 92-255), the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (PL 91-616), §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290dd-3 and 290ee-3), Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), and the Americans with Disability Act (42 U.S.C., Section 12101 et seq.).

4. **SINGLE AUDIT ACT** - A subrecipient (including private, for-profit hospitals and non-profit institutions) shall adhere to 2 CFR 200 Subpart F, as well as all applicable federal and state statutes and regulations. A subrecipient who spends $750,000 or more in federal awards during a given fiscal year shall have a single or program-specific audit for that year in accordance with the provisions of 2 CFR 200 Subpart F. A subrecipient (including private, for-profit hospitals and non-profit institutions) shall adhere to 2 CFR 200 Subpart F.

II. **STANDARD FEDERAL CERTIFICATIONS AND ASSURANCES** - Following are the Assurances, Certifications, and Special Conditions that apply to all federally funded (in whole or in part) agreements administered by the Washington State Department of Health.

**CERTIFICATIONS**

1. **CERTIFICATION REGARDING DEBARMENT AND SUSPENSION**

The undersigned (authorized official signing for the contracting organization) certifies to the best of his or her knowledge and belief, that the contractor, defined as the primary participant in accordance with 45 CFR Part 76, and its principals:

A. are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal Department or agency;
B. have not within a 3-year period preceding this contract been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

C. are not presently indicted or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and

D. have not within a 3-year period preceding this contract had one or more public transactions (Federal, State, or local) terminated for cause or default.

Should the contractor not be able to provide this certification, an explanation as to why should be placed after the assurances page in the contract.

The contractor agrees by signing this contract that it will include, without modification, the clause titled Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion—Lower Tier Covered Transactions in all lower tier covered transactions (i.e., transactions with sub- grantees and/or contractors) and in all solicitations for lower tier covered transactions in accordance with 45 CFR Part 76.

2. CERTIFICATION REGARDING DRUG-FREE WORKPLACE REQUIREMENTS

The undersigned (authorized official signing for the contracting organization) certifies that the contractor will, or will continue to, provide a drug-free workplace in accordance with 45 CFR Part 76 by:

A. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee’s workplace and specifying the actions that will be taken against employees for violation of such prohibition;

B. Establishing an ongoing drug-free awareness program to inform employees about

   i. The dangers of drug abuse in the workplace;
   ii. The contractor’s policy of maintaining a drug-free workplace;
   iii. Any available drug counseling, rehabilitation, and employee assistance programs; and
   iv. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

C. Making it a requirement that each employee to be engaged in the performance of the contract be given a copy of the statement required by paragraph (a) above;
D. Notifying the employee in the statement required by paragraph (a), above, that, as a condition of employment under the contract, the employee will—

i. Abide by the terms of the statement; and

ii. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

E. Notifying the agency in writing within ten calendar days after receiving notice under paragraph (d) (2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every contract officer or other designee on whose contract activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

F. Taking one of the following actions, within 30 calendar days of receiving notice under paragraph (d) (ii), with respect to any employee who is so convicted—

i. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

ii. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

G. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (A), (B), (C), (D), (E), and (F).

For purposes of paragraph (e) regarding agency notification of criminal drug convictions, DOH has designated the following central point for receipt of such notices:

Compliance and Internal Control Officer
Office of Grants Management
WA State Department of Health
PO Box 47905
Olympia, WA 98504-7905

3. CERTIFICATION REGARDING LOBBYING

Title 31, United States Code, Section 1352, entitled "Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions," generally prohibits recipients of Federal grants and cooperative agreements from using Federal (appropriated) funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a SPECIFIC grant or cooperative agreement. Section 1352 also requires that each person who requests or receives a Federal grant or cooperative agreement must disclose lobbying undertaken with non-Federal
(nonappropriated) funds. These requirements apply to grants and cooperative agreements exceeding $100,000 in total costs (45 CFR Part 93).

The undersigned (authorized official signing for the contracting organization) certifies, to the best of his or her knowledge and belief, that:

A. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any 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.

B. If any funds other than Federally 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. (If needed, Standard Form-LLL, "Disclosure of Lobbying Activities," its instructions, and continuation sheet are included at the end of this application form.)

C. The undersigned shall require that the language of this certification be included in the award documents for all subcontracts at all tiers (including subcontracts, subcontracts, 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, 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.

4. CERTIFICATION REGARDING PROGRAM FRAUD CIVIL REMEDIES ACT (PFCRA)

The undersigned (authorized official signing for the contracting organization) certifies that the statements herein are true, complete, and accurate to the best of his or her knowledge, and that he or she is aware that any false, fictitious, or fraudulent statements or claims may subject him or her to criminal, civil, or administrative penalties. The undersigned agrees that the contracting organization will comply with the Public Health Service terms and conditions of award if a contract is awarded.

5. CERTIFICATION REGARDING ENVIRONMENTAL TOBACCO SMOKE

Public Law 103-227, also known as the Pro-Children Act of 1994 (Act), requires that smoking not be permitted in any portion of any indoor facility owned or leased or contracted for by an entity and used routinely or regularly for the provision of health, day care, early childhood development services, education or library services to children under the age of 18, if the services are funded by Federal programs either directly or through State or local governments, by Federal grant, contract, loan, or...
loan guarantee. The law also applies to children's services that are provided in indoor facilities that are constructed, operated, or maintained with such Federal funds. The law does not apply to children's services provided in private residence, portions of facilities used for inpatient drug or alcohol treatment, service providers whose sole source of applicable Federal funds is Medicare or Medicaid, or facilities where WIC coupons are redeemed.

Failure to comply with the provisions of the law may result in the imposition of a civil monetary penalty of up to $1,000 for each violation and/or the imposition of an administrative compliance order on the responsible entity.

By signing the certification, the undersigned certifies that the contracting organization will comply with the requirements of the Act and will not allow smoking within any portion of any indoor facility used for the provision of services for children as defined by the Act.

The contracting organization agrees that it will require that the language of this certification be included in any subcontracts which contain provisions for children's services and that all subrecipients shall certify accordingly.

The Public Health Services strongly encourages all recipients to provide a smoke-free workplace and promote the non-use of tobacco products. This is consistent with the PHS mission to protect and advance the physical and mental health of the American people.

6. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS INSTRUCTIONS FOR CERTIFICATION

By signing and submitting this proposal, the prospective contractor is providing the certification set out below.

A. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective contractor shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective contractor to furnish a certification or an explanation shall disqualify such person from participation in this transaction.

B. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective contractor knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause of default.

C. The prospective contractor shall provide immediate written notice to the department or agency to whom this contract is submitted if at any time the prospective contractor learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
D. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the person to whom this contract is submitted for assistance in obtaining a copy of those regulations.

E. The prospective contractor agrees by submitting this contract that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by DOH.

F. The prospective contractor further agrees by submitting this contract that it will include the clause titled Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transaction, provided by HHS, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

G. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List (of excluded parties).

H. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

I. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, DOH may terminate this transaction for cause or default.

7. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS -- PRIMARY COVERED TRANSACTIONS

A. The prospective contractor certifies to the best of its knowledge and belief, that it and its principals:

i. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

ii. Have not within a three-year period preceding this contract been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State
antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

iii. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

iv. Have not within a three-year period preceding this contract had one or more public transactions (Federal, State or local) terminated for cause or default.

B. Where the prospective contractor is unable to certify to any of the statements in this certification, such prospective contractor shall attach an explanation to this contract.

**CONTRACTOR’S SIGNATURE IS REQUIRED**

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<tr>
<th>SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL</th>
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<th>ORGANIZATION NAME: (if applicable)</th>
<th>DATE</th>
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</table>
EXHIBIT F
FEDERAL ASSURANCES - NON-CONSTRUCTION PROGRAMS

Note: Certain of these assurances may not be applicable to your project or program. If you have
questions, please contact the awarding agency. Further, certain Federal awarding agencies may
require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the contractor, I certify that the contractor:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial
capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper
planning, management, and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the
State, through any authorized representative, access to and the right to examine all records, books,
papers, or documents related to the award; and will establish a proper accounting system in
accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes
or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the
awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. § 4728-4763) relating to
prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations
specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R.
900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to:
(a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of
race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C.
§§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of
the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the
basis of handicaps; (d) the Age

Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on
the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended,
relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and
Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to
nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public
Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ee 3), as amended, relating to
confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968
(42 U.S.C. §§ 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing
of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which
application for Federal assistance is being made; and (j) the requirements of any other
nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the uniform
Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which
provide for fair and equitable treatment of persons displaced or whose property is acquired as a
result of Federal or federally assisted programs. These requirements apply to all interests in real
property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with the provisions of the Hatch Act (5 U.S.C. § 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.


10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. § 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).


14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. § 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. § 4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with 2 CFR 200 Subpart F.

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

CONTRACTOR'S SIGNATURE IS REQUIRED
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WHATCOM COUNTY COUNCIL AGENDA BILL

TITLE OF DOCUMENT:
Northwest Regional Council (NWRC) Jail's Nursing Services Contract Amendment

ATTACHMENTS:
Letter to Jack Louws
Northwest Regional Council Contract Amendment

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

The Corrections Bureau has an existing contract with NWRC to provide nursing services to offenders at the downtown Jail, the Work Center and Juvenile Detention. This Amendment reflects an increase in the hourly rate for Jail nursing services to reflect increases in both health care costs and cost of living increases for nursing staff. It also changes Juvenile Detention’s billing to a flat, per month rate.

COMMITTEE ACTION:

COUNCIL ACTION:

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

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

TO: Jack Louws, County Executive
FROM: Bill Elfo, Sheriff
RE: Contract for Nursing Services with Northwest Regional Council (NWRC)
DATE: December 5, 2016

Enclosed are two (2) original copies of Amendment #5 to Whatcom County Nursing Services Contract #201411031 between Whatcom County Jail/Juvenile Detention and Northwest Regional Council (NWRC) for your review and signature.

- Background and Purpose

The Corrections Bureau has an existing contract with NWRC to provide nursing services to offenders at the downtown Jail and Work Center. In the fall of 2015, Whatcom County Juvenile Detention was added to that contract. An amendment for 2017 was previously signed and forwarded to the Executive’s office, to allow nursing services to continue after December 30th, while negotiations continued with NWRC. Those have now concluded and the attached amendment #5 reflects these changes. The amendment reflects both an increase in the hourly rate for the Jail nursing services and a change in billing to a flat, per month, rate for Juvenile Detention.

- Funding Amount and Source

Funding for the Jail and Work Center will come from cost center 118160.6635.003 with a maximum annual compensation of $1,206,943.00. Juvenile Detention’s funding will come from their budget and cost center 1970 with a maximum annual compensation of $41,004.00 for the year.

- Differences from Previous Contract

The annual maximum compensation for the Jail and Work Center has increased by $43,625.00. The maximum annual compensation for Juvenile Detention has decreased by $10,580.00. The hourly wage was negotiated from $49.60 to $51.46 to reflect increases in both health care costs and cost
of living increases for the nursing staff. As a result, the total maximum compensation for this agreement will be $1,247,947.00.

Please contact Wendy Jones at x6506 if you have any questions or concerns regarding this agreement.

Encl. (2)
### WHATCOM COUNTY CONTRACT INFORMATION SHEET

<table>
<thead>
<tr>
<th>Originating Department:</th>
<th>Sheriff/Corrections</th>
</tr>
</thead>
<tbody>
<tr>
<td>Division/Program: (i.e. Dept. Division and Program)</td>
<td>Jail/Juvenile Detention Nursing Services</td>
</tr>
<tr>
<td>Contract or Grant Administrator:</td>
<td>Laurie Reid</td>
</tr>
<tr>
<td>Contractor’s / Agency Name:</td>
<td>Northwest Regional Council</td>
</tr>
</tbody>
</table>

**Is this a New Contract?**
- Yes [ ] No [x]

**If not, is this an Amendment or Renewal to an Existing Contract?**
- Yes [ ] No [ ]

Original Contract #: 20141103-5

**Does contract require Council Approval?**
- Yes [x] 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 [x]

If yes, grantor agency contract number(s): ________________________

CFDA#: ________________________

**Is this contract grant funded?**
- Yes [ ] No [x]

If yes, Whatcom County grant contract number(s): ________________________

**Is this contract the result of a RFP or Bid process?**
- Yes [x] No [ ]

If yes, RFP and Bid number(s): 14-38

Contract Cost Center: 118160.6635.003

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

**Contract Amount:** (sum of original contract amount and any prior amendments):
- $1,214,902.00

**This Amendment Amount:**
- $33,045.00

**Total Amended Amount:**
- $1,247,947.00

### Summary of Scope:
Northwest Regional Council will provide nursing services to inmates in the Jail and Work Center and detainees in Juvenile Detention. Funds for Jail and Work Center ($1,206,943.00) to come out of the Jail budget and funds for Juvenile Detention ($41,004.00) to come out of Juvenile Detention budget.

### Term of Contract:
- 1 year

Expiration Date: 12/31/17

Last edited 10/31/16
Amendment No. 5
Whatcom County Contract No. 201411031
CONTRACT BETWEEN WHATCOM COUNTY AND NORTHWEST REGIONAL COUNCIL (NWRC)

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

This Amendment changes the following:

Exhibit “A” (Scope of Work) Contractors Responsibilities: Supervise the activities of the Jail Health Program (JHP) and coordinate the delivery of health care to the inmates at the Whatcom County Jail and Work Center for a total of 23,454 hours for the duration of this contract. Provide a team of health care professionals to provide direct nursing services and coordinate other medical care as necessary to detainees at Whatcom County Juvenile Detention. Hours for Juvenile Detention will be on an as needed basis, and will flex depending on acuity and number of juvenile offenders, and may, at times, require additional nursing resources.

Add to Exhibit “B” (Compensation): The full range of Contractor’s services shall be billed at the rate of $ 51.46 per hour for each hour worked by each JHP staff member working in the County Jail Facilities. Juvenile Detention, will be billed a flat rate per month of $3,417 for a total annual amount of $41,004. The maximum annual compensation under this agreement in the amount of ONE MILLION, TWO HUNDRED AND FORTY SEVEN THOUSAND, NINE HUNDRED AND FORTY SEVEN ($1,247,947.00). The Contractor will invoice Whatcom County Jail/Work Center and Juvenile Detention separately as follows:

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

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

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

This Amendment takes effect: January 1, 2017 regardless of the date of signature.

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

DATED this 10th day of 2017. January

CONTRACTOR:

Northwest Regional Council (NWRC)

Dan Murphy, Executive Director

STATE OF WASHINGTON )
ss.
COUNTY OF WHATCOM )

2017 NWRC (Nursing Contract)
On this 10th day of January, 2014 before me personally appeared Dan Murphy to me known to be the Executive Director of Northwest Regional Council (NWRC) and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

WHATCOM COUNTY:

Recommended for Approval:

[Signature] for 12/16/16

Sheriff Bill Elfo

Date

Approved as to form:

[Signature] 12/16/16

Prosecuting Attorney

Date

Approved:

Accepted for Whatcom County:

By: _____________________________

Jack Lowes, Whatcom County Executive

STATE OF WASHINGTON )

) ss

COUNTY OF WHATCOM )

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

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

CONTRACTOR INFORMATION:

Northwest Regional Council (NWRC)
Dan Murphy, Executive Director

600 Lakeway Drive, Suite 100
Bellingham, WA 98225
Contact Phone: 360-676-6749
Contact Fax: 360-738-2451

Contact Email: MurphDK@dshs.wa.gov
### TITLE OF DOCUMENT: Contract Amendment #1 for Services Agreement – Building Assessment Studies and Cost Estimates for Capital Improvements at the Jail (Public Safety Building) and Work Center.

### ATTACHMENTS:
- Proposed Contract Amendment #1 Documents

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

The County Executive requests Council approval to enter into this contract amendment between Whatcom County and Design2LAST, Inc. to provide Building Assessment Studies and Cost Estimates for Capital Improvements at the Jail and Work Center.

### COMMITTEE ACTION:

### COUNCIL ACTION:

### Related County Contract #:  

### Related File Numbers:

### Ordinance or Resolution Number:

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

<table>
<thead>
<tr>
<th>Originating Department:</th>
<th>Facilities Management</th>
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</thead>
<tbody>
<tr>
<td>Contract or Grant Administrator:</td>
<td>Michael Russell</td>
</tr>
<tr>
<td>Contractor's / Agency Name:</td>
<td>design2LAST, inc.</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 ☐ |
| Original Contract #: | 201607005 |

| 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): | Contract |
| Cost Center: | 337100 |

| 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 work is for less than $100,000.
☐ Contract work is for less than 120 days.
☐ Interlocal Agreement (between Governments).
☐ Contract for Commercial off the shelf items (COTS).
☐ Work related subcontract less than $25,000.
☐ Public Works - Local Agency/Federally Funded FHWA.

| Contract Amount: (sum of original contract amount and any prior amendments): | $ 151,882.94 |
| This Amendment Amount: | $ 218,404.26 |
| Total Amended Amount: | $ 370,287.20 |

Contracts that require Council Approval (incl. agenda bill & memo)

- Professional Services Agreement above $20,000.
- Bid is more than $50,000.
- Amendments that have either an increase greater than 10% or provide a $10,000 increase in amount (whichever is greater)

**RENEWALS:** Council approval is not required when exercising an option to renew that is provided in the original contract.

Summary of Scope: This contract Amendment #1 is between Whatcom County and design2LAST, inc. is for the Contract for Services Agreement, Building Assessment Studies and Cost Estimates for Capital Improvements at the Jail (Public Safety Building) and Work Center.

| Term of Contract: | Expiration Date: | 12/31/17 |
| Date: | 12/16/16 |
| Date: | 12/16/16 |
| Date: | 12/16/16 |
| Date: | 12/16/16 |
| Date: | 12/16/16 |
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| Date: | 12/16/16 |
| Date: | 12/16/16 |
| Date: | 12/16/16 |

Last Edited 060414
MEMO TO:    Jack Louws, County Executive
FROM:    Michael Russell, Facilities Manager
DATE:    January 9, 2017
RE: Amendment #1 - Contract for Services Agreement – Building Assessment Studies and Cost Estimates for Capital Improvements at the Jail (Public Safety Building) and Work Center.

Attached are two (2) originals of contract Amendment #1 for the Contract for Services Agreement – Building Assessment Studies and Cost Estimates for Capital Improvements at the Jail (Public Safety Building) and Work Center between Whatcom County and design2LAST, inc. for your review and signature.

- **Background and Purpose**
  This Amendment is authorization for Design2Last and consultants to continue the project into Phase 1B of the Scope of Work, and as is indicated by the overall project schedule of Phases in the contract.

  Completed / Phase 1-A: Preliminary Study, Assessment, and Cost Estimate Report Provide an overview of the code compliance, structural deficiencies, operational improvements, proposed solutions, and preliminary costs of suggested improvements. Prioritize the recommendations for implementation, with immediate, mid, and long-term phases and preliminary cost estimates along with life-cycle cost analysis of the building.

  - Final Report was completed in November with a list of projects to address deficiencies at the Jail, along with preliminary cost estimates.

  Phase 1-B: Detailed Investigation, Assessment, Project Scopes and Cost Reports. This Contract Amendment provides authorization to continue the process towards Jail upgrades. Deliverables of this phase will provide design information and a detailed scope of work for refined cost estimates and the information necessary to formulate refined Project Budgets for continuation into Phases 2 & 3.
Future / Phase 2 (Construction Documents & Bid) and Phase 3 (Construction Administration) These phases will follow the completion of Phase 1-B.

- **Funding Amount and Source**
  Funding amount needed for this contract is $218,404.26. This contract funding is provided through the Jail Improvement Fund.

- **Differences from Previous Contract**
  This project is a one-time agreement.

Please contact Michael Russell at extension 5365, if you have any questions or concerns regarding the terms of this agreement.

Enclosures
CONTRACT AMENDMENT #1
Contract for Services Agreement
Building Assessment Studies and Cost Estimates
for Capital Improvements at the
Jail (Public Safety Building) and Work Center

This AMENDMENT is to the Agreement made between Whatcom County and design2LAST, inc., dated June 30, 2016 and designated "Whatcom County Contract No. 201607005". In consideration of the mutual benefits to be derived, the parties agree to the following:

This amendment modifies contract language as listed in Exhibit "A" and Compensation Exhibit "B". The total for Amendment #1 is $218,404.26 for new total of the contract with the amendment will be in the amount of $370,287.20 including applicable Washington State Sales Tax.

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

This Amendment takes effect stated.

IN WITNESS WHEREOF, the parties have executed this Agreement this 5 day of January, 2017

DESIGNER:

[Signature]
Lauri Strauss, XIA LEED AP BD&C, President & CEO

STATE OF Washington)
COUNTY OF King )

On this 5th day of January, 2017 before me personally appeared Lauri Strauss to me know to be the President & CEO of design2LAST, inc., and who executed the above instrument and who acknowledged to me the act of signing and密封 thereof.

[Signature]
NOTARY PUBLIC in and for the State of Washington, residing at
Seatac, WA. My commission expires 9-21-2018.
WHATCOM COUNTY:
Approved as to form:

By: [Signature] 12/11/14
Prosecuting Attorney Date

Approved:
Accepted for Whatcom County:

By: __________________________
Jack Louws, Whatcom County Executive

STATE OF WASHINGTON )
) ss
COUNTY OF WHATCOM )

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

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

CONTRACTOR INFORMATION:

Design2LAST, inc.

Address:
Design2LAST, inc.
543 Main Street, Suite 101
Edmonds, WA 98020

Mailing Address:
543 Main Street, Suite 101
Edmonds, WA 98020

Contact Name:
Lauri Strauss, AIA LEED AP BD&C, President & CEO

Contact Phone:
(426) 673-7269
06 December 2016

Garrett Maupin, Construction Coordinator
Whatcom County Facilities Management
316 Lottie Street,
Bellingham, WA 98225

RE: Whatcom County Building Assessment Studies - Jail and Work Center
Contract # 201607005 – Phase 1B
Bellingham, WA

Dear Mr. Maupin,

design2 LAST, inc is pleased to offer the continuation of our facility condition assessment (FCA) and architectural design services to Whatcom County for the Jail and Work Center Building Assessment Studies. Attached is our detailed fee proposal information for the work to perform these services. The following documents are our understanding of the scope of services and deliverables we are to provide for Phase 1B of this project.

Project Description
design2 LAST was retained by Whatcom County to perform building assessments on the existing Jail, (Public Safety Building) and the existing Work Center – formally known as Phase 1A. These assessments addressed two issues; the physical condition of each building; and the operational condition of each facility. The objective of the assessments was to identify building systems, materials, and procedures that can be improved to increase building safety and reform processes which would allow the facilities to remain in operation until such time as a new Public Safety Building can be procured, constructed, and occupied. Our objective was to complete a high level review of overall systems without getting into a full, invasive study of each piece of equipment. We also reviewed the existing plans, upgrades, studies and evaluations that were done previously. At the conclusion of Phase 1A, we issued a report that identified changes and upgrades for consideration, and the costs associated with those. The costs were rough order of magnitude (ROM) and were reflective of the limited level of detail desired by Whatcom County at that stage. The costs allowed the County to select from a long list of issues they would like to address in more detail.

Phase 1B – DETAILED INVESTIGATION, ASSESSMENT, PROJECT SCOPES AND COST REPORTS
Whatcom County has made their selections and has provided a list of ten tasks they would like the facility condition assessment (FCA) team to further evaluate in Phase 1B of this investigation. Those tasks are listed on the following page. We have further determined the scope for each task and this proposal includes fees for completing each task separately. The following paragraphs define each task and also describe what information is to be delivered by the facility condition assessment (FCA) team to the County upon conclusion of each task. The deliverables are underlined for clarity.

The intent of Phase 1B is to allow Whatcom County to select which tasks will move into design and be completed as projects for the county to construct.
<table>
<thead>
<tr>
<th>Task No.</th>
<th>Item</th>
<th>Description/Observation</th>
<th>Summary of Work Required (FCA team recommends action on the items shown in bold red)</th>
<th>Probable Cost (hard &amp; soft cost)</th>
<th>Jack Authorized</th>
</tr>
</thead>
<tbody>
<tr>
<td>3</td>
<td>Domestic Water Distribution</td>
<td>Lack of seismic bracing on equipment</td>
<td>Determine which equipment needs to be braced and provide bracing</td>
<td>$48,571.00</td>
<td>YES</td>
</tr>
<tr>
<td>4</td>
<td>Domestic Water Distribution</td>
<td>Multiple failures have been reported and continue</td>
<td>Replace entire domestic water distribution piping system (would eliminate renewal #9)</td>
<td>$1,103,660.00</td>
<td>PARTIAL</td>
</tr>
<tr>
<td>5</td>
<td>Fire Protection Sprinkler Systems</td>
<td>Sprinkler coverage in the stairwells and Sky Bridge does not appear to meet current standards. Some signs of leaks. Seismic bracing not observed</td>
<td>Extend system to stairwells and sky bridge, repair leaks, add seismic bracing as needed</td>
<td>$190,585.00</td>
<td>YES</td>
</tr>
<tr>
<td>6</td>
<td>Heat Generating Systems</td>
<td>Lack of seismic bracing on equipment</td>
<td>Determine which equipment needs to be braced and provide bracing</td>
<td>$72,857.00</td>
<td>YES</td>
</tr>
<tr>
<td>7</td>
<td>HVAC Distribution Systems</td>
<td>The jail does not contain a smoke evacuation system, a mandatory code requirement. This system was required but not installed in the original construction.</td>
<td>Complete a feasibility analysis to design and install a smoke evacuation system in the Jail. Identify system types best suited for renovation and building construction type. Identify, using the existing drawings, where the roof hatches need to be placed. Do a structural analysis of roof opening locations to determine the best location for the hatches. Evaluate the fire protection system to determine if the hatch alarms can be added or if a new system will be required. Provide conceptual sketches and narrative to describe the installation. Provide cost estimate for construction including hard and soft costs of upgrades.</td>
<td>$817,280.00</td>
<td>YES UNLESS WE CAN FIND AN ORIGINAL WAFER OF THE REQUIREMENT</td>
</tr>
<tr>
<td>8</td>
<td>Institutional Equipment</td>
<td>At 35 years old, the Highendoor and laundry equipment has reached the end of useful life</td>
<td>Replace equipment items that have exceeded expected useful life (would eliminate renewal #5)</td>
<td>$714,690.00</td>
<td>YES ONLY equipment that CAN BE MOVED TO NEW JAIL</td>
</tr>
<tr>
<td>9</td>
<td>Interior Doors</td>
<td>Doors and door locks are damaged and in disrepair</td>
<td>Repair all doors and hardware i. Remove existing doors from frames - strip paint, patch and repair damage, refinish, rehang door ii. Remove hardware - clean, repair, and/or adjust (would eliminate renewal #6)</td>
<td>$490,755.00</td>
<td>YES</td>
</tr>
<tr>
<td>10</td>
<td>Interior Doors</td>
<td>Doors and door locks are failing due to inmate abuse which is a major safety and security problem</td>
<td>Complete investigations of door security infrastructure of the jail i. Provide an inventory of the doors and hardware and identify which need to be replaced and which need to be repaired ii. Provide a narrative opinion of which doors are currently in working order but may need repair in the 2-4 year time frame iii. Provide cost estimate including hard and soft costs for the door and hardware construction upgrades (would eliminate renewal #6)</td>
<td>$1,529,995.00</td>
<td>YES</td>
</tr>
<tr>
<td>12</td>
<td>Lighting and Branch Wiring</td>
<td>There is a 10 to 15 second delay before emergency lighting comes on because this lighting is on &quot;house&quot; power and does not have battery backup power. This could represent a serious safety problem.</td>
<td>Identify and fix the delay issue with the emergency lighting at the Jail and the Work i. Inventory the existing light fixtures and generator at each facility ii. Perform light meter testing to determine if existing lighting meets code, and/or if more light is needed for safe operation of the facility. iii. Interview the maintenance and staff personnel and review operation of the facility to verify which existing emergency lights need to be addressed and which areas need emergency lights but currently do not have them. iv. Provide a narrative opinion of changes to be implemented to ensure lights remain on during power outage v. Provide cost estimate of construction upgrades including hard and soft costs for the lighting, UPS, Generator, and/or controls.</td>
<td>$572,652.00</td>
<td>YES, PARTIAL</td>
</tr>
<tr>
<td>17</td>
<td>Sanitary Waste</td>
<td>Sanitary sewer near basement level reported problems with piping system</td>
<td>Replace sanitary sewer piping at basement level to building connections, install muffin monster</td>
<td>$279,285.00</td>
<td>YES, PARTIAL</td>
</tr>
</tbody>
</table>

**Scope of Services**

**Task 3 - Domestic Water Distribution - Seismic Bracing:** $11,781.82

a. Determine which equipment needs to be braced and provide a design plan for bracing
   i. Field survey equipment for seismic bracing
   ii. Provide conceptual sketches and narrative to describe the deficiencies
   iii. Provide cost estimate for adding the bracing including hard and soft costs
Task 4 - Domestic Water Distribution - Replace or Partially Replace Piping: $17,378.14
   a. Determine which portions and location of piping to be replaced
      i. Field Investigation & Review As-Built Documents
      ii. Coordination with Owner and Architect
      iii. Analysis, Options Development & Recommendations for Selective Piping Replacement
      iv. Provide narrative and/or plans to describe pipe locations, sizes, types and condition
      v. Provide cost estimate for construction including hard and soft costs

Task 5 - Fire Protection - Extend Sprinkler System: $13,885.64
   a. Provide fire sprinkler system evaluation and study at Whatcom County Jail:
      i. Review as-built fire sprinkler drawings / shop drawings
      ii. Conduct one day site walk to review existing conditions
      iii. Verify where the fire sprinkler coverage of the entire Jail facility meets current codes
      iv. Verify if fire sprinklers are required at the stairwells and the sky bridge between the jail and courthouse and in the inmate cells
      v. Verify the scope of work required to update the fire sprinkler system
      vi. Create a report summarizing recommendations and the scope of the design
      vii. Coordinate with cost estimator
      viii. Provide cost estimate for construction including hard and soft costs

Task 6 - Heat Generating Systems - Seismic Bracing: $12,177.82
   a. Determine which equipment needs to be braced and provide a design plan for bracing
      i. Field survey equipment for seismic bracing
      ii. Provide conceptual sketches and narrative to describe the deficiencies
      iii. Provide cost estimate for adding the bracing including hard and soft costs

Task 7 - HVAC Distribution - Smoke Evacuation System: $42,239.64
   a. Complete a feasibility analysis to design and install a smoke evacuation system in the Jail
      i. Identify system type best suited for renovation and building construction type
      ii. Provide physical security input into the design of the new system with a narrative
      iii. Feasibility analysis to design and install a smoke evacuation system in the Jail
      iv. Review existing drawings for feasibility of demolition and new construction
      v. Field Investigation & Review As-Built Documents – Verify Existing System Operation and Capacity
      vi. Coordination with Owner, Architect and Design Team for addition of fans, relief openings, operable intake openings and building automation system (BAS) control interface
      vii. Analysis and Calculations
      viii. Options Development and Recommendations
      ix. Analysis and Narrative for Electrical Impacts
      x. Provide conceptual sketches and narrative to describe the installation
      xi. Provide cost estimate for construction including hard and soft costs of upgrades
**Task 8 - Institutional Equipment:** $20,454.14

b. Determine which equipment needs to be replaced and provide recommendations for new equipment
   i. Identify and evaluate equipment to determine if it has reached its expected useful life and needs replacement
   ii. Note any equipment with code compliance issues
   iii. Provide narrative itemizing equipment to be replaced
   iv. Provide cost estimate for construction including hard and soft costs

**Task 9 - Interior Non-Secure Doors - Finishes and Hardware – Non-Inmate areas:** $52,371.14

a. Field Survey each door opening and frame
   i. Review doors for ADA compliance and clearances. (Doors only, does not include rooms)
   ii. Review if each set of door hardware is in good working order
   iii. Review security electronics with team’s engineer
   iv. Provide a narrative on conditions of existing doors and recommended fixes
   v. Provide floor plan graphic and door schedule
   vi. Provide cost estimate for construction including hard and soft costs

**Task 10 - Interior Secure Doors - Finishes and Hardware – Inmate areas:** $48,988.64

a. Field Survey each door opening and frame
   i. Review doors for ADA compliance and clearances. (Doors only, does not include rooms)
   ii. Review condition of doors and frames
   iii. Review if each set of door hardware is in good working order
   iv. Review security electronics with team’s engineer
   v. Provide a narrative and/or plans identifying conditions of existing doors, frames and hardware and recommended fixes
   vi. Provide floor plan graphic and door schedule
   vii. Provide cost estimate for construction including hard and soft costs

**Task 12 - Lighting - Emergency Generator Delay:** $15,783.14

a. Identify and fix the delay issue with the emergency lights at the Jail
   i. Field Survey to inventory the existing light fixtures and generator
   ii. Review as-built documents
   iii. Interview the maintenance and staff personnel and review operation of the facility to verify which existing emergency lights need to be addressed and which areas need emergency lights but currently do not have them
   iv. Provide a narrative and/or control diagram identifying changes to be implemented to ensure lights remain on during a power outage
   v. Provide cost estimate of construction upgrades including hard and soft costs for the lighting, UPS, Generator, and/or controls

**Task 17 - Sanitary Waste - Improvements to Kitchen Drainage:** $14,844.14

b. Determine which (if any) portions of piping need to be replaced, or identify other ways to solve the drainage issue in the kitchen area.
vi. Field Investigation & Review As-Built Documents  
 vii. Coordination with Owner and Architect  
 viii. Analysis, Options Development & Recommendations for Selective Piping Replacement and Improvements  
 ix. Provide narrative and/or plans to describe the changes  
 x. Provide cost estimate for construction including hard and soft costs

Options to combine similar tasks:
There are several tasks that are similar in scope and/or are provided by the same consultant discipline. Combining these will allow the County to realize some savings in management, administration and travel costs. These options are listed below. The County can select any combination of these or can choose to award all the tasks concurrently, which will provide the maximum value to the County.

Option A – Combine tasks 3 and 6: $20,959.64
Subtract $3000.00 in management, admin and travel fees

Option B – Combine tasks 9 and 10: $85,359.78
Subtract $16000.00 in management, admin and travel fees

Option C – Combine tasks 4 and 17: $25,222.28
Subtract $7000.00 in management, admin and travel fees

Option D – Combine all 10 tasks: $218,404.26
Subtract $31,500.00 in management, admin and travel fees

Deliverables Phase 1B
Deliverables for each task are underlined above. The design team may decide to provide alternative deliverables for each task to clearly identify and define the project as appropriate. Changes to deliverables determined during the Phase 1B evaluation period will be discussed with the County. Combined tasks will include combined deliverables. Option D will include combining all related information into one deliverable, such as a master plan, master narrative, and single cost estimate.

Sub Consultants

design2 LAST has included the same team members for Phase 1B that provided information for Phase 1A. These firms include:

Architects Rasmussen Triebelhorn (A-RT).......................... Criminal Justice Facility Design and Operations
MENG Analysis............................................................ Facility Condition Assessment and Cost Estimating
Hargis Engineers.......................................................... Mechanical, Electrical, and Security Engineering
SCBC Engineers............................................................ Structural Engineering
Clevenger and Associates............................................. Kitchen and Laundry Design and Operations
Schedule

design2 LAST is prepared to begin work on this contract immediately. Upon notice to proceed, we will prepare a schedule showing the actual dates for completing each task.

Phase 1B will take **12-16 weeks**, depending on the level of effort the County wishes to pursue and which tasks are selected. Deliverable for Phase 1B will also include a draft submittal, County review period, review meeting, and final submittal.

Phase 2, Construction Documents; and Phase 3, Bidding and Construction schedules will be determined by the tasks identified and approved by Whatcom County for design and construction.

Clarifications and Assumptions

1. This proposal is offered as a lump sum fee.
2. Task Fees listed in the spreadsheets are determined as if each task is to be contracted separately per request of Whatcom County Construction Coordinator.

Fees

Attached is a copy of our detailed fee proposal. Each task is summarized separately.

**design2 LAST** will invoice monthly on a percentage complete basis for each task, and/or upon completion of each task.

I thank you for this opportunity and look forward to working with you on this project. If you have any further questions regarding this proposal, please feel free to contact me.

Sincerely,

\[Signature\]

Lauri Strauss, AIA LEED AP BD&C, President and CEO
# Phase 1B – DETAILED INVESTIGATION, ASSESSMENT, PROJECT SCOPES AND COST REPORTS

**Proposal Num**: 2016-013  
**Project Name**: PH1B-WC Building Assessment  
**Prepared By**: Lauri Strauss

### Fee Proposal Matrix by Discipline and Task

<table>
<thead>
<tr>
<th>Discipline</th>
<th>Task 3</th>
<th>Task 4</th>
<th>Task 5</th>
<th>Task 6</th>
<th>Task 7</th>
<th>Task 8</th>
<th>Task 9</th>
<th>Task 10</th>
<th>Task 12</th>
<th>Task 17</th>
<th>Contract Total</th>
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<td>design2 LAST</td>
<td>$4,876.82</td>
<td>$8,323.14</td>
<td>$8,005.64</td>
<td>$4,912.82</td>
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<td>$8,729.14</td>
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<td>$4,390.00</td>
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<td>$17,865.00</td>
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<td>Kitchen/Laundry</td>
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<tr>
<td><strong>TOTAL</strong></td>
<td>$11,781.82</td>
<td>$17,378.14</td>
<td>$13,885.64</td>
<td>$12,177.82</td>
<td>$42,239.64</td>
<td>$20,454.14</td>
<td>$52,371.14</td>
<td>$48,988.64</td>
<td>$15,783.14</td>
<td>$14,844.14</td>
<td>$249,904.26</td>
</tr>
</tbody>
</table>

| Option A            | Task 3  | Task 6   |        |        |        |        |        |        |        |        | $23,959.64   |
|                     | $11,781.82 | $12,177.82 |        |        |        |        |        |        |        |        | $20,959.64   |
| Option B            | Task 4  | Task 7   | Task 9 | Task 10 | Task 12 | Task 17 |        |        |        |        | $101,359.78  |
|                     |         | $52,371.14 | $48,988.64 |        |        |        |        |        |        |        | $85,358.78   |
| Option C            | Task 4  | Task 7   | Task 10 | Task 17 |        |        |        |        |        |        | $32,222.28   |
|                     | $17,378.14 |        |        | $14,844.14 |        |        |        |        |        |        | $25,222.28   |
| Option D - combine all tasks |        |        |        |        |        |        |        |        |        |        | $249,904.26  |

---

Lauri Strauss, AIA, LEED AP BD+C  
President, CEO  
lauri@design2LAST.com  
543 Main St, Suite 101  
Edmonds, WA 98020  
425.673.7269  
www.design2LAST.com
Exhibit “B”
(COMPENSATION)

As consideration for the services provided pursuant to Exhibit A, Scope of Services and allowable expenses, the County agrees to compensate the Designer according to the fee schedule provided. Other reasonable expenses incurred in the course of performing the duties herein shall be reimbursed. Mileage at IRS rate, lodging and per diem at a rate not to exceed the GSA rate for location where services are provided. Requests for reimbursement of expenses must be accompanied by copies of paid invoices itemizing costs incurred. Costs of alcoholic beverages are not eligible for reimbursement. Other expenditures such as printing, postage and telephone charges and Subconsultants Fees shall be reimbursed at actual cost plus 10%. Any work performed prior to the effective date of this contract or continuing after the completion date of the same unless otherwise agreed upon in writing, will be at the Designer’s expense.

Total fee for contract amendment is not to exceed two hundred eighteen thousand four hundred four dollars and twenty-six cents ($218,404.26)

The Contract Number, set forth, shall be included on all billings or correspondence in connection therewith. The Consultant may bill the County progressively not more than once per month (30 days). Progressive billings will be for the amount of work complete.
**WHATCOM COUNTY COUNCIL AGENDA BILL**

<table>
<thead>
<tr>
<th>CLEARANCES</th>
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<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
<th>Assigned to</th>
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**TITLE OF DOCUMENT:** Memorandum of Agreement between Whatcom County and Washington State University

**ATTACHMENTS:** Appendix A, Contract Amendment Form

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<th>( ) Yes</th>
<th>( X ) NO</th>
<th>Should Clerk schedule a hearing?</th>
<th>( ) Yes</th>
<th>( X ) NO</th>
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**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 memorandum of agreement provides salary and program support to provide an extension program between January 1 and December 31, 2017.

| COMMITTEE ACTION: | COUNCIL ACTION: |

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

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

TO: Jack Louws, County Executive
FROM: Drew Betz, Director
RE: Memorandum of Agreement with Washington State University
DATE: January 4, 2017

Enclosed is the necessary paperwork for a contract extension with Washington State University to continue the jointly sharing of costs for faculty positions and program support in Extension Whatcom County and Washington State University for your review and signature.

▪ **Background and Purpose**
  ▪ Continue to share costs for faculty positions in WSU Whatcom County Extension serving Whatcom County.
  ▪ Continue cost sharing for Forestry Program to serve Whatcom County in 2017.
  ▪ Include the majority of funds from Whatcom County Solid Waste in the WSU Contract. Hiring will be done through WSU to support the goals of the agreement with Solid Waste. The work will be done through our community horticulture program.

▪ **Funding Amount and Source**
  2017 Whatcom County General Fund Budget for Whatcom County WSU Extension, $111,437.00 and $50,000.00 from the Health Department Solid Waste Division. The $50,000 represents an increase based on needs programmatic requests from Solid Waste.

▪ **Differences from Previous Contract**
  $15,000 was added for Recycling and Composting Education. We will incorporate these funds into our Community Horticulture program and enhance the training and delivery of this education through the Master Gardener and Community Gardens programs and in cooperation with other programs in our office. There is a $3,626 increase in contributions to faculty salaries to meet the contribution level asked by WSU for 2017.

Please contact Drew Betz, WSU Whatcom County Extension, at extension 5805, if you have any questions or concerns regarding the terms of this agreement.

Encl.
WHATCOM COUNTY CONTRACT INFORMATION SHEET

Cooperative Extension

Contract or Grant Adminstrator: Drew Betz

Contractor's / Agency Name: Washington State University

Is this a New Contract? Yes ☐ No x If not, is this an Amendment or Renewal to an Existing Contract? Yes ☐ No x If Amendment or Renewal, (per WCC 3.08.100 (a)) Original Contract #: 9909009

Does contract require Council Approval? Yes x 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 x If yes, grantor agency contract number(s): CFDA#: 

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

Is this the result of a RFP or Bid process? Yes ☐ No x If yes, RFP and Bid number(s): Contract Cost Center:

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

Contract Amount: (sum of original contract amount and any prior amendments):
$ 1,490,098.90

This Amendment Amount: $ 161,437.00

Total Amended Amount: $ 1,651,535.90

Council approval required for: all property leases, contracts or bid awards exceeding $40,000, and professional service contract amendments that have an increase greater than $10,000 or 10% of contract amount, whichever is greater, except when:

1. Exercising an option contained in a contract previously approved by the council.
2. Contract is for design, construction, r-o-w acquisition, professional services, or other capital costs approved by council in a capital budget appropriation ordinance.
3. Bid or award is for supplies or equipment included approved in the budget.
4. Contract is for manufacturer’s technical support and software maintenance of electronic systems and/or technical support and software maintenance from the developer of proprietary software currently used by Whatcom County.

Summary of Scope: This amendment continues the shared agent costs for WSU Whatcom County Extension for 2017, includes the cost of the forestry extension program for 2017 and incorporates funding from Whatcom County Health Department/Solid Waste Division into this contract for 2017.

Term of Contract: 12 months Expiration Date: 12/31/2017

Contract Routing:
1. Prepared by: Drew Betz Date: 12/19/2016
2. Attorney signoff: KNF Date: 1/3/2017
3. AS Finance reviewed: MCaldwell Date: 12/19/2016
4. IT reviewed (if IT related): Date: 
5. Contractor signed: Date: 
6. Submitted to Exec.: Date: 1-5-17
7. Council approved (if necessary): Date: 
8. Executive signed: Date: 
9. Original to Council: Date: 

Last edited 10/31/16
Amendment No. 18
Whatcom County Contract No. 9909009
CONTRACT BETWEEN WHATCOM COUNTY AND
Washington State University

THIS AMENDMENT is to the Contract between Whatcom County and Washington State University dated September 22, 1999 and designated "Whatcom County Contract No.9909009". In consideration of the mutual benefits to be derived, the parties agree to the following:

Appendix A to this agreement is amended as set forth in the Amended Appendix A

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

This Amendment takes effect: January 1, 2017 regardless of the date of signature.

IN WITNESS WHEREOF, Whatcom County and Washington State University have executed this Amendment on the date and year below written.

DATED this __________ day of ______________, 2017

CONTRACTOR:

Washington State University

Daniel Nordquist, AVPRA
Office of Grant and Research Development

STATE OF WASHINGTON ss.
COUNTY OF WHITMAN ss.

On this ___ day of ______, 20___, before me personally appeared _________________ to me known to be the __________________ of the ____________________________ and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

______________________________________________
NOTARY PUBLIC in and for the State of Washington, residing at ____________________. My commission expires ________________.
WHATCOM COUNTY:

Approved as to form:

[Signature] 1/5/17
Prosecuting Attorney  Date

Approved:
Accepted for Whatcom County:

By: __________________________
    Jack Louws, Whatcom County Executive

STATE OF WASHINGTON  
) ss
COUNTY OF WHATCOM  

On this _____ day of ____________________, 2017, 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:

Daniel G. Nordquist
AVPRA
Office of Grant and Research Development
Washington State University

Mailing Address:
OGRD
Washington State University
Pullman, WA 99164-3140

Contact Name: Dan Nordquist
Contact Phone: (509)335-9681
Contact FAX: (509)335-1676
E-mail: ogrp@wsu.edu
APPENDIX A

Professional Services Contract

The following individuals and programs will be jointly funded under this Memorandum of Agreement through a Professional Services Contract for the period January 1 through December 31, 2017.

<table>
<thead>
<tr>
<th>Program</th>
<th>Amount</th>
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<td>County Director</td>
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<td>4H Agent</td>
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<td>Extension Forestry Program</td>
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<td>Community Horticulture Program</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$161,437.00</strong></td>
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*Includes department head responsibilities for one Extension Educator.

Richard Koenig  
Associate Dean and Director  
WSU Extension

Jack Louws  
Whatcom County Executive

Dan Nordquist  
AVPRA/Director  
Office of Grant & Research Development
TITLE OF DOCUMENT: Award of Bid #16-53, Health Department Creekside Offices

ATTACHMENTS: Memo from Finance and Facilities

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.)

Facilities Management request approval to award Bid #16-53, and authorize the Executive to enter into a contract with Jensen Lee Construction, in an amount not to exceed $54,094.55. This approval request is subject to approval of Supplemental Budget ID #2228, scheduled for Council Action on January 24, 2017.

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.
DATE: January 13, 2017  
TO: Jack Louws, County Executive  
FROM: Brad Bennett, AS Finance Manager  
SUBJECT: Award of Bid #16-53, Health Department Creekside Offices

- **Background**

Bids were duly advertised for the Health Department Creekside Offices project. Bid packets were distributed to 13 general contractors and 12 regional plan centers. Two bids were received on Tuesday, October 25, 2016. The apparent low bid contractor withdrew their bid proposal. The second bid received is noted below:

<table>
<thead>
<tr>
<th>VENDOR</th>
<th>TOTAL BID</th>
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</thead>
<tbody>
<tr>
<td>Jensen Lee Construction</td>
<td>$ 54,094.55</td>
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Facilities Management requests approval to award Bid #16-53, and authorize the Executive to enter into a contract with Jensen Lee Construction, in an amount not to exceed $54,094.55.

- **Funding**

Funding for this purchase has been requested by the Health Department on Supplemental Budget #2228, which was introduced at the Whatcom County Council meeting on January 10, 2017, and is scheduled for Council action on January 24, 2017. Subject to Council approval of this supplemental budget, I concur with this request.

[Signature]

AS Finance Manager

Approved as Recommended:

________________________
County Executive

________________________
Date of Council Action
MEMO TO: Brad Bennett, Finance Manager

FROM: Michael Russell, Facilities Manager

DATE: January 11, 2017

RE: Recommend to Award Bid #16-53 – Health Department Creekside Offices

On Tuesday, October 25, 2016 two bids were received in response to Whatcom County Bid #16-53, Health Department Creekside Offices. The following bids were received:

- **Summit Construction in the amount of:** $53,263.00 (Bid Withdrawn)
- **Jensen Lee Construction in the amount of:** $54,094.55

**Jensen Lee Construction** met all of the required specifications for performing the work required for this project. It is the recommendation of this office that the sole bid submitted by **Jensen Lee Construction** be accepted for this project.

Funding amount needed for this contract is $54,094.55 including WSST.

Funding is provided by the Health Department Chemical Dependency/Mental Health Operations Budget; Account 124100.7070

If you need additional information, please contact me at extension 5365.
TITLE OF DOCUMENT: Approval to Purchase Auto Accident Management Services (auto body repair services)

ATTACHMENTS: Memos from Finance and Public Works

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 is requesting approval to purchase auto body repair services using the Washington State Contract #05015 (expires 03/10/2018). Services are handled through The CEI Group, and the authorized local vendor is Gitt's Autobody. Purchases are based on actual need and annual expenditures will not exceed $70,000.00. This is a regularly budgeted expenditure.

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.
DATE: January 12, 2017
TO: Jack Louws, County Executive
FROM: Brad Bennett, Administrative Services Finance Manager
SUBJECT: Approval to Purchase Vehicle Body Repair Services

- Background & Purpose

Public Works Equipment Services is requesting approval to use the Washington State Contract #05015 (Expires 03/10/2018) to purchase auto body repair services. The state contract is awarded to The CEI Group, and the local authorized vendor is Gitt’s Autobody.

Repair services are purchased on an as-needed basis. Annual expenditures will not exceed $70,000.00.

- Funding

This is a regular planned purchase and funds exist in the current budget. I concur with this recommendation.

AS Finance Manager

Approved as recommended:

____________________________
County Executive

Date of Council Action____________________
MEMORANDUM

To: Brad Bennett, AS Finance Manager

Through: Jon Hutchings, Public Works Director

From: Eric L. Schlehuber, PW Equipment Services Manager

Date: January 5, 2017

Re: Washington State Contract 05015 (Vehicle Accident Management Services)

• Requested Action
I am requesting Executive and Council approval to purchase auto body work as needed from the Washington State Bid Procurement List through March 10, 2018. The current state contract term is for the period of 03/10/2016 through 03/10/2018.

<table>
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<th>VENDOR</th>
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<td>The CEI Group</td>
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<td>March 10, 2018</td>
<td>$70,000</td>
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This state contract has been awarded to the CEI Group. Gitt's Autobody in Bellingham, Washington is the local authorized vendor.

• Background and Purpose
The Equipment Services Division of the Public Works Department uses local vendors regularly for all body repairs on county vehicles and equipment. With the rise in vehicle prices and associated costs to repair, three quotes are required for repairs $10,000 or more. The three quote process for repairs is time consuming, both for the vendors to quote and the county to administer. This delay is problematic and only increases the downtime for the damaged vehicle or equipment. This will additionally streamline and save administrative overhead costs. This agreement would provide at least one local vendor service throughout the year to be used on county's vehicles and equipment as needed.

• Funding Amount and Source
These are regularly budgeted expenditures for auto body repairs, which is used on an annual basis as needed and has been budgeted during the 2017 - 2018 Budget process. Annual expenditures were $32,036 for 2014, $21,603 for 2015, and $66,152 for 2016.

• Recommended Action
Please approve this purchase and forward to the Executive and the Whatcom County Council for approval at the January 24, 2017 Whatcom County Council Meeting.

Please contact Eric L. Schlehuber at extension 6405 if you have any questions or concerns.
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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**TITLE OF DOCUMENT:**
Discussion to clarify language in WCC 20.80.970, Home Occupation

**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.)
Discussion to clarify the intent of specific language in Whatcom County Code Section 20.80.970, Home Occupation

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

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

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

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**TITLE OF DOCUMENT:**
Amendment to WCC 24.05 On-site Sewage System Regulations, Section 160 – Operation and Maintenance.

**ATTACHMENTS:**
- Staff Memorandum
- Draft Ordinance
- Exhibit A: Proposed WCC 24.05 amendment

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

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

**Requested Date:**

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

Whatcom County Code 24.05 On-site Sewage System Regulations require an amendment to section .160 – Operation and maintenance. The amendment requires evaluations be completed by a licensed operation and maintenance specialist. WCC 24.05 is adopted by reference in the County Comprehensive Plan; therefore an amendment to WCC 24.05 is also an amendment to the Comprehensive Plan.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

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

TO: Jack Louws, County Executive
FROM: Regina Delahunt, Director
Health Department

SUBJECT: Amendment to WCC 24.05 On-Site Sewage Regulations
DATE: January 10, 2017

Whatcom County Health Department (WCHD) is proposing an amendment to WCC 24.05. The proposed amendment will require on-site sewage system operation and maintenance evaluations to be performed only by operation and maintenance professionals licensed by the Health Department. The current regulations allow homeowners the ability to become certified and perform their own evaluations.

On October 6, 2016 the Washington State Supreme Court issued a ruling in the case of Whatcom County, Hirst vs. Western Washington Growth Management Hearings Board. The Court ruled that the “County’s comprehensive plan does not satisfy GMA requirements to protect water availability or water quality”. Elements of the County’s Comprehensive Plan are implemented through WCC 24.05. WCC 24.05 allows homeowners in rural areas to inspect their own septic system. The Court found the “County’s current inspection system policies were flawed and that continuing to rely on this flawed system would not protect water quality in the future”, and further ruled that “the County’s rural element fails to comply with the requirement to protect water quality”.

The proposed amendment is in response to the Supreme Court’s decision in order to comply with GMA requirements. WCC 24.05 is adopted by reference in the County’s Comprehensive Plan; therefore this change would also be a Comprehensive Plan amendment.

If you have any questions, please call Mike Kim, Environmental Health Supervisor, at extension 6032.

Attachments:
Draft Ordinance
Exhibit A: Proposed WCC 24.05 Amendment
ORDINANCE NO. __________

AMENDMENT TO WHATCOM COUNTY CODE 24.05 ON-SITE SEWAGE SYSTEM REGULATIONS

WHEREAS, an October 6, 2016 Washington State Supreme Court decision (Whatcom County, Hirst vs. Western Washington Growth Management Hearings Board, No 91475) has found that Whatcom County's Comprehensive Plan does not comply with the Growth Management Act (GMA) requirements to protect water quality; and

WHEREAS, RCW 36.70A.070(5)(c)(iv) requires that the rural element of a county comprehensive plan "shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by: ... protecting critical areas...and surface water and groundwater resources."; and

WHEREAS, on March 25, 2008, the Whatcom County Board of Health adopted amendments to WCC 24.05 providing the ability for homeowners to perform their own on-site sewage system evaluations; and

WHEREAS, Whatcom County adopted Ordinance 2012-032, amending its Comprehensive Plan to adopt by reference existing regulations to protect critical areas and surface water and groundwater resources, adding Policy 2DD-2.C.2, which adopts by reference WCC 24.05; and

WHEREAS, because Comprehensive Plan Policy 2DD-2.C.2 adopts by reference WCC 24.05, any amendment to WCC 24.05 is also an amendment to the Comprehensive Plan; and

WHEREAS, the Growth Management Hearings Board (Board) found the amended Comprehensive Plan lacked the required measures to protect surface and groundwater quality (GMHB Case No. 12-2-0013); and

WHEREAS, on October 6, 2016, the State Supreme Court (Court), in reversing a Court of Appeals decision, upheld the Board's decision that the County's Comprehensive Plan does not satisfy the GMA requirements to protect water quality, and stated, "In essence, the Board ruled that the County's current inspection system policies were flawed and that continuing to rely on this flawed system would not protect water quality in the future. ...We therefore reverse the Court of Appeals and hold that the Board applied proper legal standard and analysis in concluding that the County's rural element policy does not comply with the GMA."; and

WHEREAS, in response to the Court's decision, on-site sewage system evaluations will only be performed by operation and maintenance professionals licensed by the Health Department; and
WHEREAS, the proposed amendment to WCC 24.05.160 as outlined in exhibit A of this ordinance, provide necessary language to implement this; and

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Board of Health, that the WCC 24.05 and the Whatcom County Comprehensive Plan are hereby amended as outlined in Exhibit A.

ADOPTED this ____ day of ________, 20__.

ATTEST:

Dana Brown-Davis, Clerk of the Council

WHATCOM COUNTY EXECUTIVE

APPROVED AS TO FORM:

Royce Buckingham, Civil Deputy Prosecutor

WHATCOM BOARD OF HEALTH
WHATCOM COUNTY, WASHINGTON

Barry Buchanan, Chair

WHATCOM COUNTY, WASHINGTON

Jack Louws, County Executive

( ) Approved    ( ) Denied

Date Signed: ____________________________
EXHIBIT A

TITLE 24 HEALTH CODE

Chapter 24.05
On-Site Sewage System Regulations

24.05.160 Operation and maintenance.
A. The OSS owner is responsible for properly operating, monitoring and maintaining the OSS to minimize the risk of failure, and to accomplish this purpose shall:

1. Obtain approval from the health officer before repairing, altering or expanding an OSS;
   a. All systems which were legally permitted at time of installation and which are not currently functional due to failing and/or broken component parts will be allowed to be repaired to functionality. Also see WCC 24.05.090(C);

2. Secure and renew contracts for periodic maintenance where required by the WCHD;

3. Obtain and renew operation permits if required by the WCHD;

4. Assure a complete evaluation of the system components and/or property by a licensed operation and maintenance specialist to determine functionality, maintenance needs and compliance with this chapter and any permits. A report of system status shall be completed at the time of the evaluation and submitted to the WCHD in a timely manner;

5. Assure subsequent evaluations of the system components and/or property are completed as follows:
   a. At least once every three years for all systems consisting solely of a septic tank and gravity SSAS;
   b. Annually for all other systems unless more frequent inspections are specified by the health officer;

6. Employ an approved pumper to remove the septage from the tank when the level of solids and scum indicates that removal is necessary;

7. Provide maintenance and needed repairs to promptly return the system to a proper operating condition. A maintenance report shall be completed and submitted to the WCHD in a timely manner;

8. Protect the OSS area and the reserve area from:
   a. Cover by structures or impervious material;
   b. Surface drainage and direct drains, such as footing or roof drains. The drainage must be directed away from the area where the OSS is located;
   c. Soil compaction, for example by vehicular traffic or livestock; and
   d. Damage by soil removal and grade alteration;
9. Keep the flow of sewage to the OSS at or below the approved operating capacity and sewage quality;

10. Operate and maintain systems as directed by the health officer;

11. Request assistance from the health officer upon occurrence of a system failure or suspected system failure;

12. Ensure that a current report of system status by a licensed O&M specialist is on file with WCHD when a property with an OSS is offered for sale;

13. At the time of property transfer, provide to the buyer a copy of the current report of system status on file with the Whatcom County health department, and any available maintenance records, in addition to the completed seller disclosure statement in accordance with Chapter 64.06 RCW for residential real property transfers.

B. OSS owners may perform their own OSS evaluation in accordance with subsection C of this section except for the following:

1. OSS technologies that are listed as proprietary on the Washington State DOH list of registered on-site treatment and distribution products where the contract with the private proprietary manufacturer prohibits homeowner evaluations;

2. Community drainfields;

3. Nonconforming replacement systems that do not meet vertical and horizontal separation installed as a result of a system failure;

4. OSS serving food service establishments.

C. OSS owners who choose to perform their own evaluations shall complete O&M homeowner training as approved by the health officer. Upon completion of training, OSS owners may perform their own evaluations until property transfer. In cases of hardship, the health officer may approve the homeowner’s selection of a designee who has completed the appropriate class to perform the evaluation. If OSS owners are discovered to be noncompliant with this section, the health officer may proceed with legal remedies in accordance with Chapter 24.07 WCC.

DB. Persons shall not:

1. Use or introduce strong bases, acids or chlorinated organic solvents into an OSS for the purpose of system cleaning;

2. Use a sewage system additive unless it is specifically approved by WDOH; or

3. Use an OSS to dispose of waste components atypical of residential wastewater.

EC. The health officer shall require annual inspections of OSS serving food service establishments and may require pumping as needed. (Ord. 2010-009 Exh. A; Ord. 2008-015 Exh. A; Ord. 2006-056 Exh. A).

D. Reports submitted by licensed O&M specialists will be verified by the health officer for timeliness, accuracy, and completeness in accordance with administrative policies.
Proposed Amendment to WCC 24.05
On-Site Sewage System Regulations

County Council
January 24, 2016

Outline

• Legal Background
• Regulatory Background
• Proposed Amendment to WCC 24.05.160
Supreme Court ("Hirst") Decision

CONCLUSION

“We reverse the Court of Appeals and hold that the County’s comprehensive plan does not satisfy the GMA requirements to protect water availability or quality.”

Supreme Court ("Hirst") Decision

- “The Board noted significant disparity in reported failure rates and compliance rates between homeowners who self-inspect versus professional inspections, as well as studies showing water quality contamination from faulty septic systems.”
- “In essence, the Board ruled that the County’s current inspection system policies were flawed and that continuing to rely on this flawed system would not protect water quality in the future.”
Supreme Court ("Hirst") Decision

• "Therefore, we reverse the Court of Appeals' holding that the Board's decision improperly imposed a duty on the County to "enhance" water quality rather than merely "protect" water quality and affirm the Board's ruling that the County's rural element fails to comply with the requirement to protect water quality."

Regulatory Background

• November 21, 2006: Adopted Chapter 246-272A WAC by reference
• March 25, 2008: Amendment to WCC 24.05.160 to allow periodic homeowner evaluation. O&M Specialist required for initial evaluation and every 6 years
• March 25, 2008: OSS Local Management Plan approved
• February 23, 2010: Amendment to allow homeowner evaluations at all times (current form)
• February 2, 2016: OSS Local Management Plan Update approved
Regulatory Background

RCW 36.70A.070(5)(c)(iv)
"The rural element shall include measures that apply to rural development and protect the rural character of the area, as established by the county, by: ...Protecting critical areas, as provided in RCW 36.70A.060, and surface and ground water resources;"

Regulatory Background

Ordinance 2012-032 added:
Policy 2DD-2.C.2 Minimize the adverse effects of discharges from on-site sewage systems on ground and surface waters through WCC 24.05, adopted herein by reference.
Proposed Amendment

WCC 24.05.160 A
4. Assure a complete evaluation of the system components and/or property by a licensed operation and maintenance specialist to determine functionality, maintenance needs and compliance with this chapter and any permits. A report of system status shall be completed at the time of the evaluation and submitted to the WCHD in a timely manner;

Proposed Amendment

WCC 24.05.160 A
7. Provide maintenance and needed repairs to promptly return the system to a proper operating condition. A maintenance report shall be completed and submitted to the WCHD in a timely manner;
Proposed Amendment

Remove section WCC 24.05.160 B and C:

B. OSS owners may perform their own OSS evaluation in accordance with subsection C of this section except for the following:
   1. OSS technologies that are listed as proprietary on the Washington State DOH list of registered on-site treatment and distribution products where the contract with the private proprietary manufacturer prohibits homeowner evaluations;
   2. Community drainfields;
   3. Nonconforming replacement systems that do not meet vertical and horizontal separation installed as a result of a system failure;
   4. OSS serving food service establishments.

C. OSS owners who choose to perform their own evaluations shall complete O&M homeowner training as approved by the health officer. Upon completion of training, OSS owners may perform their own evaluations until property transfer. In cases of hardship, the health officer may approve the homeowner’s selection of a designee who has completed the appropriate class to perform the evaluation. If OSS owners are discovered to be noncompliant with this section, the health officer may proceed with legal remedies in accordance with Chapter 24.07 WCC.

Proposed Amendment

WCC 24.05.160

D. Reports submitted by licensed O&M Specialists will be verified by the health officer for timeliness, accuracy, and completeness in accordance with administrative policies.
Proposed Amendment

- Amendment to WCC 24.05.160 is also an amendment to the Comprehensive Plan

- Implement Comprehensive Plan policy 2DD-2.C.2 in a manner that is in compliance with the GMA requirement to protect water quality
**TITLE OF DOCUMENT:**
Discussion with Health Department regarding Behavioral Health 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.)
Discussion with the Health Department regarding a proposal to combine the Behavioral Health Advisory Board and Behavioral Health Revenue Advisory Committee and create a new membership profile.
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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**TITLE OF DOCUMENT:**
Draft 2016 Whatcom County Comprehensive Solid and Hazardous Waste Management Plan Update

**ATTACHMENTS:**
1. Cover Memorandum
2. Draft 2016 Whatcom County Comprehensive Solid and Hazardous Waste Management Plan Update
3. Response to Comments
4. Resolution of Adoption

<table>
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<th>SEPA review required?</th>
<th>(X) Yes</th>
<th>( ) NO</th>
<th>Should Clerk schedule a hearing?</th>
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<td>SEPA review completed?</td>
<td>(X) Yes</td>
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<td>Requested Date: September 13, 2016</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.)

Chapter 70.95 RCW, Solid Waste Management- Reduction and Recycling requires local jurisdictions to update comprehensive solid waste management plans every five years. The 2016 draft update to the existing plan describes the current solid waste system and makes recommendations for the planning period. The draft update has been reviewed and approved by the Solid Waste Advisory Committee and Solid Waste Executive Committee, received review and comment by the Department of Ecology and WUTC, and received public comment through both SEPA and separate solid waste program required reviews. Pending council review and approval, the draft update will be submitted to Ecology for final post-adoption approval as per RCW 70.95.

**COMMITTEE ACTION:**
10/11/2016: Approved a motion to request the City of Bellingham to explain why there is a condition imposed and to wait before proceeding with the contract, and held in committee

**COUNCIL ACTION:**
10/11/2016: Held in Committee

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<th>Related County Contract #:</th>
<th>Related File Numbers:</th>
<th>Ordinance or Resolution Number:</th>
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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.
TO:  Jack Louws, County Executive
FROM:  Regina Delahunt, Director
DATE:  September 1, 2016
SUBJECT:  Draft Whatcom County 2016 Comprehensive Solid and Hazardous Waste Management Plan Update

Please find attached an Agenda Bill and copy of the Draft Whatcom County 2016 Comprehensive Solid and Hazardous Waste Management Plan Update for council review and approval by resolution.

Chapter 70.95 RCW, Solid Waste Management—Reduction and Recycling requires local jurisdictions to update comprehensive solid waste management plans every five years.

The draft update to the existing plan describes the current solid waste system and makes recommendations for the planning period. The draft update has been reviewed and approved by the Solid Waste Advisory Committee and Solid Waste Executive Committee, received review and comment by the Department of Ecology and WUTC, and received public comment through both SEPA and separate required solid waste program reviews. The Response to Comments summary is also attached.

The final draft update proposes no structural changes to the existing solid waste system. Recommendations, presented as goals and actions, are provided in summary form in tables at the end of each applicable chapter, as indicated in the plan table of contents. Primary goals and actions include increasing waste reduction and recycling community education and outreach, evaluation of regulatory changes to increase efficiency and management, supporting emergency management efforts to develop a disaster debris management plan, engaging with specific communities such as Pt. Roberts to identify potential improvements to levels of service, and increasing management options for special wastes such as organics, construction debris and waste pharmaceuticals.

Pending council review and approval, the draft update will be submitted to Ecology for final approval, as per RCW 70.95.

Please call Jeff Hegedus at ext. 6044 if there are any questions. Thank you.
RESOLUTION NO. __________

A RESOLUTION ADOPTING AN UPDATE TO THE WHATCOM COUNTY COMPREHENSIVE SOLID AND HAZARDOUS WASTE MANAGEMENT PLAN

WHEREAS, Chapter 70.95 RCW, Solid Waste Management- Reduction and Recycling requires local jurisdictions to update comprehensive solid waste management plans every five years; and

WHEREAS, the approved 2008 Whatcom County Comprehensive Solid and Hazardous Waste Management Plan requires updating; and

WHEREAS, the Whatcom County Health Department Solid Waste Division, working in conjunction with the Solid Waste Advisory Committee, has drafted an update to the plan; and

WHEREAS, the draft update to the plan is in compliance with SEPA requirements, and has received a Determination of Non-Significance; and

WHEREAS, the draft update to the plan has received preliminary review and comment by the Washington Department of Ecology; and

WHEREAS, the draft update to the plan has received review and comment by the Washington Utilities and Transportation Commission; and

WHEREAS, the draft update to the plan has received public review and comment through two advertised public comment opportunities, in addition to Solid Waste Advisory Committee participation; and

WHEREAS, all public, agency and committee comments to the draft update to the plan have been considered and incorporated; and
WHEREAS, on July 19, 2016 the Solid Waste Executive Committee, comprised of the Mayors and County Executive, as per interlocal agreement, unanimously approved a recommendation to submit the draft update to the plan to the Whatcom County Council for approval;

NOW, THEREFORE, BE IT RESOLVED by the Whatcom County Council that it adopt the 2016 Whatcom County Comprehensive Solid and Hazardous Waste Management Plan, attached hereto and by this reference incorporated herein, as an update to the 2008 Whatcom County Comprehensive Solid and Hazardous Waste Management Plan.

BE IT FURTHER RESOLVED that the adopted plan shall be submitted, as required by law, to the Washington Department of Ecology for post-adoption final review and approval.

APPROVED this ____ day of ________, 20__.

ATTEST:

Dana Brown-Davis, Clerk of the Council

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Barry Buchanan, Council Chair

APPROVED AS TO FORM:

Royce Buckingham, Civil Deputy Prosecutor
Whatcom County Response to Comments
Preliminary Draft Revision Dated July 16, 2015
Comprehensive Solid and Hazardous Waste Management Plan
Whatcom County, Washington

Ed Nikula, Whatcom County Solid Waste Advisory Committee
Received July 20, 2015
1. I have reviewed the plan and only one question. In Appendix E, table 4.1.1 Recomps tons are shown as about 11,000. Is this county tons only and excludes City of Bellingham?
Response: The 11,663.25 tons presented in the Cost Assessment Questionnaire Table 4.1.1 is the total quantity of solid waste handled, as reported by RDC as per WAC 173-350-310(d), Intermediate solid waste handling facilities, at their permitted solid waste handling facility.

Amber Jones, Whatcom County Solid Waste Advisory Committee
Received July 22, 2015
1. Sections 1.2.4 and 6.1. Remove ‘with the exception of Bellingham’ as we do offer a 32 gallon service to those customers as well.
Response: “…with the exception of Bellingham” will be removed from the text in both sections.

2. Section 1.8.1. Date should be changed to July 2015.
Response: Based on the uncertainty at this time as to when local adoption will occur, the end date of the plan update process will be removed from the section.

3. Table 8-1, Goal 2.A. Sham recycling is still not defined correctly. The issue isn’t recyclables being hauled to a landfill, the issue, which costs the county $8.50 per ton, is sham recyclers (companies that can only legally haul recyclables) illegally hauling garbage and calling it recycling.
Response: Action 2.A will be revised to state “Investigate service provider compliance with applicable requirements to determine if there is an issue of illegally hauling solid waste under the guise of recycling, and enforce requirements as applicable.”

4. Table 4-2, Goal 3.B. SSC offers free waste audits; additional assistance with follow up on more properties is likely to increase participation and diversion.
Response: While SSC may be providing this service, it may not be provided system-wide. Goal and associated actions developed by the SWAC Subcommittee and previously approved by SWAC remain valid. Action 3.A will be revised to state “Create or expand programs to provide…”

5. Table 4-2, Goal 3.C. SSC now uses photo labels on multi-family recycling containers, and offers Spanish & Russian decals by request.
Response: While SSC may provide this service, it may not be provided system-wide. Goal and associated actions developed by the SWAC Subcommittee and previously approved by SWAC remain valid.

6. Table 4-2, Goal 3.D. The current schedule is EOW across the system, and customers who want weekly pick-up can request it at additional cost.
Response: The SWAC Subcommittee developed Action 3.D as a means of ensuring that the focus remains on means of improving multi-family recycling; action remains valid.
7. Section 5.1.1. Some areas in the east county don’t have a F+ option either.
Response: Text will be added to the section indicating that curbside collection is not available in some portions of eastern Whatcom County.

8. Glossary – The source for legally or legislatively defined terms in this glossary are:
Response: The source of glossary terms is Appendix A (Glossary of Terms and List of Acronyms) of the Department of Ecology’s Guidelines for Development of Local Comprehensive Solid Waste Management Plans and Plan Revisions, Publication No. 10-07-005. A footnote to the glossary will be included that states the source.

9. Section 2.3.1. The source(s) for the following definitions is/are: [they can supply citation(s)]

10. Section 3.2. It should be noted that with contamination losses at <1%, Whatcom County’s effective recycling diversion per capita is actually significantly higher than the state average, where contamination and processing losses from single stream recycling approach 25% by weight.
Response: Comment will be incorporated into Section 3.2.

11. Section 4.2.2. While additional outreach will be helpful, it should be noted that the local multi-family program is now, and has been very successful since 1992. Over 95% of all multi-family complexes participate, with an average 30% recycling rate, and a contamination rate below 5%. These numbers are better than virtually all states in the nation achieve for single family curbside.
Response: Comment will be incorporated into Section 4.2.2.

12. Section 8.1.5. The Washington Refuse & Recycling Association did, and can in the future cooperate through equipment and manpower sharing during manmade and natural disasters, to provide safe and effective handling of larger quantities of solid waste than normal.
Response: Comment will be incorporated into Section 8.1.5.

13. Table 8-1, Goal 2.A. Sham recycling is the act of hauling material for disposal, when the service has been represented to the original customer as being recycling. This includes the hauler allowing the customer to place non-recyclable material in the supposed recycling container.
Response: See response to Amber Jones Comment No. 3.

14. Section 9.1.3. Each ton of contaminated CDL or sham recycling bypassing Whatcom County transfer stations results in the loss of $8.50/ton in County solid waste tax revenues.
Response: Noted. Comment is fairly specific relative to a section that provides a general discussion on waste management system financing.
Received July 23, 2015

1. Section 9.1.2: This section should state, “The Flow Control Ordinance’s designation of specific facilities has no legal significance, because it was determined to be unconstitutional by a federal magistrate.” Simply taking out the inaccurate statement that the FCO does not designate specific facilities is simply not enough, given the fact that the code language is still on the books. This situation is alluded to in the Financing discussion, and should be explicitly stated here in the section about the FCO itself because otherwise the entities operating under the current system appear to be in violation of County code.

Response: Noted. An additional action 1.D will included stating that the county flow control ordinance will be reviewed and updated.

2. Section 8.2.1: Even though the flow control ordinance exempts C/D waste, state law still requires that it be hauled by the certified/contract company. According to the numbers in the Plan, C/D waste contains 11 percent residual waste and is not recyclable material. Following, “This amendment allows disposal of C/D waste at undesignated disposal sites, including site outside the county,” the section should state, “Collection of such waste by unauthorized haulers results in illegal diversion of C/D waste and loss of excise tax funds to the County.”

Response: Noted. As stated above, potential flow control and sham recycling issues will be investigated, reviewed and responded to in the planning period.

3. Section 9.2 should include the following: “Under current conditions, the County is losing excise tax funds through loopholes in the system. One is that C/D waste is being delivered to out of county facilities following collection by unauthorized waste haulers. Another is that services being misrepresented to customers as recycling result in C/D waste being hauled for disposal without collecting or remitting the excise taxes due.”

Response: Noted. As stated above, potential flow control and sham recycling issues will be investigated, reviewed and responded to in the planning period.

4. Table 9-1 should include a Goal to “Reduce the diversion of excise funds from the system” and the related actions should include, “Monitor hauling C/D waste out of the county” and “Police construction job sites to ensure proper C/D waste handling practices.”

Response: As stated above, flow control and sham recycling issues will be reviewed and investigated.

5. In Table 6-1, the Goal is to, “Ensure that collectors are providing the required minimum service to all providers,” by taking action to, “Investigate complaints regarding collection services and correct deficiencies.” Yet there is nothing about current conditions suggesting any concern that minimum service levels are not being provided, and we are not aware of complaints regarding legal solid waste collection services. A more meaningful way to state this is, “Ensure that collection of waste is being provided by authorized haulers.”

Response: All goals, including Goal 1.A, were developed through the SWAC Subcommittee and vetted through the SWAC. Goal from a system-wide perspective remains valid.

6. In Section 9.1.1: A new sentence was added in the description of Cities, saying, “The City of Bellingham has a municipal contract with SSC for collection, and an independent disposal contract.” The description should note that the contract is for residential customers, and commercial are still governed by WUTC regulations.

Response: Comment will be incorporated into Section 9.1.1.
Larry McCarter, Recycling & Disposal Service Inc.
Received July 23, 2015
1. What SSC says about FCO is and isn't true.
   What is true is we need NEW disposal agreements between ALL disposal sites.
   Within the scope of those agreements we can agree to any level of recycling WE agree to be the
   right amount.
   We can agree to accept and recycle c/d waste too.
   And we can agree to pay a county tax for self haulers.
Response: Comment noted.

Diana Wadley, Washington State Department of Ecology
Received November 25, 2015
Procedural Items that Must be Addressed Prior to Plan Approval
1. Resolutions of Adoption: Whatcom County and the cities with interlocal agreements need
   to approve the updated comprehensive solid and hazardous waste management plan prior to
   Ecology's approval of the final draft. Please include a statement assuring that the plan
   acceptance process outlined in the interlocal agreement has been fulfilled.
Response: Text will be added to Section 1.3 indicating that “Each participating jurisdiction, as represented
by the Solid Waste Executive Committee through interlocal agreement, adopted this revision to the Plan prior
to its approval by Ecology.”
Diana Wadley Comment on January 15, 2016 Revision Received February 17, 2016:
Thank you. It also appears you'll have the traditional appendix with the actual
resolution of adoptions (Append. C.), which is great.
Response: No response necessary.

Items that Must be Addressed Prior to Plan Approval
1. Required: In various places in the plan, such as in section 1.3, section 6.1, in the WUTC Cost
   Assessment, and on the map on page 17, it is stated that the planning area of this plan does
   not include the eastern portion of the county, and that that portion of the county is included
   in the Skagit County plan. That is an incorrect, and Whatcom County needs to plan for its
   entire county. Please revise your draft accordingly to include the full county, including the
   populace, haulers, needs, etc. therein.
Response: Because the Newhalem area is isolated from Whatcom County service provision by geographical
and transportation infrastructure constraints, solid waste management services are provided by Skagit County
service providers. To provide clarity and compliance with solid waste planning requirements, an action 1.E
will be added to Table 9.-1 stating that “Pursue an interlocal agreement with Skagit County that defines and
establishes solid waste planning and service provision responsibilities in the Newhalem/ Diablo area.”
Diana Wadley Comment on January 15, 2016 Revision Received February 17, 2016:
Thank you. Please pay attention to all areas of the plan pertaining to this. For
example, looking at section 2.1 of the Track Changes version, it appears the
sentence, "This portion of the county constitutes the solid waste management
planning area and encompasses 755 square miles, including the incorporated
municipalities of Bellingham, Blaine..." needs changed, since your planning area is
the whole county (minus about 25 square miles of reservation land). There is also a
sentence in 2.1.1 that says, "The eastern portion of the county, not included in the
study area, is typically mountainous," which will need the middle piece deleted. It
would also be good to remove the “both the western and central portion of” from this

Response to Comments
Whatcom County CSHWMP, July 16, 2015 Revision
sentence in section 1.3, “The Plan encompasses both the incorporated and unincorporated areas of the western and central portion of the county, with the exception of the Lummi and Nooksack reservations.”
Response: Comment will be incorporated as suggested.

2. Required: Please correct Figure 2, the map of the planning area to encompass the eastern portion of the county, and highlight to show the Nooksack and Lummi reservations.
Response: Figure 2-1 will be revised to indicate the locations of the Nooksack and Lummi reservations. Please refer to the response to Diana Wadley Comment No. 1 (Items that Must be Addressed) regarding inclusion of the eastern portion of Whatcom County into the planning area. A Figure 2-2 will be added that shows the western portion of Whatcom County, including city limits, urban growth areas and rural areas, and tribal lands in greater detail.
Diana Wadley Comment on January 15, 2016 Revision Received February 17, 2016:
Great start, but I don't see a purple line that correlates with the "Planning Area" given in the legend. Please add it, and when you do so, please draw it such that it includes all county lands (including federal), but does not include tribal lands.
Response: The purple "Planning Area" line is embedded in the "County Boundary" line. The figure will be revised to make more discernible, and to make clear that tribal lands are not part of the Planning Area.

3. Required: While it is understood that the solid waste system in Whatcom County is almost fully privatized, the county must still look ahead and ensure adequate facilities are in place. Additionally, the County is still responsible for its closed solid waste handling facilities (landfills). Please discuss with greater specificity the projected waste in relation to facility capacities and capabilities, as well as post-closure needs, with an eye on the six- and twenty-year planning horizons. For example, this could be expounded upon in section 2.3.8 and/or section 7.2. This will help you meet the requirements for:
   - A six-year construction and capital acquisition program for solid waste handling facilities. (Note: The date of the first year referenced in the six-year capital and acquisition projection will also mark the beginning of the new five-year planning window. Looks like from the rest of the plan that you'd want the first year to be 2016.)
   - The estimated long-range needs for solid waste handling facilities projected twenty years into the future.
Response: Discussion will be included in Section 2.3.8 and Section 7.2, and an action added to Table 7-3 indicating that the County will work with the private solid waste service providers to ensure that each is completing planning to maintain service capacity over the planning horizon.
Diana Wadley Comment on January 15, 2016 Revision Received February 17, 2016:
Adding the sentence, "The County will continue to work with the private solid waste service providers to ensure that facility capacity is constructed in advance of need." in section 2.3.8 is not specific enough. Please show you have already discussed the waste disposal and recycling projections with each of the major facility operators and that they have analyzed that information alongside their facility capabilities and given you feedback to either assure their ability to meet demand over the six-year horizon (2016-2021), or show their plans for (via capital or other major acquisitions they'll need) meeting demand, or if you'll need to explore other options. Please also show such analysis related to the longer 20-year timeline. We are not asking you to do a detailed analysis, but rather to use the waste projection data you already have in

Response to Comments
Whatcom County CSHWMP, July 16, 2015 Revision
section 2.3.8 to inform a discussion around upcoming facility or capital needs over the six- and twenty-year horizons.

Response: The following will be added as the second to the last sentence of Section 2.3.8 “Solid waste service providers were apprised of these waste projections throughout development of this revision of the Plan and have ensured the County that they will continue to plan for and construct sufficient system capacity in advance of need.”

4. Required: Please distinguish how you designate an area “rural” or “urban” for the purposes of RCW 70.95.090 (7) (b). The 2008 plan included a map for this. This information could come more into play as the eastern portion of the county comes into the fold. Looks like the Kendall-Maple Valley area and/or Limited Areas of More Intense Rural Development mentioned in 9.2.1 could be unique, too.

Response: Figure 2-2 will be added to the Plan (refer to response to Diana Wadley Comment No. 2 – Items that Must be Addressed) that will show city limits, urban growth areas (including the Kendall-Maple Falls LAMRD), and rural areas consistent with the County’s current zoning map.

Diana Wadley Comment on January 15, 2016 Revision Received February 17, 2016: The proposed Figure 2-2 is a great start. Please show distinctly which of the Comprehensive Plan Designations given in the legend will be considered “rural” and which will be “urban” for the purposes of RCW 70.95.090(7)(b). All components of the map should be so specified, with the exception of tribal lands. Also please discuss how the updated map will correlate with the table and text given in Section 2.1.2.

Does Newhalem/Diablo have the minimum program for collection of source separated recyclable materials as defined for rural areas in RCW 70.95.090(7)(b)(i)?
The final sentence in section 2.1.3 mentions "community services" as part of what’s discussed in the Whatcom Co. Comp Plan updated in 2014. I would consider programs for the collection of source separated recyclables to be a kind of community service. However, looking at that plan, I see in Chapter 5 that it is pulling information from the 1999 SWMP (though they should’ve been utilizing the 2008 plan at that time). Please ensure that future Comp Plans pull from this updated plan, especially since the Whatcom Co. Comp Plan notes that Newhalem is excluded, but in reality it must be included. In the meantime, please discuss in this Solid Waste Management Plan update how the minimum programs for the collection of source separated materials from residences in urban and rural areas are being met.

Response: Figure 2-2 will be revised to more clearly designate “rural” and “urban” designations. Section 2.1.2 is specific to a description of the planning area – not services provided in that area; discussion related to source separation requirements in both incorporated and unincorporated portions of the county are presented in Section 4.1.1 (related to recycling) and Section 5.1.1 (related to organics collection).

Diana Wadley Comment on January 15, 2016 Revision, Received March 21, 2016: Section 4.1.1, is lacking a description of recycling in the unique Newhalem/Diablo area. Since the Newhalem/Diablo area is not required to have curbside recycling service per Whatcom County’s Solid Waste Collection District exclusion described in WCC 8.11.010., please show readers that the area is meeting the minimum program for collection of source separated recyclables materials as defined for rural areas in RCW 70.95.090(7)(b)(i). My research concludes this area does meet the program requirements, as residents and businesses have the option to self-haul to local
recycling depots. Thus, you could insert the following into section 4.1.1 to satisfy this requirement, if you concur. It could fit at the end of the second paragraph under the “Residential Curbside Recyclable Collection” section.

“The unincorporated Newhalem/Diablo area is serviced by Waste Management and has an exclusion from mandatory curbside recycling service per WCC 8.11.010. However, this area meets the minimum program requirements for collection of source separated materials as described in RCW 70.95.090(7)(b)(i) through recycling depots to which residents may self-haul their recyclables.”

Response: Comment will be incorporated as suggested.

5. Required: Please include at least one example of each SWAC and SWEC minutes showing discussion of this plan.
Response: Copies of SWAC and SWEC meeting minutes discussing the Plan revision will be included in Appendix C.

6. Required: WUTC Comments: The WUTC conducted a formal review of the Plan and forwarded their comments to Ecology and to the County in a letter dated September 10, 2015. The WUTC comment letter, assigned as an attachment to Ecology’s comments, showed no actionable items, but still must be attached to your Final Plan.
Response: Text will be added to Section 1.8.4 indicating that the WUTC issued a letter dated September 10, 2015 indicating that it had no comments on the draft revision of the Plan; the letter will be included in Appendix E.

Other General Comments

1. Mention of any contracts or agreements between the County and the private facilities that manage the county’s solid waste would be helpful.
Response: Reference to any associated contracts/agreements will be included in Sections 7.1.1 and 7.1.2.

2. Note that the State Plan has been published as of June 2015. Preferred names are the full name of The State Solid and Hazardous Waste Plan; Moving Washington Beyond Waste and Toxics or “the State Solid and Hazardous Waste Plan”

The 2015 state waste plan update contains 53 goals with 177 supporting actions. It looks like the column “Connecting to Beyond Waste” in the table at the end of most chapters is ready to be updated to match the now-published plan. For example, here’s a goal from the State Plan that seems very applicable to table 3-1 of your plan: “Goal SW 4: Waste generation will be reduced throughout the system by both businesses and residents.” Other goals/ actions from the state plan may also apply. Thank you for drawing connections between your plan and the State Plan!
Response: Document will be revised to reflect 2015 adoption of the State Solid and Hazardous Waste Plan. Connections to the Beyond Waste Plan in the goals and actions tables at the end of each applicable chapter will be revised to accurately reflect the Priorities and Key Principles presented in the Beyond Waste Plan; identification of each specific goal in the Beyond Waste Plan would make the goals and actions tables unwieldy and may generate confusion in trying to tie each Whatcom County goal to all applicable Beyond Waste Plan goals.

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3. Figure 2-3 shows the Whatcom County Waste Stream Composition, but I had trouble finding the matching graph or data in the 2009 Waste Characterization Study (https://fortress.wa.gov/ecy/publications/summypages/1007023.html). Please cite the page and source of data. Additionally, as I looked at the 2009 Waste Characterization Study data for Whatcom County (fortunately for you the only sample area for the Northwest Waste Generation Areal), I became unsure that Whatcom is as similar to the rest of the state as said in this draft plan. On page two of the study is Figure 1: Overall Statewide Disposed. Figure 29 on page 69 of 2009 study shows overall NW and reveals that of all the areas, this study area has the highest organics, and that organics seems to be the largest difference between Whatcom and the other study areas. Table 38 on page 85 shows NW’s residential data. It shows residential organics at 49.2%! And of that, vegetative food was the highest portion, followed by animal manure. I just wonder if this reveals an opportunity you might want to address in the plan.

Response: Figure 2-3 was created using the data for all four quarters/seasons specific to Whatcom County provided in the 2009 Study.

4. Due to the online nature of most Solid and Hazardous Waste Management Plans today, please include links to items discussed when possible. Examples include studies and Whatcom County Code referenced, and online databases/directories discussed.

Response: Hyperlinks to on-line resources (e.g., Revised Code of Washington, Washington Administrative Code, Whatcom County Code, etc.) will be embedded in the document.

5. Please use “multifamily” instead of “multi-family,” as that is how it is spelled in both County Code (8.10.060) and the Washington State Recycling Association study.

Response: All references to “multi-family” will be revised to “multifamily.”

6. Counties are encouraged to plan for disaster debris, whether within their solid waste management plans or via their emergency management teams. There is also a growing focus on this within the solid waste world as we are faced with increased severe weather events and seek solutions to mitigate climate change. An example of this is in the EPA’s Sustainable Materials Management Program (SMM) Strategic Plan for FY 2017 – 2022 (see the built environment section): http://ncrrecycles.org/mobius/ncrwp-content/uploads/2015/02/SMM-Strategic-Plan_October-2015.pdf. Ecology is aware and supportive of the current disaster debris planning efforts by Wallace Kost of the Whatcom County Sheriff’s Office. I would encourage inclusion of participation in that effort as a goal or action within this plan. Section 8.1.5 seems primed to discuss it.

Response: Discussion will be added to Section 8.1.5 and goal/action associated with integration of waste handling and disposal efforts with the Division of Emergency Management’s emergency response documents will be added to Table 8.3.

Diana Wadley Comment on January 15, 2016 Revision Received February 17, 2016: Thank you for the improvements to section 8.1.5. I ran this section by our specialist on disaster debris, who had some useful suggestions, including the below:

- You might expand language to include the Health Department as having a role in approval of suitable alternative staging areas. The Sheriff and Health Department will need to work together for approval. This is important because
FEMA will likely be asking if storage and management meets regulatory requirements. Federal reimbursement is usually tied to this.

- Because the work of “designating certain locations and facilities for accumulating large volumes of disaster debris…” will occur later, I suggest leaving the door open to unusual, temporary sites. A text edit that could accomplish this may be, “Disaster debris will be managed through the appropriate existing facilities, including transfer facilities, permitted inert waste landfills, building materials recovery centers, and composting facilities as feasible. The County may also need to designate certain locations and facilities for accumulating large volumes of disaster debris.”

- It is true that the Sheriff’s Office is responsible for coordinating continuity of services (though local emergency management) but it is as a coordinating entity. The role of the Health Department should be identified this plan, including being at the table during response and recovery.

- The certificated haulers have the right to the waste in their territories. Emergency situations don’t negate that and most franchise agreements include contingencies. Additionally, not all certificated haulers are WRRA members, including a couple of the larger ones. I would suggest editing your text to remove this mention of the WRRA, unless you’re aware of services that I am not.

Response: The Department of Emergency Management is actively completing the disaster management plan, using the Snohomish County plan as a template. An update of this effort, and how it ties with solid waste, was presented to the SWAC during its January 28, 2016 meeting. Citation of the Health Department’s involvement in emergency response planning, as well as designation of locations for large volumes of disaster debris, will be included in the text. Reference to WRRA will be removed (note this was included per Amber Jones Comment No. 12).

7. The County’s Flow Control Ordinance (codified within County Code 8.15) requires that solid waste generated in the county be processed or disposed of at a designated waste facility. It appears to me that the code gives a mechanism by which new facilities may be designated as part of the system (County Code 8.15.080). Would it be helpful to include the agreements executed per County Code sections 8.15.080 (D) and 8.15.060(B) to show which facilities are designated and their responsibilities?

Response: Whatcom County Code 8.15.030 currently designates disposal at the Recomp and Olivine facilities, both of which are no longer current. Table 9-1 will be revised to include update to WCC 8.15.030.E.

8. Diana Wadley Comment on January 15, 2016 Revision, Received March 21, 2016: We concur with the Polly McNeill Comment No. 1, in regard to the private solid waste facilities. Because the Point Roberts facility is on County property, however, it has the potential for flow control. Suggested text for the end of section 9.1.2 follows: “The Flow Control Ordinance’s designation of specific private facilities has no legal significance, because it was determined to be unconstitutional by a federal magistrate.”

Response: Comment will be incorporated as suggested.
Updated Response: June 14, 2016. Upon further consideration and discussion with Diana Wadley, the comment will not be incorporated. An additional action 1.D will be included stating that the county flow control ordinance will be reviewed and updated.

Other Specific Comments by Section
1. In the Acronyms and Abbreviations section, for MFS, I would suggest saying, “Minimal Functional Standards, such as those found in Chapters 173-304 and 173-350 WAC.”
Response: Comment will be incorporated as suggested.

2. In 1.1 and 1.4, it appears this is only a solid waste management plan. However, this is a joint solid and hazardous waste management plan. Please make that clear, even if by simply pointing the reader to Chapter 11.
Response: Sections 1.1 and 1.4 will be revised to specify that planning associated with hazardous waste management has been in accordance with RCW 70.105 and is presented in Chapter 11.

3. In 1.2.5, are the five closed landfills the county landfills that are later referenced? Is so, you might clarify by adding the word “county.” Also, “status” was spelled “statues.” This section also says, “…in addition to several others regulated as MTCA sites.” In Section 7.1.3, it says the two Y-Road closed county landfills are MTCA sites. Are there other landfills that are MTCA sites, and if so, should they be named as well? Or perhaps in this section you could limit to naming just the landfills accepting MSW and the closed landfills, and then provide greater detail in section 7.1.3 and point readers that way?
Response: Comments will be incorporated as requested.

Diana Wadley Comment on January 15, 2016 Revision Received February 17, 2016:
Please further clarify the text in section 1.2.5. Specifically, if the two Y-road, county-owned landfills are the only closed landfills in the county currently under MTCA process, you might consider the following text: “…While there are no active landfills, there are five closed county landfills maintained under permit in post closure status. Two of these landfills are regulated as MTCA sites (see Section 7.1.3).”
Response: Text will be revised to read “Other closed landfills, such as the Y Road landfills, are regulated as MTCA sites (see Section 7.1.3).”

4. In section 1.3, the eastern portion of the county needs included, please. And regarding exclusion of the Nooksack and Lummi reservations, please show them (at least the Lummi) on the maps accordingly.
Response: Please refer to the response to Diana Wadley Comment No. 1 (Comments that Must be Addressed Prior to Plan Approval).

5. In section 1.5, please update to show that the State Solid and Hazardous Waste Plan has been completed as of June 2015 (http://www.ecy.wa.gov/wasteplan/index.html).
Response: Comment will be incorporated as requested.

6. In section 1.6, it would be nice to have the names of the SWAC members by their positions (at the very least the subcommittee members).

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Response: Do not concur. Section 1.6 describes the roles and make-up of the SWAC and SWEC and is meant to be applicable throughout the life of the Plan. Given the limited nature of committee service (less than the life of the Plan), listing specific individuals in Section 1.6 is not appropriate. Please note that specific SWAC members that participated in revision to the Plan are listed on the Acknowledgements page of the Plan.

7. Suggested rewording of last paragraph of 1.8.4, mostly to avoid the word “amendment”:
"The County Health Department revised the Plan to address comments received from all parties. The revised preliminary draft was submitted to Ecology for its 120 day review and comment. Once the County incorporated Ecology’s comments, the County carried out the local adoption process, including revisiting existing interlocal agreements .... (etc.)"
Response: Comment will be incorporated as suggested.

8. In section 2.1.2, you say, “The U.S. Census defines rural areas as... " did you mean to say "urban" here?
Response: Concur; text will be revised to indicate “urban” rather than “rural.”

9. In section 2.1, are there any larger waste-generating industries to note in Whatcom County, such as food processors, oil refineries, or pulp and paper mills?
Response: There are no industries operating that generate waste at quantities requiring specific planning relative to the countywide planning effort.

10. In section 2.2, please note when the incinerators closed.
Response: Year the last incinerator ceased operation will be included in the text.

11. In section 2.3.1, could note that waste reduction is sometimes called waste prevention.
Response: Comment will be incorporated as suggested.

Diana Wadley Comment on January 15, 2016 Revision Received February 17, 2016:
Thank you. A similar edit to the glossary’s definition of “waste reduction” would be appreciated.
Response: Comment will be incorporated as suggested.

12. In section 2.3.2, it would be helpful to clarify what kinds of waste you are talking about. For example, the total 311,842 tons is inclusive of tons recycled, diverted, MSW AND industrial and inert wastes. It’s everything. The percentages given are again of everything. It also would be helpful to include the type of waste disposed at BP, Cemex, and Greater Wenatchee. Only MSW is mentioned in this paragraph, but these facilities take other types of waste. Note also that the Cowlitz County landfill mentioned in section 7.1.1 is missing here.

Also missing is Graham Road Recycling and Disposal (from your list of where the 8% (of non-MSW) goes.

Thank you for including a complete list of facilities accepting various items, though. Such information may help inform people like Wally Kost working on the Disaster Debris Management Plan.
Response: Comment will be incorporated as requested.

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Diana Wadley Comment on January 15, 2016 Revision Received February 17, 2016: 
Thank you for adding in the Graham Road Recycling and Disposal facility. To add in the Cowlitz Co. Headquarters Landfill, we offer this text edit suggestion for section 2.3.2: 
"...Most of the total solid waste generated in the county is MSW, with roughly 56 percent of total county wastes disposed of at Columbia Ridge landfill in Arlington, Oregon (RDS), roughly 36 percent disposed of at the Roosevelt Landfill in Roosevelt, Washington (RDC), and a very small amount disposed of at the Headquarters Landfill in Cowlitz County, Washington."
Response: Comment will be incorporated as suggested.

13. Table 2-8 reflects data from the Ecology Recycling Survey, which includes construction and demolition debris. Because construction and demolition tends to be a large and heavy portion of the waste stream, it is reasoned that much of the decline in tonnages during the recession was due to a slowdown in housing construction.
Response: Concur as text in accompanying Section 2.3.8 acknowledges the recession that began in 2008 as being a factor in the temporary decline.

14. The second paragraph of Chapter 3 gives two primary reasons for promoting waste reduction (reduce toxicity and reduce quantity of discarded materials). It does mention this "conserves natural resources," but I would encourage stronger language focused on this conservation piece, and a nod to the full life cycle of materials. We are seeing shift away from the traditional end-of-life focus, as seen in the new State Solid and Hazardous Waste Management Plan, which uses a "sustainable material management" lens. A key reason for promoting waste reduction/prevention is the avoidance of resource use and pollution associated with creating the materials in the first place (the "upstream" environmental costs.) From the new state plan:
"To represent the current system and focus on reducing waste and toxics, we used a sustainable materials management approach, which is also used by the U.S. Environmental Protection Agency (EPA). The sustainable materials management approach is illustrated in the materials life cycle graphic [visible if you follow the link below] that Ecology adapted from Oregon’s Department of Environmental Quality. Materials management looks at the full life cycle of materials from the design and manufacturing phase, through the use phase, to the end-of-life phase when the material is either disposed or recycled. Materials management still focuses on recycling and disposal issues. However, looking at production and use phases can help identify more sustainable ways to design products that use less energy, water, and toxics. This is important because the adverse environmental impacts of extraction, production, and use can be far greater than those associated with disposal when a material becomes a waste. According to EPA, a sustainable materials management approach is essential to conserving our natural resources to meet both today’s needs and those of future generations."

Source: https://fortress.wa.gov/ecy/publications/documents/1504019.pdf page 4 (Executive Summary). And while I see your point that waste prevention is a tough sell (because there’s no object to sell and usually no money to be made), I suggest you can also use Washington’s, Oregon’s, and EPA’s recent plans to show that there is a trend for more “political support” of waste prevention and pollution prevention via the promotion of whole systems thinking.
Response: Chapter 3 will be revised to reflect increased support for waste and pollution prevention.

15. In Section 3.1.1, you could put in a graphic of the EnviroStars logo to enhance brand recognition by readers. A link to the online EnviroStars directory would also be great.
   - On a related note, have you heard about the effort going on in the King County area to utilize the EnviroStars brand to recognize "green" businesses beyond just toxics/hazardous waste-related work? I would encourage you to touch base with Jessica Branom-Zwick at Cascadia Consulting about this effort to build on the brand, and see if you think it would be something your county would want to consider: jessica@cascadiaconsulting.com.
   Response: Hyperlink to EnviroStars website and EnviroStars logo will be added to Section 3.1.1. Note: As an EnviroStar participating jurisdiction, Whatcom County is indeed participating in the EnviroStars rebranding discussions.

16. In Section 3.1.2, you need to add the word "Materials" between "Industrial" and "Waste," and I suggest also including the acronym "IMEX."
   Response: Comment will be incorporated as requested.

17. In Section 3.1.3, is this Green Classroom Certification program associated with Washington Green Schools? If not, I would suggest putting exploration of potential synergies with Washington Green Schools as a goal or strategy of this SWMP. See www.wagreenschools.org.
   Response: RE Sources' Green Classroom certification is independent of the Washington Green Schools program; however, per Washington Green Schools program website, there are a handful of Whatcom County schools also participating in that program. Text will be added to Section 3.1.3 regarding the Washington Green Schools program, as well.

18. In section 3.1.4, please note County residents may also utilize a recycling hotline operated by the State of Washington that is both online (http://1800recycle.wa.gov and https://www.facebook.com/1800recycle.wa.gov) and via live phone assistance during the week (9:00-3:00 at 1-800-RECYCLE 1-800-732-9253)).

   Please also expand upon the "Permanent Information Centers," so the reader can imagine what they look like/how they function. Are they brochure racks? How are they maintained?

   For Event Recycling, You could note that this is required by law: http://www.ecy.wa.gov/PROGRAMS/SWFA/eventrecycling/. Also, Skagit County is currently doing a lot in this area, FYI: http://www.skagitcounty.net/Departments/Sustainability/zerowaste.htm

   The Electronics Recycling area could mention many electronic items are now able to be recycled for free via a product stewardship program that launched in 2009 called E-cycle Washington: www.ecyclewashington.org
   Response: Comments will be incorporated as requested.
19. In Section 3.2, it notes how critical it is to raise public awareness of County-funded waste programs, but I believe we want to raise awareness of both County-funded and non-County funded programs.

Response: Text will be revised to indicate “…awareness of County- and non-County-funded waste programs…”

20. Table 3-1 notes support for Master Gardeners, but on page 31, this is called a "Master Recycling & Composting Program," which seems to be a better fit. Same comment for section 5.1.1.

Response: Both Table 3-1 and Section 5.1.1 will be revised to reflect the Master Composting and Recycling program rather than Master Gardener program.

21. Required Chapter 4, Recycling, only touches on commercial recycling to say it is unregulated. While this is true, commercial waste is a large portion of what’s out there (43.7% of all MSW, according to the 2009 Washington Statewide Waste Characterization Study (page 9).) It is also required to include programs to monitor the collection of source separated waste at nonresidential sites as part of your waste reduction and recycling element (RCW 70.95.090 (7) (b) (ii).) Please expand upon commercial recycling. For example, are the materials collected typically sorted in a similar way as the residential bins (paper separate from containers)? Does there seem to be high participation? Is it costly for businesses? Any creative rate structures to incentivize it?

Response: Commercial Recyclable Collection discussion in Section 4.1.1 will be expanded, including addressing the questions presented in this comment.

22. Section 4.1.1 is not actually what Ecology and the Utilities and Transportation Commission would consider the “list of designated recyclables,” as that is found in Whatcom County Code Section 8.10.050, Section C, as noted in section 4.1.3. However, the list shows foil. I don’t see foil listed in WCC 8.10.050, Section C, and I actually would advise against collection of foil, unless Whatcom Co has a special end market for it. During the presentation from an aluminum recycler at the NW Commingled Workgroup, it came to light that foil basically just gets burnt up in the recycling stream with no recovery of metal. While it is possible to recover it, you’d need a recycler whose system is set up specifically for foil. You might double-check your end market.

And within Section 4.1.3, a process for proposed changes to the designated recyclables list is given. Note that WCC 8.10.050, section L outlines a method by which an item may be removed from the list. Please ensure the protocol for changes to this list outlined here in the plan does not conflict with the protocol outlined in the County Code. Additionally, please have list updates sent to both Ecology and the Utilities and Transportation Commission.

Response: Reference to foil as an accepted recyclable material will be removed from Section 4.1.1. Section 4.1.3 will be revised to indicate that the SWAC will make a recommendation to the County executive rather than the County council to be consistent with WCC 8.10.050(L).

23. Section 4.2.1 on residential recycling starts off with some data on recycling participation and diversion. If by recycling participation you mean the number of residents setting out recyclables compared to those not source-separating out recyclables, it would seem to me that 40 to 50 percent would be a low number, especially for a county with a collection district. The diversion number given also seems a bit odd in a section devoted to residential

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recycling, as I believe that rate is from our data that includes commercial and some industrial waste, as well. Please cite your data source?
Response: Use of the word “participation” was incorrect and will be removed from the text.

24. Section 4.2.1 begins the discussion of three-bin collection in comparison to single-stream collection. You may wish to note the regional effort to which you are invited and which is currently underway, the Northwest Commingled Workgroup: http://www.ecy.wa.gov/programs/swfa/commingled/. And although Ecology does support the collection of source-separated materials through RCW 70.95.090 (7)(b) as stated in the plan, source-separation simply means sorting recyclables from garbage at the source of generation. It does not necessarily mean the three-bin method.
Response: Comment noted.

25. In Section 4.2.1, education is given as the answer to overflowing bins, but I wonder if there are other solutions? How do the haulers mitigate issues associated with the three-bin system such as limited bin size and weather-related issues (blown away or wet materials)?
Response: Text will be added indicating that haulers will accepted appropriately separated materials in alternative containers.

26. At the end of section 4.2.2, I suggest expanding upon the “targeted focus” with wording such as: “...relatively low multifamily recycling rates, and that an approach with three prongs can help boost rates. The three components are: 1) Collection logistics, 2) Policies and regulations, and 3) Education and outreach.” (Those focus areas are from the Washington State Recycling Association study.) I suggest playing up options beyond education in Table 4-2, as well.
Response: Comment will be incorporated as requested.

27. The first sentence in Chapter 5 is technically incorrect. If there is waste to compost, that waste has already been generated. I suggest "Significant diversion of waste is commonly accomplished...”
Response: Comment will be incorporated as suggested.

28. Please define green waste in your glossary so we know what we’re discussing in Chapter 5. Additionally, please specifically cite the “seasonal waste sort” mentioned at the start of Chapter 5. The 2009 Statewide Waste Characterization Study was conducted over all four seasons, so if that’s the study you’re citing, I’m not sure what you mean by seasonal. However, the data from that study is pretty interesting when looking at Whatcom and its organics: The Northwest WGA chart shown as Figure 29 on page 69 shows organics at almost 30%. Table 37 shows Organics from Commercial as only 24.7%. (Food-Vegetative 14.7% is largest, followed by Food non-vegetative at 8.2%)(Animal manure only 0.6%). Table 38 shows Organics from Res. as 49.2%. (Food-Vegetative 17.9%, followed by Animal Manure 12.6%).
Response: A definition of green waste will be included in the glossary. The second paragraph of Chapter 5 will be revised to indicate “In 2009-2010, Ecology conducted a four-season MSW characterization study in select counties across the state, one of which was Whatcom County. The study found that organic material...”

29. In Section 5.1.2, are any of the digesters accepting waste from offsite? If so, what kind of waste and who is hauling it? Similarly, in section 5.2.2, please discuss any issues or
opportunities related to the digesters. How do you think the various organics facilities will handle the waste stream projected 6 and 20 years into the future?

Response: Digesters operating in Whatcom County accept waste from off-site that are self-transported to each digester by the generator, as regulated under WAC 173.350.250.

30. In the first sentence of 5.2.1, do you mean to say “... drop-off facilities, and onsite composting”?

Response: Text will be revised to clarify “on-site composting.”

31. In Table 5-1, there’s a suggested action to require compostable service containers at commercial locations. Just as a word of caution, we have seen a lot of contamination issues related to acceptance of such compostable items at other compost facilities in the state. One has even reversed its policy and now accepts no compostable service ware.

Response: Comment noted.

32. As with other tables, the final column may now be updated. State Plan goals that may fit well include SWM 17 and SWM 22, as well as others.

Response: Please refer to response to Diana Wadley Other General Comments Comment No. 2.

33. First sentence of 6.1 should technically say “certificated” instead of “certified.” Also in 6.1, “biweekly” can have two meanings... one is “every other week” and the other is "twice a week." I suggest clarifying by saying "every other week." Furthermore, it says Bellingham is an exception regarding the containers listed. What do Bellingham citizens use?

Response: Text will be revised to indicate “certificated” rather than “certified;” to reflect “every other week” rather than “biweekly,” and the exception to Bellingham will be removed (see response to Amber Jones Comment No. 1).

34. In the first column of table 6-1, I suggest adding clarifying source language such as “...required minimum service to all subscribers as outlined in [the ILAs, County Code...etc.].”

Response: Comment will be incorporated as suggested.

35. Section 7.1.3 starts out by saying the MSW generated in the county ultimately goes to one of the following landfills. However, of the list of six facilities, it seems to me that only three actually receive traditional Whatcom MSW (Columbia Ridge, Roosevelt, and Headquarters). This is based on the table of Solid Waste Disposal Data by County for 2015 found on Ecology’s data page here: http://www.ecy.wa.gov/programs/swfa/solidwastedata/ (and the addition of Headquarters, which would be a very small amount and may have been overlooked on our table). What is the source of data/MSW for the remaining landfills listed? The bullet for the Graham Road facility even notes it does not accept MSW. As you clarify this section (including adding in where waste from the eastern portion of the county goes), you might note on the Cemex Inert Waste Landfill that the petroleum contaminated soils are not inert until they are treated. Suggest adding “The contaminated soils are treated with a thermal desorption process before they are landfilled.” Additionally, you might reference how this data is presented in the table on page two of Appendix A (and within that table, it may be good to have “MSW” listed in the “materials accepted” column where applicable, or clarify that traditional MSW is what is meant by the “Waste” column).
Response: Text will be revised to indicate that Columbia Ridge, Roosevelt, and Headquarters facilities receive most of the MSW generated in the county, and that the other three facilities receive other waste. Cement contaminated soil treatment process will also be added.

36. In 7.1.3 on the Cedarville Landfill, I suggest adding, "The leachate collected is treated and discharged under an NPDES permit issued by Department of Ecology."
Response: Comment will be incorporated as suggested.

37. In Section 9.1.1, please explain the contracts with certain tribal businesses more. The contract is with whom? The County and the tribal business? For what service(s)? Additionally, for the cities that have municipal contracts for both residential and commercial solid waste collection, is recycling a part of the contract, or does the contract only refer to trash destined for landfill? If recycling collection is part of the contract, is it for residential or commercial or both? (Commercial recycling is unregulated, but sometimes a city will "embed" commercial recycling within a solid waste collection contract.) Furthermore, since you point out Bellingham has a separate disposal contract, should it be clarified here that for the cities of Everson, etc. that the solid waste collection contract includes disposal?
Response: Tribal contracts for solid waste services are directly between the tribes and solid waste service providers.

Diana Wadley Comment on January 15, 2016 Revision Received February 17, 2016:
Thank you. A suggestion to add clarity to section 9.1.1 is to remove the sentence under the header “Cities” that reads, “Solid waste collection in the county is regulated under municipal contracts and through contracts with certain tribal businesses on the Lummi Reservation, in addition to regulation under the WUTC,” and instead create a header for “Native American Tribes.” Under that header, you could insert this language from the 2008 plan, if it still holds true:

“Lummi and Nooksack tribal lands are not subject to this Plan. However, non-tribe residents living within reservation boundaries are subject to provisions of County solid waste ordinances. Both the Lummi and Nooksack Tribes contract with private WUTC certified haulers for garbage pickup.”
Response: Comment will be incorporated as suggested.

38. In section 9.1.1 related to Ecology’s roles, please say “including RCW 70.95,” as we are governed by additional portions of RCW. Also please note we approve both local solid and hazardous waste management plans.
Response: Comment will be incorporated as requested.

39. In section 9.1.1 related to the Northwest Clean Air Agency, please note how they dovetail with asbestos.
Response: Section will be revised to add “NWCAA is also responsible for regulation of any construction that may result in handling and/or disposal of asbestos containing materials.”

40. In section 9.1.2, please cite how it’s now codified, so a reader can more easily locate the current regulatory text. Something like "...1991... and codified as WCC 8.15.030" (or perhaps the whole chapter of 8.15?)
Response: Comment will be incorporated as requested.

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41. In section 9.2, landfill leases are mentioned. What leases would this be referring to? 
Response: Text will be revised to indicate that revenues include lease payments by private solid waste service providers for lease of County-owned land (SST leases land upon which Cedarville and Birch Bay-Lynden drop box facilities are located, and Cando leases the land at which its transfer station facility is located).

42. In the organics portion of the implementation table found in chapter 10, it seems to me that 2B and 2D would better be done concurrently.
Response: Concur, comment noted.

43. On page two of Appendix A, the data for Ryzex is missing.
Response: Ryzex was inadvertently left in the table and will be deleted.

44. On the next-to-last page of the draft plan, a portion of the budget is shown as a payment to the Health Department. What does this cover? Is it staff for inspections/permitting and solid waste enforcement like illegal dumping work?
Response: To supplement Ecology grant revenue for solid waste compliance enforcement activities, an allocation of $25,000 per quarter of solid waste excise tax revenue is utilized to finance staff-conducted solid waste enforcement activities.

Specific Comments by Section-Hazardous Waste
1. The last paragraph of 11.1.1 has an incorrect statement. The 2008 plan updated the Haz Waste Plan as well, as stated on page 9 of Section Two of that plan.
Response: Text will be revised to indicate “Since then, updates to the Plan (most recently completed in 2008) have included reference to the 1991 Hazardous Waste Management Plan…”

2. Sections 11.1.2.3 and 11.1.7.3 both mention technical assistance to businesses. It is advised to mention the EnviroStars program, which could be done by referring the reader to section 3.1.1 of the solid waste portion of this plan.
Response: Comment will be incorporated as requested.

3. In section 11.1.4, they're technically “certificated” haulers, instead of “certified.”
Response: Comment will be incorporated as requested, and elsewhere in the document, where appropriate.

4. Are the interlocal agreements referred to in section 11.1.5 the same ones as found in Appendix C? If so, please cite accordingly.
Response: Reference to Appendix C will be added to the text.

5. In section 11.1.7.4, is there any kind of fee associated with either program? How is the fee structured?
Response: CESQGs are required to pay for hazardous waste disposal at the MRW facility in accordance with the established and approved fee structure defined in the Disposal of Toxics Program operations plan.
Diana Wadley Comment on January 15, 2016 Revision Received February 17, 2016: To help readers understand that CESQGs must pay a fee, please note as much in the text, such as by adding “and must pay for hazardous waste disposal in accordance with the fee structure defined in the Disposal of Toxics program operations plan.” to the end of the final sentence.
Response: Comment will be incorporated as suggested.

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6. In section 11.2 and throughout, the hazardous waste planning period is given as 2015-2020. I suggest shifting it to match the solid waste management plan's period of 2016-2021. 
Response: Comment will be incorporated as suggested.

7. In areas where you plan for the future and say the County will be contracting with Stericycle, you might loosen your wording to allow for other contractors. (For example, “... County (through contractor such as Stericycle Environmental Solutions)” 
Response: Applicable goals defined in Section 11.2.2.1 will be revised as suggested.

8. Regarding used oil, Ecology has seen a recent rash of Polychlorinated biphenyls (PCBs) from public used oil collection sites. If this contamination spreads to larger loads as the contents of the tanks are collected for recycling, local governments can incur large expenses. If Whatcom County has safeguards in place to watch for PCBs, such as staffing used oil collection sites or other means, please include them in the plan. If no such safeguards are in place, please recognize the potential for contamination of PCBs within the plan and consider recommending creation of safeguards against them. Furthermore, to more fully comply with Chapter 70.951 RCW, the Used Oil Recycling Act, please include a description of how used motor oil from watercraft is addressed, how signage is monitored/assisted, and what public education, if any, is focused on motor oil.
Response: The contracted waste motor oil collection company uses Chlor-detect for detection of PCB contamination prior to pumping out each used oil tank at each pick-up; no PCBs have recently been detected. The Disposal of Toxics program accepts motor oil from watercraft. Staff provide technical assistance on handling and disposal. Additionally, staff have worked with Port of Bellingham to achieve EnviroStars status and educate the public on proper watercraft motor oil disposal through signage.

Additional Items to Address Before Submission of the Final Draft

1. **Required** Please show how each of these comments from Ecology has been addressed in your final draft plan, citing the specific section(s) and/or page(s) within the final draft.
Response: Revisions to the draft Plan will be maintained in track changes mode in a file separate from the final revision that is submitted for Ecology approval.

Diana Wadley Comment on January 15, 2016 Revision Received February 17, 2016:
This document and the accompanying track changes document have been very helpful. Thank you!
Response: You are welcome!
Lisa Friend, Citizen  
Received December 7, 2015  

General Observations  
1. Attention should be paid to issues of Extended Producer Responsibility (EPR, also known as “Product Stewardship”) and the management of marijuana residuals, both of which could face the county in future years. Opportunities for producer management of paint, in particular, are likely to come before SWAC again in future.  
Response: Comment noted.

Acronyms and Abbreviations  
1. The term “CDL” is referenced on Page 56. Perhaps is should be added to this list, as a variation of C/D.  
Response: Reference to CDL in Table 7-1 will be revised to “C/D Waste.”

Introduction  
1. Page 4, figure 1-1: Please include the Cedarville Drop-Box site.  
Response: Cedarville Drop-Box site will be added to Figure 1-1.

Planning Area  
1. Table 2-3, Whatcom County Employment Sectors: Consider including the Materials Management sector in this data, as a baseline for tracking the economic impact of the local solid waste and recycling industries in future years. Many communities are having success with demonstrating the positive economics associated with employment in the recycling, composting and related materials management sectors.  
Response: Materials Management sector-specific data for Whatcom County is not available (2013 U.S. Census American Community Survey).

2. Section 2.3.1, Solid Waste Definitions: Please include a definition of “Organics Management” and/or “Composting.” Also, under “diversion,” perhaps clarify whether “alternative daily cover” is viewed by the County as a “beneficial use.”  
Response: Please refer to the Glossary at the end of the document. The source of glossary terms is Appendix A (Glossary of Terms and List of Acronyms) of the Department of Ecology’s Guidelines for Development of Local Comprehensive Solid Waste Management Plans and Plan Revisions, Publication No. 10-07-005 and should be maintained consistent with the definitions presented in that publication.

3. Section 2.3.7, Diversion and Recycling Rates: Please note that incineration and, if appropriate, alternative daily cover, are prevented, in addition to landfill diversion. In the second paragraph, are “organics” appropriately listed under both diversion and as a recycled stream? The repetition confused me.  
Response: Comment Noted. Recycling is considered a component of landfill diversion, so it is appropriate to list organics under both. As shown in Figure 2-4, Organics (at 19%) are third highest component of the recycled stream (with metals and paper, at 39% and 31%, respectively, being the only larger components).

Waste Reduction and Public Education  
1. Could “Extended Producer Responsibility” (Product Stewardship) be appropriately listed in this chapter?  
Response: Do not concur.
2. 3.1.1., Public Sector Activities: Program evaluation/assessment is a primary County role that could appropriately be listed with "public outreach and education." The purchase of recycled-content goods, recycled-asphalt pavement, and finished compost are also functions of County government that could be listed here. This is an ideal place to note the role of County government in the financial management of the materials management sector and opportunities for the county to apply for and administer state and federal grants.

The final sentence of this section, could we reference data that prove the plastic bag ordinance "is a big step forward in reducing litter and unnecessary waste," etc.? While this is intuitively true, information about how much litter has been reduced and money saved since 2012 should be incorporated or referenced.

Response: Reference to the County's role as overall solid waste management program assessment will be added to Section 3.1.1. However, citing the listed operational functions are not considered related to the public education functions the County leads. No data is available relative to the City of Bellingham's plastic bag ordinance.

3. Table 3-1, Goals and Actions: Please add items 2F and 3 E, each reading “Evaluate effectiveness of outreach efforts and use data to fine-tune program elements,” which would support “Beyond Waste” principle of “Strive for Continuous Improvement.”

Response: Goals and associated actions provided in the Goals and Actions table were the outcome of significant deliberation of the SWAC subcommittee relative to tangible results and careful consideration of available County resources for action implementation.

Recycling

1. Section 4.1.1, Programs. In the second paragraph, address the issue of enforcement of the garbage collection exemption and provide data on how widely this exemption is used. Address the provision of recycling series to multifamily units, including trailer parks, homeowners association and condominiums.

Response: The purpose of Section 4.1.1 is to provide an overview of the collection program; action 1A in Table 9-1 addresses the need to evaluate the exemption program. Multifamily residential recycling is discussed in Section 4.2.2.

2. Table 4-1, Accepted Curbside Materials by Bin: Please add "phone books" under "Scrap Paper," perhaps in the "Mail, magazines, catalogs" Bullet. Consider adding "steel" cans to the "Tin cans" bullet and perhaps specifying that empty aerosol cans are included.

Response: "Phone books" are already listed under the second bullet associated with Scrap Paper; fourth bullet associated with Containers will be revised to indicate "Tin/steel cans."

3. In the Point Roberts paragraph, please clarify how "seasonal vacation" and "weekend homes" are serviced (one assumes through drop-off service).

Response: Curbside recycling pick-up is not required of residences meeting these definitions; therefore, recycling participation is left to the discretion of the resident.

4. Under "in-house recycling," please indicate the level of diversion the County is achieving through this program, as a baseline. This is an excellent place to record the County’s efforts to procure recycled-content products and compost as well as any waste-prevention measures such as banning of single-use water bottles at County events.

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Response: The County has not conducted an assessment of the diversion level associated with in-house recycling. Any efforts that County may be pursuing associated with recycled-content and compost procurement is not applicable to discussion specific to “in-house recycling”.

5. Electronics Recycling: Opportunities for diversion of small electronics that do not fall under the E-Cycle Washington definition should be clarified here. “Consumer Products” represent 10% of the County’s discarded waste: Is there need for more diversion of small electronics? Response: A hyperlink to the specified RCW sections, in addition to the E-Cycle webpage will be provided for the reader to access more specific information relative to small electronics diversion opportunities.

6. Along those same lines lie opportunities to divert additional hard-to-recycle materials for which markets are developed or developing. These include Christmas lights, film plastic, rigid plastics, paint and, perhaps, carpet. Response: Comment noted.

7. Diversion of Construction and Demolition materials should be addressed in this section. Response: Construction and demolition waste is considered a special waste; therefore it is discussed in Section 8, Special Waste.

8. 4.1.2, Facilities: These should be mapped in this section in a more specific fashion than in Figure 1-1. Response: Comment noted.

9. I would be interested in knowing the number of hours these facilities are open each week, the number and type of users (residents vs. businesses vs. apartment/trailer park dwellers) and any change in use over time. Response: This information is not available.

10. More information in this section could appropriately include details about the markets for Whatcom-County-generated recyclables and compost (domestic or international? Washington or west coast?), contracts, responsibilities and residuals. Response: Comment noted.

11. I would be interested in knowing the number of hours these facilities are open each week, the number and type of users (residents vs. businesses vs. apartment/trailer park dwellers) and any change in use over time. Response: This information is not available.

12. I suggest sections 4.2.3 “Commercial Recycling” with a similar level of detail and 4.2.4 “Construction and Demolition Recycling.” Response: Please refer to response to Diana Wadley Comment No. 21 (Other Specific Comments by Section); construction and demolition debris is discussed in Section 8.

13. Table 4-2, Goals and Actions: Incorporate section on Commercial diversion and C/D. Explain how local government will improve efforts towards “Beyond Waste” Strategy 4: “Lead by example in government, especially through…purchasing power...”
Response: Goals and associated actions provided in the Goals and Actions table were the outcome of significant deliberation of the SWAC subcommittee relative to tangible results and careful consideration of available County resources for action implementation.

Organics Material Management
1. This section should address health and environmental concerns about micro-plastics in compost and steps to keep these materials out of the Whatcom County organics stream. Currently, materials are collected that do not meet the “Biodegradable Products Institute” standards for compostability nor equivalent ASTM standards.
Response: Comment noted.

2. In addition, the residents of Lummi Island are interested in regular residential compost collection service: this need should be addressed in this section.
Response: The collection service provider will be notified of this perceived need.

3. In the first paragraph, the parenthetical definition of “organic materials” could include compostable paper.
Response: Comment will be incorporated as suggested.

4. 5.1.1, Programs: How are food scraps handled in Point Roberts? Are they accepted in the “green waste” drop box at Cando?
Response: Food scraps are managed as municipal solid waste in this area.

5. Under “Educational Programming,” provide data about the effectiveness of existing outreach programs and how continuous improvement can be gained.
Response: Requested data is not available.

6. 5.1.2, Facilities: Indicate the costs to the consumer for use of these programs and usage trends over time, particularly given recent increases in charges at the City of Bellingham Clean Green facility.
Under “Digester,” please indicate the percentage of County waste currently directed to these facilities, vs. other organic management options.
Response: Most recent annual tonnage processed (and percentage of which was manure) by anaerobic digesters located in the county will be added to Section 5.1.2.

7. 5.2.1, Programs: The adjective “backyard” should be added to “composting,” to differentiate that term other organics management options listed in the first sentence.
Response: The word “on-site” has been added prior to “composting” to provide the differentiation (see response to Diana Wadley Comment No. 30 – Other Specific Comments by Section).

8. Purchase and use of finished compost should be addressed in this section.
Response: Policy associated with purchase and use of finished compost should be considered by the County department using compost operationally, not as a policy defined the solid waste management plan.

9. Table 5-1, Goals and Actions: Perhaps add 1B – “Evaluate effectiveness of current backyard composting programs and seek continuous improvement.”
In element 2 C, clarify that only BPI- or ASTM-certified compostable containers should be required. In addition to requiring the use of these materials, purchase of organics receptacles and collection service should likewise be mandated.
Add a third goal to encourage government/institutional purchase of use of finished compost
Response: Comment noted. Goals and associated actions provided in the Goals and Actions table were the outcome of significant deliberation of the SWAC subcommittee relative to tangible results and careful consideration of available County resources for action implementation.

Solid Waste Collection
1. In this section, it would be appropriate to address litter data over the past decade (how much is collected, from what regions, etc.) and the exemption of solid waste collection, how many exemptions exist, estimate of gaps, and the enforcement of the exemption.
Response: Action 1.A in Table 9-4 addresses the need to evaluate the exemption program.

2. The management of industrial quantities of solid waste, though not MSW, should be addressed in some portion of the plan: What is done with wastes from Alcoa, refineries, etc.? Response: Industrial generators utilize existing services of the County solid waste management system. Although Alcoa and BP additionally operate permitted, landfills for certain approved wastes generated only from in-site operations, they are not within the scope of the plan.

3. Enforcement of the collection exemption and mapping of its use can be included under “Goals and Actions.” Funding is likely available to the County for this type of analysis, and it should not be overlooked simply because of fears that analysis is not within the budget.
Response: Action 1.A in Table 9-4 addresses the need to evaluate the exemption program.

Transfer and Disposal
1. Section 7.1.1, Transfer Stations: Separate the third and fourth bullets in the paragraph beginning “These transfer stations are open to the public,” as the Bellingham Vector Waste Facility is closed to the public.
Response: Text will be revised to read “These transfer stations, with exception to the Bellingham Vector Waste Facility, are open to the public.”

2. Section 7.1.1, Transfer Stations: Separate the third and fourth bullets in the paragraph beginning “These transfer stations are open to the public,” as the Bellingham Vector Waste Facility is closed to the public.
Also in the final paragraph, add a reference to Section 8.1.8.
Response: Text will be revised to read “These transfer stations, with exception to the Bellingham Vector Waste Facility, are open to the public.” Reference to Section 8.1.8, Vector Waste, is already provided in the bullet associated with the Bellingham Vector Waste Facility.

3. Table 7-1: For clarity, be sure the footnote “*Gate fee, regardless of weight or materials,” appears on the same page as the “RDC” section.
Response: The subject footnote is applicable to anywhere in the table an asterisk (*) is presented, regardless of what page of the table the notation is presented.

4. Section 7.1.3, Landfills: Please reference the closed “County Construction Recycling/Muenscher Landfill” site, which was operations at the time of the previous Plan
update: It’s closure should be documented in this plan, along with the fate of the “Foothills Recycling Landfill,” referenced in Section 8.1.9.
The fate of the Olivine incinerator, which at one time accepted materials from the public and local haulers, should also be addressed in this section.
Response: There are many closed private landfills in the county that are no longer a component of the solid waste system, and not within the scope of the plan. Landfills that are operational and part of the system, or publicly owned and maintained in post-closure status utilizing solid waste excise tax revenues, are within the scope of the plan.

5. Section 7.2, Needs and Opportunities: In light of continuing litter issues on county roadsides, the potential for siting of another drop box in the County should be addressed here. This topic is more fully addressed in section 9 but also deserves mention in this section.
Response: Do not concur. Access and capacity are merely one component of the litter and illegal dumping issue, which is a compliance management task appropriately and adequately discussed only in Section 9.

Special Waste
1. The inclusion of plant and soil residuals from marijuana-growing operations should be addressed in this section, including pertinent state regulations that affect this new industry.
Response: Text will be added to Section 8.1.1 to indicate that handling and disposal of marijuana industry crop residues will be completed in accordance with the most current state regulations.

2. Section 8.1.5, Disaster Debris: A separate disaster management plant should be developed by the County and referenced in this section. Include “woody debris” under both “flood” and “earthquakes” and include “vehicles” under “fire.”
Make note of FEMA guidance on the development of such plans and note that federal funding might be available for plan creation. Contingency contractors with debris management companies and site should be in place in advance of any disaster.
Response: The Health Department is currently supporting the Whatcom County Sheriff’s Office Division of Emergency Management in the development of a separate disaster debris management plan, which will be referenced in this section. Suggested materials will be added to the applicable events.

3. Section 8.1.7, Biomedical Waste and Pharmaceuticals: In the bulleted section listing “Participating pharmacies,” consider the fate of the Haggen chain. Also, clarify whether the MRW facility accepts controlled substances from households, though not from businesses: I found the acceptance of controlled substances from households surprising. Additional detail is not clear on the phone line nor the County Hazardous web site.
Response: Agree that the future of pharmacy acceptance unused medications at the current Haggen pharmacies remains uncertain; however, all are currently still operating. The plan is accurate as stated that the MRW facility “accepts unused pharmaceuticals from households (including controlled substances), and from small-quantity generator businesses (not including controlled substances).”

4. Section 8.1.9: Tires: Please provide data and trends for used tire diversion in the county, including the number/weight of tires found as litter or in cleanup piles: The Ecology website indicates that tons of tires cleaned up are going down statewide; does the same hold true in Whatcom County?
Response: The County has not tracked tire diversion data.

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5. Section 8.2.1, Construction and Demolition Debris Recycling: Because C&D materials represent such a significant portion of the local waste stream, any data on the tonnage of these materials being diverted from Whatcom County should be reported in this section. Data about the success of marketing sorted materials from in-county processors and, if possible, out-of-county processors, would be appropriate before proposing any flow control changes. Also in this section, the “Goals and Actions” recommend controlling “sham recycling.” This topic is not addressed in the narrative; this section seems the appropriate place for clear introduction of the “sham recycling” topic and its place in the state “Beyond Waste” plan. Response: As stated above, potential flow control and sham recycling issues will be investigated, reviewed and responded to in the planning period.

6. Section 8.3, Goals and Actions: Under goal number 1, include bullet “D” to encourage pilot program for use of recycled asphalt shingles in County parking lot paving or road applications. Response: The Health Department is currently providing support to a private sector paving company to implement permitted asphalt shingle recycling operations.

7. Under “Priorities of Plan,” is the wording “Enforce compliance, technical assistance and enforcement”? This terminology seems self-reflective and can be, therefore, confusing to the lay reader. Response: The correct terminology, per the Beyond Waste Plan, is “Focus on facility compliance, technical assistance, and enforcement.” Text will be revised accordingly.

Administration and Enforcement

1. Section 9.1.1, Agency Roles and Responsibilities: Perhaps introduce the “Solid Waste Division” of the Whatcom County Health Department in the first sentence, for clarity. Response: Clarity specifying the Solid Waste Division of the Health Department will be added.

2. Insert information about the county’s management of the annual Solid Waste budget into this section with a reference to Section 10.3. Response: Comment will be incorporated as suggested.

3. Under “Cities,” please address the absence of a municipal contract for commercial solid waste collection in the City of Bellingham and the reason the City does not contract for this service. Response: Text will be added specifying that commercial collection in the City of Bellingham is governed by WUTC regulations.

4. Under “Washington State Department of Ecology,” please address the availability of grant funding from the state for local solid waste programs. Response: Comment will be incorporated as suggested.

5. Under “Washington Utilities and Transportation Commission,” please clarify whether the certificated areas are for residential collection only and, if so, the legal structure(s) under which commercial garbage, recycling and organics collection take place. Clarify whether Whatcom County Ordinance No. 90-95 was restricted to residential services or whether commercial collection was also addressed.

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Response: Do not concur. Sufficient level of detail relative to the WUTC’s role as it pertains to a solid waste management plan is provided.

6. Section 9.1.3, Financing: The history of the Maple Falls drop-box site should be addressed here or in Chapter 7.
Response: Do not concur. Maple Falls drop-box facility is no longer active and, therefore, not relative to the current plan update.

7. At the end of this section, indicate how often payments are made to the County and whether there has ever been any issue regarding the amount/timeliness of such payments. A 10-year summary of payments might be helpful.
Response: Do not concur. Request is not relevant to the level of detail of a solid waste management plan.

8. This is also a good place to indicate the county’s plans for continued financial support of essential solid waste services, education, and program evaluation if waste reduction and recycling result in a decline in fee payments/smaller budget. It would not be appropriate for readers of this plan to come away with the idea that waste reduction and recycling would be given reduced priority if — by their success — the solid waste budget could suffer.
Response: Comment noted.

9. Section 9.1.4, Administration: The County’s role in procuring state and local grants for solid waste operations should be mentioned here, as should the role of the health department in facilitating the SWAC and SWEC meetings.
Response: Comment will be incorporated as suggested.

10. Section 9.1.5, Enforcement and Compliance: Data about the county’s garbage collection exemption structure should be included here. Also, the duplicate labeling of Section 9.2.1 as “Enforcement and Compliance” is confusing. Perhaps consider additional distinction between the two section and their titles.
Response: Specific data requested are not available and, as stated above, the exemption program will be reviewed during the planning period as a recommended action item. Section 9.1.5 describes the existing conditions associated enforcement and compliance, while Section 9.2.1 identifies corresponding needs and opportunities.

11. Section 9.2, Needs and Opportunities: The opportunity for the County to apply for and benefit from USDA Rural Development Solid Waste grants should be detailed here, especially as these grants could provide additional solid waste services to the Kendall-Maple Valley and Point Roberts areas listed here..
Response: Do not concur. The solid waste budget includes significant revenue from numerous grant sources, and it is not within the scope of the plan to call out each grant opportunity separately as an action item.

Implementation Schedule
Response: Comment noted.

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2. Section 10.1, Implementation Responsibility: Under "Solid Waste Management Planning," the provision of data on diversion successes should be emphasized, as should financing for effective programs.
Response: Comment noted.

3. Table 10-1, Implementation Schedule: The phrase “Track efficacy and fine-tune” would be appropriate in nearly every section, including: “Education and Community Outreach” elements 1, 2, and 3; Multifamily Recycling elements 2 and 3; and the initial occurrence of “Compliance Management and Enforcement” 2.a (Provide programming support...). The Education and Community Outreach element could use a bullet 4.C to consider use of the Re-TRAC software. 4.A should include litter reduction measures.
The “Residuals Recycling” section needs a second element that would read: “Monitor residuals and markets” to insure that locally generate materials are sent to end-use markets with a 12% or lower residual rate (to combat or define “sham recycling”).
New sections need to be created for Commercial Recycling and C&D Diversion.
The Multi-Family Recycling section would benefit from “Track efficacy and fine-tune” phrases for elements 2 and 3.
Under “Organics Management,” please include the term “data-based” before “impact.”
Include the “Food, Too Good to Waste” program and also use the term “BPI-Certified compostables” in section C.
If both the “Compliance Management and Enforcement” and “Administration and Enforcement” sections are maintained, the checkmarks in both timelines should match.
Bullets “A” should include “Track efficacy and fine-tune.”
In the “Special Waste Programs” section, address data-based evaluation of current diversion programs and goals for the future in element 1, “Increase C/D waste material recycling.”
Under sub-topic “C,” add the use of recycled-asphalt-shingle paving material.
If data will not soon be available for adequate comparisons between in-county and out-of-county C/D processing options, considered delaying element 2.B, “Evaluate changes in the Flow Control exemption...” to 2017 or later.
Under element 4, regarding pharmaceuticals, incorporate an action that reads: “Develop extended producer management policy at the state level.”
Consider an element 5: Investigate extended producer management options for paint.
Response: The implementation schedule reflects the timeline for completing goals and associated actions identified associated with each plan element. Those goals and associated actions were the outcome of significant deliberation of the SWAC subcommittee relative to tangible results and careful consideration of available County resources for action implementation.

4. Section 10.3, Budget: Provide detail on the Disposal of Toxics budget, which represents a quarter of the annual solid waste budget. How has this budget changed in the past decade. What percentage is dedicated to the management of paint?
Provide additional data on the success of community education and outreach programs and the amount of money spent on litter control programs year over year / ton by ton.
Detail a budgetary goal: Lower expenditures and increase the effectiveness of outreach / program spending.
Response: The purpose of Section 10.3 is to provide an overview of the solid waste budget, not specific detail relative to program components or budgetary goals.

Local Hazardous Waste Management Plan

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1. Section 11.1.2.1, Hazardous Waste Inventory: Please provide detail on the hours per week the MRW site is open and also the hours per week the drop-off sites are open. Detail the percentage of collected material that comes from the MRW site vs. the drop-offs and, if possible, the amount collected at each drop-off site per year. Include the volumes of oil collected in the residential recycling collection program and the volumes of oil and antifreeze collected by the CESQG service.
   If possible, make a note on Figure 11-2 explaining the jump in customers in 2007.
   Provide a break and new title after the bullet that begins “Twenty-four…” to indicate a change in subject to contaminated sites.
   A similar break and new title should precede the final paragraph in this section, which again changes subjects to address service providers.
   Response: Operational hours of each facility will be added. The detailed data requested is not within the scope of the plan. Section titles will be added to delineate discussion relative to Dangerous Waste Generators, Remedial Action Sites, and Hazardous Waste Services.

2. Section 11.1.2.2, Public Education: Please add wording that will direct the County to track efficacy of these outreach programs and fine-tune services for greater impact.
   Response: Comment noted. Due to resource constraints, measurement of program efficacy is not a prioritized goal.

3. Section 11.1.2.3, Technical Assistance: Include data about the number of calls received, the topics that represent the most common inquiries, and the number of individuals and businesses served each year.
   Response: The number of businesses and households served each year is depicted graphically in Figure 11-2. Technical assistance inquiries by type are not tracked.

4. Section 11.1.2.4, Service Improvement...: Provide data on cost savings and public service improvements realized through the state’s fluorescent lighting take-back program and extrapolate to the potential for service improvements through a paint take-back program for Whatcom County.
   Response: Do not concur. Although the DOT program supports participates in established stewardship programs, such programs are not managed at the local level.

5. Section 11.1.4, Financing the Program: Discuss options for manufacturer funding of paint and pharmaceuticals management through Extended Producer Responsibility programs.
   Similar programs are already helping fund the take-back of electronics and fluorescent lights in Whatcom County, and those financial contributions/savings should be acknowledged in this section.
   Response: Do not concur. Although the DOT program participates in established stewardship programs, such programs are not managed at the local level.

6. Section 11.7.1, Household Collection: Please provide data on the amount of each of these materials managed by the county on an annual basis over the past decade; perhaps in an appendix.
   Under “Annual Collection Events,” indicate the geographic location of these collections over the past decade.

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Under “Household Waste Pharmaceuticals Collection,” indicate the volumes of these materials collected through the MRW each year. If possible, incorporate data from local pharmacy and law enforcement take-back programs, as well.
Response: Figure 11-1 graphically depicts the total annual quantities of MRW collected by source. It is not within the scope of this plan to provide detail on quantities by waste type.

7. Section 11.1.7.2 and 11.1.7.3: Provide data on the effectiveness of each program either here or in Section 11.1.2.2.
Response: Comment noted. Due to resource constraints, measurement of program efficacy is not a prioritized goal.

8. Section 11.1.7.6, Used-Oil Education and Collection: Provide data on the percent of used oil re-processed for re-use as an oil-product versus the percent that is used for fuel. Substitute the phrase “taken to” (the MRW facility) for “disposed of at.” Indicate the amount of used oil that comes to the facility from residents vs. through the CESQG program.
Response: All of the used oil is delivered to the refiner for reprocessing, with different fractions being used for different purposes (light ends become fuel product); it is not within the scope of this plan to analyze this product ratio. “Disposed of at” will be replaced with “delivered to.”

9. Section 11.2.1, Guiding Principles: Incorporate a new bullet early in the strategies that allows for Extended Producer Responsibility for management of materials. This will be congruent with item #8 in this section: “…foster an ethic of responsibility among those who produce, sell, and use hazardous products.” And with item #10.a.
Response: The DOT program currently does participate in established stewardship programs, as applicable.

10. Section 11.2.2.1, Household Collection: Under “Action,” specify the hours per week the MRW facility and satellite collection sites are to be open.
Under HC Goal 2, Collection Event, “Action,” include the phrase “in addition to every-other-year collections in Point Roberts.” Under “Funding Source(s)” include the potential for USDA rural development funding for rural collection events.
Incorporate a new HC Goal: “Explore Extended Producer Responsibility for painting, pharmaceuticals and other priority materials, as determined by the county or state.” This can also be the text of “Action,” with the timeframe to begin in 2016 and the implementing agency to be the County. Appropriate funding source(s) would be the excise tax on solid waste hauled by certified haulers and, possibly, affected manufacturers.
Response: Do not concur.

11. Section 11.2.2.2, Household and Public Education: Incorporate “Test efficacy and fine-tune” under each action.
Response: Comment noted. Due to resource constraints, measurement of program efficacy is not prioritized goal.

12. Section 11.2.2.3, Small Business Technical Assistance: Incorporate “Test efficacy and fine-tune” under each action.
Response: Comment noted. Due to resource constraints, measurement of program efficacy is not prioritized goal.
13. Section 11.2.2.4, Small business Collection Assistance: Add “fees” to the Funding Sources under SBCA Goal 1.
   Response: Comment will be incorporated as suggested.

14. Section 11.2.2.5, Enforcement: Incorporate “Test efficacy and fine-tune” under E Goal 1.
   Response: Comment noted. Due to resource constraints, measurement of program efficacy is not prioritized goal.

15. Section 11.2.2.6, Used-Oil Education and Collection: Incorporate “Test efficacy and fine-tune” under each action. Add “fees” to the Funding Sources under USRC Goal 2. As appropriate, add another element for the collection of used oil by curbside recycling service providers.
   Response: Comment noted. Due to resource constraints, measurement of program efficacy is not prioritized goal. Whatcom County solid waste collection providers currently accept used oil via curbside pick-up.
TO VIEW THE ENTIRE PLAN, PLEASE GO TO:

http://www.whatcomcounty.us/DocumentCenter/Home/View/6723

COMPREHENSIVE SOLID AND HAZARDOUS WASTE MANAGEMENT PLAN

WHATCOM COUNTY, WASHINGTON

June 14, 2016
TITLE OF DOCUMENT: In the Matter of Considering a Vacation of a Portion of Chets Road

ATTACHMENTS: 1. Cover Memo
   2. Resolution
   3. Neighboring Land Owner’s Petition
   4. Map of Site

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

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

The attached Resolution, in the Matter of Considering a Vacation of a Portion of Chets Road is submitted per RCW 36.87 and WCC 12-20.

Adoption of this resolution will trigger the County Engineer to report on the proposed vacation at a future Council meeting. Once the County Engineer’s report is submitted the road vacation will be considered by Council under a separate resolution and a public hearing will need to be scheduled.

COMMITTEE ACTION:

COUNCIL ACTION:

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

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

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

Through: Jon Hutchings, Director

From: Andrew Hester, Real Estate Coordinator

Date: January 11, 2017

Re: In the Matter of Considering a Vacation of a Portion of Chets Road

The attached petition asks for vacation of a portion of Chets Road.

Recommended Action
The attached petition for vacation meets all statutory requirements. It is recommended that the County Council direct the County Engineer to investigate and report his findings to the County Council.

Please contact me at extension 6216 if you have any questions regarding this action.

Encl.
RESOLUTION NO. ________

IN THE MATTER OF CONSIDERING A VACATION OF A PORTION OF CHETS ROAD

WHEREAS, on September 17, 2016; Robert Woods and Petra Tode-Woods submitted a petition for the vacation of a portion of Chets Road lying within the unincorporated area of Whatcom County, accompanied by the penal sum of $790.00, and,

WHEREAS, as described in RCW 36.87.010, when a county road or any part thereof is considered useless the Whatcom County Council may declare its intention to formally consider vacation, by resolution.

WHEREAS, without pre-judging the result of its future consideration of this matter, the Whatcom County Council has received sufficient information to warrant consideration of vacation of the right-of-way identified in the above-referenced petition and described more fully below;

NOW, THEREFORE, BE IT RESOLVED that it is the intention of the Whatcom County Council to consider vacation of the following described right of way:

All that portion of Chets Road abutting Lots 44 and 43, Plat of Boundary Heights, according to the plat thereof, recorded in Volume 10 of Plats, Page 44, records of Whatcom County, Washington.

Subject to and/or together with all easements, covenants, restrictions and/or agreements of record or otherwise, and further subject to Whatcom County retaining an easement in respect to the portion of right-of-way proposed for vacation, for the construction, repair, and maintenance of any and all public utilities and services now located on or in the portion that may be vacated.

AND BE IT FURTHER RESOLVED that the County Engineer investigate and report to the County Council on the matter of the proposed vacation so that the Council may set a public hearing on the matter.

APPROVED this _____ day of ________________, 2017

ATTEST:

Dana Brown-Davis, County Clerk

Barry Buchanan, Council Chair

APPROVED AS TO FORM:

[Signature]

Chief Civil Deputy Prosecutor

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON
BEFORE THE WHATCOM COUNTY COUNCIL

IN THE MATTER OF VACATION OF THE COUNTY ROAD KNOWN AS

CHETS ROAD (WEST)

Petitioned for by:

ROBERT WOODS et.al.

E-MAIL bpwoods@shaw.ca

Pursuant to Whatcom County Ordinance No. 1-72, dated February 14, 1972, the undersigned and those signing attached petition, which bears signatures and property descriptions of five land owners residing in the vicinity of said road, request vacation of the county road hereinafter described, and agree with the statements below:

1. Petitioners are residents of Whatcom County and owners of real property in the vicinity of the road sought to be vacated.

2. The road sought to be vacated is legally described as follows: All that portion of Chets Road abutting lots 44 and 43 Boundary Heights.

3. The pertinent facts in support of this petition are:

4. The road to be vacated is useless as a part of the County road system and the public will benefit by its vacation and abandonment.

5. Petitioners will pay all costs and expenses incurred by the Count in examination, report, notice and proceedings pertaining to this petition.

6. A bond in the penal sum of $790.00, payable to Whatcom County Treasurer, accompanies this petition.

7. The application fee accompanies this petition.

WHEREFORE, petitioners request the County Road Engineer to report upon this petition, that a hearing take place on this report, and that an order be entered vacating and abandoning said road.

CONTACT PERSON:

ROBERT WOODS

699 CLAIRELANDS

PT. ROBERTS W.A.

Ph: 1-604-889-5340

Signed this 17 day of SEPTEMBER 2016

Page 1 of 2
WHEREFORE, petitioners request the County Road Engineer to report upon this petition, that a hearing take place on this report, and an order be entered vacating and abandoning said road. (NOTE: A minimum of five signatures is required by law; see statement near the beginning of page 1).

PETITIONERS’ NAMES: Property owned by petitioner (part of sec. or name of plat, see (lot), TWP. (Blk) Range):

<table>
<thead>
<tr>
<th>NAME</th>
<th>Lot #</th>
<th>Ph. #</th>
</tr>
</thead>
<tbody>
<tr>
<td>J. Goetz (88)</td>
<td>42</td>
<td>360-945-1651</td>
</tr>
<tr>
<td>Roy Hubbard (95)</td>
<td>18</td>
<td>360-945-4268</td>
</tr>
<tr>
<td>Raymond Hopper (98)</td>
<td>11</td>
<td>360-945-1674</td>
</tr>
<tr>
<td>Ludmila Tan (88)</td>
<td>38</td>
<td>360-356-1331</td>
</tr>
<tr>
<td>Christopher Garlton (88)</td>
<td>37</td>
<td>303-569-5565</td>
</tr>
<tr>
<td>Robert C. Wrosp (88)</td>
<td>43</td>
<td>1-604-889-5340</td>
</tr>
<tr>
<td>Peter Tole-wood (88)</td>
<td>44</td>
<td>1-604-760-3706</td>
</tr>
</tbody>
</table>

A map of the road proposed to be vacated and surrounding properties, with each of the above signed petitioners properties indicated thereon, shall be attached to this petition in order for it to be accepted in the County Council Office.
WHEREFORE, petitioners request the County Road Engineer to report upon this petition, that a hearing take place on this report, and an order be entered vacating and abandoning said road. (NOTE: A minimum of five signatures is required by law; see statement near the beginning of page 1).

PETITIONERS' NAMES: Property owned by petitioner (part of sec. or name of plat, see (lot), TWP. (Blk) Range):

DEAR SIR/MADAM

WE, THE PETITIONERS, DO REQUEST THE PURCHASE OF THE WEST HALF OF CHETS ROAD AS OUTLINED ON ENCLOSED MAP. WE ASK THAT THIS BE GRANTED TO US FROM THE COUNTY SUBJECT TO A 20 FOOT EASEMENT IN FAVOR OF THE UTILITY COMPANIES AND FIRE DEPARTMENT ACCESS.

CHETS ROAD HAS NEVER BEEN IMPROVED AS A PUBLIC ROAD ACCESS AND AS SUCH IS REDUNDANT AS A PART OF THE COUNTY ROAD SYSTEM AND WE BELIEVE NEVER WILL BE. IT IS 60 FEET WIDE AND 170 FEET LONG ENDING AT A 40 ACRE PROPERTY AND IS IN ITS OWN NATURAL STATE. AS ADJOINING OWNERS WE RECEIVED A TRAIL PERMIT FROM THE COUNTY AND CLEARED A 20 FOOT WIDE STRIP OF CHETS ROAD TO GAIN VEHICULAR ACCESS TO OUR PROPERTY.

WE OWN PROPERTIES ON BOTH SIDES OF CHETS ROAD FOR ITS TOTAL LENGTH.

ENCLOSED PLEASE FIND MAP OF ROAD (MARKED) AND SIGNATURES OF PETITIONERS AND THEIR PROPERTIES INDICATED.

THANKS FOR YOUR CONSIDERATION IN THIS MATTER

A map of the road proposed to be vacated and surrounding properties, with each of the above signed petitioners properties indicated thereon, shall be attached to this petition in order for it to be accepted in the County Council Office.
Supplement to application

Simply put we wish for a "vacation" of the property to us with the provision that we put in a road which is capable of ensuring access for Water, Fire, Power and Ambulance to the 40 acres west of our properties. We also acknowledge your reference to a possible requirement for any kind of drainage. This 20ft road will be maintained in good order by ourselves and the owners of the 40 acres on an ongoing basis.

We have contacted and thoroughly discussed the proposal with the owners of the adjacent 40 acre property and they are in agreement with and support the application.
Agreement

The owners of all properties surrounding the County property known as Chets Road jointly are making application to Whatcom County to purchase the County property known as Chets Road. The proposal is to relocate the roadway access to the 40 acres via a private road, access of 20 feet width and provide a municipal services and fire truck corridor within this private road. The remainder of the property would be created into a titled privately held property in favor of the north and south properties owned by Robert Woods and Petra Tode-Woods.

The property is depicted on the previous information supplied in the application.

Signed and agreed:

/  

[Signature]

Date: 18 Dec 2016

Elizabeth Yoon

[Signature]

Date: Oct 18, 2016
TITLE OF DOCUMENT:
Ordinance adopting amendments to Whatcom County Code Title 20 Zoning, relating to commercial dog kennels in the Agriculture zone.

ATTACHMENTS:
1. Staff Memorandum
2. Draft Ordinance
3. Staff Report
4. Planning Commission Minutes
5. Application

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 proposed amendments to WCC Title 20 zoning relating to commercial dog kennels in the Agriculture zone.

COMMITTEE ACTION:  

COUNCIL ACTION:  
1/10/2017: Introduced 6-0, Sidhu absent

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: December 27, 2016, updated January 12, 2017

SUBJECT: Title 20 Amendments – Kennels in Agriculture Zone

The application to amend the zoning code to allow kennels as a conditional use in the agriculture zone is scheduled for discussion at the January 10 Planning and Development Committee meeting, and a draft ordinance is scheduled for introduction at that evening’s County Council meeting. On September 8, 2016 the Planning Commission held a public hearing on the application and unanimously recommended denial. PDS had recommended that if the application is approved, the amendments should include several specified measures intended to avoid displacement of agriculture uses and minimize impacts to surrounding residents (see attached staff report).

Staff has prepared the draft ordinance based on the proposed amendments discussed at the Planning Commission meeting, and on the draft findings prepared by staff. The current Public Participation Plan lists this application as a level 2 project. Section 4.2.1.5 of that plan requires the County Council to hold a public hearing for any level 2 project regardless of whether the County Council departs from the Planning Commission’s recommendation. Therefore the County Council will be required to hold public hearing on the application at a future Council meeting. If the County Council adopts the code amendment, the applicant would still need to obtain a conditional use permit to allow the use. The Public Participation plan also requires coordination with the Agriculture Advisory Committee. The committee discussed the application at its October 12, 2016 meeting but lacked a quorum needed to make any formal recommendation. The Committee discussed the application again on January 11 and voted 7-1 to support the proposed amendments.
The Hearing Examiner recently granted a conditional use permit for a related use on
the property owned by the applicant: boarding of U.S. Customs and Border Patrol
dogs and parking of official vehicles. WCC 20.40.151 lists “public facility for
emergency-related health and safety purposes” as a conditional use in the
Agriculture zone. The conditional use permit does not permit boarding of dogs other
than those owned by U.S. Customs and Border Patrol. If the code amendment is
adopted, the applicant would be required to obtain an additional conditional use
permit for boarding of privately owned dogs.

If you have any questions about the amendments, please call Gary Davis, Senior
Planner, at extension 5931.

Attachments:

Draft ordinance
Staff Report
Minutes of Planning Commission’s September 8, 2016 meeting
Application
ORDINANCE NO. ____________

ADOPTING AMENDMENTS TO WHATCOM COUNTY CODE TITLE 20 ZONING,
PERMITTING KENNELS IN THE AGRICULTURE ZONE AS A CONDITIONAL
USE

WHEREAS, the applicants have proposed amendments to Whatcom County
Code Title 20 Zoning; 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, legal notice requirements have been met; and

WHEREAS, The County Council hereby adopts the following findings of fact:

FINDINGS OF FACT

1. The applicant has submitted an application for amendments to WCC Title
20 Zoning to list commercial kennels as a conditional use in the Agriculture
zoning district.

2. A determination of non-significance (DNS) was issued under the State
Environmental Policy Act (SEPA) on August 26, 2016.

3. Notice of the subject amendment was submitted to the Washington State
Department of Commerce on August 2, 2016.

4. Notice of the Planning Commission public hearing for the amendments was
published in the Bellingham Herald on August 26, 2016.

5. The Planning Commission held a public hearing on the proposed
amendments on September 8, 2016.

6. Comprehensive Plan Policy 8A-1 supports conserving productive
agricultural lands and agricultural resource lands, including areas with
prime soils that are not now zoned agriculture, or where the area is
composed of agricultural operations that have historically been and
continue to be economically viable.


8. Comprehensive Plan Policy 7K-1 supports small and cottage businesses in rural areas that minimally impact productive agricultural, forest, or mineral resource land.

CONCLUSIONS

1. The amendments to the zoning code are the public interest.

2. The amendments are consistent with the Whatcom County Comprehensive Plan.

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

Section 1. Amendments to the Whatcom County Code are hereby adopted as shown on Exhibit A.

ADOPTED this ________ day of ________________, 2017.

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: __________________________
EXHIBIT A

Whatcom County Code Title 20
Zoning

AMENDMENT

Chapter 20.40
AGRICULTURE (AG) DISTRICT

20.40.150 Conditional Uses.

.165 Commercial kennels, as identified in WCC 20.97.191, which shall be located, designed, and operated so as not to interfere with the overall agricultural character of the area, provided the following criteria are met:

1. The use shall be on a parcel five acres or less in size but not less than one acre in size.

2. No kennel building or outdoor animal space shall be located within 50 feet of any property line and or within 300 feet of any existing dwelling other than those on the property. The distance to a dwelling shall be measured as the shortest straight line distance from the closest point of a dwelling to any structure or fence used for a kennel.

3. All facilities associated with the kennel use, including but not limited to parking and on-site septic systems, shall be contained on the same parcel.

4. The building(s) and associated facilities shall, to the extent feasible, be located to avoid interference with the agricultural use of the property and surrounding properties.

5. In addition to the requirements of WCC 20.84.220, the Hearing Examiner shall consider the following when reviewing a conditional use permit application in order to reduce negative impacts to surrounding residents, and set conditions if warranted:
a. Hours when animals are to be kept indoors,
b. Sound abating building or screening materials,
c. Maximum number of animals, and
d. Visual screening or buffering, including but not limited to landscaping and fencing.
Whatcom County
Planning & Development Services
Staff Report

Kennels in Agriculture Zoning Code Amendment

I. BACKGROUND INFORMATION

File # PLN2016-00002

File Name: Title 20 Zoning Code Amendments – Kennels in Agriculture District

Applicants: Ken and Charmae Scheffer

Summary of Request: Amend Whatcom County Code Title 20 Zoning to list kennels as conditional uses in the Agriculture (AG) district.

Location: County-wide.

Staff Recommendation: If approved, the use should be conditional and limited to parcels under 5 acres in size, with additional requirements.

History
The applicants operate a kennel at 6451 Hannegan Road, in the Agriculture zone. A kennel, which is defined as “a commercial establishment in which five or more dogs, cats, or other household pets are housed, groomed, bred, boarded, trained or sold for a fee or compensation,” (WCC 20.97.191) is not a permitted or conditional use in that zone. PDS has received complaints about barking dog noise coming from the kennel use and cited the applicants for zoning and building code violations connected with the use and new buildings constructed without permits.

The applicants continue to operate the kennel in violation of County code and have been charged substantial fines. If their request for a zoning code amendment is adopted, the applicants will be required to obtain a conditional use permit and satisfy all other code requirements before the use can be operated in compliance with County Code.
II. ZONING CODE AMENDMENT

The applicants request that WCC Chapter 20.40 be amended to include kennels as a conditional use on lots smaller than five acres (see attached application). PDS has drafted a code amendment (attached) consistent with the applicant's request with the addition of several criteria aimed at minimizing impacts to surrounding residents, and avoiding displacement of agricultural uses.

The amendment would make kennels a conditional use in the Agriculture zone. Each proposed kennel use – including the one owned by the applicants – would be subject to the conditional use process, requiring notice to surrounding property owners and a public hearing before the Hearing Examiner. Under a conditional use process, an application for a kennel use could be approved subject to conditions (such as measures to mitigate noise or traffic), or denied.

Currently in Whatcom County kennels are conditional uses in the Rural, Rural General Commercial, Small Town Commercial, and Rural Forestry zones, except in the Lake Whatcom and Water Resource Protection Overlay Districts, where they are prohibited. Kennels accessory to veterinary offices are permitted uses in the Small Town Commercial and Rural Industrial Manufacturing zones, except in the water protection overlays. Residential density is typically much lower in the Agriculture zones than in Rural and Small Town Commercial zones, so there is – theoretically at least – less potential for noise to impact neighboring residents in Agriculture zones. With the conditional use permit requirement, surrounding residents have the opportunity to review and provide input on proposed kennel uses.

Staff's two foremost concerns are farmland preservation and adverse impacts to surrounding residents. The draft amendment prepared by PDS staff based on the application would require that the use be on lots smaller than five acres (as suggested) but larger than one acre. This would minimize non-farm use of agricultural land while allowing adequate room for accessory facilities such as parking and on-site-septic systems.

PDS proposes additional requirements aimed at minimizing displacement of agricultural land, including a requirement that all such facilities be located on the same lot as the kennel, and a requirement that the use be designed to avoid interference with agricultural use of the property or surrounding properties. To address impacts to surrounding properties, PDS has proposed minimum distances from the kennel to the property line and neighboring dwellings, as well as additional criteria the Hearing Examiner shall consider during the conditional use permit process involving noise abatement and screening.

In their application the applicants point out that among the top 15 agricultural counties in Washington State, only two prohibit dog kennels in the agriculture zone: Whatcom and Benton. In 12 of those counties, kennels require a conditional,
administrative, or other special use permit process. PDS has reviewed those counties’ requirements and has incorporated into the draft amendments several of their provisions addressing preservation of agriculture uses and minimizing impacts to surrounding residents. For example, the proposed 300-foot spacing requirement to surrounding dwellings is the same spacing Spokane County uses, and is consistent with Whatcom County’s current residential spacing from “farm uses such as barns, pens, milking sheds, packinghouses and slaughterhouses, or areas used to contain, house or feed animals or store manure or feed” (WCC 20.80.255) and from marijuana production and processing facilities (WCC 20.40.059).

III. COMPREHENSIVE PLAN EVALUATION

The Comprehensive Plan, as amended in August 2016, contains policies that support both farmland preservation and rural economic activity.

Policy 8A-1: Conserve productive agricultural lands and agricultural resource lands, including areas with prime soils that are not now zoned agriculture, or where the area is composed of agricultural operations that have historically been and continue to be economically viable, by developing and implementing a long range strategy. The planning horizon should be twenty years in the short-term and 100 years in the long-term.

Policy 8A-5: Discourage conversion of productive agricultural land to incompatible non-agricultural uses.

Policy 7K-1: Support small and cottage businesses in rural areas that minimally impact productive agricultural, forest, or mineral resource land.

While Policy 7K-1 refers to “rural” areas, the wording of the policy indicates it may be a general reference to non-urban areas including resource lands, rather than applying strictly to the “Rural” Comprehensive Plan designation. With the proposed restrictions on lot size and location of accessory facilities, the draft amendment can be consistent with discouraging conversion of agricultural land and supporting rural small business.

IV. PROPOSED FINDINGS OF FACT AND REASONS FOR ACTION

Staff recommends the Planning Commission adopt the following findings of fact and reasons for action:

1. The applicant has submitted an application for amendments to WCC Title 20 Zoning to list commercial kennels as a conditional use in the Agriculture zoning district.
2. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on August 26, 2016.

3. Notice of the subject amendment was submitted to the Washington State Department of Commerce on August 2, 2016.

4. Notice of the Planning Commission public hearing for the amendments was published in the Bellingham Herald on August 26, 2016.

5. The Planning Commission held a public hearing on the proposed amendments on September 8, 2016.

6. Comprehensive Plan Policy 8A-1 supports conserving productive agricultural lands and agricultural resource lands, including areas with prime soils that are not now zoned agriculture, or where the area is composed of agricultural operations that have historically been and continue to be economically viable.


8. Comprehensive Plan Policy 7K-1 supports small and cottage businesses in rural areas that minimally impact productive agricultural, forest, or mineral resource land.

V. PROPOSED CONCLUSIONS

1. The amendments to the zoning code are in the public interest.

2. The amendments are consistent with the Whatcom County Comprehensive Plan.

VI. RECOMMENDATION

Planning and Development Services recommends that if the Planning Commission forwards the proposed amendments to the County Council with a recommendation of approval, the amendments include the measures to avoid displacement of agriculture uses and minimize impacts to surrounding residents, as proposed in Exhibit A.

ATTACHMENTS

A. Exhibit A: Draft zoning code amendments
B. Application
Call To Order: The meeting was called to order, by Whatcom County Planning Commission Chair, Nicole Oliver, in the Whatcom County Council Chambers.

Roll Call
Present: Natalie McClendon, Jerry Vekved, Nicole Oliver, Michael Knapp, Andy Rowlson, Atul Deshmane
Absent: Gary Honcoop, Kelvin Barton
David Hunter arrived at 7:00 p.m.

Staff Present: Mark Personius, Gary Davis, Nick Smith, Becky Boxx

Department Update
Mark Personius updated the commission on:
- The County Council schedule
- The Planning Commission schedule

Open Session for Public Comment
There was no public comment.

Commissioner Comments
Commissioner Rowlson stated he may have a potential conflict of interest regarding the issue of dog kennels in the Agricultural zone. Rover Stay Over is a client of his wife. He spoke with staff regarding the issue who stated that because this is a change to all agricultural areas in the county, not just one specific site, it would not be a conflict of interest to participate in the proceedings. He stated he would like to participate in the proceedings unless there were objections from the other commissioners.

Commissioner Deshmane stated he did not have an issue with Commissioner Rowlson participating.

Commissioner McClendon stated she did not have an issue with Commissioner Rowlson participating.

Hearing no objections Commissioner Rowlson stated he would participate in the discussion.

Approval of Minutes
July 28, 2016: Commissioner McClendon moved to approve the minutes as written. Commissioner Knapp seconded. The motion carried.
August 11, 2016: Commissioner Oliver changed page 10, line 21 to read: There was
discussion of sketch versus site plan. Commissioner Rowson moved to approve the
minutes as amended. Commissioner Vekved seconded. The motion carried.

Public Hearing

File #PLN2016-00002: Proposed amendments to the Whatcom County Code Title 20
Zoning, adding kennels as a conditional use in the Agriculture zone.

Gary Davis presented the staff report.

This application is for a legislative action that affects all lands zoned Agriculture in the
county. The history section of the staff report briefly explains why the applicants
submitted the application. The application and the hearing are not about any single
property. If the amendments are adopted the applicants would still be required to
apply for a conditional use permit in order to permit a kennel. That would require a
public hearing where the specific property and operation will be discussed. The Hearing
Examiner would make the decision whether or not to approve the permit and to add
any conditions. Based on the application staff has drafted a proposed amendment
which would place additional conditions, above the five acre maximum, on kennel
uses. Staff’s two major concerns are impacts to surrounding property owners and the
preservation of agricultural land. Most of the proposed conditions have to do with
ensuring that the facility is contained within a small lot, does not encroach on
neighboring agricultural parcels and are designed so they do not interfere with
agricultural uses on the lot or adjacent lots. To minimize impacts to neighbors staff
proposes setbacks of 300 feet between a kennel and adjacent house. Listed are
suggested hours animals are to be kept indoors, sound proofing materials, limits on
maximum number of animals and visual screening. The application noted that 13 of
the top 15 agricultural producing counties in the state now allow kennels in the
agricultural zone. Most require a conditional use permit which is what is proposed here.
Staff researched those counties and from that borrowed a number of standards to
include into the proposed draft. In staff’s review of the Comprehensive Plan policies
they found that policies from the agriculture chapter, Policies 8A-1 and 8A-5, to be
most applicable. Those deal with conserving productive farmland. Policy 7K-1, from the
Economics Chapter, supports small and cottage businesses in the rural areas that
minimally impact productive resource land. Staff’s recommendation is that if the
Planning Commission finds the zoning code amendment to be in the public interest and
recommends approval to the County Council, that the recommendation should include
the additional standards such as the ones proposed in Exhibit A. Staff will then forward
the Planning Commission’s findings and recommendations to the County Council who
will consider the application and make a final decision.

The hearing was opened to the public.

William Zuidmeer, Whatcom County: His family has continually farmed, off of
Hannegan Road, for over 117 years. His family was instrumental in clearing the land to
make it suitable for farming. About 20 years ago he approached the county to get
permission to use part of his agriculturally zoned land to build a separate residence for
his family. He was told there would be no modification of the existing zoning. It was understood that the agricultural land in Whatcom County would not be touched. He accepted these terms, along with his family and neighbors. Not so long ago a family moved into his neighborhood, put up a sign and started grooming dogs, in violation of the zoning laws. The neighbors went to the county and questioned how this could be. A building was then erected and a fence was put up to store vehicles. The neighbors again went to the county asking how can this be. The traffic on Hannegan Road has increased, the noise level has increased and again more neighbors went to the county. The neighbors did not ask for this. They are essentially being robbed of their homestead by a family that has shown little respect for others land rights. They have no respect in following the zoning laws of our county, no respect for the building codes of the county, no respect for following the proper procedures by opening a business that impacts others. He asked the commission to look at the impact, both current and future, that this will have on our agricultural land. Consider the loss of future property values for all of the neighbors located in this area and in other areas of the county that are going to be affected by this amendment. What the applicant asks for in this amendment is not farming. The charts they have provided are flawed. If you look at the charts you will see that Whatcom County is different than the other counties that we have been compared to.

Denise Zuidmeer, Whatcom County: She lives on Central Road, close to the intersection of Hannegan Road. She distributed documents for the Commission’s consideration. The documents compare Whatcom County to other counties regarding kennels. Of the 15 comparable counties 12 of them are in eastern Washington. The populations and agriculture can’t be compared to Whatcom County. Also, they do not have doggy day cares in eastern Washington. The county has spent the last nine months developing a plan that includes retaining agricultural land. This is the first thing that comes before you that will break that up. That is not acceptable. There are currently 14 properties within a five mile radius of the current facility that are on Rural Five that can have kennels. All of these properties are for sale. To say there is no place for a dog kennel is wrong. In this whole county there are approximately 30 properties that this change in law will affect. You are basically changing the law for one circumstance, not the whole county. Under goal 7A they say it will foster adverse private sector job base. In researching this she found that all of the kennels in the area have 5-7 workers, the average age is 22 and all of them have their own family members working. To say they are going to provide family wage jobs is not true. The benefits of this will only go to the business owner, not an employee. Under H2, private property rights will recognize the importance of the rights of the community, including protecting the natural environment. Paving over agricultural land and putting up chain link fences are not preserving those rights. What about the rights of private property owners that have to live next to this? She lives in the county for the peace and tranquility of it, not to listen to this. She also stated she had an issue with Commissioner Rowson taking part in the discussion.

Veronica Wisniewski, Whatcom County: She served on the Purchase of Development Rights (PDR) committee for 11 years. This is a committee that purchases development rights from farmers in order to protect large parcels of agricultural land. One of the
goals is to maintain at least 100,000 acres of farmland in order to keep farming viable. One of the overarching issues is that less than 100,000 acres are designated agricultural and within that zone there are many small parcels whose development will contribute to the death of agriculture. Through the PDR program the county has spent several million dollars in order to conserve some of those parcels in agriculture. What the commission is considering, by allowing dog kennels on five acre parcels in the agricultural zone, essentially contradicts the principle of maintaining large acreage in the agricultural zone. This proposed usage is not related to agriculture. When they considered appropriate uses for lands in the PDR program two principles always guided them. They were: Was the activity related to agriculture? Is the activity an obstacle to agriculture? With regard to the relationship of a dog kennel to agriculture she, in this particular case, suggested dog kennels are boarding areas that provide services like urban areas. They do not provide a service to agricultural areas. They have little to do with animal husbandry which involves raising animals rather than boarding them. More importantly, is the question of whether or not the activity is an obstacle. She has been told by farmers that the increase in traffic that development brings in the agricultural zone is a big obstacle and can make farming become less viable. Traffic from urban zones tends to be less tolerant of the slow moving nature of farm vehicles and often creates hazards. Farmers have stated this is not in keeping with the need of the farming community. The proposal does not foster agriculture and is an obstacle to it. There are many other areas a dog kennel can be sited. We are a country based on the rule of law. The facility, in this case, has made a lot of efforts to go around the rule of law. If we decide to support spot zoning we are feeding into a rigged system. That is not what we want for our county.

Kathi Seaman, Skagit County: One of the reasons this issue was proposed is for additional income for farmers. If that is part of it then it should be expanded to all agricultural properties, not 1 to 5 acres. She would like to see it not just limited to dog boarding, but it be allowed for boarding of animals, such as horses. Horse stables currently are not legal in the agricultural or rural zones.

Edoh Amiran, Whatcom County: Proposed the commission turn down this suggested amendment. Agricultural zoning is supposed to promote agriculture. The exceptions to that are to provide a service to agriculture or to provide an opportunity to provide people with agriculture that is not available to them. Boarding dogs, especially overnight, is not a service to agriculture. It is possible to kennel dogs in lots of other places. In a county where there a huge farms and not a lot of employment opportunities a dog kennel might make sense. In our county that is not the case. There are many rural zones where businesses can operate.

Eddie Escobar, Whatcom County: Told the commission he could not state who he worked for even though he wanted to. He has spent years protecting our rights. He works for an agency that found out that this kennel was illegal. He found out through public knowledge. He is no longer a canine handler because he was the one that said the kennel is illegal. Because he was a whistle blower he is no longer a canine handler. He was the number one canine handler in the county. He had the most seizures of anyone in the county. When he brought up the fact the kennel was illegal false
accusations were made. He stated he hoped Commissioner Rowlson would recuse himself. If the commission rubber stamps this he will tell everyone that when you start a business don’t get any permits, just go ahead and do it because the county won’t do anything to you. He would never lie but the applicants did.

Lisa Escobar, Whatcom County: This business has affected her family. In government there should be impartiality and no preferential treatment. They require the highest degree of public trust. She found it ironic that the county chooses to not enforce the laws. She did not care if the people had a kennel but they should have done the research before they opened in an illegal area. They have been ruled against over and over. Why would the county now give them everything they want? If it was your ancestors who had this land all of these generations how would you feel? Dogs need to be in an environment that is more isolated.

Todd Beld, Whatcom County: He is a farmer in the county and runs the Everson Livestock Auction. He was surprised this was an issue because to his way of thinking it is where the kennels should be, which is where other animals are. He knows how much traffic farms create, especially dairy farms. Kennels are a perfect fit for agricultural areas. A lot of dairies cut off a house and five acres for residential use. With a lot of farms going out of business the owners keep the house and five acres and sell off the rest of the land so there are a lot of these five acre parcels out there. These small acreages have no good way to generate an income. There is no type of livestock you can make a living with on only five acres so the kennel business would be very sustainable on these properties.

Max Perry, Whatcom County: It is difficult to make a decent living by agriculture in this region. A dog kennel is as much of an agricultural use as goats, sheep, llamas, etc. I agree that the neighbors are impacted by the kennel so the kennel may be better suited on a larger acreage in the center.

Jaime White, Whatcom County: A lot of her work is with farmers and they have a hard time making a living in this county. Whatcom County has done a great job in preserving farmland. Part of that is because they allow for the division of a farmer’s residence, as large as three acres, so they can retire and sell their farm at a reduced price to another farmer in order to continue the farming industry. This county has a lot of small lots. A lot of farmers are losing their farms to the bank because of the difficulty of farming in this county. Allowing kennels or other industries on these small lots actually preserves farmland. Already the agricultural zone allows for cottage industry and in a lot of cases it is not limited in size. This is in keeping with those cottage industries.

Dannon Traxler, Whatcom County: Attorney representing the applicant. She addressed the submission from Belcher, Swanson representing the neighbors opposed to the proposal. She stated it seems to be more of a personal issue rather than making any legal arguments. We are not here to pass judgement on her clients for past actions but to determine if the proposed zoning text amendment complies with the Growth Management Act (GMA). Staff has clearly laid out that it does. The applicants did go to
the county and attempted to get a permit for their business. They were told, by a county staff member, that having a dog kennel constituted animal husbandry, which is outright permitted in the agricultural zone. During the appeal the county never disputed this fact; they only said the staff member was wrong. They are now trying to come into compliance. The commission is only getting part of the history from Belcher, Swanson. There is case law, in other states, which call dogs, in kennels, livestock and animal husbandry. The argument from Belcher, Swanson states that the zoning text amendment would be a violation of the GMA because it erodes farmland. If that were true then 13 other counties in the state, that allow kennels in the agricultural zone, would be in violation of the GMA. Currently outright permitted in the agricultural zone are gravel bar scalping, family daycare, trails and restroom facilities, marijuana production, mental health facilities, adult homes and substance abuse facilities. Accessory uses allow bed and breakfasts. Conditional uses allow public facilities, aircraft landing areas, cottage industries which can be anything, rendering plants, solid waste facilities, wildlife animal rescue facilities, substance abuse facilities, mitigation banks, restaurants subordinate to agricultural use, rock crushing and asphalt plants and regional parks. The arguments against the proposal are without merit. Regarding the 100,000 acres of agricultural land there are about 88,000 acres of zoned agricultural land and 128,000 acres being actively farmed. There are restrictions in place to limit this small parcel such as separation from surrounding activities. Any bad blood that exists with the neighbors has no place here. She has talked to members of the farming community and they are not opposed to this.

The hearing was closed to the public.

Work Session

Commissioner Deshmame asked staff what led them to making the proposed amendment and what was the process by which this went from a single issue to deciding it was necessary countywide.

Mr. Davis stated it was not staff that decided to take it countywide. There was a request from the public to allow kennel use in the agricultural zone. It was staff’s interpretation that it did not constitute animal husbandry, therefore to proceed forward there would need to be a change in the zoning code.

Commissioner Hunter stated his first reaction to this proposal was it is spot zoning. The only reason it is not spot zoning is because the applicant understood that if they just asked for it to apply to their property that would be spot zoning. So they have made a larger request to avoid the spot zoning issue. He stated he was very troubled that this applicant has been consistently engaged in unlawful behavior and now is attempting to get a sanction for that by having their situation approved. He did not know how he would vote on this if it were to come from somebody with a clean slate. He will not support it.

Commissioner Deshmame stated he wanted to change his position regarding Commissioner Rowlson’s participation. He had misunderstood some things previously.
Commissioner Rowlison agreed to recuse himself and left the meeting at 7:40 p.m.

Commissioner Oliver addressed the comments she heard regarding other animals such as horses. What livestock is allowed in the agricultural zone?

Mr. Davis stated keeping your own animals is permitted but commercial stables that board horses for others are not allowed.

Commissioner Deshmane suggested staff address the issue of boarding in the future.

Commissioner Hunter stated he is not convinced that dogs are anything like llamas, sheep, etc. which are raised on farms. Keeping dogs in a kennel is not the same thing.

Commissioner Knapp agreed with Commissioner Hunter. There is also the nuisance factor, such as noise, that concerned him. He would not support the proposal.

Commissioner McClendon asked if there is a right to farm ordinance which considers the impacts of farm activity on the neighbors.

Mr. Davis stated there is a right to farm ordinance which, as it is worded, may be broad enough to address kennels. A dog kennel would be considered a non-agricultural use, an accessory use.

Commissioner Vekved stated it is hard to make comparisons between dogs and horses. Horses have a historical legacy regarding use on farms.

Commissioner Hunter stated agriculture is about raising animals on your land to be sold. Dog kennels are not associated with agriculture. Let’s not pretend a lot of people are going to be doing this. This is for one place that has been operating without the sanction of law for quite some time.

Commissioner McClendon asked how the rules in the other zones, where dog kennels are allowed, differ from the agricultural zone.

Mr. Davis stated that in the other zones there are not the same setbacks which are being proposed here. The proposal is a little more complete in addressing the impacts to surrounding property owners.

Commissioner McClendon asked if 5 acre parcels are still being carved out of agricultural land.

Mr. Smith stated the minimum lot size in the agricultural zone is 40 acres but someone could apply for a farmstead exemption. That is a division a land which takes out the farmstead, one to three acres - it used to be up to five acres - and the remainder would be used for farming. The development rights are lost on that remaining acreage.
Commissioner McClendon asked if there is any expectation that farmstead area would allow someone to make a living or is it just supposed to be residential.

Mr. Davis stated the code does not state the expectation regarding that property. Everything that is allowed in the code would still be allowed on that property, there just may not be enough room to economically farm it.

Commissioner Vekved stated there is plenty of others zones that are more suitably zoned for this use.

Commissioner Knapp moved to recommend denial of the proposed amendment. Commissioner Deshmane seconded.

Commissioner Oliver stated she would not vote in favor of the motion because a dog kennel is very different from other agricultural uses. They are more appropriate in urban areas. The proposal does not meet the analysis of the Comprehensive Plan. The reality is that it is a tainted proposal and it is impossible to look at it any other way.

Commissioner Deshmane stated he did not want to encourage a culture of neighbor turning against neighbors.

Commissioner Hunter stated he did not agree with staff’s interpretation of right to farm. It is anticipated that when you live in a farm area there will be farming activities, smells, etc. It does not apply to other uses that may be noisy.

**Roll Call Vote: Ayes – Deshmane, Hunter, Knapp, Oliver, Vekved; Nays-0; Abstain – McClendon; Absent: Honcoop, Barton; Recused: Rowlson. The motion carried.**

**Other Business**

Commissioner Hunter advised the commission that he will be bringing up the issue of continuing the pledge of allegiance.

The meeting was adjourned at 8:10 p.m.

Minutes prepared by Becky Boxx.

**WHATCOM COUNTY PLANNING COMMISSION ATTEST:**

Nicole Oliver, Chair

Becky Boxx, Secretary
Whatcom County
Planning & Development Services
5280 Northwest Drive,
Bellingham, WA 98226-9013
360-676-6907
TTY 800-833-6384
Email: PDS@whatcomcounty.us

Application for Zoning Amendments

Please check one of the following:

☐ Standard Map Amendment  ☐ Site Specific Rezone  ✔ Zoning Text Amendment
Complete Sections A, B, C, F  Complete Sections A, B, D, F  Complete Sections A, E, F

Do not write in this section of the application-for official use only.

Date Received: ___________________________  File: ___________________________
Date Complete: _________________________  Initials of reviewer: _________________________

Topic of Proposed Amendment: Commercial Kennels in the Agricultural zone as a Conditional Use.

A. General Information — All applicants must complete this section.

Applicant’s Name: Ken and Charmae Scheffer

Signature: _____________________________

Mailing Address: 6451 Hannegan Road, Lynden, WA 98264

Email Address: cscheffer@aol.com

Home Phone #: _______  Cell Phone #: (509)948-0690  Business Phone #: _______
Agent’s Name: Jaime White, Whatcom Land Use Consulting, LLC

Mailing Address: PO Box 30696, Bellingham, WA 98228

Email Address: whatcomconsult@comcast.net

Business Phone #: 360-778-2334  Cell Phone #: 360-961-2489  Home Phone #: ___________

Please complete the questions below. Attach additional pages as needed.

1. Give a complete but short description of the proposed amendment.
   To allow Commercial Kennels as a Conditional Use in the Agricultural zone on parcels five acres or less in size, but not less than one acre in size; also provided that the criteria set for in WCC 20.84.220 are met.

2. Explain how the proposed amendment is consistent with the goals, policies, and overall intent of the Comprehensive Plan by listing specific goals or policies and explaining how the proposal complies with each of them.
   See attached.

3. Describe the “changed” condition(s) which support the amendment.
   See attached.
B. Zoning Map Amendments (Standard Map Amendments and Site Specific Rezones)

1. Property Interest of Applicant:
   □ Purchaser/Owner □ Lessee □ Other: __________________

   Existing Comprehensive Plan Designation: ______________________________

   Existing Zoning District: ____________________________________________

   Subarea: __________________________________________________________

2. What is the proposed zoning classification? __________________________

3. What is the present use of the property or properties within the proposed rezone?

4. Describe the land use of the surrounding properties.
C. Standard Map Amendments

1. Supporting information for standard map amendments. Attach the following items:
   a. A vicinity map showing property lines, roads, buildings and their use, easements, existing and proposed zoning, wells and other pertinent data.
   b. A list of all property owners and others having a legal interest in the property covered by the proposed change.
   c. A list of the names and mailing addresses of the owners of all property within 300 feet (exclusive of roads and alleys).

A site plan may be requested at a future date if the intended amendment is to accommodate a particular development. The applicant may wish to submit a plan at the time of application. The site plan is a scaled drawing showing approximate location of buildings, roadways, parking, drainage facilities, sanitation and water facilities, and easements. Where appropriate, the location of landscaping, buffers, common areas, and typical individual lease spaces for mobile home and recreational vehicle parks shall be included in the site plan.

D. Site Specific Rezones

1. Does the proposed amendment have a substantial relationship to public health, safety, morals, general welfare or community needs?

2. Will the proposed use be serviced adequately by essential public facilities such as highways, streets, public safety and fire protection, drainage structure, refuse disposal, water and sewers, and schools; or will the persons or agencies responsible for the establishment of the proposed use be able to adequately provide any such services? Describe.
3. Is the proposal is located within an Urban Growth Area? □ Yes □ No (go to question #14)

   a. Will the site be serviced by full urban services or be capable of receiving urban services in time to serve the development? □ Yes □ No

   b. Will the proposed site use preclude development at urban levels of density when the area is annexed into the city? □ Yes □ No

   c. Will the proposed site be five (5) or more acres in size? □ Yes □ No

4. Supporting information for site-specific map amendment. Attach the following items:

   a. A vicinity map showing property lines, roads, buildings and their use, easements, existing and proposed zoning, wells and other pertinent data.

   b. A conceptual site plan drawn at not less than one (1) inch to one-hundred (100), unless mutually agreed to by the proponent and administrative official, including, but not be limited to:
      1. General location of structures.
      2. Location and number of access points.
      3. Approximate gross floor area of structures.
      4. Name of the proposal.
      5. Identification of areas requiring special treatment due to their sensitive nature.
      6. North directional arrow.
      7. Names and location of all public streets or roads bordering the site.
      8. General legal description(s) for the site.

   c. Concurrent submittal of a Discretionary Development Permit or Building Permit, if required for the project.

   NOTE: If the project does not require a Discretionary Development Permit or Building Permit or will be constructed in phases, then a narrative statement must be submitted with the conceptual site plan that provides a detailed description of the project proposal and a project completion date. If the project will be constructed in phases provide start and completion dates for each phase and include a final completion date for the entire proposed project.

   d. A list of all property owners and others having a legal interest in the property covered by the proposed change.

   e. Evidence that all property owners within the proposed rezone boundary concur with the rezone and project proposal.
f. Mailing labels with names and mailing addresses of the owners of all property included within the area proposed for re-designation and:

- For a map amendment within an existing urban growth area, mailing labels with the typed address of each property owner within 300 feet of the external boundaries of the subject property as shown by the records of the county assessor.

- For a map amendment outside existing urban growth areas, mailing labels with the typed address of each property owner within 1,000 feet of the external boundaries of the subject property as shown by the records of the county assessor.

For map amendments that involve rezoning property to an Airport Operations District, mailing labels with the typed address of each property owner within 1,500 feet of the external boundaries of the subject property as shown by the records of the county assessor.

g. A completed Environmental Checklist.

E. Zoning Text Amendments

Are there any other circumstances that justify the proposed change?
See attached.

F. Authorization:

Signature of Applicant(s) or Agent:  
[Signature] for Ken & Cherrine Schaffer  Date: 12/30/15

_________________________________________  Date: ___________________

_________________________________________  Date: ___________________
2. Explain how the proposed amendment is consistent with the goals, policies, and overall intent of the Comprehensive Plan by listing specific goals or policies and explaining how the proposal complies with each of them.

The proposal is consistent with the following general and specific goals and policies of the Comprehensive Plan as described below:

**Goal 2H:** Preserve private property rights while recognizing the importance of the rights of the community, including protecting the natural environment and conserving resources.

- Approving the Text Amendment to allow Commercial Kennels as a Conditional Use in the Agriculture zone preserves private property rights by allowing greater flexibility in uses of property, while still protecting the natural environment and conserving resources.

**Goal 7A:** Promote a healthy economy which provides ample opportunity for family-wage jobs for diverse segments of the community is essential to the quality of life in the area.

**Policy 7A-2:** Foster a diverse, private-sector Job base, which will provide family wage jobs at the state median income level or greater, and facilitate the retention and expansion of existing businesses.

- Approval of the Text Amendment to conditionally allow Commercial Kennels in the Agriculture zone helps to promote a healthy economy by providing more opportunities for family-wage jobs and to facilitates the retention and expansion of existing businesses in Whatcom County.
Policy 7A-3: Employ innovating techniques to attract a mix of diversified industries for a broader economic base.

- Conditionally allowing Commercial Kennels in the Agriculture zone, on smaller parcel sizes allows for diversified industries for a broader economic base.

Policy 7A-4: In addition to stimulating family-wage jobs and jobs in diverse sectors, plan for service-related jobs such as those necessary to support tourism, recreation, and retailing as well as those that relate to industry.

- Approval of the Text Amendment conditionally allowing Commercial Kennels in the Agriculture zone will help to stimulate family-wage jobs and provide for service-related jobs caring for and housing family pets for Whatcom County residents.

Goal 7D: Consistent with other goals of the county, strive for balanced, clear, and predictable overall policies, practices and regulations which do not unnecessarily or inadvertently prevent, confuse, delay or create costly hurdles restricting effective and desireable economic development.

- Approving the Text Amendment listing Commercial Kennels in the Agriculture zone as a conditional use will help to clarify practices and regulations to allow a use in similar in nature to other uses approved as “Cottage Industries”. This will help to not restrict effective and desireable economic development.

Policy 7D-9: Create options for greater flexibility in the regulatory and development review process.

- Approving the Text Amendment will allow for greater flexibility in the development review process by allowing the use of Commercial Kennels as a Conditional Use, which is similar to other uses that are also allowed as “Cottage Industries” in the Agriculture zone.
Policy 7F-1: Support existing local businesses as the major contributors of job creation and regeneration and afford them every opportunity to continue their success in the community.

Policy 7J-1: Support creation of job opportunities for local residents, especially family wage jobs to decrease unemployment and underemployment.

- Approving the proposed Text Amendment to conditionally allow Commercial Kennels in the Agriculture zone will help to support many existing Commercial Kennel businesses, which provide job creation and regeneration. Allowing a legislative path for these businesses to be permitted will afford them the opportunity to continue their success in the community, which will provide for family wage jobs to help decrease unemployment and underemployment.

Goal 7K: **Enable a geographic balance for economic growth within the capacities of the county’s natural resources, natural systems, public services, and public facilities.**

- Approving the proposed Text Amendment to conditionally allow Commercial Kennels in the Agriculture zone will allow for a service related industry and economic growth to be located in the rural/agricultural areas and communities in which they serve.

Goal 8C: **Preserve and enhance the cultural heritage that is related to agriculture.**

- The practice of farming to many Whatcom County farm operators is a cultural heritage that has been passed down through generations. However, according to the 2012 Census of Agriculture, farming is not the primary occupation of the majority of Principal farm operators in Whatcom County. This means that many Principal farm operators continue to farm, but supplement income by other means. Approving the Text Amendment to allow Commercial
Kennels in the Agricultural zone will provide additional opportunities for farmers to supplement income so to encourage continued farming and the cultural heritage related to agriculture.

Policy 8C-4: Support the continuation of owner occupied/family owned farms.

- As described above, the majority of Whatcom County Principal farm operators list their primary occupation as something other than farming (USDA, 2012 Census of Agriculture). This means that Principal farm operators supplement farm income with other means. Approving the Text Amendment conditionally allowing Commercial Kennels in the Agriculture zone will provide a mechanism for farmers to help supplement farm income, which will encourage the continuation of owner occupied/family owned farms.

3. Describe the "changed" condition(s) which support the amendment.

The current Whatcom County Code that governs Divisions or Modification of Parcels in the Agriculture zone was adopted in 2013 to allow divisions of land to benefit the long term viability of agriculture. Pursuant to WCC 20.40.250, retiring farmers or farm land owners may separate their home from the farm, creating more affordable farm land pricing and allowing retiring farmers to remain in their existing residences. As such, there are many parcels in the Agricultural zone that are less than five acres in size, and under current county code provisions many less than three acres in size.

With the exception of small hobby farms or very specialized crops that do not take up much land area, land owners of small sized Agriculture zoned lots or farmers who retire from farming are severely restricted in uses allowed on their property. Additionally, under the provisions of WCC 20.40.253(4) many vacant or unused agricultural structures (barns, milking parlors etc.) remain with the homesite and not the farm.
Approving the proposed Text Amendment allowing Commercial Kennels as a Conditional Use will therefore provide for additional income opportunities for Whatcom County residents that live on these small lots in the Agricultural zone. Further, retiring farmers or purchasers of these small farmstead homestite parcels who retain unused agricultural structures (such as barns or loafing sheds) will be afforded additional flexibility to utilize these buildings for income generating uses such as Commercial Kennels, while having very little to no impact on surrounding properties and agricultural lands.

E. Zoning Text Amendments

Are there any other circumstances that justify the proposed change?

Allowing Commercial Kennels in the Agricultural zone is in keeping with what most agricultural counties in Washington State also allow. Of the top 15 agricultural producing counties in Washington State (according to the Washington State Department of Agriculture 2012 Census) 13 of these counties also allow Commercial Kennels as a Permitted, Administrative or Conditional Uses in the Agriculture zone (see attached list). Whatcom County is currently one of only two top agricultural producing counties that do not allow Commercial Kennels in the Agriculture zone. Approval of the proposed Text Amendment conditionally allowing Commercial Kennels in the Agriculture zone will be consistent with the vast majority of agricultural producing counties in Washington State.

Additionally, allowing for Commercial Kennels to be listed as a Conditional Use in the Agriculture zone is in keeping with other uses that have been approved as a “Cottage Industry” in the Agriculture zone. Examples of recent Cottage Industries approved in Whatcom County in the Agriculture zone have included Wedding venues and Autobody repair and maintenance. Commercial Kennels are similar in nature to these types of approved uses, and are not more impactive on surrounding properties or agricultural lands, particularly with the proposed parcel size limitations.
### Kennels in Agricultural Zones of top 15 agricultural producing counties in Washington*

*From 2012 Census of Agriculture, USDA. (Listed in order of highest producing to lowest producing.)*

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<th>County</th>
<th>Allowed (Y/N)</th>
<th>Type of Permit Required</th>
<th>Authorizing code</th>
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<td>GCC 23.56.040</td>
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<td>3. Benton County</td>
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<td>Chapter 14.05 BCC</td>
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<td>4. Franklin County</td>
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<td>FCC 17.10.040, FCC 17.12.040</td>
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<td>6. Adams County</td>
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<td>7. Whitman County</td>
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<td>Administrative or Conditional Use Permit</td>
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<td>8. Whatcom County</td>
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<td>12. Douglas County</td>
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**TITLE OF DOCUMENT:**
Ord for Procedures to Process Development Permit Apps and to Promote Finality

**ATTACHMENTS:**

**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:** (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)
Ordinance providing local procedures to process development permit applications efficiently and to promote finality of decisions

**COMMITTEE ACTION:**

**COUNCIL ACTION:**
1/10/2017: Amended and Introduced 6-0, Sidhu absent

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

**Please Note:** Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: [www.co.whatcom.wa.us/council](http://www.co.whatcom.wa.us/council).
ORDINANCE NO. __________

PROVIDING LOCAL PROCEDURES TO PROCESS DEVELOPMENT PERMIT APPLICATIONS EFFICIENTLY AND TO PROMOTE FINALITY OF DECISIONS

WHEREAS, the State Environmental Policy Act (SEPA), RCW Chapter 43.17 and WAC Chapter 197-11, authorize local agencies to enact and implement local agency procedures to carry out the requirements of SEPA; and

WHEREAS, WAC 197-11-030(2)(b) requires that agencies implementing SEPA, including Whatcom County, find ways to make the SEPA process more useful to decision makers and the public, and reduce paperwork and the accumulation of extraneous data; and

WHEREAS, projects involving an environmental impact statement (EIS) under SEPA require the County to prepare the EIS and conduct integral public processes, including the maintenance of public records and response to inquiries and comments from the applicant, agencies, tribes and the public until a final decision is made on the underlying application; and

WHEREAS, this type of extended application review process generates high transaction and personnel costs to county government which cannot be recaptured, despite the fact that applicants pay for outside consultants to prepare an EIS; and

WHEREAS, there are circumstances during the permit review process where it is possible for the County to determine, prior to completion of the EIS, that a project has been denied by other local, state, or federal agencies, on grounds independent of SEPA and therefore are not dependent on completion of the County’s EIS; and

WHEREAS, the county code presently does not have an explicit process for denial of these projects already disapproved by other agencies, which are in the midst of a County SEPA EIS process; and

WHEREAS, allowing applications for projects with unfinished SEPA EIS processes to remain in the County permit review system without a clear and defined ending point is a significant financial burden on the taxpayers and county government, does not promote finality of land use decisions, and creates significant uncertainty in the permitting process for the applicant, other agencies, tribes, and the general public; and

WHEREAS, the burden on the public health, safety, and welfare is great when projects remain unresolved in the County permit review system but have been denied by other agencies and therefore will not proceed, based on grounds unrelated to completion of the County’s SEPA EIS; and

WHEREAS, a number of other local governments around the state, including Snohomish County and Island County, have similar provisions in code; and

WHEREAS, the Whatcom County Council finds that it is in the best interest of the citizens of Whatcom County and the general public health, safety and welfare to provide for finality of decisions and a clear and meaningful ending point for projects languishing in the permitting process;
NOW, THEREFORE, BE IT ORDAINED that the Whatcom County Council adopts the above “WHEREAS” recitals as findings of fact in support of this action.

BE IT FURTHER ORDAINED that this amendment is categorically exempt from the procedural requirements of SEPA under WAC 197-11-800 (19) (c).

BE IT FINALLY ORDAINED that Whatcom County Code Chapter 16.08 is hereby amended to add Section 16.08.157, Denial without environmental impact statement (EIS), as outlined in Exhibit A to this ordinance.

ADOPTED this ___ day of ______________, 2017.

ATTEST:

Dana Brown-Davis,
Clerk of the Council

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Barry Buchanan,
Council Chair

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON

Jack Louws, County Executive

( ) Approved ( ) Denied

Date Signed: ____________
WCC 16.08.157 Denial without environmental impact statement (EIS).

(1) When there are grounds independent of SEPA that merit denial of a proposal that is undergoing preparation of a SEPA environmental impact statement (EIS), whether ongoing or postponed by the applicant, the County shall deny the application(s) related to the proposal, following receipt of a recommendation of denial from the Responsible Official, if the following requirements are met:

(a) the proposal is one for which the Responsible Official has issued a Determination of Significance or an early notice of the likelihood of a Determination of Significance; and

(b) continued preparation or completion of the EIS is no longer justified because either:

(i) the applicant has applied for a rezone for which there is a direct conflict with an express limitation adopted in a county plan, policy or regulation, which conflict could not be mitigated through measures identified in an EIS; or

(ii) prior to completion of the EIS, the applicant has received a denial of a necessary permit or other authorization by another federal, state or local agency with jurisdiction on grounds independent of SEPA, without which the project cannot go forward.

(2) Any denial or recommendation of denial shall be supported by express written findings or conclusions in conformance with subsection (1).

(3) Procedure. The following is applicable to any project proposal for which an EIS has been required:

(a) When the Responsible Official determines that the requirements of subsection (1) are met, within 30 days he or she shall issue a recommendation of denial and set a hearing before the hearing examiner pursuant to WCC Chapter 20.92. The recommendation shall provide proposed written findings and conclusions to the hearing examiner demonstrating how the provisions of subsection (1) are met.

(b) The examiner shall hold an open record hearing pursuant to WCC Chapter 20.92 and issue a decision, with findings and conclusions, on whether an order of denial should be entered pursuant to this section.

(c) The decision of the hearing examiner shall be a final decision appealable to the County Council pursuant to WCC 20.92.600 et seq.

(4) SEPA Compliance. Any denial under this section does not constitute a separate action requiring a new threshold determination.
WHATCOM COUNTY COUNCIL
Special Committee of the Whole

July 5, 2016

CALL TO ORDER
Council Chair Barry Buchanan called the meeting to order at 9:30 a.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL
Present: Barbara Brenner, Ken Mann, Satpal Sidhu, Carl Weimer, Todd Donovan, Rud Browne and Barry Buchanan.
Absent: None.

PUBLIC COMMENT
1. AUDIENCE MEMBERS ARE INVITED TO COMMENT SPECIFICALLY ON THE FOLLOWING WHATCOM COUNTY COMPREHENSIVE PLAN CHAPTERS: CHAPTER 1, GROWTH PROJECTIONS (A2016-047A); CHAPTER 2, LAND USE (AB2016-047B); CHAPTER 4, CAPITAL FACILITIES (AB2016-047D); CHAPTER 8, RESOURCE LANDS (AB2016-017H); CHAPTER 11, ENVIRONMENT (AB2016-047K); APPENDICES (AB2016-047L)

Pam Brady, BP Cherry Point Refinery, submitted a handout (on file) and stated proposals to Chapter 2 regarding Cherry Point will have negative impacts. Limiting fossil fuel exports will limit competitiveness and reduce jobs. The public hasn’t had enough time to consider and respond to the new proposals. Reject the proposal.

John Mutchler, Ferndale Mayor, stated he is opposed to proposed changes to Chapter 2 regarding Cherry Point. The Planning Commission must consider such a substantive change, and there must be an environmental impact statement. The policy is a regulatory taking. The regulations in the County Code would be superseded by this. Cherry Point is necessary to the economy of Ferndale.

Steve Mrazek, BP Cherry Point Refinery Environmental Superintendent, stated the new policy proposed for Chapter 2 prohibits, impairs, and impedes expansion and upgrades at the refinery. The last three expansions and upgrades responded to federal mandates to improve air quality and protect human health. Not all expansions and upgrades are harmful to the environment. Expansions and upgrades result in millions of dollars in investment in jobs to the community. Don’t preclude environmentally- and economically-beneficial projects. They understand their responsibility to protect the environment when conducting business.

Brad Owens, Northwest Jobs Alliance President, stated the recent proposals to change Chapter 2 regarding Cherry Point haven’t had proper legal or Planning Commission review to
make sure they’re consistent with the Comprehensive Plan and other regulatory documents. It will kill jobs. Refer this to the Planning Commission for further review.

Todd Taylor, Northwest Washington Building and Construction Trades Council Executive Secretary, stated the impact of the policy changes to Chapter 2 regarding Cherry Point will be detrimental to union members and the community. The public hasn’t had adequate time to review, consider, and provide feedback on the proposals. Refer this to the Planning Commission for further review.

Kent Murray stated he is an employee of BP Cherry Point Refinery. He drives an electric car. Their corporate culture is to maintain clean air, water, and land. Reconsider the proposed changes.

Tony Larson, Whatcom Business Alliance President, stated the cost of housing is too expensive given the median income in Whatcom County. The proposed changes to Chapter 2 regarding Cherry Point stop existing companies from expanding. They also stop development of future businesses. County staff is prohibited from issuing permits for any facility, which could mean anything, including the development of clean industry that does not require access to a dock or the water. Any new potential manufacturer would not be permitted. This will exacerbate the perception that Whatcom County is not a good place to do business. Reject the proposals, or give them more time to consider the proposals.

Bob Aegerter, Sierra Club Mt. Baker, submitted a handout (on file). He stated the proposal to amend Chapter 2 regarding Cherry Point seems to be intended to correct the zoning at Cherry Point. He supports the proposal. Take more time to look at the proposal.

Chris Colon stated he is an employee at the BP Cherry Point Refinery. He has concerns about the proposed changes to Chapter 2 regarding Cherry Point. Don’t limit the businesses at Cherry Point. The community will be drastically impacted.

Alex Ramel stated he supports the proposed amendments to Chapter 2 regarding Cherry Point. The fourth pier at Cherry Point will never be built. The County’s documents should reflect that truth. Exporting raw materials is bad for jobs and creates risks for spills, train derailments, pipeline ruptures, pollution, and explosions. There is no reward to Whatcom County. The community has created a sustained movement of people who are very concerned about fossil fuel exports through their homes. The proposal doesn’t threaten existing jobs.

Jeff Chalfant, BP Cherry Point Refinery Crude Unit Superintendent, stated the proposed changes to Chapter 2 regarding Cherry Point are concerning. They threaten the future of the refinery and related businesses. Cherry Point was identified as an area of industrial development decades ago. Development has been done in an environmentally safe and responsible manner. Consider the importance of Cherry Point jobs and how the industries have been managed over the years. Allow full public participation in this decision.

Matt Krogh stated he supports the proposed amendments to Chapter 2 regarding Cherry Point, which insure that remaining land supports the County’s prosperity during the transition to a clean economy by preventing expanded fossil fuel infrastructure. If the export of crude oil is allowed and expanded, refineries will ship crude oil to offshore refineries, and local jobs will be lost. The world is transitioning to cleaner energy sources. The proposed
changes will make Whatcom County benefit from a clean energy economy and affirms County policy to support the three existing piers at Cherry Point. Development of a fourth pier is no longer a reality.

Michael Nesteroff, attorney representing Petrogas West, LLC, submitted a handout (on file). The proposed revisions to Chapter 2 regarding Cherry Point violate the Growth Management Act and Shoreline Management Plan. He read from the handout.

Karlee Deatherage, ReSources for Sustainable Communities, stated she supports the proposed changes to Chapter 2 and the narrative language regarding water. Regarding Chapters 8 and 11 retain language so they do not extend this update process.

Rick Poitras, Pacific Northwest Regional Council of Carpenters, stated reject the proposed changes to Chapter 2 regarding Cherry Point. They have not gone through the Planning Commission. The businesses at Cherry Point provide good jobs to the community. There needs to be legal review of constitutionality in terms of commerce and trade.

Lynn Murphy, Puget Sound Energy, stated she is concerned about the proposed amendments to Chapter 2 regarding Cherry Point. Puget Sound Energy owns facilities at Cherry Point that generate electricity for the area, as well as several other facilities around the county. Consider any processes that make permitting onerous or difficult and that could negatively impact future battery projects at Cherry Point.

Theresa Sygitowicz stated reject the amendments to Chapters 2, 8, and 11, and send them to the Planning Commission. The assumptions are in error and the data would supersede state and federal laws. Make sure all the well owners are notified. Hold public hearings outside this office.

Pam Borso stated she supports the proposed amendments to Chapter 2 regarding Cherry Point. Transition to renewable energy. Current jobs won’t be affected. Consider the rights of the Lummi Nation. She supports the new Aquatic Lands section. Amend references from agricultural nutrients to manure, which contains pollutants as well as nutritive value. Include regulations as well as incentives. Impacts from climate change aren’t “potential.” If farmers are using water illegally, it is their responsibility to find legal solutions. Don’t allow illegal uses of water.

Sylvia Goodwin stated keep the record open today and give people more time to consider and comment on proposed changes to Chapter 2 regarding Cherry Point. She is concerned about the revision 12 on Council packet page 373, which is too broad in preventing the expansion of any new or existing infrastructure. Get a legal opinion on policies that prohibit expansion of oil or fuel distribution outside this state. Aviation fuel produced at Cherry Point goes to Portland International Airport and SeaTac now. If implemented, that can’t continue. Whatcom County doesn’t want a reputation in the economic development community that it prevents business expansion. Also, there is already good language about consulting with the Lummi Nation on archaeological issues. There is no need to blanket prohibit facilities for clean manufacturing.

Edward Ury stated he supports the proposed amendments to Chapter 2 regarding Cherry Point. They are consistent with existing State and federal laws and regulations, the
intent of the Growth Management Act, and recent rulings. They will not hinder existing industry at Cherry Point.

Sandy Robson stated she supports the proposed changes to Chapter 2 regarding Cherry Point. She referenced a letter with suggested changes she sent to the Council. BP Cherry Point refinery wastewater treatment facility occasionally produces a very foul odor. The industry impacts people who live in the area.

Chris Johnson, Labor Local 292 and Northwest Washington Central Labor Council Vice-President, stated he is opposed to the proposed amendments to Chapter 2 regarding Cherry Point. Give people adequate time to review and comment on the proposed changes.

Kathy Watson, Ferndale City Council Member, stated the language in the proposed amendments to Chapter 2 regarding Cherry Point is too broad. Include scientific references. Requiring the Prosecutor to provide twice weekly reports on Cherry Point seems unnecessary. She is concerned about existing businesses. They need a balance between protecting business and the environment.

Jeff Callender, Phillips 66, stated they are proud of their business and are good stewards of the environment. There may be unintended consequences from the proposed amendments to Chapter 2 regarding Cherry Point. They must be able to be flexible to market changes. Allow sufficient time to consider proposed amendments.

Brooks Anderson stated she supports the proposed amendments to Chapter 2 regarding Cherry Point. The existing industry won’t be impacted.

Katie Boczek stated allow more time to consider and review the proposed changes to Chapter 2 at Cherry Point. Everyone must work together to make Whatcom County great.

COMPREHENSIVE PLAN CHAPTER 2, LAND USE

1. DISCUSSION AND PRELIMINARY COUNCIL DIRECTION ON COMPREHENSIVE PLAN CHAPTER 2, LAND USE (AB2016-047B)

Mann thanked everyone for attending and commenting. He encouraged people to be specific in their comments if the Council decides to allow more comment time, especially regarding impacts to existing operations and businesses.

Brenner stated this should go to the Planning Commission. They must do a better job involving the industries that may be impacted. Businesses must be able to grow and change to survive.

Donovan stated the Council has not been able to talk about this until the Army Corps of Engineers and State made their decisions a few weeks ago. There was no intent to hold this until the last minute. Delay this decision and spend more time on it. If possible, separate it from the Comprehensive Plan process.

Sidhu stated this is a process of adjusting to change. It’s not useful to take things to the extreme. BP is no longer owned by British Petroleum. Petroleum is not the only option
for energy. A transition to other energy sources will take time, especially if they resist it. The petroleum industry should not remain stagnant, but should consider change. He does not intend to shut down the industry. Take more time to consider the unintended consequences. The councilmembers have open minds and appreciate all points of view.

Buchanan stated they need more time to consider the proposals.

Browne stated they must make thoughtful and informed decisions. Any changes regarding Cherry Point will have an impact to those businesses. Recognize the business relationships that exist among all the businesses. Shifting production volumes will have regional economic impacts. He respects environmental concerns, but don’t shift production of fossil fuels to developing nations with weaker environmental regulations. Consider fiscal impacts. The Council can amend the Comprehensive Plan at any time, so there’s no urgency to get this done soon. The proper thing to do is to send this to the Planning Commission to run it through all the normal processes.

Weimer moved to hold consideration until at least the next meeting on July 12, to allow people and staff to consider changes and express concerns.

The motion was seconded.

Brenner stated she is opposed to the motion. It should go through the Planning Commission and regular Comprehensive Plan process.

The councilmembers discussed the schedule and the proper process for moving forward.

The motion carried by the following vote:

Ayes: Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)

Nays: Brenner (1)

(Clerk’s Note: The Committee took a break from 11:30 to 11:40 a.m.)

COMPREHENSIVE PLAN CHAPTER 8, RESOURCE LANDS

1. DISCUSSION AND PRELIMINARY COUNCIL DIRECTION ON COMPREHENSIVE PLAN CHAPTER 8, RESOURCE LANDS (AB2016-047H)

Brenner moved to amend Comprehensive Plan page 8-12, to create a new policy, “8C-5: Develop and support more programs to promote ag-tourism and ag-education to increase public awareness of the nutritional and economic value of agriculture and quality food production.”

The motion was seconded.

The motion carried by the following vote:

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

Nays: None (0)
**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.

**Brenner moved** to amend Comprehensive Plan page 8-14, Policy 8D-7, "Maintain and enhance Help resolve conflicts associated with maintaining and enhancing fish habitat and the necessary drainage work that is annually done by agricultural drainage districts, watershed improvement districts, and landowners."

The motion was seconded.

The motion carried by the following vote:

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

**Nays:** None (0)

**Sidhu moved** to amend Comprehensive Plan page 8-15, Policy 8E-6, "Encourage the maintenance and operation of drainage systems such that the actual and potential habitat and water quality impacts from such systems are minimized and agricultural uses remain viable."

The motion was seconded.

The motion carried by the following vote:

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

**Nays:** None (0)

**Brenner moved** to amend Comprehensive Plan page 8-15 to create a new policy, "8E-10: Develop and implement education and incentive programs that encourage agriculture land owners to take steps to improve habitat of threatened and endangered species."

The motion was seconded.

The motion carried by the following vote:

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

**Nays:** None (0)

**Brenner moved** to amend Comprehensive Plan page 8-15 to create a new policy, "8E-11: Support the Department of Agriculture in improving practices that avoid adverse impacts to the habitat of threatened and endangered fish and wildlife species and to marine waters that support shellfish resources."

The motion was seconded.

Councilmembers discussed identifying State and federal agencies in general, not specifically limiting it to the Department of Agriculture, which isn’t the main agency that deals with fish and wildlife issues.

**Brenner amended her motion** to amend Comprehensive Plan page 8-15 to create a new policy, “8E-11: Support State and federal agencies the Department of Agriculture in increasing funding and improving practices that avoid adverse impacts to the habitat of threatened and endangered fish and wildlife species and to marine waters that support shellfish resources.”
The motion carried by the following vote:

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

**Nays:** None (0)

*Sidhu moved* to amend Comprehensive Plan page 8-15 to create a new policy, "**8E-12:** While the regulation of water quality is important, the human need for production of food, fiber, shelter and energy by agricultural resource lands is equally critical."

The motion was seconded.

Councilmembers discussed the best place in the chapter for this kind of statement and making a new policy.

Karin Baringer, Planning and Development Services Department, answered questions.

*Weimer suggested a friendly amendment* to make it policy 8F-5 in the fish and wildlife section.

*Sidhu accepted* the friendly amendment.

Councilmembers suggested changes.

*Sidhu restated the motion* to amend Comprehensive Plan to create a new policy in section 8F, "**Recognize While regulation of water quality is important, the water human need for production of food, fiber, shelter and energy by agricultural resource lands is equally critical.**"

The motion carried by the following vote:

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

**Nays:** None (0)

*Browne moved* to amend Comprehensive Plan page 8-15, line 46 through page 8-16, line 3, "Agriculture uses a significant amount of water, most of which is pumped from wells or surface waters. Given the competition for scarce water supplies (addressed in Chapter 11, Environment, Water Resources), ways must be found to secure an adequate long-term water supply while reducing encouraging water usage conservation and improving water quality prior to it entering the waterways."

The motion was seconded.

The motion carried by the following vote:

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

**Nays:** None (0)

*Brenner moved* to amend Comprehensive Plan page 8-20, line 41, to create a new paragraph, "**Climate change has made our region vulnerable, especially in areas where there is conversion from commercial forestry to other uses that bring in more people. With more people there are increased wildfires, as well as insect infestations, and diseases. Well-managed, working forests do a better job of maintaining a healthy environment than other uses that attract more people. Commercial forests can be part of the answer to climate**"
change by maintaining and replanting trees to replenish oxygen levels. Timber communities can produce locally-needed wood products and lower CO₂. Additionally, many foresters are extremely good stewards because without trees, they wouldn’t have jobs. Many of them live and work in the forest.”

The motion was seconded.

Councilmembers discussed the scientific basis about replenishing oxygen levels and lowering CO₂, that a well-managed working forest does a better job of maintaining a healthy environment than other uses, people causing insect infestation.

**Brenner moved** to hold in Committee.

**The Committee concurred.** (Clerk’s Note: The Committee did not vote on the motion to hold in committee.)

**Brenner moved** to amend Comprehensive Plan page 8-31, lines 24-28, “Associated mining activities such as rock crushing on-site can greatly increase the “industrial atmosphere” experienced by nearby property owners. This activity, however, helps to keep material transportation costs down. In addition, accessory uses are a necessary part of most operations, and to carry them out on site is cost-effective.”

The motion was seconded.

Councilmembers discussed whether they include language about the negative impacts of resource lands on neighborhoods.

The motion carried by the following vote:

**Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, and Donovan (6)

**Nays:** Weimer (1)

**Brenner moved** to amend Comprehensive Plan page 8-32, Goal 8K, “Ensure mineral extraction industries do not adversely affect the quality of life in Whatcom County other properties in the vicinity, by establishing appropriate and beneficial designation and resource conservation policies, while recognizing the rights of all property owners.”

The motion was seconded.

Councilmembers discussed whether they’re worried about the property or the people who live on the property.

**Mann suggested a friendly amendment,** “…other people and properties in the vicinity….”

**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 moved** to amend Comprehensive Plan page 8-35, Policy 8L-5, “Encourage mineral extraction operators in the county to voluntarily provide resource use information to nearby landowners, and to develop a good neighbor policy. Support improved communication and understanding between mineral resource landowners and the public through mechanisms, such as voluntary mine management plans and community and educational forums.”

The motion was seconded.

Browne stated he does not support the motion, because it says the same thing as the first sentence.

**Brenner amended her motion** to amend Comprehensive Plan page 8-35, Policy 8L-5, “Encourage mineral extraction operators in the county to voluntarily provide resource use information to nearby landowners, and to develop good neighbor policy. Support improved communication and understanding between mineral resource landowners and the public through mechanisms, such as voluntary mine management plans and community and educational forums.”

**Browne moved** to call the question.

The motion to call the question carried by the following vote:

**Ayes:** Weimer, Mann, Sidhu, Browne, Buchanan, and Donovan (6)
**Nays:** Brenner (1)

The motion as amended carried by the following vote:

**Ayes:** Brenner, Mann, Sidhu, Buchanan, Weimer and Donovan (6)
**Nays:** Browne (1)

**Brenner moved** to amend Comprehensive Plan page 8-35 to create a new policy, “8L-6: Reduce potential conflicts between mining and incompatible activities by establishing/maintaining zoning regulations that protect productive mineral lands of long-term commercial significance from conversion to non-compatible uses.”

The motion was seconded.

Councilmembers discussed defining the areas of mineral resource lands of long-term significance.

Mark Personius, Planning and Development Services Department, stated there is already a policy in Chapter 8 to do a countywide mineral resource land (MRL) study.

**Brenner withdrew** her motion.

**Weimer moved** to amend Comprehensive Plan page 8-45 to create a new section, with a change in language from “aquatic” to “marine” resource lands:

**Aquatic Marine Resource Lands – Introduction**
Purpose
This section contains policies to guide Whatcom County in the creation of a new section for this chapter to ensure the conservation of functioning aquatic marine resource lands of long-term commercial and recreational significance, and to ensure that both industries requiring functioning aquatic lands, and the cultural heritage that use of our aquatic lands represent, thrive in the years to come.

GMA Requirements
Goal 8 of the GMA (RCW 36.70A.020) guides the county to "Maintain and enhance natural resource based industries, including productive timber, agricultural, and fisheries industries." Aquatic lands have a clear nexus regarding maintenance of fisheries industries, including commercial and recreational shellfish harvest. While the GMA does not require specific designation of aquatic marine resource lands that support aquatic based industries, functioning aquatic lands are so intrinsically necessary for production of historical fish and shellfish production that these lands are identified on our GMA required critical areas maps, shoreline inventory and analysis, and integral in the state /county approved 2008 Shoreline Restoration Plan.

Issues, Goals, and Policies
The following goals and policies apply to both designated and undesignated aquatic lands and are meant to help in the creation of this section to address the issues of conserving productive aquatic land and meeting the goals of the Growth Management Act.

Goal 8S: Conserve and enhance Whatcom County's aquatic land base for the long-term and sustainable production of commercial and recreational economic activities.

Policy 8S-1: Whatcom County Planning staff will work with the Marine Resource Committee, the Shellfish Protection Advisory Committees, and other local aquatic land experts to create a new section of this chapter to support goal 8S to be docketed and processed for consideration no later than 2017.

The motion was seconded.

Personius suggested an amendment, "...the Planning Staff County will work with the Marine Resources Committee...."

Weimer accepted the staff suggestion, "...the Planning Staff County will work with the Marine Resources Committee...."

Brenner suggested a friendly amendment, "...will work with committees including, but not limited to, the Marine Resources.....

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)
Brenner moved to amend Comprehensive Plan page 8-1, lines 4-9, “The growth and harvest of farm products, re-generation and harvesting of timber, use of aquatic aquaculture lands for shellfish harvest, and excavation of minerals all shape Whatcom County’s landscape and strongly influence the economy. Resource lands, which include agriculture, forestry, aquatic resource lands fisheries (RCW 36.70A.020) and mineral resource lands, also largely represent Whatcom County’s cultural heritage. These natural resource activities have been major industries since European settlement began in the area, and the use of aquatic aquaculture lands by our indigenous citizens far predates European settlement.”

The motion was seconded.

Weimer suggested a friendly amendment to change “aquatic” and/or “aquaculture” to “marine resource” except before the RCW citation.

Brenner accepted the friendly amendment.

Councilmembers discussed the differences between aquaculture and marine resource lands.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Brenner moved to amend Comprehensive Plan page 8-1, lines 12-14, “This chapter is divided into four sections: Agricultural Lands, Forest Resource Lands, Aquatic Marine Resource Lands, and Mineral Resources.”

The motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Donovan moved to approve the following items:

- Amend Comprehensive Plan page 8-2, lines 7-8, “The Agricultural Lands, Forest Resource Lands, Aquatic Aquaculture Resource Lands, and Mineral Resources sections of this chapter address Goal 8 of the GMA, which reads: …”
- Amend Comprehensive Plan page 8-2, line 21-30, “Identifying and designating productive resource lands also helps implement County-Wide Planning Policies directed towards agriculture, forestry, mineral resources, aquatic aquaculture industries and other natural resources. In addition, land use policies that encourage best management practices are included within this chapter to support and maintain a broad based economy of productive timber, agriculture, mineral and aquatic industries in a sustainable manner.”
- Amend Comprehensive Plan page 8-14 to create a new policy, “8D-8: Through a continuum of efforts moving from education to enforcement of regulations, that includes outreach, development of voluntary best practices, technical assistance,
incentives, monitoring, and regulation, ensure that agricultural practices do not negatively impact aquatic aquaculture resource lands and critical areas.”

- Amend Comprehensive Plan page 8-14, Goal 8E, “Ensure agricultural practices avoid adverse impacts to the habitat of threatened and endangered fish and wildlife species and to aquatic aquaculture resource lands that support shellfish resources.

The motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Sidhu moved to amend Comprehensive Plan page 8-3, line 45, “Those lands designated Agriculture in the comprehensive plan are designated as Agricultural Lands of Long-Term Commercial Significance, as defined by GMA, as agricultural lands that have Agricultural lands of long-term commercial significance are land: (a) not already characterized by urban growth (b) that is primarily devoted to the commercial production of agricultural products enumerated in RCW 36.70A.030(2), including land in areas used or capable of being used for production based on land characteristics, and (c) that has long-term commercial significance for agricultural production, as indicated by: "includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land’s proximity to population areas, and the possibility of more intense uses of the land. (RCW 36.70A.030(10).”

The motion was seconded.

Councilmembers discussed whether this is a definition that should be in the glossary.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Brenner moved to amend Comprehensive Plan page 8-4, lines 44-45, “Conserving productive agricultural lands in rural areas, without infringing on private property rights, is a primary objective of the APO.”

The motion was seconded.

Councilmembers discussed future decisions between private property rights and preserving agricultural land.

Browne suggested a friendly amendment, “…without infringing on while continuing to recognize statutory obligations of private property rights.

Brenner amended her motion, “..in rural areas while recognizing private property rights,”

Councilmembers discussed singling out specific rights.

The motion failed by the following vote:
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Ayes: Brenner and Sidhu (2)
Nays: Mann, Browne, Buchanan, Weimer and Donovan (5)

Brenner moved to amend Comprehensive Plan page 8-4, lines 44-45, “Conserving productive agricultural lands in rural areas, while acknowledging private property rights is a primary objective of the APO.” The motion was not seconded.

Sidhu moved to amend Comprehensive Plan page 8-9, Policy 8A-3(d), “A majority of the area is composed of agricultural operations, that have historically been and continue to be economically viable...”

The motion was seconded.

Councilmembers discussed what is economically viable.

Browne suggested a friendly amendment “...that were historically in agricultural use prior to 1985.”

Sidhu accepted the friendly amendment to amend Comprehensive Plan page 8-9, Policy 8A-3(d), “A majority of the area is composed of agricultural operations, that have historically been and continue to be economically viable...that were historically in agricultural use prior to 1985.”

Councilmembers continued to discuss alternative agricultural uses that don’t necessarily draw on good agricultural soil.

Personius answered questions about policies that affect long-term agricultural lands and the rules of the U.S. Department of Agriculture (USDA), the actual number of agricultural acres being preserved, and economically-viable land in 1985 versus today.

Weimer moved to called the question.

The motion to call the question carried by the following vote:
Ayes: Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)
Nays: Brenner (1)

The motion carried by the following vote:
Ayes: Mann, Sidhu, Browne, and Buchanan (4)
Nays: Weimer, Brenner, and Donovan (3)

Brenner moved to amend Comprehensive Plan page 8-10, Policy 8A-4, “Support conservation of productive agricultural land by requiring the use of best management practices including soil and water conservation, livestock nutrient/manure management, etc.”

The motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)
Sidhu moved to amend Comprehensive Plan page 8-10, Policy 8A-5, “Discourage conversion of productive agricultural land to incompatible non-agricultural uses.”

The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, and Donovan (6)
Nays: Weimer (1)

Browne moved to amend Comprehensive Plan page 8-9, Policy 8A-3, to add an item, “e. The majority of the area has access to adequate legal water rights.”

The motion was seconded.

Councilmembers discussed the State’s non-response to farmers’ applications for water rights, the difference between having adequate water and having legal water rights, and property with legal access to water being more valuable than property without legal access to water.

Browne withdrew the motion.

(Clerk’s Note: Council took a break for lunch from 12:35 to 1:35 p.m.)

Brenner moved to amend Comprehensive Plan page 8-30, line 36 through page 8-31 line 2, “Surface mining can create conflicts with other land uses. Those impacts, may include increased noise, dust, scenic impacts, traffic, road wear, and neighboring property devaluation. Mines can affect property values while at the same time nearby residents may use the area for shooting, dirt bike riding, and other activities. Controlling trespassing to surface mining can be a significant safety issue for mine operators. Property rights adjacent land use issues range from the right to mine and use the value of mineral resource land to the right to live in an area with a high quality of life and retain home values. Citizens may be generally unaware of the county zoning of surrounding property and the mining uses that are allowed. Trespassing and various other activities that may conflict with other land uses are generally illegal and can cause liability for mine owners/operators. Numerous federal, state, and local regulations also mitigate impacts of noise, dust, traffic, and environmental issues. These and other factors may contribute to a climate of distrust and hostility between the aggregate industry and property owners in the vicinity.

Other land uses may create conflicts with surface mining, if not zoned appropriately. If zoned appropriately, there is little chance of other uses being disturbed by usual mineral resource activities.”

The motion was seconded.

The motion failed by the following vote:

Ayes: Brenner (1)
Nays: Browne, Buchanan, Weimer and Donovan (4)
Absent: Sidhu (out of the room) and Mann (out of the room) (2)
**Brenner moved** to amend Comprehensive Plan page 8-31, lines 4-9, “Environmental issues associated with surface mining may include groundwater or aquifer impacts and disruption of fish and wildlife habitat. Surface mine reclamation can create wetlands and fish and wildlife habitat, enhance agricultural land, or provide land for parks, housing, industrial or other uses. Surface mines, when reclaimed properly, can create wetlands, fish, and wildlife habitat, possible productive agricultural land, or provide land for parks, housing, industrial, or other uses. When not reclaimed properly, mines may create environmental issues, such as groundwater of aquifer impacts, and contamination or disruption of fish and wildlife habitat."

The motion was seconded.

The motion failed by the following vote:

- **Ayes:** Brenner, Browne, and Donovan (3)
- **Nays:** Mann, Buchanan, and Weimer (3)
- **Absent:** Sidhu (out of the room) (1)

**Mann moved** to reconsider Councilmember Brenner’s motion to amend Comprehensive Plan page 8-31, lines 4-9.

The motion to reconsider was seconded.

The motion to reconsider carried by the following vote:

- **Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, and Donovan (6)
- **Nays:** Weimer (1)

**Brenner** restated and amended her motion to amend Comprehensive Plan page 8-31, lines 4-9, "Environmental issues associated with surface mining may include groundwater or aquifer impacts and disruption of fish and wildlife habitat. Surface mine reclamation can create wetlands and fish and wildlife habitat, enhance agricultural land, or provide land for parks, housing, industrial or other uses. Surface mines, when reclaimed properly, can create enhance wetlands, fish, and wildlife habitat, possible productive agricultural land, or provide land for parks, housing, industrial, or other uses. When not reclaimed properly, mines may create environmental issues, such as groundwater of aquifer impacts, and contamination or disruption of fish and wildlife habitat."

The motion carried by the following vote:

- **Ayes:** Sidhu, Brenner, Browne, and Donovan (4)
- **Nays:** Mann, Buchanan, and Weimer (3)

**Sidhu moved** to amend Comprehensive Plan page 8-11, line 14, “Agriculture is one of the most important resources in Whatcom County. Whatcom County works with farmers to ensure productive agricultural land and improved nutrient management practices help reduce potentially negative impacts on aquatic lands. Whatcom County is also strongly supported by agriculture fiscally with sales and jobs. Agriculture may conflict with other land uses."

The motion was seconded.

The motion failed by the following vote:

- **Ayes:** Brenner and Sidhu (2)
- **Nays:** Mann, Browne, Buchanan, Weimer and Donovan (5)
Sidhu moved to amend Comprehensive Plan page 8-11, Policy 8B-6, “Develop Utilize a range of results-oriented, non-regulatory programs, options, and incentives, collaboratively developed and monitored by the County and landowners, that agricultural landowners can employ so long as such programs, options, and incentives can be shown to produce results that meet or exceed county environmental goals regulations.”

The motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, and Donovan (6)
Nays: Weimer (1)

Donovan moved to reconsider Councilmember Sidhu’s motion to amend the Agricultural Products Industry introductory language to Goal 8B, “Agriculture is one of the most important resources in Whatcom County. Whatcom County works with farmers to ensure productive agricultural land and improved nutrient management practices help reduce potentially negative impacts on aquatic lands. Whatcom County is also strongly supported by agriculture fiscally with sales and jobs. Agriculture may conflict with other land uses.”

The motion to reconsider was seconded.

The motion to reconsider carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Buchanan restated the motion to delete the last sentence, “Agriculture is one of the most important resources in Whatcom County. Whatcom County works with farmers to ensure productive agricultural land and improved nutrient management practices help reduce potentially negative impacts on aquatic lands. Whatcom County is also strongly supported by agriculture fiscally with sales and jobs. Agriculture may conflict with other land uses.”

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Brenner moved to amend Comprehensive Plan page 8-12, lines 38, “The Right-To-Farm Ordinance was created because agriculture is the priority use. Usual and accustomed farm activities create odors, dust, sprays, noise from farm machinery, etc. and are prioritized with the Right-To-Farm Ordinance. Agriculture may conflict with other land uses. Improper nutrient or manure management practices on agricultural land may impact the commercial and recreational use of aquatic lands miles away. Residents of non-farm housing adjacent to farms, and owners and patrons of nearby commercial uses, have complained of nuisances such as odors, dust, chemical sprays, and noise from machinery. Farm equipment, crops, and livestock may suffer from increased vandalism. In addition, non-farm residential development, particularly residential subdivisions, can raise assessed valuation or lead to special assessments on adjacent farmlands, resulting in higher property taxes for farmers. The same is true of commercial uses.”

The motion was seconded.
The motion carried by the following vote:

**Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, and Weimer (6)

**Nays:** Donovan (1)

**Buchanan moved** to amend Comprehensive Plan page 8-14 to create a new policy, “8D-8: Through **Develop a continuum of efforts moving from including education to enforcement of regulations, that includes outreach, development of voluntary best practices, technical assistance, and incentives, monitoring, and regulation, to minimize impacts when conflicts arise between agriculture and other land uses ensure that agricultural practices do not negatively impact aquatic resource lands and critical areas.”

The motion was seconded.

Council members discussed why they are removing references to enforcement and monitoring.

**Sidhu restated the motion.** The section should read, “Develop a continuum of efforts moving from education, outreach, development of voluntary best practices, technical assistance and incentives, and enforcement of regulations, to minimize impacts when conflicts arise between agriculture and other land uses.”

The motion carried by the following vote:

**Ayes:** Sidhu, Browne, Buchanan, and Weimer (4)

**Nays:** Mann, Brenner, and Donovan (3)

**Brenner moved** to amend Comprehensive Plan page 8-14, Goal 8E, “Work with agricultural land users to find efficient and effective cooperative ways to protect and improve habitat of threatened and endangered species through education and incentive programs. Ensure agricultural practices avoid adverse impacts to the habitat of threatened and endangered fish and wildlife species and to aquatic resource lands that support shellfish resources. Encourage agricultural land uses to voluntarily protect and restore habitat of threatened and endangered species through education and incentive programs.”

The motion was seconded.

The motion carried by the following vote:

**Ayes:** Brenner, Sidhu, Browne, and Buchanan (4)

**Nays:** Weimer, Mann, and Donovan (3)

**Brenner moved** to amend Comprehensive Plan page 8-14, Policy 8E-2, “Provide assistance where necessary to ensure fencing of livestock away from rivers and streams to prevent livestock from degrading riparian and instream habitat and from polluting water quality. Prevent livestock from degrading riparian and instream habitat by using best management practices for the fencing of livestock from streams and support the provision of alternative watering systems. Encourage fencing along rivers and streams to prevent livestock from degrading riparian and instream habitat.”

The motion was seconded.
Beringer stated it’s not always best practice to fence off rivers and streams from livestock, without proper maintenance. Staff prefers, “Prevent livestock from degrading riparian and instream habitat by using best management practices for the fencing of livestock from streams and support the provision of alternative watering systems.”

_Brenner amended her motion_, “Encourage fencing along rivers and streams to prevent livestock from degrading riparian and instream habitat, provide assistance where necessary to ensure fencing of livestock away from rivers and streams.” The amended motion was not seconded.

_Sidhu moved_ to amend Comprehensive Plan page 8-15, Policy 8E-5, “Encourage voluntary restoration to properly functioning habitat conditions for those riparian areas and stream reaches that do not currently provide such habitat conditions through voluntary restoration, technical assistance and incentives.”

The motion was seconded.

The motion failed by the following vote:

**Ayes:** Browne, Brenner, and Sidhu (3)

**Nays:** Mann, Buchanan, Weimer and Donovan (4)

_Sidhu moved_ to amend Comprehensive Plan page 8-16, Policy 8F-1, “Actively participate in the WRIA 1 Watershed and Salmon Recovery Programs to ensure that the agricultural sector’s needs, as well as other interests, are addressed.”

The motion was seconded.

_Mann suggested a friendly amendment_, “Actively participate in the WRIA 1 Watershed and Salmon Recovery Programs to ensure that the agricultural sector’s needs, as well as other interests, are addressed.”

_Sidhu accepted_ the friendly amendment.

The motion carried by the following vote:

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

**Nays:** None (0)

_Sidhu moved_ to amend Comprehensive Plan page 8-16, Policy 8F-3, “Work to encourage the agricultural community’s access to sufficient direct legal water rights and other sources of water are available for agricultural uses.”

The motion was seconded.

_Browne suggested a friendly amendment_, “Work to encourage the agricultural community’s access to sufficient direct legal water rights and other sources of water are available for agricultural uses.”

_Sidhu accepted_ the friendly amendment, he amended and restated the motion, “Work to encourage Support the agricultural community’s access to sufficient direct legal water rights and other sources of water are available for agricultural uses.”
The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Sidhu moved to eliminate Policy 8F-4 entirely.

The motion was seconded.

The motion failed by the following vote:
Ayes: Brenner and Sidhu (2)
Nays: Mann, Browne, Buchanan, Weimer and Donovan (5)

Browne moved to amend Comprehensive Plan page 8-8, Policy 8A-2, to add a bullet point:

- Give priority in the PDR program to land with valid, adequate irrigation water rights and physical access to water sufficient to sustain economically viable irrigation based agriculture.

The motion was seconded.

Beringer stated they take water rights into consideration when ranking purchases of develop rights (PDR) projects. Staff plans to review the ranking criteria for the program.

Councilmembers discussed staff reviewing the criteria used to rank properties in the PDR program and valuing properties with valid water rights higher than properties without valid water rights.

Browne amended his motion to amend Comprehensive Plan page 8-8, Policy 8A-2, to add a bullet point:

- Review the priority in the PDR program of land with irrigation water rights and physical access to water.

The motion failed by the following vote:
Ayes: Donovan and Browne (2)
Nays: Brenner, Mann, Sidhu, Buchanan, and Weimer (5)

Sidhu moved to amend Comprehensive Plan page 8-8, Policy 8A-2, to delete a bullet point:

- Working cooperatively with local farmers and coordinating with local and state agencies to address water quality impacts of agricultural activities on local streams and groundwater.

The motion was seconded.

The motion failed by the following vote:
Ayes: Brenner and Sidhu (2)
Nays: Mann, Buchanan, Weimer and Donovan (4)
Absent: Browne (out of the room) (1)
COMPREHENSIVE PLAN CHAPTER 11, ENVIRONMENT

1. DISCUSSION AND PRELIMINARY COUNCIL DIRECTION ON COMPREHENSIVE PLAN CHAPTER 11, ENVIRONMENT (AB2016-047K)

Donovan moved to amend to replace “natural systems” with “ecosystems” on the following Comprehensive Plan pages:

- Page 11-2, lines 9-19, “…disrupt natural systems ecosystems and that ensure the continuation of...”
- Page 11-7, lines 13-15, “… than willful action. Natural systems Ecosystems are subtle and complex.”
- Page 11-9, Policy 11B-3, “… the value of natural systems ecosystems and provide the public...”
- Page 11-12, Policy 11D-1, “…economic sectors, natural systems ecosystems, water resources...”
- Page 11-16, lines 16-17, “…unstable slopes and impact natural systems ecosystems.”
- Page 11-16, lines 20-23, “… downslope neighbors and natural systems ecosystems at risk...”
- Page 11-16, lines 34-36, “…damage to property, natural systems ecosystems, and sometimes....”
- Page 11-17, Goal 11F, “…and degradation of natural systems ecosystems resulting from....”
- Page 11-19, Policy 11F-11: “…adjacent properties or natural systems ecosystems cannot be....”
- Page 11-38, Goal 11L, “Protect and enhance natural systems ecosystems, which provide....”
- Page 11-39, Policy 11L-10, “Protect and enhance natural systems ecosystem functions when flood....”

The motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Brenner moved to amend the following Comprehensive Plan pages 11-33, lines 30-40:

Natural Systems Ecosystems

Introduction

“Natural systems” refers to the complex biological ecosystem that has developed from the geologic setting of Whatcom County. It includes fish and wildlife, as well as
diverse vegetation that has adapted to a variety of physical and climatic conditions (Map 11-2, Map 11-3). Natural Systems goals and policies are intended to provide guidance to county government as it assists citizens to effectively manage and enhance these natural systems, and ensures that the benefits of these systems are maintained far into the future.

Ecological systems, or ecosystems, refer to the natural systems that have developed within the geologic and geographic setting of Whatcom County. Whatcom County contains a significant number of distinct ecosystem types, with associated fish, wildlife, and plant species, as well as many other living organisms. This biodiversity has evolved and adapted according to the specific physical and climatic conditions of the county (Map 11-2, Map 11-3). Ecosystem goals and policies are intended to provide guidance to county government as it assists people to manage and protect these ecosystems. Additionally they ensure other benefits are maintained far into the future.

The motion was seconded.

The motion carried by the following vote:

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

Nays: None (0)

Brenner moved to amend the following Comprehensive Plan pages 11-3, lines 7-12, “GMA Planning Goal 10, ‘Environment’ (RCW 36.70A.020(10)), provides the directive for much of this chapter. It requires Whatcom County to ‘protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.’ In addition, some of the goals and policies of this chapter support Planning Goal 9, ‘Open Space and Recreation’ (RCW 36.70A.020(9)), which directs the county to ‘conserve fish and wildlife habitat.’”

The motion was seconded.

The motion carried by the following vote:

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

Nays: None (0)

Brenner moved to amend the following Comprehensive Plan pages 11-3, lines 18-22, “Specific policies address water, promoting inter-jurisdictional cooperation in conserving, protecting, and managing the water resource, and in reducing water pollution (CWPP Policies N.1 – 6). The CWPPs also support protecting wildlife habitat and corridors, natural drainage features, and ‘other environmental, cultural and scenic resources.’”

The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Mann, Browne, Buchanan, Weimer and Donovan (6)

Nays: None (0)

Absent: Sidhu (out of the room) (1)

Brenner moved to amend the following Comprehensive Plan pages 11-5, lines 30-32, “Every year salmon return to spawn in the streams and rivers of Whatcom County. Whatcom
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County is located within the Pacific Migratory Flyway and serves as a stopover and critical habitat area for many migratory birds. Bufflehead and goldeneye ducks winter here.”

The motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

**Brenner moved** to amend the following Comprehensive Plan pages 11-5, lines 38-43, “Whatcom County is home to a distinct subspecies of the Great Blue Heron, which is has the third largest colony in the Puget Sound area. The wetlands, fields, streams, and nearshore habitat in the county support many birds of special concern, such as the bald eagle (ESA threatened—protected under the Bald and Golden Eagle Protection Act), the pileated woodpecker (candidate for State threatened-listing), and the peregrine falcon (ESA monito

candidate species).”

The motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

**Brenner moved** to amend the following Comprehensive Plan pages 11-6, lines 20-23, “Development in the last 100 years has had a significant impact on the natural environment in Whatcom County. At the turn of the 20th century, the some areas surrounding Lynden, Sumas, and Ferndale were logged, drained and converted to agricultural land and other types of development.”

The motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

**Brenner moved** to amend the following Comprehensive Plan pages 11-6, lines 31-34, “There are designated lands in Whatcom County that can still accommodate development. Whatcom County also has areas that are sensitive to human activity, including (wetlands, streams, lakes, marine shorelines), and lands that can pose a hazard to the community, including (floodplains and unstable slopes).”

The motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

**Brenner moved** to amend the following Comprehensive Plan pages 11-7, Policy 11A-6, “Aim to meet or exceed national, state, and regional air quality standards. Work with the Northwest Clean Air Agency to ensure compliance with applicable air quality standards.”
The motion was seconded.

Councilmembers discussed the weak or lack of existing standards for certain pollutants.

The motion failed by the following vote:

**Ayes:** Brenner and Sidhu (2)

**Nays:** Mann, Browne, Buchanan, Weimer and Donovan (5)

**Sidhu moved** to amend the following Comprehensive Plan pages 11-8, Policy 11A-8, “Lead and/or coordinate voluntary efforts with property owners, citizen groups, and governmental and non-governmental agencies in furthering Whatcom County's environmental goals and policies.”

The motion was seconded.

Councilmembers discussed whether they should only coordinate voluntary efforts, not other efforts.

The motion failed by the following vote:

**Ayes:** Brenner and Sidhu (2)

**Nays:** Mann, Browne, Buchanan, Weimer and Donovan (5)

**Brenner moved** to amend the following Comprehensive Plan pages 11-8, line 42 through page 11-9, line 2, “Regulatory inspection...and ultimately to environmental deterioration. Thoughtful, comprehensible, and efficient regulations play an important part in educating the public and protecting the environment.”

The motion was seconded.

The motion carried by the following vote:

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

**Nays:** None (0)

**Brenner moved** to amend the following Comprehensive Plan pages 11-9, Policy 11B-7, “Ensure regulations are as simple and easy to understand as possible and maintain effective inspection, compliance, and enforcement measures as necessary.”

The motion was seconded.

The motion carried by the following vote:

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

**Nays:** None (0)

**Brenner moved** to amend the following Comprehensive Plan pages 11-10, lines 12-15, “The problems that arise...community and on the property rights of other property owners.”

The motion was seconded.
Councilmembers discussed other rights that are affected, not just property rights.

The motion failed by the following vote:

Ayes: Brenner (1)
Nays: Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)

Sidhu moved to amend the following Comprehensive Plan pages 11-10, lines 17-20, “Land use decisions...To that end, **to the extent allowed by law, regulations should** the law must protect the public good from detrimental private actions.”

The motion was seconded.

Sidhu withdrew his motion.

Brenner moved to amend the following Comprehensive Plan pages 11-12, Goal 11D, “Strengthen the ...responding and adapting to **potential** the impacts of climate change.”

The motion was seconded.

The motion failed by the following vote:

Ayes: Brenner (1)
Nays: Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)

Brenner moved to amend the following Comprehensive Plan pages 11-12, Policy 11D-3, “Promote the efficient use, conservation, and protection of water resources, **without** infringing on anyone’s water rights.”

The motion was seconded.

Councilmembers discussed whether people would misinterpret the language in the amendment, and the number of exempt well owners.

The motion failed by the following vote:

Ayes: Brenner and Donovan (2)
Nays: Mann, Sidhu, Browne, Buchanan, and Weimer (5)

Mann moved to amend the following Comprehensive Plan pages 11-13, New Policy 11D-6 to add a bullet point, “**Recommend updates to Whatcom County land use policies and development regulations to support renewable energy development goals.**”

The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Brenner moved to amend the following Comprehensive Plan pages 11-13 to create a new policy, **“11D-10: Create updates to Whatcom County land use policies and development regulations to support renewable energy development goals.”**
The motion was seconded

The motion carried by the following vote:

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

**Nays:** None (0)

*Brenner moved* to amend the following Comprehensive Plan pages 11-14, lines 19-30, “Flood Hazards – Heavy winter rains and... in the Abbotsford area of British Columbia. It is predicted that climate change will exacerbate flooding *Flood risk is projected to increase, due to increased...*”

The motion was seconded.

Councilmembers discussed the difference between projections and predictions and whether they should reference climate change.

*Brenner amended her motion,* “…area of British Columbia. It is predicted *projected* that climate change will exacerbate flooding *increase flood risk,* due to increased sea level and changes in rainfall patterns. Significant damage....”

The motion carried by the following vote:

**Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, and Weimer (6)

**Nays:** Donovan (1)

*Brenner moved* to amend the following Comprehensive Plan pages 11-14, lines 31-35, “The presence of Mt. Baker ... also considered one of the most potentially active volcanoes....”

The motion was seconded.

The motion carried by the following vote:

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

**Nays:** None (0)

*Brenner moved* to amend the following Comprehensive Plan pages 11-18 Policy 11F-2, “Use Best Available Science *and data* to research and investigate....”

The motion was seconded.

The motion carried by the following vote:

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

**Nays:** None (0)

*Brenner moved* to amend the following Comprehensive Plan pages 11-19 to delete policy 11F-11.

The motion was seconded.
Brenner suggested a friendly amendment to keep the first sentence, with a change, “Require applicants for development permits located in natural hazard areas to provide development plans designed as much as possible to minimize the potential to exacerbate the natural hazard as well as the risk of damage to property or threats to human health and safety.”

Cliff Strong, Planning and Development Services Department, stated this is about all geo-hazard areas, not just lahars. Applicants have to show they won’t exacerbate potential problems. Also, the last sentence of the policy is from State regulations. The Planning Commission is working on language about lahars and other areas.

Councilmembers discussed how counties issue permits in areas with geo-hazards, what language the Planning Commission is working on, and including the language for non-lahar areas.

Sidhu withdrew the motion.

Linda Twitchell, Building Industry Association, stated they could reference the Critical Areas Ordinance in the policy.

Sidhu moved to amend Comprehensive Plan pages 11-19 to amend policy 11F-11, “Require applicants for development permits...permanent or seasonal human habitation as described in the Critical Areas Ordinance.”

The motion was seconded. The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Brenner moved to amend the following Comprehensive Plan pages 11-20, Policy 11F-12, “Once a set of risk levels have been identified, propose these risk levels for adoption of legislation by the County Council as the level to which future development must be designed.”

The motion was seconded. The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Brenner moved to amend the following Comprehensive Plan pages 11-21, lines 19-23, “Surface water sources such as Lake Whatcom...surface water for a variety of uses, including irrigation, and drinking water for livestock.”

The motion was seconded. Councilmembers discussed the differences between agriculture and other uses. The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)  
Nays: None (0)

**Brenner moved** to amend the following Comprehensive Plan pages 11-21, lines 30-39:

Groundwater is contained...replenished by rainwater, though some may contain water trapped during glacial periods. Aquifers are....

Rainfall that does not soak into the ground or evaporate is regarded as surface water and runs into drainage....

The motion was seconded.

The motion failed by the following vote:
Ayes: Mann, Brenner, and Sidhu (3)  
Nays: Browne, Buchanan, Weimer and Donovan (4)

**Brenner moved** to amend the following Comprehensive Plan pages 11-23, Policy 11G-2, “Actively participate in and support WRIA 1 Watershed Planning efforts associated with the coordination of to coordinate local, federal, tribal, and state agencies to achieve integration and/or consistency between the various levels of environmental regulations relating to the County.”

The motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)  
Nays: None (0)

**Brenner moved** to amend the following Comprehensive Plan pages 11-24, Policy 11G-6, “Actively promote and...management actions. Specifically, research available data and create more data regarding desalination as a likely potable water source in the future to adapt to the impacts of climate change.”

The motion was seconded.

Councilmembers discussed whether the County or the industry should do the research, whether there is a water shortage, the viability of water desalination, and including language on conservation.

**Brenner amended her motion**, “Consider available data and create more data regarding desalination as a likely potable water source in the future to adapt to the impacts of climate change. This information will be used by anyone who wants to work on creating a simpler and less expensive desalination plant.”

**Browne moved** to call the question.

The motion was seconded.

The motion to call the question carried by the following vote:
Ayes: Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)
Nays: None (0)
Abstains: Brenner (1)

Councilmember Brenner’s motion failed by the following vote:
Ayes: Brenner and Donovan (2)
Nays: Mann, Sidhu, Browne, Buchanan, and Weimer (5)

Brenner moved to amend the following Comprehensive Plan pages 11-24, Policy 11G-7, “Pursue the most effective... Emphasis should **shall** be placed on non-regulatory approaches where possible and effective.”

The motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Sidhu, Browne, Buchanan, Weimer and Donovan (6)
Nays: Mann (1)

Brenner moved to amend the following Comprehensive Plan pages 11-25, Policy 11H-2, “Coordinate efforts...wildlife habitat **while supporting adequate water for existing agriculture prior to any efforts that would shut it down.** Work with the agriculture community to help them get adequate water.

The motion was seconded.

The motion failed by the following vote:
Ayes: Brenner and Sidhu (2)
Nays: Mann, Browne, Buchanan, and Weimer (4)
Absent: Donovan (out of the room) (1)

Brenner moved to amend Comprehensive Plan pages 11-25, Policy 11H-2, “Coordinate efforts...wildlife habitat **while advocating for adequate water for existing agriculture.**”

The motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, and Buchanan, (5)
Nays: Weimer (1)
Absent: Donovan (out of the room) (1)

Brenner moved to amend the following Comprehensive Plan pages 11-26, Policy 11H-4, “Support the implementation of local and state Watershed Management Plan, the Lower Nooksack Strategy, the Lake Whatcom Management Program, NPDES Phase II Permitting, and the WRIA 1 Watershed Management Plan Projects.”

The motion was seconded.

The motion failed by the following vote:
Ayes: Brenner and Sidhu (2)
Nays: Mann, Browne, Buchanan, and Donovan (4)
Absent: Weimer (out of the room) (1)

Brenner moved to amend the following Comprehensive Plan pages 11-26 to create a new policy, “11H-6: Monitor, prevent, and reduce the establishment of invasive species in Whatcom County waterbodies.”

The motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, and Donovan (6)
Nays: None (0)
Absent: Weimer (out of the room) (1)

Brenner moved to amend the following Comprehensive Plan pages 11-26 to create a new policy, “11H-8: Identify areas that require special protection such as wellhead protection areas, critical aquifer recharge areas, and high-priority watersheds, and incorporate that knowledge into Comprehensive Plan goals and policies. This information shall be available to the public.”

The motion was seconded.

Strong stated they’ve already done this work through the critical areas ordinance.

Brenner withdrew her motion.

Sidhu moved to amend the following Comprehensive Plan pages 11-27, Policy 11I-2, “Maintain or enhance, when appropriate, natural drainage....” This is a suggestion from the farming community.

The motion was seconded.

Strong stated this policy has to do with more than the critical areas ordinance, such as road fund projects. The County can’t require farmers to do enhancement.

Councilmembers discussed whether or not they should add language that indicates the County will be responsible for maintaining and enhancing projects.

Buchanan moved to call the question.

The motion was seconded.

The motion to call the question carried by the following vote:
Ayes: Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)
Nays: Brenner (1)

Councilmember Sidhu’s motion failed by the following vote:
Ayes: Brenner and Sidhu (2)
Nays: Mann, Browne, Buchanan, Weimer and Donovan (5)
Sidhu moved to amend the following Comprehensive Plan pages 11-28, Policy 11I-10, “Develop and administer regulations and incentives via WCC 16.16, the County’s Critical Areas Ordinance, such that there is no net loss of ecological functions and values of regulated wetlands and fish and wildlife habitats.”

The motion was seconded.

Strong stated other regulations may apply, in addition to the critical areas ordinance.

The motion failed by the following vote:
Ayes: Brenner and Sidhu (2)
Nays: Mann, Browne, Buchanan, Weimer and Donovan (5)

Brenner moved to amend the following Comprehensive Plan pages 11-29, Policy 11I-12 to add a new item, “7. Prioritize stormwater polluting areas and develop retrofits for areas most likely to impact sensitive waters.”

The motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Brenner moved to amend the following Comprehensive Plan pages 11-30 to create a new policy, “11J-4: Coordinate local water and land management efforts, plans, and data to ensure adequate oversight of water quality and quantity issues.”

The motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Donovan moved to amend the following Comprehensive Plan pages 11-30 to create a new policy, “11J-5: Encourage commercial and agricultural water users to quantify water use to promote conservation.” They need to somehow gather data on water use.

The motion was seconded.

Councilmembers discussed the possibility of agricultural water metering inadvertently causing farmers to lose water rights.

Donovan amended his motion, “Encourage commercial and agricultural water users to quantify water use to promote conservation.”

Weimer described past and current water use studies.

The amended motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)
Donovan moved to amend the following Comprehensive Plan pages 11-30 to create a new policy, “11J-6: Utilize water use data to reward conservation and maintain availability of water for agriculture and instream flow.”

The motion was seconded.

Buchanan suggested a friendly amendment, “Utilize water use data to reward conservation and maintain availability of water for agriculture and instream flow.”

Donovan accepted the friendly amendment.

The motion carried by the following vote:

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

Nays: None (0)

Donovan moved to amend the following Comprehensive Plan pages 11-30 to create a new policy, with an addition, “Implement a plan with the Department of Ecology by 2025 to measure and record commercial and agricultural water usage to reward conservation.” Make sure there are positive incentives.

Browne suggested a friendly amendment, “Encourage the State to remove the water relinquishment rule and implement a plan....” They need a lot of input from the agricultural community.

Donovan stated he would table this motion until the next time this chapter is discussed.

COMPREHENSIVE PLAN CHAPTER 4, CAPITAL FACILITIES

1. DISCUSSION AND PRELIMINARY COUNCIL DIRECTION ON COMPREHENSIVE PLAN CHAPTER 4, CAPITAL FACILITIES (AB2016-047D)

Mann stated don't send the message to the public that expansion of facilities is the only solution.

Browne moved to amend the following Comprehensive Plan pages:

- Page 4-5, Goal 4D, “Develop and implement improvement and or expansion for the....”
- Page 4-5, Policy 4D-1, “Complete those capital... to eliminate correct any space deficiencies....”
- Page 4-6, Policy 4D-2, “Maintain Sheriff’s Office adult corrections... Existing facilities may be expanded remodeled or new facilities developed in response to increasing changing need.”
- Page 4-6, Policy 4D-3, “Maintain juvenile detention... Existing facilities may be expanded remodeled or new facilities developed in response to increasing changing need.”
• Page 4-6, Policy 4D-4, “Maintain adequate facilities... Existing facilities may be expanded remodeled or new facilities developed in response to increasing changing need.”

The motion was seconded.

**Brenner suggested a friendly amendment** to amend all the items, “…expanded, remodeled, and/or new facilities....”

Mann accepted the friendly amendment.

*(Clerk’s Note: Councilmember Browne made the motion to amend.)*

The motion as amended carried by the following vote:

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

**Nays:** None (0)

Mann stated make sure the appendices are amended according to these changes.

**COMPREHENSIVE PLAN CHAPTER 1, GROWTH PROJECTIONS**

1. **DISCUSSION AND PRELIMINARY COUNCIL DIRECTION ON COMPREHENSIVE PLAN CHAPTER 1, GROWTH PROJECTIONS (AB2016-047A)**

Browne moved to amend Comprehensive Plan Page 1-5, line 33, to add a new section:

Whatcom County Government

Whatcom County’s mission statement is to “promote, enrich and enhance the freedoms, opportunities, health and safety of its citizens. We will provide essential and desirable public services in a cost effective and accountable manner. We will conduct the public’s business and treat all members of our diverse community in a courteous and professional manner. We will provide vision, leadership and responsiveness while addressing community issues and conducting the business of the people. We will encourage community involvement in public issues while protecting the rights of the individual and encouraging respect for diversity. We will serve as an active catalyst for individuals and other entities to participate in achieving a positive future for Whatcom County.”

To those ends, the County is committed to good government through transparency, robust public involvement and ongoing process and performance improvement.”

The motion was seconded.

Brenner stated the second paragraph in the preamble is the same as the Goal. She moved to amend the motion to remove the second paragraph. The motion to amend was not seconded.

Councilmembers discussed the proper location of these proposed amendments in the Comprehensive Plan and whether or not they should be more specific.
Brenner suggested a friendly amendment, “To those ends, the County is committed to Ensure good government through transparency....”

Browne accepted the friendly amendment.

The motion carried by the following vote:

Ayes: Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)
Nays: Brenner (1)

Browne moved to amend Comprehensive Plan Page 1-5, line 33, to add a new goal, “1A: Ensure that government activities, regulations and policies are transparent, accountable and easy to understand.”

The motion was seconded.

The motion carried by the following vote:

Ayes: Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)
Nays: Brenner (1)

Browne moved to amend Comprehensive Plan Page 1-5, line 33, to add a new policy, “1A-1: Integrate and simplify all documents using the “Federal Plain Language Guidelines” available at www.plainlanguage.gov to make them more understandable and user-friendly.”

The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Browne moved to amend Comprehensive Plan Page 1-5, line 33, to add a new policy, “1A-2: Benchmark the County’s performance against itself and other comparable jurisdictions. Develop and publish reports on key performance metrics.”

The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Browne moved to amend Comprehensive Plan Page 1-5, line 33, to add a new policy, “1A-3: Ensure all acronyms and abbreviations used in public documents have clearly defined and readily accessible explanations.”

The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)
**Browne moved** to amend Comprehensive Plan Page 1-5, line 33, to add a new policy, “1A-4: Maintain a user-friendly, intuitive, and helpful website.”

The motion was seconded.

Councilmembers discussed amending to remove “intuitive” and its use as an industry term.

**Weimer moved** to call the question.

The motion was seconded.

The motion to call the question carried by the following vote:

Ayes: Sidhu, Browne, Buchanan, Weimer and Donovan (5)

Nays: Mann and Brenner (2)

The motion carried by the following vote:

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

Nays: None (0)

**Browne moved** to amend Comprehensive Plan Page 1-5, line 33, to add a new policy, “1A-5: Ensure public-facing documents are updated often to reflect changes to regulations and contact information. These documents must be present on the County website and cross-referenced appropriately so the public can easily find and access them.”

The motion was seconded.

Councilmembers discussed the meaning of the term “public-facing” and which documents are the focus of the motion.

Linda Twitchell, Building Industry Association, stated she suggests alternate language, “Ensure forms, permits, applications, and similar documents readily available to the public are updated often to reflect changes....”

**Browne amended his motion** to amend Comprehensive Plan Page 1-5, line 33, to add a new policy, “1A-5: Ensure forms, permits, applications, and similar documents are readily available to the public and are updated to reflect changes to regulations and to contact information. These documents should be present on the County website and cross-referenced appropriately so the public can easily find and access them.”

The motion carried by the following vote:

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

Nays: None (0)

**Browne moved** to amend Comprehensive Plan Page 1-5, line 33, to add a new policy, “1A-6: Use technological tools, such as Geographic Information Systems (GIS), to make information easily accessible to the public.”

The motion was seconded.
The motion carried by the following vote:

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

**Nays:** None (0)

_Browne moved_ to amend Comprehensive Plan Page 1-5, line 33, to add a new policy, “1A-7: Respond to inquiries from the public in a timely, professional, and courteous manner.”

The motion was seconded.

The motion carried by the following vote:

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

**Nays:** None (0)

_Browne moved_ to amend Comprehensive Plan Page 1-5, line 33, to add a new policy, “1A-8: No rule, regulation, restriction or requirement shall be imposed on county residents by the County that is not embodied in the County Code, local, State, or Federal law.”

The motion was seconded.

Councilmembers discussed whether any rule, regulation, restriction, or requirement has ever been imposed when it’s not in the Code or law.

The motion carried by the following vote:

**Ayes:** Mann, Sidhu, Browne, and Buchanan (4)

**Nays:** Brenner, Weimer, and Donovan (3)

**COMPREHENSIVE PLAN APPENDICES**

1. **DISCUSSION AND PRELIMINARY COUNCIL DIRECTION ON THE FOLLOWING COMPREHENSIVE PLAN APPENDICES (AB2016-047L): APPENDIX A, GLOSSARY; APPENDIX B, ACRONYMS; APPENDIX C, COUNTYWIDE PLANNING POLICIES; APPENDIX D, BIBLIOGRAPHY; APPENDIX E, WC 20 YEAR CAPITAL FACILITIES PLAN; APPENDIX F, SIX-YEAR CAPITAL IMPROVEMENT PROGRAM; APPENDIX G, WATER RESOURCES & SALMON RECOVERY (DELETING TRANSPORTATION IMPACT FEE BACKGROUND INFORMATION AND REPLACING WITH A NEW APPENDIX G RELATING TO WATER RESOURCE AND SALMON RECOVERY PROGRAMS, WHICH WILL BE DISCUSSED WITH CHAPTER 11, ENVIRONMENT); APPENDIX H, AIRPORT OVERLAY ZONES; APPENDIX I, IMAGINARY SURFACES**

This item was not discussed.

**OTHER BUSINESS**

There was no other business.
ADJOURN

The meeting adjourned at 5:01 p.m.

The Council approved these minutes on ______________, 2017.

ATTEST: WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

______________________________  ______________________________
Dana Brown-Davis, Council Clerk   Barry Buchanan, Council Chair

______________________________
Jill Nixon, Minutes Transcription
CALL TO ORDER

Council Chair Barry Buchanan called the meeting to order at 10:47 a.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

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

Absent: None.

COMMITTEE DISCUSSION – CONFERENCE ROOM

1. DISCUSSION WITH SENIOR DEPUTY PROSECUTOR KAREN FRAKES REGARDING POTENTIAL LITIGATION, COMPREHENSIVE PLAN REVIEW PROCESS (AB2016-018)

The attorney for this discussion is Karen Frakes.

Buchanan stated that discussion of agenda item one may take place in executive session pursuant to RCW42.30.110 (1)(i). Executive session will conclude no later than 11:15 a.m. If the meeting extends beyond the stated conclusion time, he will step out of the meeting to make a public announcement.

Mann moved to go into executive session until no later than 11:15 a.m. to discuss the agenda items pursuant to RCW citations as announced by the Council Chair. The motion was seconded.

The motion carried by the following vote:

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

Nays: None (0)

Buchanan announced the executive session is extended to 11:30 a.m.

Buchanan reported for executive session and stated the committee discussed the option to split the Cherry Point urban growth area (UGA) amendments out to a separate process.

Brenner moved to separate Councilmember Weimer’s proposed changes to the Cherry Point urban UGA, items one through eight and ten through 13, from this Comprehensive Plan process, docket them for future review, and send them to the Planning Commission.
The motion was seconded.

Councilmembers discussed sending Councilmember Weimer’s proposed amendments to the Planning Commission as a docketed item for a future Comprehensive Plan review.

Buchanan restated the motion to separate Councilmember Weimer’s proposed changes to the Cherry Point urban UGA, proposed amendments one through 13, send them to the Planning Commission, and docket for subsequent Council review with the understanding that a resolution will be crafted with a specific timeline.

The motion carried by the following vote:

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

**Nays:** Weimer and Donovan (2)

**PUBLIC COMMENT**

1. AUDIENCE MEMBERS ARE INVITED TO COMMENT SPECIFICALLY ON THE FOLLOWING WHATCOM COUNTY COMPREHENSIVE PLAN CHAPTERS: CHAPTER 2, LAND USE (AB2016-047B); CHAPTER 11, ENVIRONMENT (AB2016-047K); APPENDICES (AB2016-047L)

The following people spoke:

Larry Helm submitted and read from a handout (on file) and stated the current proposed changes will contribute to the decline in the local economy.

Brad Owens, Northwest Jobs Alliance President, stated don’t approve changes that will diminish the uses of industrial land at Cherry Point.

Andrew Gamble, Petrogas West Ferndale Terminal Operations Manager, submitted and read from his handout (on file). Proposed changes to Chapter 2 are problematic. Do not approve those proposed amendments.

Carole Perry stated proposed amendments should go through the proper process and the process is confusing.

Jim Groves stated don’t jeopardize jobs at Cherry Point. Provide good living wages to future generations. It’s important to cooperate and compromise.

Stewart Pennington stated he’s concerned that the process isn’t ethical because they scheduled this item under Other Business. If they don’t invest in the future, a lower-tier company will take over. Let the companies invest in their futures.

John Strong stated the plan at Cherry Point is for a multi-modal shipping facility that isn’t built just for coal. It’s about economic development, not about fossil fuel and coal.

Bob Waters, SSA Marine Senior Vice President, stated the Army Corps of Engineers decision is subject to appeal and is not final. Pacific International Terminals may file a new
application if circumstances change. Remove inaccuracies and inconsistencies in the Comprehensive Plan.

Alex Ramel stated it’s disappointing that people can’t speak to the Council about unrefined fossil fuel export projects. Don’t forget the people who would like to be involved in the process regarding unrefined fossil fuel projects.

Kate Blystone, Resources for Sustainable Communities, stated make sure the Planning Commission works on the proposed Cherry Point amendments soon.

Brian Carey stated he supports Councilmember Weimer’s proposed amendments to the Cherry Point UGA. Don’t let the proposed amendments die at the Planning Commission.

Cindy Austin, National Electrical Contractors Association, submitted and read from a handout (on file) and described her membership.

Lyle Anderson stated Councilmember Weimer’s proposed amendments may help prevent further degradation of the Cherry Point aquatic reserve habitat.

(Note: The Council took a lunch break from 12:17 p.m. to 1:37 p.m.)

COMPREHENSIVE PLAN CHAPTER 2, LAND USE

1. DISCUSSION AND PRELIMINARY COUNCIL DIRECTION ON COMPREHENSIVE PLAN CHAPTER 2, LAND USE (AB2016-047B)

Brenner moved to amend Comprehensive Plan page 2-77, Policy 2CC-8, “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. Cherry Point industries provide family wage jobs and fuel for our county and Washington State. It is the responsibility of Cherry Point industries to fully cooperate and coordinate with our local firefighters, EMS, and environmental protection agencies to guard public health and safety and reduce environmental impacts and in sharing information pertaining to and necessary for protecting public health, safety and the environment.”

The motion was seconded.

Councilmembers discussed the need for more transparency from the railroad company and whether this item should be considered with other Cherry Point amendments.

Brenner withdraw the motion and stated it is forwarded to the Planning Commission with the other Cherry Point amendments.

Donovan moved to approve two amendments:

• Amend Comprehensive Plan page 2-113, Policy 2NN-3, “Recognize the existing parcelization and the commitment for development of the remaining development potential of multi-family parcels in Sudden Valley.”

• Amend Comprehensive Plan page 2-113, Policy 2NN-8, "Work with all parties to maintain, and appropriately plan for infrastructure, public services, and
stormwater retention so that Sudden Valley can develop to its appropriate potential appropriately.”

The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Buchanan, Weimer and Donovan (6)

Nays: None (0)

Absent: Browne (out of the room) (1)

COMPREHENSIVE PLAN CHAPTER 11, ENVIRONMENT

1. DISCUSSION AND PRELIMINARY COUNCIL DIRECTION ON COMPREHENSIVE PLAN CHAPTER 11, ENVIRONMENT (AB2016-047K)

Forrest Longman, Council Office, referenced item 49 on Council packet page 545, which is pending from the last meeting on July 5.

Donovan restated the motion from July 5 to amend Comprehensive Plan page 11-30 to create a new policy, “11J-7: Implement a plan with the Department of Ecology by 2025 to measure and record commercial and agricultural water usage.”

The motion was seconded.

Donovan amended his motion to amend Comprehensive Plan page 11-30 to create a new policy, “11J-7: Encourage the Department of Ecology to eliminate the relinquishment rule and work with ag water board and the watershed improvement districts (WIDs) to develop a water bank/water exchange program in Whatcom County. Implement a plan with the Department of ecology by 2025 to measure and record commercial and agriculture water usage.”

Councilmembers discussed the existing Department of Ecology statewide water bank; eliminating the relinquishment rule; avoiding anything that can imply the use of water meters, and; getting information from the WID representatives, who will begin working on this issue soon.

Donovan stated he would like to table his motion.

Brenner moved to amend Comprehensive Plan page 11-30 to create a new policy, “11J-9: Request the Department of Ecology to determine how much water is being used in Whatcom County and provide the information to the WRIA 1 Planning Unit to assist in its recommendations to the Whatcom County Council.”

The motion was seconded.

Councilmembers discussed metering, determining the water supply, information that already exists on water use and water availability.
Mark Personius, Planning and Development Services Department, answered questions.

**Brenner withdrew** her motion and asked that it go to the Planning Commission.

**Donovan moved** to amend Comprehensive Plan page 11-31, Policy 11K-2, “Develop a storm drainage utility district or other funding mechanism to deal with the unique problems of development in a drinking water watershed and implement the fair and equitable funding mechanisms called for in the 2008 Lake Whatcom Comprehensive Stormwater Plan to support lake water quality protections by 2018.”

The motion was seconded. Councilmembers discussed who would determine whether a funding system is fair and equitable.

The motion carried by the following vote:

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

**Nays:** None (0)

**Brenner moved** to amend Comprehensive Plan page 11-31, Policy 11K-4, “Work cooperatively with the City of Bellingham and the Lake Whatcom Water and Sewer District, and applicable associations and organizations to identify, review, and, as appropriate, recommend changes to existing monitoring programs that will address the needs of the various jurisdictions to better improve lake water quality.”

The motion was seconded. The motion carried by the following vote:

**Ayes:** Brenner, Sidhu, Browne, Buchanan, Weimer and Donovan (6)

**Nays:** None (0)

**Absent:** Mann (out of the room) (1)

**Donovan moved** to amend Comprehensive Plan page 11-31, Policy 11K-4, “Place a particular focus on the information needed to evaluate the impacts of additional development and stormwater management measures in the watershed. Include an analysis of the diversion from the Middle Fork of the Nooksack. Coordinate efforts with the Lake Whatcom Management Committee process.”

The motion was seconded. Councilmembers discussed the purpose of an analysis of the diversion from the Nooksack River.

Personius answered questions.

**Donovan withdrew** the motion.

**Brenner moved** to amend Comprehensive Plan page 11-31, Policy 11K-7, “Work cooperatively with the City of Bellingham and the Lake Whatcom Water and Sewer District to...”
develop and track benchmarks to determine: the effectiveness of management options; when goals have been achieved; and/or when additional actions are necessary.”

The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Donovan moved to amend Comprehensive Plan page 11-32, Policy 11K-9, “Work to keep state publicly-owned forest lands within the Lake Whatcom watershed in public ownership…”

The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Donovan moved to amend Comprehensive Plan page 11-32, Policy 11K-9, “…and support managing forestry on these lands in a manner that minimizes sediment and phosphorus yields from streams, and is consistent with Best Available Science (BAS) data, in order to protect and enhance water quality.”

The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Brenner moved to amend Comprehensive Plan page 11-32, Policy 11K-10, “Encourage the location of public services, such as schools, libraries, parks/open space, and post offices within Rural Communities Sudden Valley....”

The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Brenner moved to amend Comprehensive Plan page 11-32, Policy 11K-10, “…that would likely in an attempt to reduce the vehicle miles traveled within the watershed.”

The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Councilmembers discussed the Department of Ecology’s water banking program.
Brenner moved to amend Comprehensive Plan page 11-32, Policy 11K-11, “Continue to work with Bellingham and Lake Whatcom Water and Sewer District to protect and manage the Lake Whatcom watershed in accordance with the 1998 jointly adopted interlocal agreement. Focus on continued implementation of the 5-Year Work Plans of the Lake Whatcom Management Program. In addition, work with the affected jurisdictions and secure funding for programs that protect and enhance water quality.”

The motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Brenner moved to amend Comprehensive Plan page 11-32; Policy 11K-12: Review and modify (as needed) the current development review process for projects in the Lake Whatcom Watershed to ensure coordination with other jurisdictions to streamline regulations that improve and protect water quality.”

The motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Brenner moved to approve two amendments:

- Amend Comprehensive Plan page 11-33 to create a new policy, “11K-20: Urban Growth Areas shall not be designated or expanded within the Lake Whatcom Watershed.”
- Amend Comprehensive Plan page 11-33 to add language to a new policy, “11K-20: ..., and rezones that allow greater residential densities will not be allowed.”

The motion was seconded.

Personius stated there are existing urban growth areas in the watershed, such as Geneva. He suggested language, “existing UGAs shall not be expanded nor new UGAs be designated.”

Brenner accepted the suggestion from Mr. Personius as a friendly amendment. The full motion is to create a new policy, “11K-20: Existing urban growth areas (UGAs) shall not be expanded nor new UGAs designated within the Lake Whatcom Watershed, and rezones that allow greater residential densities will not be allowed.”

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)
**Brenner moved** to amend Comprehensive Plan page 11-34, “Among the habitats of importance to fish and wildlife are the following:...

- caves, cliffs, **rocky balds**, and talus slopes;”

The motion was seconded.

The motion carried by the following vote:

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

**Nays:** None (0)

**Brenner moved** to amend Comprehensive Plan page 11-34; lines 25-26: Most regional **terrestrial** wildlife species regularly use aquatic and riparian habitats for breeding, feeding, shelter, and migratory activities.”

The motion was seconded.

Councilmembers discussed whether the term refers just to land animals that don’t fly or swim.

**Brenner amended her motion** to amend Comprehensive Plan page 11-34, lines 25-26, “Most regional wildlife species regularly use aquatic and riparian habitats for breeding, feeding, shelter, and migratory activities.”

The motion carried by the following vote:

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

**Nays:** None (0)

**Brenner moved** to amend Comprehensive Plan page 11-34, lines 46 through Comprehensive Plan page 11-35, line 5, “Loss of native vegetation through conversion to ornamental vegetation and non-native species often can results in loss of wildlife habitat, increased competition to native wildlife from introduced species such as starlings, and increased maintenance needs. Loss of native vegetation also can occur through invasions of **non-native species**, such as the spread of *Spartina*, which can drastically displace important native eelgrass and mudflat communities.”

The motion was seconded.

Councilmembers discussed whether converting native vegetation to nonnative ornamental vegetation always results in the loss of wildlife habitat.

The motion carried by the following vote:

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

**Nays:** Mann and Browne (2)

**Brenner moved** to amend Comprehensive Plan page 11-35, lines 12-15, “Decline in **wild** salmonid abundances have been attributed to widespread loss and degradation of habitat, due to hydropower, residential and urban development, agriculture, and forestry, and fishing and hatchery production. Fishing and hatchery production have also contributed to declines.”
The motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Brenner moved to amend Comprehensive Plan page 11-35, lines 27-28, “Marine habitats include all salt water bodies and their shorelines, kelp and micro algae beds, eelgrass meadows, salt marshes, beaches, and mudflats.”

The motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Brenner moved to amend Comprehensive Plan page 11-36, lines 16-22, “The primary measure of water quality for shellfish harvesting is bacterial contamination associated with human sewage and animal wastes fecal coliform. There are many potential sources of fecal bacteria, such as include municipal sewage treatment plants, on-site sewage systems, boat waste, farm animals, pets, and wildlife. Since 1995, valuable shellfish beds in Portage Bay and Drayton Harbor have been downgraded (harvest prohibited) due to non-point pollution impacting recreational, tribal, and commercial harvesting.”

The motion was seconded.

Councilmembers discussed whether they need to identify the sources of bacterial contamination.

Brenner amended her motion, “...bacterial contamination, associated with human sewage and animal wastes. There are many potential sources....”

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, and Weimer (6)
Nays: Donovan (1)

Brenner moved to amend Comprehensive Plan page 11-37, lines 37-39, “Growth Development and urbanization of the land base have and may continue to impose a risk to result in the degradation and reduction of natural systems ecosystem functions. Wetlands and estuaries continue to be lost incrementally.”

The motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Sidhu moved to amend Comprehensive Plan page 11-38 to delete lines 9-19, “Many stream systems in Whatcom County have been altered by agriculture, forestry, development, and flood control practices, contributing to low stream flows, fisheries loss,
water pollution, sedimentation and other problems. These impacts can directly affect the fisheries resources by depositing silt and debris into spawning beds, by removing trees that shade and cool the water, stabilizing banks, interfering with the recruitment and establishment of large woody debris (LWD), by obstructing fish passage with culverts and roads, by altering natural channels through filling, bank hardening, and channelizing. In addition, the physical processes that create functional habitats for fish life stages are altered by increasing flows through stormwater runoff or consuming water volume for other out-of-stream uses.”

The motion was seconded.

Councilmembers discussed whether the topic is adequately covered in other sections of the plan, recent changes don’t cause all the problems that are mentioned, and whether the existing statement is true.

The motion failed by the following vote:
**Ayes:** Brenner and Sidhu (2)

**Nays:** Mann, Browne, Buchanan, Weimer and Donovan (5)

**Brenner moved** to amend Comprehensive Plan page 11-38, line 20, new paragraph:

“Agriculture can enhance or restore ecosystems as undeveloped open spaces and appropriate forestry practices can, and do in many cases provide shade and cool water for salmon habitat and stabilize banks. With agriculture and forestry being so important to our survival, it is imperative we acknowledge this in our environmental chapter.”

The motion was seconded.

Councilmembers discussed whether the statement is accurate and not targeting the agriculture and forestry industries.

**Brenner amended her motion** to amend Comprehensive Plan page 11-38, line 20, new paragraph, “Agriculture can enhance or restore ecosystems as undeveloped open spaces and appropriate forestry practices can, and do in many cases provide shade and cool water for salmon habitat and stabilize banks. With agriculture and forestry being so important to our survival, it is imperative we acknowledge this in our environmental chapter.”

The motion failed by the following vote:

**Ayes:** Donovan, Brenner, and Sidhu (3)

**Nays:** Mann, Browne, Buchanan, and Weimer (4)

**Brenner moved** to amend Comprehensive Plan page 11-38, lines 21-26, “Finally, the cultural value of functioning habitats, including wetlands and the fish and wildlife they harbor, has often been ignored in land use decisions. The gathering of fish, game, and other natural resources forms a central aspect of many cultures in this region. Also, the mere presence of these natural resources constitutes a community amenity that is a substantial part of our local economic base. Finally, a healthy and functioning ecosystem, including forests, wetlands, fish, wildlife, and native plants they harbor, is an identified resource. A healthy ecosystem supports diverse and abundant wildlife, fish, and plant populations, and is necessary. The gathering of fish, game, and other natural resources forms a central aspect
of many cultures in Whatcom County. The mere presence of these natural resources constitutes a community amenity that is a substantial part of our local economic base.”

The motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Brenner moved to amend Comprehensive Plan page 11-38, Policy 11L-1, “Define and identify habitats and habitat features important to a balanced and sustainable web of life that supports fish and wildlife. Define and identify species, habitats, and habitat features important to a balanced and sustainable web of life, biodiversity, and especially important to fish, native plants, and wildlife. Create, and regularly update an Ecosystem Report.”

The motion was seconded.

Cliff Strong, Planning and Development Services Department, stated a goal of the Wildlife Advisory Committee staff person is to create an ecosystem report.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Brenner moved to amend Comprehensive Plan page 11-38, Policy 11L-2, “Develop and adopt programs that protect habitats essential to the conservation of species that have been identified as endangered, threatened, or sensitive by the state or federal government as well as habitats identified as necessary in the Ecosystem Report. These programs should maintain and encourage restoration of habitat conditions for listed species of concern, as well as habitats identified as having significant biodiversity, connectivity and other important features and functions.”

The motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Councilmembers discussed whether they need to define what should be included in the ecosystem report.

Brenner moved to amend Comprehensive Plan page 11-38, Policy 11L-3, “Develop and adopt programs that provide incentives for the protection of environmentally fragile areas or critical plant and wildlife habitats and corridors as well as habitats that provide connectivity (corridors).”

The motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Brenner moved to amend Comprehensive Plan page 11-39, Policy 11L-7, “Promote voluntary fish and wildlife habitat enhancement projects through educational and incentive programs, such as purchase of development rights or habitat conservation easements. These projects, which can be done by individuals, organizations, and businesses, should will buffer and expand fish, plant, and wildlife habitat.”

The motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Brenner moved to amend Comprehensive Plan page 11-39, Policy 11L-8, “Give careful consideration to the siting of industrial, commercial, residential, and other land use designations when located near important marine, terrestrial, or other critical habitats.”

The motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Brenner moved to amend Comprehensive Plan page 11-39 to create a new policy, “11L-14: Consider the value of wildlife populations in land use decisions that may impact them, their associated habitats, and connectivity.”

The item was seconded.

Strong suggested language, “Consider the value of wildlife populations, their associated habitats, and connectivity in land use decisions that may impact them.”

Brenner accepted the suggestion from Mr. Strong and restated and amended the motion to amend Comprehensive Plan page 11-39 to create a new policy, “11L-14: Continue to consider the value of wildlife populations, their associated habitats, and connectivity in land use decisions that may impact them.”

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Weimer moved to amend Comprehensive Plan page 11-39 to create a new policy, “11L-15: Mitigation to Habitat Conservation Areas should be tracked and monitored to ensure no net loss to natural area.”

The motion was seconded.

Councilmembers discussed to what level staff does any wildlife habitat monitoring, what the cost may be to do such monitoring, including it in the critical areas ordinance,
whether the policy should include wetlands mitigation, and how habitat conservation areas are designated.

Strong answered questions.

Brenner moved to table to get more information. The motion to table was not seconded.

The motion carried by the following vote:
Ayes: Mann, Browne, Buchanan, Weimer and Donovan (5)
Nays: Brenner and Sidhu (2)

**Weimer moved** to amend Comprehensive Plan page 11-39 to create a new policy, “11L-16: Monitor Habitat Conservation Areas to obtain a baseline of current conditions and to ensure no net loss and avoidance of cumulative impacts.”

The motion was seconded.

The motion carried by the following vote:
Ayes: Mann, Browne, Buchanan, Weimer and Donovan (5)
Nays: Brenner and Sidhu (2)

**Brenner moved** to amend Comprehensive Plan page 11-40, Goal 11M, “Protect and enhance natural ecosystems that support native fish, plant, and wildlife populations and habitat.”

The motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

**Sidhu moved** to amend Comprehensive Plan page 11-40, Policy 11M-2, “Protect and enhance significant fish spawning and rearing habitat, food resources, refugia (shelter), and travel passages.”

The motion was seconded.

Councilmembers discussed whether they are asking the County or citizens to do the protection and enhancement, removing debris that blocks culverts, and whether or not the County could compel citizens to provide enhanced fish habitat.

**Sidhu amended his motion** to amend Comprehensive Plan page 11-40, Policy 11M-2, “Support the protection and enhancement of Protect and enhance significant fish spawning and rearing habitat, food resources, refugia (shelter), and travel passages.”

The new motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Brenner moved to reconsider the motion to amend Comprehensive Plan page 11-40, Goal 11M, “Protect and enhance natural systems ecosystems that support native fish, plant, and wildlife populations and habitat.”

The motion to reconsider was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Brenner moved to reconsider the motion to amend Comprehensive Plan page 11-40, Goal 11M, “Support the protection and enhancement of systems ecosystems that support native fish, plant, and wildlife populations and habitat.”

The motion was seconded.

Councilmembers discussed the broader goal of protecting and enhancing ecosystems.

The motion failed by the following vote:
Ayes: Brenner, Mann, and Browne (3)
Nays: Donovan, Sidhu, Buchanan, and Weimer (4)

Sidhu moved to amend Comprehensive Plan page 11-40, Policy 11M-10, “Encourage landowners to voluntarily protect surface water quality with filter strips or other appropriate water cleansing mechanisms installed between lawns, landscaping, livestock pens, or agricultural fields and waterbodies.”

The motion was seconded.

Councilmembers discussed whether there are any non-voluntary efforts.

Strong answered questions.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Brenner moved to amend Comprehensive Plan page 11-41, Policy 11M-11:

Formulate and implement a comprehensive landscape-based environmental management program to protect fish and wildlife. The program should include the following:
1. Formulate an administrative approach to the review of development and planning proposals that consider natural system policies;
2. Investigate and develop programs for acquisition and restoration of important fish, plant, and wildlife habitat areas;
3. Work cooperatively with local, state, and federal jurisdictions and departments (such as the Department of Natural Resources,
Department of Fish and Wildlife, and Department of Ecology), tribal entities, local jurisdictions, organizations, and individuals for the purpose of developing and entering into cooperative agreements with State and Federal agencies and neighboring jurisdictions for the purpose of identifying and protecting natural systems ecosystems.;

4. Identify and map important habitat corridors and connectivity throughout the county.; and

5. Support the development of educational materials which lists, describes, and characterizes the appropriate use of native vegetation to enhance natural systems ecosystem functions in Whatcom County.

The motion was seconded.

Councilmembers discussed whether the proposed new language in item three duplicates the existing language in item three.

**Brenner amended her motion:**
Formulate and implement a comprehensive landscape-based environmental management program to protect fish and wildlife. The program should include the following:

1. Formulate an administrative approach to the review of development and planning proposals that consider natural system policies.;

2. Investigate and develop programs for acquisition and restoration of important fish, plant, and wildlife habitat areas.;

3. Develop and enter into cooperative agreements with State and Federal agencies and neighboring jurisdictions for the purpose of identifying and protecting natural systems ecosystems.;

4. Identify and map important habitat corridors and connectivity throughout the county.; and

5. Support the development of educational materials which lists, describes, and characterizes the appropriate use of native vegetation to enhance natural systems ecosystem functions in Whatcom County.

The motion carried by the following vote:

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

**Nays:** None (0)

**Brenner moved** to amend Comprehensive Plan page 11-41, Policy 11M-13, “Diligently work to prevent and/or reduce the establishment and/or the spread of invasive species.”

The motion was seconded.

The motion carried by the following vote:

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

**Nays:** None (0)

**Brenner moved** to amend Comprehensive Plan page 11-41 to create a new policy, “11M-15: Participate in protection and improvement of biodiversity.”

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The motion was seconded.

The motion carried by the following vote:

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

**Nays:** None (0)

**Brenner moved** to amend Comprehensive Plan page 11-41 to create a new policy, “11M-16: Consider establishing important habitat areas as sending areas after creating a voluntary, workable transfer of development rights (TDR) program.”

The motion was seconded.

Councilmembers discussed whether the habitat areas would have to be sent to another habitat sending area and whether the County can provide more development rights than the zone allows if the owner agrees to clustering.

Personius answered questions.

The motion carried by the following vote:

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

**Nays:** None (0)

**Donovan moved** to amend Comprehensive Plan page 11-43 to create a new policy and renumber subsequent policies, “11N-6: Mitigation of wetlands should be reviewed and tracked over time to ensure no net loss of wetland function.”

The motion was seconded.

The motion carried by the following vote:

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

**Nays:** None (0)

**Weimer moved** to amend Comprehensive Plan page 11-43 to create a new policy, “11N-9: A baseline of wetland ID and function should be made to track and prevent net loss and avoid cumulative impacts.”

The motion was seconded.

The motion carried by the following vote:

**Ayes:** Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)

**Nays:** None (0)

**Abstains:** Brenner (1)

**Brenner moved** to amend Comprehensive Plan page 11-42, lines 6-10, “Wetlands are crucial environmental features in Whatcom County. Once thought of as waste areas and unproductive lands, it is now known that wetlands provide invaluable functions in aquifer recharge, groundwater storage, floodwater detention, pollutant removal and purification of water supplies, as well as provision of fish and wildlife habitat.”

The motion was seconded.
Councilmembers discussed whether they need to include this type of historical information.

The motion carried by the following vote:

**Ayes:** Brenner, Mann, Sidhu, Buchanan, Weimer and Donovan (6)

**Nays:** Browne (1)

**Sidhu moved** to amend Comprehensive Plan page 11-42, lines 10-12, “Loss of wetlands has been due to many factors including urbanization, and to a large degree to agricultural development and associated drainage projects, especially urbanization.”

Donovan suggested language, “Loss of wetlands has been due to many factors, including urbanization, agricultural development, and associated drainage projects.”

Councilmembers discussed emphasizing urbanization and de-emphasizing agricultural impacts.

The motion was seconded.

The motion failed by the following vote:

**Ayes:** Brenner (1)

**Nays:** Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)

**Donovan moved** to amend Comprehensive Plan page 11-42, lines 10-12, “Loss of wetlands has been due to many factors including urbanization, and to a large degree agricultural development, and drainage projects.”

The motion was seconded.

The motion carried by the following vote:

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

**Nays:** None (0)

**Brenner moved** to amend Comprehensive Plan page 11-44, Goal 11O, “Protect and enhance marine ecosystems and resources in Whatcom County.”

The motion was seconded.

The motion carried by the following vote:

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

**Nays:** None (0)

**Brenner moved** to amend Comprehensive Plan page 11-45; Policy 11P-2: Restore degraded waters within the drainage basins of shellfish growing areas to a level that allows/supports shellfish harvesting by work with the Department of Ecology, Tribes, Department of Health, Department of Fish and Wildlife, and affected property owners to improve water quality.

The motion was seconded.
The motion carried by the following vote:

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

**Nays:** None (0)

**Brenner moved** to amend Comprehensive Plan page 11-7, Policy 11A-4, “Manage designated Critical Areas (ECAs) as needed, as needed to minimize or protect against environmental degradation and reduce the potential for losses to property and human life.”

The motion was seconded.

The motion carried by the following vote:

**Ayes:** Brenner, Sidhu, Browne, and Weimer (4)

**Nays:** Mann and Buchanan (2)

**Absent:** Donovan out of the room (1)

**Brenner moved** to amend Comprehensive Plan page 11-8, line 38, through page 11-9, line 2, “There are currently a multitude of regulations and administrative processes at the federal, state and local level that together have become excessive and difficult to understand. Conflicting regulations and complicated administrative processes can create undue hardship on community members and result in reduced levels of environmental protection. Regulatory inspection and enforcement of environmental regulations are currently inconsistent and lack effectiveness. The combination of complex regulations and inadequate enforcement have led to a lack of administrative predictability, widespread violations, and ultimately to environmental deterioration.”

The motion was seconded.

The motion failed by the following vote:

**Ayes:** Brenner and Donovan (2)

**Nays:** Mann, Browne, Buchanan, Sidhu and Weimer (5)

**Brenner moved** to amend Comprehensive Plan page 11-11, lines 29-30, “Higher winter streamflow in rain-fed river basins resulting in scouring floods that negatively affect salmon populations if winter precipitation and rain on snow events increases in the future as projected.”

The motion was seconded.

The motion failed by the following vote:

**Ayes:** Brenner and Sidhu (2)

**Nays:** Mann, Browne, Buchanan, Weimer and Donovan (5)

**Brenner moved** to amend Comprehensive Plan page 11-12, beginning on line four:

“In 2007, Whatcom County completed a Climate Protection and Energy Conservation Action Plan that laid out specific actions and targets for reducing greenhouse gas emissions and increasing energy conservation efforts in response to potential climate change. Increase research and implementation..."
of desalination with many other coastal communities to potentially provide
more potable water and offset the impacts of climate change.

In addition many insurance industry experts are now factoring in the costs of
climate change into insurance premiums as the increase in the frequency and
severity of extreme weather events around the world results in a

Local government, residents and businesses must anticipate, that as the
climate changes, more frequent and severe damage to private and public
infrastructure will may occur. Maintenance costs and insurance premiums can
be expected to may increase accordingly."

The motion was seconded.

Councilmembers discussed whether they should implement desalination, how to
connect the impact of climate change with desalination, whether the County should research
and implement desalination without being a water purveyor, and whether climate change is
real.

Brenner amended her motion, “…Increase Collect research related to the
implementation of ….“

The motion failed by the following vote:
**Ayes:** Brenner (1)
**Nays:** Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)

Sidhu moved to amend Comprehensive Plan page 11-12, Policy 11D-1, “Whatcom
County’s natural resource-based economic sectors, natural systems, water resources,
infrastructure, emergency management, and public health all face potentially noteworthy
climate change related risks in the future. The County should consider potential long-range
climate change implications into its on-going functional planning and implementation
actions.”

The motion was seconded.

The motion carried by the following vote:
**Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
**Nays:** None (0)

Sidhu moved to amend Comprehensive Plan page 11-17, lines 1-6, “Volcanos – A
volcanic eruption or mudflow at Mount Baker could potentially severely affect river flow on
the Nooksack River or Baker River and cause severe property damage near the volcanoes or
along lahar routes. A lahar is an extremely rare and unpredictable occurrence. Evacuation
routes should be planned and made public. Development should be regulated according to
the Critical Areas Ordinance.”

The motion was seconded.

Councilmembers discussed future plans to address lahar issues.
The motion carried by the following vote:

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

**Nays:** None (0)

_Brenner moved_ to amend Comprehensive Plan page 11-18 to restore Policy 11F-5, "Allow permitted uses that do not require human habitation, so long as probable adverse off-site impacts to other properties or natural systems (those impacts resulting from the interaction of the natural hazard and the proposed development) are minimized or mitigated. Probable adverse impacts should be prevented or avoided in habitats of state or federally listed sensitive plant and animal species."

The motion was seconded.

Personius stated delete this policy, because it acts as if it is a regulation.

_Brenner withdrew_ her motion.

Councilmembers discussed the need for a local water bank.

_(The Committee continued to amend the Chapter at the end of the meeting.)_

**COMPREHENSIVE PLAN APPENDICES**

1. **DISCUSSION AND PRELIMINARY COUNCIL DIRECTION ON THE FOLLOWING COMPREHENSIVE PLAN APPENDICES (AB2016-047L): APPENDIX A, GLOSSARY; APPENDIX B, ACRONYMS; APPENDIX C, COUNTYWIDE PLANNING POLICIES; APPENDIX D, BIBLIOGRAPHY; APPENDIX E, WC 20 YEAR CAPITAL FACILITIES PLAN; APPENDIX F, SIX-YEAR CAPITAL IMPROVEMENT PROGRAM; APPENDIX G, WATER RESOURCES & SALMON RECOVERY (DELETING TRANSPORTATION IMPACT FEE BACKGROUND INFORMATION AND REPLACING WITH A NEW APPENDIX G RELATING TO WATER RESOURCE AND SALMON RECOVERY PROGRAMS, WHICH WILL BE DISCUSSED WITH CHAPTER 11, ENVIRONMENT); APPENDIX H, AIRPORT OVERLAY ZONES; APPENDIX I, IMAGINARY SURFACES**

Appendix A

_Brenner moved_ to amend Comprehensive Plan Appendix A, page A-1, “Cluster Development: Cluster Development provides the flexibility to maintain open space and plan around distinctive site features or constraints. By _clustering_ development on smaller lots than conventional _development creates a reserve tract, while maintaining the same overall density._ As a result, an undeveloped tract is created, while maintaining the same overall density.”

The motion was seconded.

The motion carried by the following vote:

**Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Personius answered questions on the difference between legal lots of record and tax lots that have been divided.

Brenner moved to amend Comprehensive Plan Appendix A, page A-6, “Natural Resource Lands: Natural Resource Lands include including agricultural, forestry, and mineral resource lands that are not already characterized by urban growth and that have long-term significance for the commercial production of food or other agricultural products, for the commercial production of timber, and or that have long-term significance for the extraction of minerals.”

The motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Councilmembers discussed whether there can be subdivisions of local government and whether public utilities are subdivisions of local governments.

Mann moved to approve proposed amendment items nine through 37, which concern comma use, capitalization, and other grammatical changes.

The motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Appendix B

Councilmembers discussed the list of acronyms.

Personius answered questions. Staff doesn’t have any issue with including the items.

Mann moved to approve the list of acronyms numbered 1-33 on Council packet page 603-604:

1. ADU Accessory Dwelling Unit
2. AG Agricultural zone
3. CF Commercial Forestry zone
4. CTAC Citizens’ Transportation Advisory Committee
5. L&I Washington State Department of Labor and Industries
6. DOC Department of Corrections
7. DUI Driving Under the Influence
8. EIS Environmental Impact Statement
9. GC General Commercial Zoning
10. GM General Manufacturing Zoning
11. HII Heavy Impact Industrial Zoning
12. HUD United States Department of Housing and Urban Development
13. LID Local Improvement District
14. LII Light Impact Industrial Zoning
15. MW Megawatt
16. NC Neighborhood Commercial Zoning
17. R Rural Zoning
18. RC Rural Commercial Zoning
19. RF Rural Forestry Zoning
20. RR-I Rural Residential – Island Zoning
21. RR Residential Rural Zoning
22. R2A Rural Zoning; 1 Unit / 2 Acres
23. R5A Rural Zoning; 1 Unit / 5 Acres
24. R10A Rural Zoning; 1 Unit / 10 Acres
25. SMAC Surface Mining Advisory Committee
26. SR9 State Route 9
27. SR547 State Route 547
28. SVCA Sudden Valley Community Association
29. TC Tourist Commercial Zoning
30. TDR Transfer of Development Rights
31. UR Urban Residential Zoning
32. WCC Whatcom Community College
33. WCCP Whatcom County Comprehensive Plan
34. WWU Western Washington University

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Appendix E

Mann moved to amend Comprehensive Plan Appendix E, page E-11, "Maintain Sheriff's Office adult corrections facilities and headquarters to provide a safe environment for the community, staff and inmates... Existing facilities may be expanded, remodeled, and/or new facilities developed in response to increasing changing need."

The motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Mann moved to amend Comprehensive Plan Appendix E, page E-11, "Future Needs": Most Sheriff's Office functions are currently based in the Public Safety Building adjacent to the Courthouse and are remote from the majority of Sheriff's Office Bureau of Law Enforcement and Investigative Services functions that take place in unincorporated Whatcom County. This results in inefficiencies and delays. Space and design factors in current facilities preclude consolidating various functions performed throughout the agency (reception, finance, etc.) and result in redundancies. Because of these issues, existing Sheriff's Office facilities and associated functions will be consolidated (except for "Resident Deputy" program facilities), and co-located on the site of the proposed new jail."
The motion was seconded.

The motion carried by the following vote:

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

**Nays:** None (0)

**Mann moved** to amend Comprehensive Plan Appendix E, page E-11, “Capital Projects and Funding”: A new or remodeled Sheriff’s Headquarters facility, co-located with the proposed new jail on LaBounty Rd. in Ferndale, is proposed within the six-year planning period. The Sheriff’s Headquarters facility would cost approximately $19 million, paid with bond proceeds that would be repaid from the General Fund.

The motion was seconded.

**Brenner suggested a friendly amendment,** “...new, expanded, or remodeled....”

**Mann accepted** the friendly amendment.

Councilmembers discussed where a jail will be located and how much it will cost.

Personius stated include language about the location and cost.

Tyler Schroeder, Executive’s Office, answered questions about location, cost estimates, proposed funding sources, whether the amendment would be inconsistent with the capital facilities plan, and whether there would be harm if this section were silent on location and cost.

**Mann amended his motion,** ““Capital Projects and Funding”: A new, expanded, or remodeled Sheriff’s Headquarters facility, co-located with the proposed new jail on LaBounty Rd. in Ferndale, is proposed within the six-year planning period. The new Sheriff’s Headquarters facility would cost approximately $19 million, paid with bond proceeds that would be repaid from the General Fund.”

The motion as amended was seconded.

Bill Elfo, County Sheriff, described planned efficiencies from co-locating the Sheriff’s Office services to reduce operational needs and costs.

The motion carried by the following vote:

**Ayes:** Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)

**Nays:** Brenner (1)

**Mann moved** to reconsider the motion to amend Comprehensive Plan Appendix E, page E-11.

The motion to reconsider was seconded.

The motion to reconsider carried by the following vote:

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

**Nays:** None (0)
Mann moved to amend Comprehensive Plan Appendix E, page E-11, “Future Needs”: Most Sheriff’s Office functions are currently based in the Public Safety Building adjacent to the Courthouse and are remote from the majority of Sheriff’s Office Bureau of Law Enforcement and Investigative Services functions that take place in unincorporated Whatcom County. This results in inefficiencies and delays. Space and design factors in current facilities preclude consolidating various functions performed throughout the agency (reception, finance, etc.) and result in redundancies. Because of these issues, existing Sheriff’s Office facilities and associated functions will be consolidated (except for “Resident Deputy” program facilities), and may be co-located on the site of the proposed jail."

The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Mann moved to amend Comprehensive Plan Appendix E, page E-12, “Maintain adequate facilities for daily emergency management activities and, during an emergency or disaster, for the emergency operations center. The facilities will provide sufficient space for activities relating to emergency/disaster planning, mitigation, response and recovery. Existing facilities may be expanded, remodeled, and/or new facilities developed in response to increasing changing need.”

The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Mann moved to amend Comprehensive Plan Appendix E, page E-13, “Maintain Sheriff’s Office adult corrections facilities and headquarters to provide a safe environment for the community, staff and inmates. The number of jail beds in adult corrections facilities will be determined after review of multiple factors, including projected population growth, State sentencing laws, alternative programs, treatment diversion programs, early release programs, the need to separate violent inmates, the need to separate inmates by gender, the need to separate inmates by other classification considerations, average length of stay, peak inmate populations and available funding. Existing facilities may be expanded, remodeled, and/or new facilities developed in response to increasing changing need.”

The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Mann moved to amend Comprehensive Plan Appendix E, page E-13 at the bottom of page through the top of page E-14:
“In an effort to meet the community need, the County plans to construct a new Adult Corrections Facility on LaBounty Rd. in Ferndale, tentatively scheduled to open with 521 beds within the six-year planning period. At the time this new jail is opened, the offenders at the minimum-security corrections facility would be relocated to the new facility. The cost of the proposed new jail is approximately $112,000,000, which would be paid with bond proceeds that would be repaid with new sales tax.

As an interim measure, existing correction facility improvements are planned so that these buildings can continue to function until the new or remodeled jail is completed. The cost of the improvements to the existing jail facilities is approximately $3,000,000, which would be paid from the Jail Improvement Fund and the General Fund.”

Councilmembers discussed whether the amendment creates a conflict with the capital facilities plan.

Schroeder answered questions on the purpose of the capital facilities plan.

**Mann amended his motion:**

“In an effort to meet the community need, the County plans to construct a new, expanded, and/or remodeled Adult Corrections Facility on LaBounty Rd. in Ferndale, tentatively scheduled to open with 521 beds within the six-year planning period. At the time this new jail is opened, the offenders at the minimum-security corrections facility would be relocated to the new facility. The cost of the proposed new jail Facility is approximately $112,000,000, which would has been proposed to be paid for with bond proceeds that would be repaid with new sales tax.

As an interim measure, existing correction facility improvements are planned so that these buildings can continue to function until the new or remodeled jail is completed. The cost of the improvements to the existing jail facilities is approximately $3,000,000, which would be paid from the Jail Improvement Fund and the General Fund.”

The motion was seconded.

The motion carried by the following vote:

**Ayes:** Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)

**Nays:** None (0)

**Abstains:** Brenner (1)

**Mann moved** to amend Comprehensive Plan Appendix E, page E-15, “Maintain juvenile detention facilities and alternative corrections programs to provide safe and secure methods to provide accountability and support for minors who break the law. Existing facilities may be expanded, remodeled, and/or new facilities developed in response to increasing changing need.”

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. **DISCUSSION AND PRELIMINARY COUNCIL DIRECTION ON COMPREHENSIVE PLAN CHAPTER 11, ENVIRONMENT (AB2016-047K)**

   **Donovan moved** to approve a new policy, “11J-7: Encourage the Department of Ecology to provide flexibility in the application of the water relinquishment rule simultaneous with establishing a water bank/water exchange program in Whatcom County in cooperation with stakeholders.”

   The motion was seconded.

   Councilmembers discussed whether the amendment should encourage elimination of the rule completely.

   The motion carried by the following vote:

   **Ayes:** Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)

   **Nays:** Brenner (1)

**OTHER BUSINESS**

The committee and staff discussed the Comprehensive Plan approval timeline.

Buchanan announced the Committee of the Whole will meet again on Thursday, July 14, at 1:00 p.m.

**ADJOURN**

The meeting adjourned at 4:56 p.m.

The Council approved these minutes on ______________, 2017.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

______________________________  ______________________________
Dana Brown-Davis, Council Clerk   Barry Buchanan, Council Chair

______________________________
Jill Nixon, Minutes Transcription
CALL TO ORDER

Council Chair Barry Buchanan called the meeting to order at 1:02 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.

PUBLIC COMMENT

1. AUDIENCE MEMBERS ARE INVITED TO COMMENT ON THE FOLLOWING CHAPTERS AND APPENDICES OF THE WHATCOM COUNTY COMPREHENSIVE PLAN: APPENDIX F, 6-YEAR CAPITAL IMPROVEMENT PROGRAM; APPENDIX G, WATER RESOURCES & SALMON RECOVERY; CHAPTER 7, ECONOMICS; CHAPTER 11, ENVIRONMENT

No one spoke.

COMPREHENSIVE PLAN APPENDICES

1. DISCUSSION AND PRELIMINARY COUNCIL DIRECTION ON THE FOLLOWING COMPREHENSIVE PLAN APPENDICES (AB2016-047L): APPENDIX F, SIX-YEAR CAPITAL IMPROVEMENT PROGRAM; APPENDIX G, WATER RESOURCES & SALMON RECOVERY (DELETING TRANSPORTATION IMPACT FEE BACKGROUND INFORMATION AND REPLACING WITH A NEW APPENDIX G RELATING TO WATER RESOURCES AND SALMON RECOVERY PROGRAMS)

Appendix F

Forrest Longman, Council Office, stated they are working from the version he submitted to Council on July 14 at 11:30 a.m. (on file).

Brenner moved to amend Comprehensive Plan Appendix F, the Proposed Improvements Projects table on page F-13, to remove the demolition of the Northwest Annex. She described the history of the building.

The motion was seconded.
Mark Personius, Planning and Development Services Department, answered questions.

Councilmembers discussed the possibility of remodeling the building rather than demolishing it, how specific the capital improvement program needs to be in this table, plans for a roundabout at the Northwest Annex intersection, other possible uses for the Northwest Annex building and land, whether old buildings need to meet code standards, using grant money to remodel the building, and whether the listed funding sources in the table are binding.

**Brenner amended her motion** to change language for the Northwest Annex on the Proposed Improvements Projects table, “demolition maintenance.”

The motion carried by the following vote:

**Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, and Donovan (6)

**Nays:** Weimer (1)

**Mann moved** to amend Comprehensive Plan Appendix F, pages F-14 through F-15:

“Future Needs

Most Sheriff’s Office functions are currently based in the Public Safety Building adjacent to the Courthouse and are remote from the majority of Sheriff’s Office Bureau of Law Enforcement and Investigative Services functions that take place in unincorporated Whatcom County. This results in inefficiencies and delays. Space and design factors in current facilities preclude consolidating various functions performed throughout the agency (reception, finance, etc.) and result in redundancies. Because of these issues, existing Sheriff’s Office facilities and associated functions will be consolidated (except for “Resident Deputy” program facilities), and co-located on the site of the proposed new jail may be co-located with the jail.

Proposed Improvement Projects
A new, expanded, or remodeled Sheriff’s facility co-located with the proposed new jail on LaBounty Rd. in Ferndale, is proposed within the six year planning period. The A new Sheriff’s Headquarters....”

Councilmembers discussed whether the general fund will pay a bond for the Sheriff’s headquarters.

The motion was seconded.

The motion carried by the following vote:

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

**Nays:** None (0)

Councilmembers discussed whether it’s a problem for staff to remove the table regarding Proposed Improvement Projects.
Brenner moved to amend Comprehensive Plan Appendix F, page F-17; Existing Jail Beds table to change the jail bed count of the public safety building from 283 to 212 and to change the total number of beds accordingly.

The motion was seconded.

Councilmembers discussed the capacity of the public safety building.

The motion carried by the following vote:

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

**Nays:** None (0)

Brenner moved to amend Comprehensive Plan Appendix F, page F-16, "Maintain adequate facilities for daily emergency management activities and, during an emergency or disaster, for the emergency operations center. The facilities will provide sufficient space for activities relating to emergency/disaster planning, mitigation, response and recovery. Existing facilities may be expanded, remodeled, and/or new facilities developed in response to increasing changing need."

The motion was seconded.

The motion carried by the following vote:

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

**Nays:** None (0)

Mann moved to amend Comprehensive Plan Appendix F:

- Page F-17, "Maintain Sheriff’s Office adult corrections facilities...available funding. Existing facilities may be expanded, remodeled, and/or new facilities developed in response to increasing changing need."

- Page F-18, "In an effort to meet the community need, the County plans to construct a new Adult Corrections Facility on LaBounty Rd. in Ferndale, tentatively scheduled to open with 521 beds. At the time this new jail is opened, the offenders at the minimum security corrections facility would be relocated to the new facility.

As an interim measure, existing correction facility improvements are planned so that these buildings can continue to function until the jail is expanded, remodeled, and/or new facilities developed in response to increasing changing need.

The cost of the proposed new jail is approximately $112,000,000. The cost of the improvements to the existing jail facilities is approximately $3,000,000. These costs would be paid with bond proceeds that would be repaid with a new sales tax, the jail improvement fund, and the general fund as shown below.

- Page F-19, "Maintain juvenile detention facilities and alternative corrections programs to provide safe and secure methods to provide accountability and support for minors who break the law. Existing facilities may be expanded, remodeled, and/or new facilities developed in response to increasing changing need."

The motion was seconded.
The motion carried by the following vote:

**Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
**Nays:** None (0)

**Appendix G**

*Brenner moved* to return all of Appendix G to Chapter 11.

The motion was seconded.

Councilmembers discussed the reason language was moved to Appendix G.

The motion carried by the following vote:

**Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
**Nays:** None (0)

*Brenner moved* to amend Comprehensive Plan Appendix G, page G-2, lines 27-35:

“The WRIA 1 Joint Policy Boards are comprised of members of the WRIA 1 Joint Board and Salmon Recovery Board. This organizational level interacts with federal, state, and regional organizations at a policy-level and provides policy-related direction to staff, to coordinate the implementation and management of the WRIA 1 Watershed Management Plan – Phase 1, the WRIA 1 Salmonid Recovery Plan and other related activities. for purposes of incorporating regional issues into work plans, programs, etc. Additionally, the Joint Policy Boards:

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

The motion was seconded.

The motion carried by the following vote:

**Ayes:** Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
**Nays:** None (0)

*Brenner moved* to amend Comprehensive Plan Appendix G, page G-3, lines 24-28:

“2005 WRIA 1 Watershed Management Plan – Phase One

The 2005 WRIA 1 Watershed Management Plan was completed approved in 2005 through the cooperation of local stakeholders and governments by the Joint Administrative Board, Planning Unit (by consensus), and the County Council. Pursuant to subsequent state requirements, a WRIA 1 Watershed Detailed Implementation Plan was approved by the Joint Administrative Board, Planning Unit, and County Council in 2007. It provides a roadmap for addressing water quantity, water quality, instream flow, and fish habitat challenges.”
The motion was seconded.

The motion carried by the following vote:

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

**Nays:** None (0)

**Brenner moved** to amend Comprehensive Plan Appendix G, page G-5, line 29-32, “Capacity problems in the district’s sewer line, which serves Geneva and Sudden Valley, have caused overflows into the lake in the past. An aggressive program to preclude stormwater infiltration has eliminated the overflow problems to a large extent.”

The motion was seconded.

The motion carried by the following vote:

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

**Nays:** None (0)

**Brenner moved** to amend Comprehensive Plan Appendix G, page G-6; line 30-36, “A significant cause of declining oxygen levels has been from residential development in the watershed. Past development permitted by the City of Bellingham and Whatcom County has led to increased phosphorus loading into the lake, which stimulates algae growth. Bacteria that consume the dying algae deplete the dissolved oxygen, leading to lower oxygen levels in the lake. Past poorly managed forest practices may have led to significant increases in phosphorus loading to the lake.”

The motion was seconded.

Councilmembers discussed the level that forestry practices contribute phosphorous to Lake Whatcom and the watershed, and the differences between old and current forestry practices.

The motion failed by the following vote:

**Ayes:** Brenner and Mann (2)

**Nays:** Sidhu, Browne, Buchanan, Weimer and Donovan (5)

**Brenner moved** to amend Comprehensive Plan Appendix G, page G-8, lines 5-10, “The joint resolution included goals for watershed management that extended beyond urbanization. Goals were included for stormwater management, on-site waste systems, conservation, forest management, spill response, hazardous materials transport and handling, data/information management, education/public involvement, and other topics. A joint strategy was agreed to for developing specific plans to meet the adopted goals.”

The motion was seconded.

The motion carried by the following vote:

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

**Nays:** None (0)
Brenner moved to amend Comprehensive Plan Appendix G, page G-12, lines 1-5, “The primary purpose of the FCZD is flood hazard management. Revenue generated for this purpose is accomplished in two ways: (1) a county-wide uniformly applied service charge tax; and, (2) supplemental revenue generated within localized Diking Districts and Sub-Flood Districts where specific local project activity is planned.”

The motion was seconded.

Councilmembers discussed taxes versus levies.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Brenner moved to amend Comprehensive Plan Appendix G, page G-12, lines 24-26, “Whatcom County’s Critical Areas Regulations aim to protect people and property in Frequently Flooded Area (FFAs) by requiring that any development in these areas conforms to WCC Title 17, Flood Damage Prevention.”

The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Brenner moved to amend Comprehensive Plan Appendix G, page G-13, lines 15-26, “The current Permit boundary covers approximately 15,000 acres and generally includes the following areas:
• …
• Birch Bay Urban Growth Area (Beginning August 1, 2013)

Additionally, though not within the NPDES permit area, the County has made the entire Lake Whatcom watershed subject to the illicit discharge detection and elimination requirements of the Permit through ordinance and agreement with the Department of Ecology.”

The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Brenner moved to amend Comprehensive Plan Appendix G, page G-16, lines 34-38, “The WRIA 1 Salmonid Recovery Plan (2005), a chapter of the Puget Sound Salmon Recovery Plan, guides restoration in the Nooksack River and adjacent watersheds. This plan was developed in partnership with Nooksack Tribe, Lummi Nation, Washington Department of Fish and Wildlife, Bellingham, Whatcom County Government and the small cities of Whatcom County.”

The motion was seconded.
The motion carried by the following vote:

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

Nays: None (0)

Weimer moved to approve items 11 through 35 as shown beginning on packet page 62 and are regarding comma use and other grammatical changes.

The motion was seconded.

The motion carried by the following vote:

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

Nays: None (0)

COMPREHENSIVE PLAN CHAPTER 7, ECONOMICS

1. DISCUSSION AND PRELIMINARY COUNCIL DIRECTION ON COMPREHENSIVE PLAN CHAPTER 7, ECONOMICS (AB2016-047G)

Mann moved to amend Comprehensive Plan page 7-10, Policy 7A-2, “Foster a diverse, private-sector job base, which will provide family-wage jobs at the state median income level or greater, and facilitate the retention and expansion of existing businesses. An increasing body of research has concluded communities that prioritize and invest in Business Start Up, Retention, and Expansion, and Recruitment will experience more job growth, income growth, and economic resiliency than those that spend heavily on recruitment, including giving away tax money and other incentives to attract businesses.”

The motion was seconded.

The motion carried by the following vote:

Ayes: Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)

Nays: None (0)

Abstains: Brenner (1)

Mann moved to amend Comprehensive Plan page 7-11, Policy 7A-3, “Employ innovative techniques to recruit and develop a diversified mix of businesses for a broader economic base, starting with the creation of a new economic development program to be funded ideally with monies collected under RCW 82.14.370. This program will be governed by a sunset provision whereby it will automatically terminate after seven years if it was not able to document its efforts were contributing to an equal or greater number of new jobs for the money invested in it, compared to other economic development projects funded by the community.”

The motion was seconded.

The motion carried by the following vote:

Ayes: Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)

Nays: None (0)

Abstains: Brenner (1)
Mann moved to amend Comprehensive Plan page 7-12 to create a new policy, “7B-6: A forward focused marketing strategy and a professional outbound lead generation program shall solicit inward investment from targeted industry sectors that are forecast to provide growth in the type of family wage jobs that the community is well positioned to support. (Browne) p. 7-12; New Policy 7B-7: The program shall provide these leads to organizations such as Team Whatcom, the Port, non-profits, and private sector partners that offer the best fit based on the nature of the lead and the partners commitment to continuously demonstrate/verify high levels of responsiveness and customer satisfaction.”

The motion was seconded.

The motion carried by the following vote:
Ayes: Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)
Nays: None (0)
Abstains: Brenner (1)

Mann moved to delete the proposed new policy 7B-8.

The motion was seconded.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

COMPREHENSIVE PLAN CHAPTER 11, ENVIRONMENT

1. DISCUSSION AND PRELIMINARY COUNCIL DIRECTION ON COMPREHENSIVE PLAN CHAPTER 11, ENVIRONMENT (AB2016-047K)

Brenner moved to amend Comprehensive Plan page 11-26 to amend a previously-approved new policy, “11H-8: Identify and/or update wellhead protection areas and critical aquifer recharge areas and incorporate into the Critical Areas Ordinance. This information should be available to the public.”

The motion was seconded.

Councilmembers discussed the inaccuracy of the Department of Ecology well database.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Brenner moved to reconsider an amendment approved on July 12 to Comprehensive Plan page 11-30 to create new policy 11J-7.

The motion was seconded.

The motion to reconsider 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)

Donovan restated the motion that was approved on July 12 to create a new policy, “11J-7: Encourage the Department of Ecology to provide flexibility in the application of the water relinquishment rules simultaneous with establishing a water bank/water exchange program in Whatcom County in cooperation with stakeholders.”

Councilmembers discussed the current Department of Ecology water bank program.

The motion carried by the following vote:
Ayes: Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (6)
Nays: Brenner (1)

Brenner moved to approve proposed amendments to Comprehensive Plan page 11-39 to amend a new policy, “11L-14: Continue to consider the value of wildlife habitats for which habitat conservation areas have been identified used in PDS’s wildlife habitat mapping, their associated habitats, and connectivity in land use planning that may impact them. This is for wildlife for which habitat conservation areas have been identified.”

The motion was seconded.

Councilmembers discussed a concern that people would be required to map wildlife on their property.

Browne suggested a friendly amendment, “...This is not intended to require landowners to fund any additional studies.”

Brenner accepted the friendly amendment.

Forrest Longman, Council Office, restated the motion, “11L-14: Continue to consider the value of wildlife populations for which habitat conservation areas have been identified used in PDS’s wildlife habitat mapping, their associated habitats, and connectivity in land use planning that may impact them. This is for wildlife for which habitat conservation areas have been identified.”

Brenner agreed with the restated motion.

The motion carried by the following vote:
Ayes: Brenner, Mann, Sidhu, Browne, Buchanan, Weimer and Donovan (7)
Nays: None (0)

Brenner moved to amend Comprehensive Plan pages 11-40 and 11-41:
- Goal 11M: Protect and enhance natural systems ecosystems that support native fish, plant and wildlife populations and habitat.
- Policy 11M-11: Formulate and implement a comprehensive, landscape-based, environmental management program to protect fish and wildlife. The program should include the following:
- Formulate an administrative approach to the review of development and planning proposals that consider natural system policies;
• Investigate and develop programs for acquisition and restoration of important fish, plant, and wildlife habitat areas.

The motion was seconded.

The motion carried by the following vote:

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

Nays: None (0)

OTHER BUSINESS

Buchanan announced the meeting on the critical areas ordinance review schedule and the resolution for docketing the Cherry Point Urban Growth Area (UGA) review.

Personius reported on updating the draft Comprehensive Plan with all changes for Council introduction on July 26 and a public hearing and Council decision on August 9.

ADJOURN

The meeting adjourned at 2:24 p.m.

The Council approved these minutes on ____________, 2017.

ATTEST: WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk ___________________________

Barry Buchanan, Council Chair ___________________________

Jill Nixon, Minutes Transcription ___________________________

Special Committee of the Whole, 7/14/2016, Page 10
Whatcom County Council  
Special Surface Water Work Session  

July 19, 2016

CALL TO ORDER

Council Chair Barry Buchanan called the meeting to order at 10:30 a.m. in the Civic Center Garden Level Conference Room, 322 Commercial Avenue, Bellingham, Washington.

ROLL CALL

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

SURFACE WATER WORK SESSION (AB2016-024)

JOINT BOARD / PLANNING UNIT / COORDINATED WATER SYSTEM PLAN (CWSP) UPDATE AND WATER RESOURCES PLANNING STRATEGY

Gary Stoyka, Public Works Department, gave an update on the Coordinated Water System Plan, which is scheduled on the Council’s July 26 agenda. The Joint Board will discuss the interlocal agreement at its meeting on July 28. He submitted handouts (on file, Exhibits 1 and 2) and described the agenda items on the draft agenda.

Councilmembers discussed whether the watershed improvement districts (WIDs) represent the majority of the agricultural community.

Stoyka asked the councilmembers’ thoughts on including the watershed improvement districts (WIDs) in the Joint Board/Salmon Recovery Board process.

Councilmembers continued to discuss the Farm Bureau, the Cattlemen’s Association, and the Dairy Federation; all the governments that could be added to the Joint Board process; fairly representing the agricultural interests; giving direction to the Planning Unit; the purpose of the money set aside to fund Planning Unit efforts; putting information on all the water programs onto one website, and; the necessity of having someone post public information to the website.

Weimer moved to ask the County Executive and Public Works Department staff to move forward with integrating information on different water programs onto one website, according to the memo from the WRIA 1 Planning Unit to the County Council dated June 22, 2016 (on file, Exhibit 3).

The motion was seconded.

The motion carried by the following vote:

Ayes: Brenner, Sidhu, Browne, Buchanan, Weimer and Donovan (6)
Nays: None (0)
Absent: Mann (1)

WATER RESOURCES PLANNING STRATEGY

Stoyka submitted and read from a presentation and memo to the County Council from the Water Resources Inventory Area (WRIA) 1 Planning Unit (on file, Exhibits 3 and 4) and answered questions on the consensus of stakeholders about the 2012 water budget, the cost of a contractor working on the groundwater model phases, and the groundwater model process, storing water upstream.

Henry Bierlink answered questions about understanding the water budget and groundwater model.

OVERVIEW OF FLOOD AND STORMWATER BUDGETS

Gary Stoyka, Public Works Department, submitted and read from a presentation (on file, Exhibit 5) and answered questions on hiring people to do data management of water issues, funding an additional farm planner, and the Joint Board’s work on groundwater modeling.

Kirk Christensen, Public Works Department, continued the presentation on the stormwater program.

Paula Harris, Public Works Department, continued and concluded the presentation on the River and Flood program.

IMPROVEMENTS TO THE LAKE WHATCOM HOMEOWNERS INCENTIVE PROGRAM

Gary Stoyka, Public Works Department, submitted and read from a handout (on file, Exhibit 6)

Eli Mackiewicz, City of Bellingham, answered questions and continued the presentation on program design variables. He submitted a handout on the Homeowner Incentive Program (HIP) 2 Incentive Variables Decision Tree (on file, Exhibit 6A).

Stoyka and Mackiewicz answered questions on potential barriers, comparisons to the onsite septic system (OSS) program, the City of Bellingham plans for funding, the impacts of lawns, program costs, and focusing on improvements that provide the best benefit for the least cost.

ADJOURN

The meeting adjourned at 1:03 p.m.

The Council approved these minutes on ________________, 2017.

ATTEST: WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON
CALL TO ORDER

Council Chair Barry Buchanan called the meeting to order at 1:30 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

Present: Barbara Brenner, Satpal Sidhu, Carl Weimer, Rud Browne and Barry Buchanan.

Absent: Ken Mann and Todd Donovan

COMMITTEE DISCUSSION

1. DISCUSSION OF THE LAND CAPACITY ANALYSIS REPORT PREPARED BY PLANNING AND DEVELOPMENT SERVICES (AB2016-047N)

Gary Davis, Planning and Development Services Department, submitted and read from a handout (on file). He answered questions on the Office of Financial Management (OFM) recommendation for the ideal occupancy rate and the reason for the change in household sizes, including buffer areas in the residential density calculation, the approved land capacity analysis methodology, and who determines buffer size requirements.

Linda Twitchell, Building Industry Association, stated the land capacity analysis doesn’t account for critical area buffers in residential areas, but it should.

Browne stated do a more detailed land capacity analysis that includes regulations that remove land from development potential, such as buffer and infrastructure requirements.

Roger Almskaar, consultant, stated that even low density lots can lose development ability from wetlands and buffers.

Browne moved to request that Planning and Development Services staff determine how much it would cost for a new land capacity analysis based on current buffers and setbacks.

The motion was seconded.

Brenner suggested a friendly amendment to find out from the cities what their factors are, the difference in their buffer requirements, and what factors they use to determine their buffers.
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.

Browne accepted the friendly amendment and stated he wants to know what staff resources are required to find out that information. He would like the Planning staff to report on what’s involved in terms of time and cost to adjust for setbacks, parking, impervious surfaces, and buffers and how that affects the land capacity analysis.

Mark Personius, Planning and Development Services Department, answered questions about the complexity of the request for more information.

Weimer stated don’t delay approval of this update while they review that information.

The motion carried by the following vote:

Ayes: Brenner, Sidhu, Browne, Buchanan, and Weimer (5)
Nays: None (0)
Absent: Mann and Donovan (2)

2. Discussion of proposed ordinance adopting development regulations and comprehensive plan amendments relating to the 2016 comprehensive plan periodic update (AB2016-047M)

Gary Davis, Planning and Development Services Department, gave a staff report. There is no new information. It is scheduled on the Council agenda for introduction.

3. Discussion of proposed ordinance adopting Whatcom County comp plan amendments relating to the 2016 comprehensive plan update and urban growth area review, including discussion of proposed findings (AB2016-047O)

Matt Aamot, Planning and Development Services Department, gave a staff report and referenced additional information submitted earlier with three proposed amendments (on file). He asked the Committee to recommend introducing with these amendments:

1. Appendix E, “draft CWSP”
2. Chapter 8, add note to Map 8-1 regarding agricultural lands designated as natural resource lands of long-term commercial significance
3. Ordinance finding #8, regarding information that the County submitted materials to the State on July 22 that reflect recent Council changes.

He answered questions about giving the State 60-days’ notice, the areas on map 8-1 that have no designation, the different areas with prime farmland soil and agricultural lands of long-term commercial significance, and designating agricultural areas with poor agricultural soil in terms of the transfer of development rights (TDR) program areas.

4. Discussion of proposed 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 (specified fittings) (AB2016-242)
Gary Davis, Planning and Development Services Department, gave a staff report. The order of invalidity has been lifted. The County can now consider this with other Comprehensive Plan items.

**COMMITTEE DISCUSSION AND RECOMMENDATION TO COUNCIL**

1. **RESOLUTION INITIATING COMPREHENSIVE PLAN AND ZONING AMENDMENTS BY AMENDING RESOLUTION 2016-009 (AB2016-232)**

Mark Personius, Planning and Development Services Department, gave a staff report. They will add this to the public participation plan at a level 3, which is the highest level of public involvement and includes town hall meetings.

Councilmembers discussed applying the bullet items one and five in policy 2CC-2 countywide, not just for Cherry Point; how much longer it would take for the staff and Planning Commission to do that expansion; the fact that policy 2CC-10 doesn’t address the 1999 settlement agreement; whether policy 2CC-13 should be amended in terms of possible conflict with 33 USC Sec. 476; the negative tone of the language in the proposed amendments, and; when the Planning Commission will have time to consider the proposed amendments.

Karen Frakes, Prosecutor’s Office, stated the Planning Commission review will address many of the issues. These proposed Cherry Point amendments are being severed from the original Comprehensive Plan process, which will proceed as scheduled. She answered questions about the legality of the docketing process.

Sidhu read a statement into the record *(Clerk’s Note: See July 26, 2016 County Council meeting minutes for a full transcript of the statement.)*

Forrest Longman, Council Office, answered questions on timing of Comprehensive Plan amendments.

Linda Twitchell, Building Industry Association, stated not all Cherry Point proposed amendments are in this resolution. She asked about scheduling and the timing of the proposed amendments.

Brooks Anderson stated the Council needs to give everyone an equal opportunity to speak to the Council.

Sandy Robson stated correct the information in Chapter 2 regarding aquatic land leases at Cherry Point.

Paula Rotundi stated don’t remove the proposed amendments regarding Cherry Point from the Comprehensive Plan. Allow legal input from other groups.

Amy deVera, Environmental Resource Management, referenced and a read a letter submitted from the BP Cherry Point Refinery *(on file)*.

Weimer moved to recommend approval to the full Council.
The motion was seconded.

The motion carried by the following vote:

**Ayes:** Sidhu, Browne, Buchanan, and Weimer (4)

**Nays:** Brenner (1)

**Absent:** Mann and Donovan (2)

### 2. RESOLUTION ACCEPTING THE WHATCOM COUNTY COORDINATED WATER SYSTEM PLAN 2016 UPDATE (AB2016-192)

Gary Stoyka, Public Works Department, gave a staff report.

Councilmembers discussed the correct form for addressing the Tribes and including language that indicates changes were made to the resolution after it was recommended to the Council.

*Weimer moved* to recommend approval to the full Council.

The motion was seconded.

The motion carried by the following vote:

**Ayes:** Sidhu, Browne, Buchanan, and Weimer (4)

**Nays:** Brenner (1)

**Absent:** Mann and Donovan (2)

### OTHER BUSINESS

There was no other business.

### ADJOURN

The meeting adjourned at 3:46 p.m.

The Council approved these minutes on ______________, 2017.

**ATTEST:**

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk
Barry Buchanan, Council Chair

Jill Nixon, Minutes Transcription
CALL TO ORDER

Council Chair Barry Buchanan called the meeting to order at 2:00 p.m. in the Council Conference Room, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

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

Absent: None

COMMITTEE DISCUSSION

1. DISCUSSION WITH SENIOR DEPUTY PROSECUTOR KAREN FRAKES REGARDING PENDING LITIGATION, HIRST ET AL V. WHATCOM COUNTY, GMHB CASE NO. 12-2-0013 (AB2016-018)

   Attorney Present: Karen Frakes

   Buchanan stated that discussion of agenda item one may take place in executive session pursuant to RCW42.30.110 (1)(i). Executive session will conclude no later than 3:00 p.m. If the meeting extends beyond the stated conclusion time, he will step out of the meeting to make a public announcement.

   Mann moved to go into executive session until no later than 3:00 p.m. to discuss the agenda items pursuant to RCW citations as announced by the Council Chair. The motion was seconded.

   The motion carried by the following vote:
   Ayes: Sidhu, Brenner, Browne, Buchanan, Mann, Donovan and Weimer (7)
   Nays: None (0)

   At 3:00 p.m., Buchanan announced that executive session will continue until 3:15 p.m.

OTHER BUSINESS

ADJOURN

The meeting adjourned at 3:15 p.m.
DISCLAIMER: This document is a draft and is provided as a courtesy. This document is not to be considered as the final minutes. All information contained herein is subject to change upon further review and approval by the Whatcom County Council.

The Council approved these minutes on ______ 2017.

ATTEST: WHATCOM COUNTY COUNCIL
         WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk     Barry Buchanan, Council Chair

Jill Nixon, Minutes Transcription
WHATCOM COUNTY COUNCIL  
Special Committee Of The Whole  

December 6, 2016  

CALL TO ORDER  

Council Chair Barry Buchanan called the meeting to order at 1:30 p.m. in the Council Conference Room, 311 Grand Avenue, Bellingham, Washington.  

ROLL CALL  

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

Absent:  None  

COMMITTEE DISCUSSION  

1. DISCUSSION REGARDING POTENTIAL PROPERTY ACQUISITION FOR THE FLOOD CONTROL ZONE DISTRICT (AB2016-018)  

Attorney Present: None  

Buchanan stated that discussion of agenda item one may take place in executive session pursuant to RCW42.30.110 (1)(b). Executive session will conclude no later than 3:00 p.m. If the meeting extends beyond the stated conclusion time, he will step out of the meeting to make a public announcement.  

Mann moved to go into executive session until no later than 3:00 p.m. to discuss the agenda items pursuant to RCW citations as announced by the Council Chair. The motion was seconded.  

The motion carried by the following vote:  

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

Nays:  None (0)  

OTHER BUSINESS  

ADJOURN  

The meeting adjourned at 1:48 p.m.  

The Council approved these minutes on ______ 2017.  

ATTEST:  WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON  

______________________________  ______________________________  
Dana Brown-Davis, Council Clerk       Barry Buchanan, Council Chair
TITLE OF DOCUMENT:
Ordinance to adopt the 2015 editions of the International Codes, and the 2015 Uniform Plumbing Code, consistent with State law and including WA State and Whatcom County Amendments to the Codes.

ATTACHMENTS:
Cover sheet, Ordinance and signature page

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

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

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

An ordinance to update and revise WCC Chapter 15.04 and adopt the 2015 editions of the International Codes published by the International Code Council, the Uniform Plumbing Code, consistent with Washington State law, also including the Washington State and Whatcom County Amendments to the 2015 International Codes. In accordance with Washington State law, the adopted codes are to be effective July 1, 2016.

This ordinance adopts the 2015 editions of the IBC, IRC, IFC, IMC, IFGC, UPC, referenced standards, all Washington State Amendments to the adopted codes and all Whatcom County Amendments to the adopted codes for administration, appendices and enforcement, as set forth in WCC Chapter 15.04.

COMMITTEE ACTION:
10/11/2016: Discussed, approved a staff-suggested change, and forwarded to Public Hearing at a later date
11/9/2016: Withdrawn from the agenda
11/22/2016: Discussed and held in committee until the first meeting in January
1/10/2017: Discussed and approved a motion to forward as amended to introduction

COUNCIL ACTION:
9/27/2016: Introduced 7-0
10/11/2016: Withdrawn from the Agenda. This item will be scheduled for a public hearing at a later date.
1/10/2017: Introduced 6-0, Siddhu absent

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. __________
An Ordinance adopting the Current State Building Code and Repealing the Existing Title 15 of the Whatcom County Code

Whereas, the Whatcom County Council held a public hearing on _____, 2016 to review staff findings and recommendations, and to consider any public testimony and written correspondence regarding Whatcom County Code Title 15, Buildings and Construction; and

Whereas, chapter 19.27 RCW requires Whatcom County to administer and enforce the State Building Code in the unincorporated areas within its boundaries; and

Whereas, the purpose of these codes is to promote the health, safety and welfare of the occupants or users of buildings and structures and the general public by the provision of building codes in Whatcom County; and

Whereas, RCW 19.27.040 allows local jurisdictions to adopt appropriate amendments to the State Building Code; and

Whereas, modifications and/or amendments to the State Building Code as it applies to Whatcom County are desirable for various reasons; and

Whereas, the State Building Code Council requires adoption of the 2015 edition of these International Codes; the 2015 edition of the Uniform Plumbing Code; the 2015 edition of the State of Washington Energy Codes; and the 2015 editions of the State of Washington Amendments and other referenced codes, with further Whatcom County amendments, by July 1, 2015;

NOW, THEREFORE, BE IT HEREBY ORDAINED that:

Section 1. Title 15 of the Whatcom County Code is repealed in its entirety:

Section 2. A new Title 15 is hereby adopted as shown in Exhibit A to this Ordinance,
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.

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: ___________________
EXHIBIT A
Chapter 15.04
BUILDING CODES

Sections:
15.04.010 Adoption of referenced codes.
15.04.015 Department of Building Safety.
15.04.020 Amendments to the International Building Code.
15.04.030 Amendments to the International Residential Code.
15.04.040 Amendments to the International Fire Code.
15.04.050 Permit expirations and violations of the above referenced codes.

15.04.010 Adoption of referenced codes.

Whatcom County hereby adopts the following codes, as amended by the Washington State Building Code Council pursuant to RCW 19.27 and 70.92 or successor, for the purpose of establishing rules and regulations for the construction, alteration, removal, demolition, equipment, use and occupancy, location and maintenance of buildings and structures, including permits and penalties.

A. The 2015 International Building Code (IBC), including the 2012 International Existing Building Code (IEBC); Appendix B, except as amended per Ordinance #2007-024, Board of Appeals; and including Appendices C, E and J, as published by the International Code Council, hereinafter referred to as the IBC, as modified by Chapter 51-50 WAC or successor, and as amended in Whatcom County Code (WCC) Sections 15.04.015, 15.04.020 and 15.04.050 is hereby adopted by reference.

B. The 2015 International Residential Code (IRC), including Appendix E, G, and K, as published by the International Code Council, hereinafter referred to as the IRC, and as modified by Chapter 51-51 WAC or successor and as amended in WCC 15.04.030 and in 15.04.050, is hereby adopted by reference with the following additions, deletions and exceptions: Provided that Chapters 11 and 25-42 of this code are not adopted.

C. The 2015 International Fire Code (IFC), including Appendices Appendix A, except as amended per Ordinance #2007-024, Board of Appeals; Appendices B, C, and D and the latest most current supplements, as published by the International Code Council, hereinafter referred to as the IFC, as modified by Chapter 51-54A WAC or successor, and as amended in WCC 15.04.040 and 15.04.050.

D. The 2015 International Mechanical Code (IMC), including Appendix A, as published by the International Code Council, hereinafter referred to as the IMC, as modified by Chapter 51-52 WAC and as amended by WCC 15.04.050 or successor.
E. The 2012 2015 International Fuel Gas Code (IFGC), as published by the International Code Council, hereinafter referred to as the IFGC, as modified by Chapter 51-52 WAC and as amended by WCC 15.04.050 or successor.


G. Except as provided in RCW 19.27.170, the 2012 2015 Uniform Plumbing Code (UPC), the 2012 Uniform Plumbing Code Standards (IAPMO/ANSI UPC 1-2012) and/or all current referenced standards, and including Appendix A, B, C and I, as published by the International Association of Plumbing and Mechanical Officials, hereinafter referred to as the UPC, as modified by WAC 51-56 and as amended by WCC 15.04.050 or successor.


K. Design data for Whatcom County shall be per Section 15.04.030, Subsection DE, item #1.

15.04.015 Department of Building Safety

Section 103 is amended as follows:

103.1 Creation of enforcement agency. The Department of Building Safety is hereby created and the official in charge thereof shall be known as the Building Official. The Department of Building Safety is hereby referred to as the Building Services Division of the Whatcom County Planning and Development Services Department (WCPDS).

103.2 Appointment. The Department Director is the Building Official. The Director may appoint an alternate designee at his/her discretion.

103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the Building Official shall have the authority to appoint a deputy building official, the related technical
officers, inspectors, plans examiners and other employees. Such employees shall have powers as delegated by the Building Official.

15.04.020 Amendments to the International Building Code.

A. The IBC is amended as follows:

1. Section 104.1 General, is amended with the following additional language:

The Building Official defers to WCC Title 17, Flood Damage Prevention, and per associated requirements of the Endangered Species Act (ESA), to be administered by Public Works, River and Flood Division, for all matters related to flood review of building permits.

2. Section 104.11 Alternate materials, design and methods of construction, the last sentence is amended as follows:

Where the alternative material, design or method of construction is not approved, the Building Official at his/her discretion may shall respond in writing, stating the reasons why the alternative was not approved, when a determination request is submitted to the Building Official in writing.

3. Section 105.1 Required, is amended to include the following:

a. Commercial project proposals require pre-screening for a waiver (from pre-application meeting) or a pre-application meeting prior to permit application submittal. Pre-screening may be waived at the discretion of the Building Official for minor projects such as simple signs, single unit small equipment foundations, and projects of similar minor scale and impact. Information and document submittals for the purposes of waiver or pre-application are not intended to meet the standard for a complete permit application and do not constitute project vesting. However, information, requirements and conditions received by the applicant(s) and/or their agents or consultants for a given project proposal, as part of the waiver or pre-application process, will be considered vested, regardless of change of adopted codes or regulations, if a complete permit application is received within 30 consecutive days from the date of waiver or pre-application meeting. Such information, requirements and conditions are not intended or represented as a complete or comprehensive list of project requirements. Significant changes in the scope of a project proposal may require additional screening for another waiver or pre-application meeting.

b. Whatcom County (the County) may require that a covenant or agreement be recorded against the deed(s) applicable to the location and/or operation of a given project to inform future property owners of the current restrictions or approved land uses. The County may draft the covenant or agreement upon whatever terms the County in its discretion deems proper.
c. A coordinated master site plan (MSP), demonstrating consistency in the layout of the project proposal with all applicable regulatory requirements, is required to be submitted by the applicant and/or project design professional in substantial charge prior to permit issuance. In general, a coordinated MSP will be required for projects exceeding a construction value of $200,000.00, but may be required for any project the Building Official deems necessary. County staff will review the site plan(s) in the application file for regulatory conflicts and discrepancies prior to plan check. County staff will notify the applicant and/or design professional of identified conflicts or discrepancies to be reconciled. The master site plan may be one page which incorporates all applicable regulatory review overlays when practical. It may also include multiple overlay pages for readability purposes provided they have been verified by County staff for regulatory consistency. Once the coordinated MSP has been reviewed and approved, application review processing will continue.

d. A state licensed contractor may obtain a permit, as required by the mechanical and plumbing codes, through mail-in applications for work not exceeding $10,000 valuation and not requiring plans and specifications and not in conflict with state or local zoning and environmental policies and with the prior approval of the building official.

e. The applicant shall fill out in full the forms furnished for that purpose, and attach thereto the full amount of moneys that are required for fees as required in the respective codes. The application shall contain all information necessary to the lawful enforcement of the provisions of the respective codes. The applicant shall file all forms with fees.

f. No person, firm, partnership, corporation or other entity shall perform work as provided herein until such time as they receive verification of approval of their application by the county building official and have been given written notice of a valid permit.

g. Any violation of this chapter shall be cause for the building official to revoke the mail-in applications privilege of the violator. Upon written notice of revocation, all provisions of the mechanical and plumbing codes superseded by this chapter shall resume in full force and effect as to the person or industrial plant whose application has been revoked.

4. Section 105.2, Work exempt from permit, is amended to read as follows:

a. One-story detached, non-occupied accessory structures without basements, used as tool and storage sheds, playhouses and similar uses, provided that 1.) The floor area does not exceed 120 square feet. [11 sq. m] 2.) Accessory structures maintain a minimum separation of 10 [ten] feet [3048 mm] between exterior walls, and a minimum separation of 8 [eight] feet [2438 mm] between eaves of adjacent buildings on the same property and 3.) provided that accessory structures meet all applicable setback requirements.
b. Fences not over 7 feet (2134 mm) high.

e. Oil derricks.

c. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting surcharge or impounding Class I, II, or IIIA liquids.

d. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18,925 L). And the ratio of height to diameter or width does not exceed 2 to 1.

e. Sidewalks, walking surfaces, and driveways not more than 30 inches (762 mm) above grade and not over any basement or story below and are not part of an accessible route.

f. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

h. Temporary motion picture, television and theater stage sets and scenery.

g. Prefabricated swimming pools installed entirely above-ground, accessory to a Group R-3.

i. Shade cloth or soft cover structures constructed for nursery or agricultural purposes and not including service systems.

j. Swings and other playground equipment.

k. Window awnings in Group R-3 and U occupancies, supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.

l. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

m. Bridges, box culverts and similar passageway structures built over depressions or obstacles, herein after referred to as bridges, are structures and therefore not exempt per IBC Section 105.2, except as interpreted and quantified in Building Services Division Code Interpretation #2002-05. Bridges shall be designed and constructed per the current adopted Whatcom County Development Standards (WCDS), Chapter 5, Road Standards, Section 513, Bridges and Associated Retaining Walls; and per applicable portions of IFC Section 503. Bridges constructed as a requirement or condition of subdivision or short subdivision approval, per Whatcom County Land Division Regulations, Title 21, and which receive final approval from the Public Works Technical Administrator, shall be deemed by the Building Official to have met the permit requirements per IBC Section 105. The Technical Administrator is designated as the County Engineer, per WCDS, Chapter 5, Road Standards, Section 502.
5. Section 105.3, Application for Permit, is amended to include the following:

To obtain the permit, the applicant shall first file an application therefore in writing on a form furnished by the department of building safety for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.

2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.

3. Indicate the use and occupancy for which the proposed work is intended.

4. Be accompanied by construction documents and other information as required in Section 107.

5. State the valuation of the proposed work.

6. Be signed by the applicant, or the applicant's authorized agent.

7. Include signature by the applicant or the applicant's authorized agent of a statement for guarantee of fee payment. The statement must be signed in the presence of County staff or staff will provide a statement which includes verification of signature by a licensed notary public.

8. Provide verification of approval to connect to a public sewer system or a septic system installation permit issued by the Whatcom County Environmental Health Department for any permit application that requires sewage disposal. The approval to connect or issued septic system permit shall be specific to the project application.

9. Provide additional data and information in the designated sequence, as required by the Building Official.

6. Section 105.5, Expiration, is amended to include the following:

Land Disturbance permits issued for grading activity shall expire if work authorized is not commenced within 180 days of issuance unless a phased plan has been approved by the Technical Administrator. The Technical Administrator is authorized to grant one extension of 180 days if the request is submitted prior to expiration of the permit. The extension shall be requested in writing and justifiable cause(s) demonstrated. If the project is located within a water resource special management area and subject to seasonal clearing activity limitations the extension shall begin at the commencement of the construction season, pursuant to WCC 20.80.735.
Grading permits also expire and become invalid when the total approved volume has been placed into or excavated from the approved area.

7. Section 107.2 Construction documents, is amended to include the following:

Construction documents may be submitted in Standard English or Metric measurement. However, the Building Official may require, at his/her discretion, that any Metric construction documents be converted by the applicant to Standard English measurement which then may be submitted independently or in tandem with Metric documents.

8. Section 109.6, Refunds, is amended to include the following policy:

The refund policy applies to the current editions and amends the respective Sections of the IBC, Section 109; IRC, Section R108.5; IFC, Section 113.5; IMC, Section 106.5.3; IFGC, Section 106.6.3; and UPC, Section 103.4.5, as adopted per WCC 15.04.010.

The Building Official may authorize refunding any fee hereunder which was erroneously paid or collected at 100%.

The Building Official may authorize refunding of not more than 80% of the fee paid for a building permit when no work has been done under a building permit issued in accordance with the current editions listed in this policy.

The Building Official may authorize refunding of not more than 80% of the plan review fee paid when an application for a building permit for which a plan review fee has been paid is withdrawn or cancelled before any plan reviewing is done.

The Building Official shall not authorize the refunding of any fee paid, except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

9. Section 113, Board of Appeals, is amended as follows:

Appeals related to grading activity, per Appendix J and as amended per Section 15.04.020, Subsection B, which include, are associated with in any way, or promulgated within any regulated critical areas, per WCC Chapter 16, are according to the provisions of WCC Sections 16.16.280 and 16.16.285 and shall be the decision of the Whatcom County Hearings Examiner.

B. Appendix J Grading, is amended as follows:

1. IBC Section 104.1 General, is amended per WCC 15.04.020, Subsection B, including an additional paragraph to read as follows:
The Director of the Planning and Development Services Department or the Director's designee also referred to herein as the Technical Administrator, is hereby authorized and directed to enforce the provisions of IBC Appendix J, Grading, including as amended in WCC Chapter 15, Section 15.04.020. The Technical Administrator shall have the authority to render interpretations of the amended Appendix and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of amended Appendix J. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in amended Appendix J.

2. The following definitions are added to Section J102.1 Definitions:

a. EARTH MATERIAL: Any rock, natural soil or any combination thereof.

b. CRITICAL AREAS: The following areas as regulated under WCC 16.16 shall be regarded as critical areas along with associated buffers identified under WCC 16.16:

i. Geologically hazardous areas.

ii. Frequently flooded areas.

iii. Critical aquifer recharge areas.

iv. Wetlands.

v. Fish and wildlife habitat conservation areas.

c. ORDINARY HIGH WATER MARK: The mark on all lakes, rivers, streams and tidal water that will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland in respect to vegetation.

3. The following shall be added to Section J103.1:

Upon receipt of a fill and grade permit application on properties within 500 feet of a site known to contain archaeological resources that are outside of the Shoreline Management Program Jurisdiction (WCC Title 23) and/or the Point Roberts Special District (WCC 20.72), the County shall notify the applicant that the projects location is within an archaeologically sensitive area and Federal, State and Tribal Laws and Regulations pertaining to cultural resources may apply.

Grading permit expiration is per IBC Section 105.5 as amended.

4. The numbered exemption list of Section J103.2 Exemptions, is amended as follows:
1. Grading in an isolated, self-contained area, provided there is no danger to the public, and that such grading will not adversely affect adjoining properties or critical areas and further provided that the activity occurs outside of the jurisdiction of the Whatcom County Shoreline Management Program (WCC Title 23) and fill does not exceed 250 cubic yards and is associated with a residence authorized by a valid building permit.

2. Excavation for construction of a structure permitted under this code provided that said construction has been duly reviewed for compliance with the Whatcom County Shoreline Management Program (WCC Title 23) and the Whatcom County Critical Areas Ordinance (WCC 16.16).

3. Cemetery graves

4. Refuse disposal sites controlled by and appropriately permitted in accordance with other regulations.

5. Excavations for wells or trenches for utilities provided the activity occurs outside of the jurisdiction of the Whatcom County Shoreline Management Program (WCC Title 23) and there are no adverse impacts to critical areas.

6. Mining, quarrying, excavating, processing or stockpiling rock, sand, gravel, aggregate or clay controlled by other regulations, provided the activity occurs outside of the jurisdiction of the Whatcom County Shoreline Management Program (WCC Title 23) and such operations do not affect the lateral support of, or significantly increase stresses in soil on adjoining properties, or adversely impact critical areas.

7. Exploratory excavations performed under the direction of a registered design professional provided that said excavations have been duly reviewed for compliance with the Whatcom County Shoreline Management Program (WCC Title 23) or critical areas ordinance.

8. A fill less than 1 foot in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope) or less than 3 feet in depth, not intended to support structures, that does not exceed 50 cubic yards on any one lot and does not obstruct a drainage course or otherwise impact critical areas provided the activity occurs outside of the jurisdiction of the Whatcom County Shoreline Management Program.

9. Exemptions listed per WCC 20.80.733.

5. The following site plan requirements are added to J104.2 Site plan requirements:
a. In addition to the provisions of Section 107, a grading plan shall show the existing grade and finished grade in contour intervals of sufficient clarity to indicate the nature and extent of the work and show in detail that it complies with the requirements of this code.

b. The plans shall show the existing grade on adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of this code.

c. The plans shall show erosion control types and locations, natural features (slopes, streams, wetlands, ponds, etc.), forested or treed areas, ditches, culverts, wet areas, flow directions, critical area boundaries, the Ordinary High Water Mark (OHWM) of any water body regulated by the Whatcom County Shoreline Management Program and any other information deemed necessary by the Building Official.

6. J104.3 Geotechnical report, is amended as follows:

When required by the Technical Administrator, a geotechnical report prepared by a registered design professional shall be provided. The report shall contain at least the following:

1. The nature and distribution of existing soils;

2. Conclusions and recommendations for grading procedures;

3. Soils design criteria for any structures or embankments required to accomplish the proposed grading;

4. Where necessary, slope stability studies, and recommendations and conclusions regarding site geology; and

5. Unless approved by the Technical Administrator, a building permit shall not be issued on approved fills without an engineered soils report and proof of supervised, monitored placement by the registered design professional.

6. Additional information may be required at the discretion of the Technical Administrator.

7. The Technical Administrator may require a geotechnical report be prepared by a registered design professional to determine the quantity of unpermitted fill brought to a site without a valid permit, as required by this chapter.
Exception: A geotechnical report is not required where the Technical Administrator determines that the nature of the work applied for is such that a report is not necessary.

7. Add the following as Section J104.5 Surface mining report:

Grading permit plans associated with surface mining shall be consistent with a surface mining reclamation plan as required and approved by the Washington Department of Natural Resources.
(Ord. 2004-064 § 2).

15.04.030 Amendments to the International Residential Code.

A. Section R104.11, the last sentence is amended as follows:

Where the alternative material, design or method of construction is not approved, the Building Official at his/her discretion may shall respond in writing, stating the reasons why the alternative was not approved, when a determination request is submitted to the Building Official in writing.

B. Section R105.1 Required, is amended as follows:

Whatcom County (the County) may require that a covenant or agreement be recorded against the deed(s) applicable to the location and/or operation of a given project to inform future property owners of the current restrictions or approved land uses. The County may draft the covenant or agreement upon whatever terms the County in its discretion deems proper.

C. Section R105.2 Work exempt from permit, is amended to read as follows:

1. One-story detached, non-occupied, accessory structures without basements, used as tool and storage sheds, playhouses and similar uses, provided that
   1.) the floor area does not exceed 200 sq. ft. [18.58 sq. m] and
   2.) provided that accessory structures meet all applicable setback requirements.

2. Fences not over 7 feet (2134 mm) high.

3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.

4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18,927 L). And the ratio of height to diameter or width does not exceed 2 to 1.
5. Sidewalks, walking surfaces, and driveways not more than 30 inches above grade and not over any basement or story below.

6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

7. Above ground pre-fabricated pools.

8. Swings and other playground equipment.

9. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.

10. Uncovered decks not exceeding 200 square feet (18.58 sq. m) in area, that are no more than 30 inches (762 mm) above grade at any point, and do not serve the exit door required by Section R311.4.

GD. R105.3 Application for permit, is amended to include the following:

To obtain the permit, the applicant shall first file an application therefore in writing on a form furnished by the department of building safety for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.

2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.

3. Indicate the use and occupancy for which the proposed work is intended.

4. Be accompanied by construction documents and other information as required in Section 107.

5. State the valuation of the proposed work.

6. Be signed by the applicant, or the applicant's authorized agent.

7. Include signature by the applicant or the applicant's authorized agent of a statement for guarantee of fee payment. The statement must be signed in the presence of County staff or staff will provide a statement which includes verification of signature by a licensed notary public.

8. Provide verification of approval to connect to a public sewer system or a septic system installation permit issued by the Whatcom County Environmental Health Department for any permit application that
requires sewage disposal. The approval to connect or issued system permit shall be specific to the project application.

9. Provide additional data and information in the designated sequence, as required by the Building Official.

DE. Table R301.2 (1) Design Data for Whatcom County is amended as follows:

1. Ground Snow Load Table, January 1997:

<table>
<thead>
<tr>
<th>Whatcom County</th>
<th>Approx. Average Elevation</th>
<th>Revised Ground Snow Load</th>
<th>Revised Roof Snow Load</th>
</tr>
</thead>
<tbody>
<tr>
<td>Acme</td>
<td>310</td>
<td>22</td>
<td>25</td>
</tr>
<tr>
<td>Bellingham</td>
<td>100</td>
<td>15</td>
<td>25</td>
</tr>
<tr>
<td>Blaine</td>
<td>45</td>
<td>16</td>
<td>25</td>
</tr>
<tr>
<td>Deming</td>
<td>210</td>
<td>24</td>
<td>25</td>
</tr>
<tr>
<td>Diablo</td>
<td>910</td>
<td>100</td>
<td>100</td>
</tr>
<tr>
<td>Ferndale</td>
<td>60</td>
<td>20</td>
<td>25</td>
</tr>
<tr>
<td>Glacier</td>
<td>900</td>
<td>74</td>
<td>74</td>
</tr>
<tr>
<td>Lawrence</td>
<td>145</td>
<td>24</td>
<td>25</td>
</tr>
<tr>
<td>Lynden</td>
<td>103</td>
<td>24</td>
<td>25</td>
</tr>
<tr>
<td>Maple Falls</td>
<td>643</td>
<td>77</td>
<td>77</td>
</tr>
<tr>
<td>Mt. Baker Ski Area</td>
<td>4200</td>
<td>588</td>
<td>588</td>
</tr>
<tr>
<td>Newhalem</td>
<td>510</td>
<td>129</td>
<td>129</td>
</tr>
<tr>
<td>Nooksack</td>
<td>84</td>
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<td>Sumas</td>
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<td>25</td>
</tr>
<tr>
<td>Wickersham</td>
<td>310</td>
<td>28</td>
<td>28</td>
</tr>
<tr>
<td>Kendall</td>
<td>460</td>
<td>50</td>
<td></td>
</tr>
<tr>
<td>Paradise</td>
<td>460</td>
<td>50</td>
<td></td>
</tr>
<tr>
<td>Pt. Roberts</td>
<td>120</td>
<td>25</td>
<td></td>
</tr>
</tbody>
</table>

Footnotes:

1. Any proposal can challenge the above design load with engineer or architect stamped and signed calculations and criteria.

Buildings where the roof snow load exceeds 30 psf may require architect or engineer review.
Recommendations are valid for the recognized central area of each regional designation. Building Services reserves the right to adjust the roof snow load based on building location and/or criteria per the 2012 IBC and/or the most current edition of the Snow Load Analysis for Washington.

2. Wind Speed (mph): IRC – 6 86 110 mph [Figure R301.2(4)(B)]. 6 86 = IBC Risk Category I – 100 mph [Figure 1609.3(3)]; IBC Risk Category II – 110 mph [Figure 1609.3(1)]; IBC Risk Category III and IV – 115 mph [Figure 1609.3(2)].

3. Seismic Design: Zone D0/D1; Design Category D (See IBC Section 1613 and/or ASCE 7)

4. Subject to Damage from Weathering: Moderate

5. Frost Line Depth: 18" (west of longitude 122° 54' 30", approximately at mile post 35 of State Route 542, Mt. Baker Highway)

6. Termite: None

7. Decay: Moderate

8. Winter Design Temp: 19 ° F

9. Ice Shield Underlayment Req.: No

10. Air Freezing Index: 260

11. Mean Annual Temperature: 48° F

EF, IRC Appendix E, Manufactured Homes, is entirely replaced with the following:

This chapter is enacted as an exercise of the police power of the county for the benefit of the public at large. It is not intended to create a special relationship with any individual, or individuals, nor to identify and protect any particular class of persons.

The purpose of this chapter is to provide minimum standards to safeguard life or limb, health or property, and public welfare, by regulating and controlling the installation of manufactured homes on building sites within the county.

It is not the intent of this chapter to impose liability upon the county for failure to perform any discretionary act. Rather, it is the intent of this chapter to place the obligation of complying with its requirements upon the installer. Nothing
contained in this chapter shall be construed to relieve from or to lessen the responsibility or liability of any person for injury or damage to persons or property caused by or resulting from any defect of any nature in any manufactured home installation work performed by said person or in any manufactured home installation equipment owned, controlled, operated or used by him; nor shall Whatcom County, or any officer, agent, or employee thereof, incur or be held as assuming any liability by reason or in consequence of any permission, certificate of inspection, inspection or approval authorized herein, or issued or given as herein provided, or by reasons or consequence of any things done or acts performed pursuant to the provisions of this chapter.

1) SCOPE

This chapter sets forth rules and regulations to regulate and control the installation of manufactured homes on building sites, establishes an administrative procedure for the issuance of permits, and provides for the inspection of manufactured home installations.

2) DEFINITIONS

a. ADMINISTRATIVE AUTHORITY is the Department of Planning & Development Services, the Building Services Division, and the Whatcom County Building Official.

b. BUILDING OFFICIAL is the Director of the Planning & Development Services Department or his/her designee. See Section 15.04.015.

c. BUILDING SITE is any site proposed for the location of a manufactured home including sites within mobile home parks.

d. HUD is the Federal Department of Housing and Urban Development.

e. INSTALLER shall either be the owner or a State licensed mobile home installer.

f. MANUFACTURED HOME means a structure designed and built to comply with the Washington State Department of Labor and Industry's rules and regulations for Manufactured Homes and Commercial Coaches. It is also defined and cross-referenced per the current adopted edition of the IRC, SECTION R202, DEFINITIONS, MANUFACTURED HOME.

g. MOBILE HOME is a transportable, factory-built dwelling unit constructed prior to June 15, 1976 (prior to enactment of National Manufactured Housing Construction & Safety Standards [NMHCSS] Act of 1974).

h. PERMANENT FOUNDATION means concrete blocks on a concrete footing or slab, or other approved engineered foundation systems.

3) GENERAL INSTALLATION REQUIREMENTS
a. Manufactured homes installed on building sites shall be installed in accordance with the provisions of this chapter and all applicable local, state, and federal codes, ordinances, and statutes.

b. Manufactured homes shall be installed in compliance with the manufacturer's installation recommendations or according to NCSBCS/ANSI A225.1-1994; permanent foundation requirements. The manufacturer or dealer shall send two copies of its approved installation recommendations to the purchaser of the manufactured home. Two copies shall be submitted with the building permit application.

c. No person, firm, partnership, corporation, or other entity may install a manufactured home unless he/she owns the manufactured home, or is a licensed manufactured home installer.

d. All manufactured home installations shall comply with the requirements of the IRC Section R403.1.7.3, Foundation Elevation, and with the following: On graded sites, the top of any exterior foundation shall extend above the elevation of the street gutter at point of discharge or the inlet of an approved drainage device a minimum of 12 inches plus 2 percent. The Building Official may approve alternate elevations, provided it can be demonstrated that required drainage to the point of discharge and away from the structure is provided at all locations on the site. The following provisions shall be made to prevent standing water under and around a building or structure prior to the final inspection. The finished grade and elevation under the building shall be above- the ground drainage flow of the land around the building to prevent surface or sub-surface water from draining to the space under the building, provided that other approved alternates such as drain tile, exterior grading to a point lower than the interior drainage of the building or an approved sump pump may be used, and provided further that the alternate method to be used shall be shown on the building plans. An approved sump pump system shall in no case be connected to the sanitary sewer system. In all instances where a drainage or sump pump system is installed under the structure there shall be provided, in the foundation wall, an access crawl hole which shall be no more than 20 feet from the main drain cleanout. To facilitate the drainage of water, the building site shall have at least a 2% gradient towards approved drainage facilities from building pads. However, this may be waived by the building official provided that the permittee can demonstrate that due to the nature of the site this would be impractical and that an approved alternate will be used. If water appears under the building within a period of 12 months after the final inspection of the building or structure, the builder shall be responsible for providing the drainage of the same, and provided further that the builder has not complied with the requirements of Section 1804.7 herein, concerning drainage. Thereafter, the owner of the building shall be responsible for providing drainage of the same, except where owner and builder agree otherwise.
e. In those areas that are recognized as floodplains by the Washington State Department of Ecology or the Department of Homeland Security, or hazardous because of the probability of earthquakes, ground slides, avalanches, or high winds, the building official may set requirements that are necessary to lessen the hazards. Manufactured homes installed on sites that are sloping or have poor drainage shall be installed in accordance with installation recommendations, provided by a professional engineer or architect licensed in the state of Washington.

f. Manufactured homes in a floodplain must be installed per the applicable provisions of Whatcom County Code, Title 17, Flood Damage Prevention, and per associated requirements of the Endangered Species Act (ESA).

g. Used mobile homes older than 1976, require a fire/life safety inspection by the State Dept. of Labor & Industries prior to building permit submittal.

4) PERMITS REQUIRED

No person, firm, or corporation shall install or cause to be installed any manufactured home on a building site without having first obtained a building permit and a manufactured home dealer shall not deliver a manufactured home to a building site until that dealer has verified that the installer has obtained the necessary building permits.

5) APPLICATION REQUIREMENTS

In addition to the building permit application and issuance regulations, the following shall apply to manufactured home installations: separate application shall be required for each manufactured home installation. The application shall be made upon forms provided by the administrative authority and shall be accompanied by the permit fee established herein.

a. A separate application shall be required for each manufactured home installation. The application shall be made upon forms provided by the administrative authority and shall be accompanied by the permit fee established herein.

b. Each application shall be accompanied by a plot plan drawn to scale with detail sufficient to show that the installation will meet siting requirements of all applicable state and local regulations.

c. Applications for manufactured homes to be installed on building sites or sites within a mobile home park shall be accompanied by two sets of foundation plans for a permanent foundation.

6) INSPECTION

Approved installation specifications shall be available at the site at the time of inspection of the installation. In the event that no approved installation
specifications are available or the approved specifications as provided above do not cover all the installation requirements of this chapter, then the total installation of the portions thereof not covered by the approved specifications shall comply with the appropriate provisions of this code.

a. On building sites other than those in mobile home parks, the installer of the manufactured/mobile home shall request a footing inspection after the placement of the footing forms and rebar and prior to pouring or placing the footings, a tie-down inspection and a final inspection after all aspects of the installation have been completed. For mobile home park installations, the installer shall request a final inspection after all aspects of the installation have been completed. All requests for inspection shall be made one working day before such inspection is desired.

b. The manufactured/mobile home may be occupied once the installation has passed final inspection for compliance with the requirements of this chapter and any conditions placed upon the issued permit.

c. If the installation does not comply with the installation requirements of this chapter and the conditions of the installation permit, the local enforcement agency shall provide the installer with a list of corrections that the installer must make. The list of corrections shall state a date by which the corrections must be completed. If the items that require correction do not endanger the health or safety of the occupants, or substantially affect the habitability of the manufactured/mobile home, the local enforcement agency may permit the owner of the home to occupy it.

7) BUILDING SITE PREPARATION

A manufactured home may not be installed on a building site unless the ground at the site has adequate compaction and load-bearing ability to meet the support requirements of (3)(d) or, if the building site is in a mobile home park, the park owner must insure that the ground on which the mobile home is to be installed has been improved as necessary to provide a proper base for the mobile home and that the area beneath the mobile home has adequate drainage.

8) FOUNDATION SYSTEM FOOTINGS

a. Footings shall be constructed of solid concrete per the manufacturer's installation specifications or an approved alternate method.

b. Four-inch slab with thickened footings, extending 18 inches below existing grade, 16 inches diameter concrete posts, spaced according to the applicable requirements of NCSBCS/ANSI A225.1-1994, with a four-inch concrete slab and Z hook for positive connection between post and slab, if in a flood plain.

c. Footings shall be:
i. Evenly bedded and level;

ii. Placed on firm, undisturbed or compacted soil that is free of organic material;

iii. Centered in a line under the main frame longitudinal members on both sides of the manufactured home;

iv. Spaced not more than eight feet apart and no more than two feet from the ends of the main frame. The building official may require a closer spacing, depending on the load bearing capacity of the soil or the specifications in the manufactured home installation manual.

d. A manufactured home with more than one section must have center line blocking at end walls and at other points of connection of the sections of the manufactured home that have ridge beam bearing support. Blocking is also required at both ends of a door opening that is six feet or more wide in an exterior wall.

e. If a manufactured home requires footings on its exterior perimeter, as specified by the installation recommendations or required by the building official, the footings shall be installed below the frost line.

f. Footings shall be constructed so that 75 percent of the area under the manufactured home has at least 18 inches clearance between the bottom of the main chassis members and the ground level. The area beneath the furnace cross-overs and fireplaces must always have at least 18 inches clearance. At no point under the manufactured home may clearance be less than 12 inches.

9) FOUNDATION SYSTEM PIERS

a. An installer must build and position piers and load-bearing supports or devices to distribute the required load evenly. An installer must use manufactured piers or load-bearing supports or devices that are listed or approved for the intended use.

b. A pier may be made of a single stack of 8-inch by 16-inch blocks if the blocks are not stacked more than three blocks high. A pier made of a single stack of blocks shall be installed at a right angle to the main frame longitudinal members and shall be capped with no more than 2-inch by 8-inch by 16-inch wood blocks or one 4-inch by 8-inch by 16-inch concrete block.

c. A pier may be made of a double stack of 8-inch by 8-inch by 10-inch blocks if the blocks are not stacked more than five blocks high. Each row of blocks in such a pier shall be stacked at right angles to the abutting rows of blocks. The pier shall be capped by with 2-inch by 8-inch by 16-inch concrete blocks. The pier shall be installed so that the joint between the cap block is at right angle to the main frame longitudinal members.
d. A pier may be made with more than five courses of blocks and not to exceed 9 (72 inches) courses of block if the stacked blocks are filled with 2,000 psi concrete or mortar, and no more than 20% of the piers exceed five courses (40"). All other systems shall be designed by a licensed Washington state engineer or architect.

e. All blocks shall be set with cores placed vertically.

10) FOUNDATION SYSTEM PLATES AND SHIMS

An installer may fill a gap between the top of a pier and the main frame with a wood plate that is not more than two inches thick and two opposing wedge-shaped shims that are not more than two inches thick. Wood plates and shims must be of hemlock/fir, Douglas fir, or spruce/pine/fir. A shim shall be at least four inches wide and six inches long. The installer shall fit the shim properly and drive it tight between the wood plate or pier and the main frame to ensure that the manufactured home is level and properly supported at all load-bearing points. A block that abuts a wedge-shaped shim shall be solid.

11) FOUNDATION

A manufactured home shall have an approved skirting around its entire perimeter. The wood of the skirting shall be at least six inches from the ground unless it is pressure-treated wood. Metal fasteners shall be hot dipped galvanized, stainless steel, or other corrosive-resistant material. Ferrous metal members in contact with the earth, other than those that are galvanized or stainless steel, shall be coated with asphaltic emulsion. A manufactured home that is installed shall have ventilation openings with a net area of one square foot per 150 square feet of crawl space; except manufactured homes installed in the flood plain shall have ventilation openings with a net area of one square inch per 1 per square foot of crawlspace installed within 1 foot of finished grade. The openings shall be designed to provide cross ventilation on at least two approximately opposite sides of the manufactured home. The installer shall locate openings as close to the corner of the manufactured home as practical and shall cover the opening with a corrosive-resistant wire mesh. Dryer vents and hot water tank pressure release valves shall exhaust on the exterior of the perimeter skirting. The skirting for each section of the manufactured home shall have an opening of at least 18 inches by 24 inches with a cover of metal or pressure-treated wood to allow access to the crawl space. In all cases the foundation shall be installed before a final sign off can be made.

12) ANCHORING SYSTEM

The building official shall require a single section or multiple section manufactured home to have an anchoring system. Such an anchoring system shall be installed per the manufactured installation specifications or according to the design of a professional Washington State licensed engineer or
architect. Components of the anchoring system shall have a resistance to weather deterioration that is at least equal to that of a zinc coating that is not less than 0.3 inches per square foot of coated surface. Cut edges of zinc-coated strapping do not need to be coated.

a. An installer shall install, preload, and adjust a ground anchor in accordance with the anchor manufacturer’s instructions. The installer must supply a copy of the instructions to the building official. Ground anchors shall be marked with the manufacturer’s identification and model number in a location that is visible to the inspector after the anchor is installed. The manufacturer of a ground anchor must provide instructions with each anchor that specifies the kinds of soils for which the anchor is suitable. Analysis from a WA State licensed engineer may be required.

b. If concrete slabs or continuous footings are used to transfer the anchoring loads to the ground, the following requirements apply:

i. Engineered tie-down systems shall be per approved details from the Washington State Department of Labor and Industries.

ii. A concrete slab may be used in place of a ground anchor if it provides holding strength equal to the required ground anchors.

iii. Analysis from a WA state licensed engineer may be required.

c. Ties shall be of approved strapping, or other approved materials. Ties shall be fastened to the ground anchors and drawn tight with turnbuckles, yoke fasteners, or other approved tension devices. Tension devices shall end in clevis, forged, or welded eyes. Tension devices shall be designed to prevent self-disconnection if the ties become slack. Ties shall connect the ground anchors to the main frame longitudinal members. Ties must not connect to steel outrigger beams that fasten to the main frame unless the manufacturer’s installation instructions specifically approve the connection. Diagonal ties must lie at least 45 degrees from the vertical.

d. The installer shall space the ties as evenly as practical and shall locate a tie within eight feet of each end of the manufactured home. The installer shall install vertical ties at each detached corner of a clerestory roof and added-on sections of expandable manufactured homes, the installer shall install the following number of ties for each I-beam or other main frame longitudinal member: according to the manufacturer’s specifications or per NCSBCS/ANSI A225.1-1994, as indicated in the following chart:

<table>
<thead>
<tr>
<th>Length of home in feet (excluding hitch)</th>
<th>Number of vertical ties per detached corner of add-ons</th>
<th>Number of diagonal ties</th>
</tr>
</thead>
<tbody>
<tr>
<td>32 – 54</td>
<td>1</td>
<td>5</td>
</tr>
<tr>
<td>55 – 73</td>
<td>1</td>
<td>6</td>
</tr>
</tbody>
</table>
13) ASSEMBLY

The water pipe connection to the manufactured home shall have a main shutoff valve in compliance with the 2012 Uniform Plumbing Code, Section 606. Exterior water lines and ducting under the manufactured home shall be insulated. In all other respects, utility connections to the manufactured home, including water, sewer, electricity, and gas shall comply with the applicable county codes. Accessory structures attached to or located next to a home, such as awnings, carports, garages, porches, or steps shall be constructed in conformance with applicable county codes and structurally independent of the manufactured home unless pre-approved by manufacturer. (Ord. 2004-064 § 2)

15.04.040 Amendments to the International Fire Code.

A. Section 102.2 Administrative, operational and maintenance provision, is amended to read as follows:

To provide a reasonable degree of safety to persons occupying existing buildings, there shall be a fire code inspection, at times to be determined by the Whatcom County Fire Marshal, for all Group A, B, E, F, H, I, M, R, S and U occupancies. Only R-3 Occupancies containing the following shall be subject to fire code inspections: Adult family homes, family daycare homes, adult and child care facilities, as defined in the Washington State amendments.

B. Section 103.1 General, is amended to read as follows:

103.1 General. The Department of Fire Prevention, herein after referred to as the Fire Marshal's Office, is established within the jurisdiction under the direction of the Fire Code Official, herein after referred to as the Fire Marshal. The function of the department shall be the implementation, administration and enforcement of the provisions of this code. Recognizing the authority and responsibility vested in the Fire Marshal by the International Fire Code, the Fire Marshal is authorized to promulgate such rules, policies and/or procedures as he/she deems necessary for the efficient operation of fire prevention and investigations.

C. Section 103.2 Appointment, is amended to read as follows:

103.2 Appointment. The Fire Marshal is the Department Director except that a Fire Marshal and/or Deputy Fire Marshal may be appointed by the Department Director. The Fire Marshal/Deputy Fire Marshal shall be not less than a supervisor within the Building Services Division of the Whatcom County Planning & Development Services Department, as designated by the Director. The Fire Marshal for Whatcom County is authorized to enforce
the provisions of this ordinance and adopted referenced codes and amendments.

D. Section 104.1 General, is amended with the following additional paragraphs:

The provisions of RCW 18.160.070 and the Levels of Licensing required by the State Fire Marshal’s Office will be enforced by the Whatcom County Fire Marshal’s Office as specified, including but not limited to work performed by contractors and/or documentation verifying compliance with current licensing requirements. Issuance of permits may be withheld due to lack of compliance with these provisions.

It is the interpretation and determination of the Whatcom County Fire Marshal that the “installation of underground work of any kind for any kind of structure” applies to the installation of fire protection systems connected to or integral to a fire protection sprinkler system. A Level U license from the State Fire Marshal’s office shall be required. The Fire Marshal, at his/her discretion, may require a Level U license for any underground work determined at any stage of installation to be substantially and/or consistently substandard.

E. Section 104.9 Alternate materials and methods, the last sentence is amended as follows:

Where the alternative material, design or method of construction is not approved, the Building Official Fire Marshal at his/her discretion may shall respond in writing, stating the reasons why the alternative was not approved, when a determination request is submitted to the Fire Marshal in writing.

F. Section 104.10 Fire investigation, is amended to read as follows:

The Whatcom County Sheriff’s Office shall have the authority to investigate the cause, origin and circumstances of any fire, explosion or other hazardous conditions. Information that could be related to trade secrets or processes shall not be made part of the public record except as directed by a court of law.

F. Section 104.10.1 Assistance from other agencies, is amended to read as follows with the following additional language:

a) The Whatcom County Fire Marshal shall have the authority to render necessary assistance in the investigation of fires. The Whatcom County Fire Marshal and designated, assigned staff members shall have the powers of a limited authority of a Washington peace officer as defined in Chapter 10.93 RCW. They shall be commissioned by the Whatcom County Sheriff as specially commissioned Washington peace officers, as
defined in Chapter 10.93 RCW, upon satisfaction of the training and other requirements prescribed or approved by the Washington Criminal Justice Training Commission, for the purpose of administering this code.

GH. Section 105.7.1 **Automatic fire-extinguishing systems**, is amended with the addition of the following language:

Commercial cooking arrays require permanently affixed signage that states: “Alteration of commercial cooking arrays is prohibited without prior review and approval from the Whatcom County Fire Marshall.” Sign location to be determined by the Fire Marshal.

HI. Section 105.7.8 Flammable and combustible liquids, is amended as follows:

1. (unchanged)

2. (unchanged)

3. To install, alter, remove, abandon, or otherwise dispose of a flammable or combustible liquid. Abandoned underground fuel tanks are required to be removed according to all applicable codes and safety standards except under special circumstances, such as steep or extreme topography, significant physical obstructions, or similar circumstances, as approved per the discretion and judgment of the Fire Marshal.

IJJ. Section 108.1 Board of appeals, is amended to read as follows:

In order to hear and decide appeals of orders, decisions or determinations made by the Fire Marshal relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. Whatcom County Ordinance No. 2007-024 shall be the Fire Code appeals board. The Appeals Board shall be the same board for all codes appeals, except as amended in WCC Chapter 15.04.

JK. Section 202 **General Definitions**, is amended to read as follows:

a. **Fire Chief.** Whenever the term fire chief is referenced in this code it shall mean Whatcom County Fire Marshal (Fire Code Official) or his/her designee, as identified in IFC Section 103, except as stated in IFC Section 104.11 and/or where the Fire Marshal has delegated a specific responsibility to the Fire Chief of a given fire district by verbal, written, and/or historic agreement.

b. **Fire Code Official.** Whenever the term fire code official is referenced in this code it shall mean Whatcom County Fire Marshal or his/her
designee, as identified in IFC Section 103.2 and as amended per WCC 15.04.040.

KL. Chapter 5 is amended to include adoption of all sections of the chapter not adopted by Washington State Amendments, Chapter 51-54A, as authorized per RCW 19.27.060, #5

LM. Appendix B, Fire Flow Requirements for Buildings is amended as follows:

1. Section B103.1 Decreases. The Fire Marshal is authorized to reduce the fire-flow requirements for isolated buildings or a group of buildings in rural areas or small communities where the development of full fire-flow requirements is impractical. This may include consideration of alternative materials and methods where the Fire Marshal finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method, or work is at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire-resistance, durability, and safety.

2. Section B104.1 General, is amended as follows:

   a. The fire-flow calculation area shall be the total floor area of all floor levels within the exterior walls, and under horizontal projections of the roof of a building (such as a connecting breezeway), otherwise including only areas that are fully enclosed on all sides and which have a full ceiling height. Full ceiling height means an average (50% or more) ceiling height of 6 (six) feet – 8(eight) inches (203.3 cm), including under-floor areas that are accessed by a side-hinged man door, sliding door, overhead door, or similar standard height access. The calculation area is measured to the outside surface of exterior and/or enclosure walls.

   b. In general, commercial and industrial structures will be measured according to the same methodology as residential/accessory buildings, except that structures will also be judged according to their use and corresponding hazard, according to the applicable codes in the IFC and IBC, and according to the judgment and discretion of the Fire Marshal. As such area may be calculated for roof only (open sided) structures, covered open/partially open portions of buildings, to the outside edge of eaves, and/or for uncovered portions of structures (decks, balconies, loading docks, etc.) on a case-by-case basis where, in the discretion of the Fire Marshal, it is warranted to preserve the health, safety, and welfare of the public, building occupants, and/or emergency responders.
3. Section B105.1 One- and two-family dwellings:

a. The minimum fire flow and flow duration requirements for one- and two-family dwellings having a fire-flow calculation area, including both existing and new proposed building area, that is measures in excess of 4000 square feet (371.6 m²) shall be 500 GPM @ 20 psi for 1 hour.

b. An NFPA 13D automatic sprinkler system throughout the measured fire area of a residence and/or residential accessory building qualifies as 100% reduction/mitigation in fire flow when the requirement threshold is exceeded.

c. An NFPA 13-D automatic sprinkler system is required throughout all dwellings with a measured fire area exceeding 8000 square feet. In addition, fire-flow for dwellings with a fire-flow calculation area larger than exceeding 8,000 square feet (743.2 m²), shall not be less than that specified in Table B105.1, as amended by Whatcom County, with the ability to apply fire-protection credits as described in Table B105.2, except that the flow duration may be a minimum of one hour.

d. Table B105.1(1) is not adopted.

4. Section B105.2, Buildings other than one- and two-family dwellings, is amended as follows:

DEFINITIONS:

- **Agricultural Building.** Livestock shelters or buildings, including shade structures and milking barns; poultry buildings or shelters; barns; storage of equipment and machinery used exclusively in agriculture; horticultural structures, including detached production greenhouses and crop protection shelters; sheds; grain silos; stables. (IBC Appendix C, Group U-Agricultural Buildings)

- **Agricultural processing building and/or facility.** Buildings/facilities where agricultural products are cooled, frozen, or dried and packaged in their otherwise unaltered, primary state for shipping to distribution sales outlets. Ag processing buildings/facilities may include conveyors, refrigeration equipment and rooms, other applicable processing or environmental mechanical equipment, offices, employee facilities, restrooms, product and product packaging
storage, loading docks, and similar applicable accessory appurtenances.

Although Ag processing buildings/facilities are determined by Whatcom County to be a Group U occupancy for purposes of determining fire flow requirements, they represent a more intensive use than agricultural buildings, based on the typical number of personnel (even if seasonal), type of equipment, and typical operations. Appropriate, applicable health, fire, and life/safety codes and regulations will be applied in the review process of these buildings/facilities.

Cooking, modifying, altering, combining, and/or other secondary food processing/manufacturing is not considered Ag processing. The primary use for this type of processing is determined to be a Group F occupancy per applicable provisions of the IBC and other adopted codes and regulations.

5. The minimum fire-flow and flow duration requirements for private garages, detached shops, and agricultural storage buildings (Group U occupancy) shall be 500 gpm @ 20 psi for 1 hour.

Exception: Fire-flow is not required if the structure meets one of the following criteria:

1. It does not exceed 2500 square feet (232.3 m²).

2. It is protected by an approved automatic fire sprinkler system

3. It has 60 foot setbacks to all property lines, and other structures on the same lot. Setback measurement may include the full width of an adjacent public way, no-build easement recorded with the Auditor to run concurrent with the deed, or similar instrument or provision acceptable to the Fire Marshal.

4. It has 100 foot setbacks to all property lines and other structures on the same lot for buildings which include hay storage, other combustible fibers, the potential for loose combustible fibers, and/or the potential for combustible dust (IFC Sections 2204 and 5204.4 3704.1; NFPA 61). Setback measurement may include the
full width of an adjacent public way, no-build easement recorded with the Auditor to run concurrent with the deed, or similar instrument or provision acceptable to the Fire Marshal.

6. The minimum fire-flow and flow duration requirements for agricultural processing buildings (Group U) not exceeding 6000 square feet (557.4 m²) shall be 500 gpm @ 20 psi for 1 hour. If the building exceeds 6000 square feet (557.4 m²), Table B105.1, as amended by Whatcom County, shall apply except that, at the discretion of the Fire Marshal, where adequate and reliable water supply systems do not exist the duration may be reduced by up to 50%, but not to be reduced to below a duration of 1 hour.

Exception: Fire-flow is not required if the structure meets one of the following criteria:

1. It does not exceed 2500 square feet (232.3 m²), excluding areas open on three sides in measured fire area.

2. It has 60 foot setbacks to all property lines, and other structures on the same lot. Setback measurement may include the full width of an adjacent public way, no-build easement recorded with the Auditor to run concurrent with the deed, or similar instrument or provision acceptable to the Fire Marshal.

3. The building is provided with an NFPA 13 automatic sprinkler system throughout, including water storage to support the sprinkler system per the system design, plus an additional 500 gpm of fire flow at 20 psi for a duration of one hour, to be available at an approved hydrant or hydrants as determined by the Fire Marshal.

7. The minimum fire-flow and flow duration requirements for buildings other than one- and two-family dwellings and Group U buildings specified above, shall be as specified in Table B105.1, as amended by Whatcom County, with the ability to apply fire-protection credits as described in Table B105.32 but not to be reduced to below 500 GPM @ 20 psi for duration of 1 hour for Group F and S occupancies, including accessory occupancies (per IBC 508.2); 1500 GPM @ 20 psi for a duration of 1 hours for occupancies and/or mixed occupancies including Group A, B, E, I, M, and R occupancies except where lower gpm is indicated per Table B105.1. Fire-flow reductions for Group H occupancies may only be considered at the discretion of the Fire Marshal.
Fire-protection credits shall not allow the elimination of required systems as required in other parts of the Fire Code.

Exception: Fire flow is not required if the structure meets both all of the following criteria:

1. It does not exceed 2500 square feet (232.3 m²)
2. It does not contain a hazardous operation, as determined by the Fire Marshal.
3. Not a Group A occupancy.

Tables B105.1, B105.2, B105.3

### TABLE B105.1

Fire-flow for Buildings Other than One- and Two-Family Dwellings and Private Garages and Commercial Agricultural Buildings (Group U)

<table>
<thead>
<tr>
<th>Construction Type</th>
<th>IA &amp; IB</th>
<th>IIA &amp; IIIA</th>
<th>IV &amp; VA</th>
<th>IIB &amp; IIIIB</th>
<th>VB</th>
<th>Required Fire Flow (GPM)</th>
<th>Duration (Hours)</th>
</tr>
</thead>
<tbody>
<tr>
<td>WHEN TOTAL FIRE AREA IN SQUARE FEET (b) IS EQUAL TO OR LESS THAN THESE VALUES</td>
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</tbody>
</table>

(a) Types of construction are based upon the current adopted edition of the IBC.
(b) Each portion of a building shall be considered as a separate fire area when separated by one or more fire walls built in accordance with the IBC.

---

**TABLE B105.2**

**Fire Protection Credits for One- and Two-Family Dwellings (a)**

<table>
<thead>
<tr>
<th>Options to Reduce Fire Flow (b)</th>
<th>% Reduction</th>
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</thead>
<tbody>
<tr>
<td>NFPA 13D Sprinkler System (c)</td>
<td>100%</td>
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<tr>
<td>Monitored Fire Alarm System</td>
<td>25%</td>
</tr>
<tr>
<td>1-Hour Fire-Resistive Const. (d)</td>
<td>75%</td>
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</table>

(a) Fire Protection Credits must equal at least 100% to receive fire flow credit.
(b) Credits used for or with substantial alterations shall be applied to the entire structure.
(c) Consists of an NFPA 13D sprinkler system with sprinkler coverage extended into the garage; attic, small bathrooms, closets, heated/unheated basements and bonus rooms.
(d) Constructed in accordance with the International Residential Code.

---

**TABLE B105.32**

**Fire Protection Credit for Commercial Rural Fire-Flow**

<table>
<thead>
<tr>
<th>Options to Reduce Fire-Flow (a)</th>
<th>% Reduction (b)</th>
</tr>
</thead>
<tbody>
<tr>
<td>NFPA Monitored Fire Alarm</td>
<td>25%</td>
</tr>
<tr>
<td>NFPA 13 Automatic Sprinkler System</td>
<td>75%</td>
</tr>
<tr>
<td>40' Minimum Setbacks (c)</td>
<td>25%</td>
</tr>
</tbody>
</table>

(a) Credits used for or with substantial alterations shall be applied to the entire structure.
(b) Reductions will be simply rounded to the closest fire flow rate and applied for the duration prescribed by that flow rate. In cases of an equal distance between two rates, the rate will be rounded down.
(c) Setbacks apply to all property lines and buildings, on all sides of the structure. Setback measurement may include the full width of an adjacent public way, no-build easement.
recorded with the Auditor to run concurrent with the deed, or similar instrument or provision acceptable to the Fire Marshal.

**MN.** Appendix C, Fire Hydrant Locations and Distributions, is amended with the following added section:

a. Section C106 Subdivision Alternative, is added to the Appendix:

C106.1 Hydrant placement alternative, subdivisions and plats with no fire flow infrastructure require a minimum lot size of 1 (one) acre and a minimum 20 (twenty) foot setback from property lines to structures, in addition to applicable fire flow requirements per Appendix B as amended.

**NO.** Appendix D, Apparatus access roads, is amended as follows:

a. Section D103 Minimum Specifications, is amended with the following additional language:

1. Fire apparatus access roads serving up to 2 (two) residential lots, where building location is less than one hundred fifty feet (150') from approved access roads require a minimum width of 12 feet (3658 mm) and a minimum vertical clearance of 13 feet-6 inches (4115 mm).

2. Fire apparatus roads over one hundred fifty feet (150') long serving up to two residential lots:

   a. Minimum width – twelve foot (12') driving surface with turnouts no farther than every six hundred feet (600') when required by the Fire Marshal. To create a turnout, the road shall be widened to twenty feet (20') in the direction of travel for a minimum distance of one hundred feet (100') to allow vehicles to pull over and allow emergency vehicles to proceed. Turnout shall be located approximately midpoint for driveways over six hundred feet (600') but less than twelve hundred feet (1200'). See Exhibit B.

   b. Vertical clearance – minimum thirteen foot, six inch (13'-6'') unobstructed vertical clearance for the required width of the road. See Exhibit A.

3. Surface – Per Whatcom County Development Standards (WCDS), Chapter 5, Road Standards. Minimum standard per Exhibit C, Driveway Section.
4. Turning radius – minimum thirty-five foot (35’) radii. Residential private roads and driveways per Exhibit C and D.

5. Turnarounds – For all projects other than residential or residential accessory, turnarounds shall be a minimum twenty feet foot (20’) wide drivable surface, and legs sixty feet (60’) long deep or per WCDS, Chapter 5, Road Standards. Where options are limited by topography or at the discretion of the Fire Marshal for other considerations, turnarounds for residential or residential accessory structure access may be a minimum twenty foot (20’) wide drivable surface and turnaround legs forty-five feet (45’) long. In all cases, Turnarounds shall be located within 150 feet of a structure that requires access but no closer than 50 feet unless otherwise approved by the Fire Marshal where topographic or other significant obstacles exist, See Exhibit D.

6. Bridges - Bridges, box culverts or similar passageway structures built over depressions or obstacles shall be herein after referred to as bridges. When a bridge is required to be used as part of a driveway access road, it shall be designed and constructed per the current adopted edition of the WCDS, Chapter 5, Road Standards, Section 513, Bridges and Associated Retaining Walls and per applicable portions of IFC Section 503. Vehicle load limits shall be posted at both entrances to bridges when required by the Fire Marshal.

7. Grade per Exhibit A and WCDS, Chapter 5, Road Standards. Residential and residential accessory structures accessed by roads or driveways exceeding 12% grade require mitigation such as an automatic sprinkler system, per NFPA 13-D, throughout the applicable building(s); an approved fire flow system; equivalent mitigation approved at the discretion of the Fire Marshal in addition to standard access road requirements.

8. Installation of residential accessory buildings less than 2500 sf, small residential/accessory additions, and similar minor changes or alterations may be exempt or may not trigger road standard improvements on a case by case basis at the discretion of the Fire Marshal.

Qb. Section D103.5 Fire apparatus and access road gates, is amended as follows:

Gates installed across emergency apparatus access roads and driveways require a permit from the Fire Marshal’s office.

Item #1 is amended as follows:

The minimum gate width shall be 20 feet (6096 mm), unless an alternate width is approved by the Fire Marshal. Where a single gate
is provided, the net openable gate width shall be not less than 20 feet (6096 mm). Where a fire apparatus road consists of a divided roadway (one separate lane in each direction) or the current required width of the apparatus access road is a minimum of 12 feet (3658), the net openable gate width shall be not less than 12 feet (3658 mm) at each lane or road. The net openable width of the gate shall not be less than the applicable required drivable surface width of any access road or driveway.

Add to Item #10:

At the Fire Marshal’s determination, applications for gates proposed to be installed across private access easements, roads, and driveways, which are shared by multiple property owners/users, may be required to include written, notarized, confirmation from all property owners/users approving the gate installation.

Add as Item #11:

Gate installations where multiple properties are accessed shall include an approved universal public safety access system that will allow access by all emergency responders.

Add as Item #12:

Where deemed appropriate, the Fire Marshal may require language addressing maintenance responsibilities and/or incorporation of maintenance language and other relevant information regarding any gate to be recorded with the County Auditor separately or as part of the access easement(s) description.

Pc. Fire apparatus access roads – Access serving more than Two (2) residential units shall meet the following:

1. Standards per Exhibit A and current adopted Whatcom County Development Standards (WCDS), Chapter 5, Road Standards.

2. The Fire Marshal may make modifications in these standards if the road is not buildable because of topography, waterways, nonnegotiable grades, or similar conditions. These modifications are based on:

   a. The building being protected by a minimum NFPA 13D Automatic Sprinkler System.

   b. Additional fire protection features as required by the Fire Marshal.
3. When, in the opinion of the Fire Marshal, a residential addition or a new detached accessory buildings will not create a more significant fire load or hazardous situation. Exceptions may be made for:

- Minor additions or small accessory buildings to existing dwellings not exceeding 1248 square feet of net measurable fire area where the total measurable fire area of the contiguous building (new and existing) does not exceed 4000 square feet.

- One, small, detached accessory building not exceeding 864 square feet in measurable fire area or where the aggregate measurable fire area of all detached accessory buildings on a site does not exceed 864 square feet.

Qd. Emergency vehicle access roads or driveways shall not be obstructed in any manner, including the parking of vehicles. Width and clearance requirements of these standards shall be maintained at all times.

Re. See Exhibits A, B, C, and D, for additional information, details, and illustrations amending Appendix D.
**Exhibit A: Private Roads/Streets, Driveways and Fire Apparatus Access**

This section applies to roads/streets that are privately owned, generally within an easement providing direct access to private land(s) for local traffic movement and connect to local public access, collectors or arterial roads/streets. Private roads/streets are maintained with private funds and where the county, municipality or WSDOT performs no maintenance.

**Criteria for Authorization:** Private roads/streets may be permitted when so provided in appropriate ordinances or at the discretion of the County Engineer when:

1. Covenants have been approved and recorded with the County which provide for maintenance of the private roads/streets and associated parking areas by the owners in the development, including placing of liens for non-payment of fees, and/or road maintenance agreement(s) on the face of the Long Plat, Short Plat, or Binding Site Plan.

2. Provision is made for the roads/streets to be open at all times for emergency and public service vehicle use.

3. The private road is not needed as a public road and will not obstruct public street circulation.

4. Intersection spacing between private roads shall be consistent with the spacing shown in Development Standards Section 505.M.

5. The roads are within a private community with a corporate identity or Homeowners Association, as identified by the State of Washington under RCW 64.38.

6. **Fire Apparatus Access Roads (Private Roads/Streets and Driveways)**
   
   a) County fire code requirements for “Fire Apparatus Access Roads” are contained in WCC 15.04.010 and as amended in WCC 15.04.040.

   b) Criteria. The following criteria, per Exhibit A Geometrics, apply to Fire Apparatus Access Roads serving residential and residential accessory use:
### Exhibit A Geometrics:

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<thead>
<tr>
<th>Road Users</th>
<th>Incremental Grade, %</th>
<th>Minimum Surface Treatment</th>
<th>Width, ft</th>
<th>Unobstructed Minimum Vertical Clearance, ft</th>
<th>Minimum Turning Radii, ft</th>
<th>See also Development Standards Drawings</th>
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<td>CSTC&lt;sup&gt;(1)&lt;/sup&gt;</td>
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<td>12 - 14</td>
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<td>15 - 18</td>
<td>Heated grooved PCC&lt;sup&gt;(3)&lt;/sup&gt;</td>
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</tr>
<tr>
<td></td>
<td>12 - 14</td>
<td>Paved&lt;sup&gt;(2)&lt;/sup&gt;</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>15 - 18</td>
<td>Heated grooved PCC&lt;sup&gt;(3)&lt;/sup&gt;</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>7 or more</td>
<td>&lt; 12</td>
<td>Paved&lt;sup&gt;(2)&lt;/sup&gt;</td>
<td>26&lt;sup&gt;(6)&lt;/sup&gt;</td>
<td></td>
<td></td>
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</tr>
<tr>
<td></td>
<td>12 - 14</td>
<td>Paved&lt;sup&gt;(2)&lt;/sup&gt;</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td></td>
<td>15 – 18&lt;sup&gt;(6)&lt;/sup&gt;</td>
<td>Heated grooved PCC&lt;sup&gt;(3)&lt;/sup&gt;</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<sup>(1)</sup> Crushed surfacing top course  
<sup>(2)</sup> Either Portland cement concrete (PCC) or Hot mix asphalt (HMA)  
<sup>(3)</sup> Portland cement concrete  
<sup>(4)</sup> Hot mix asphalt  
<sup>(5)</sup> See Development Standards Section 505 Road Type and Geometrics, Table 1 - Arterial Roads & Table 2 - Residential Roads  
<sup>(6)</sup> See also Development Standards Section 505.1.3 - Horizontal Curves  
<sup>(7)</sup> Road Users represents the number of dwelling units/single households. Per the Public Works Dept., a single household is the approximate equivalent of 10 average daily trips (ADT).  
<sup>(8)</sup> Grades exceeding 18% may require special and/or multiple mitigation measures and will be approved at the discretion of the Fire Marshal.

- **Turnouts** - For driveways and roadways less than 20 feet wide, see Exhibit B (Development Standards Drawing 505.E-5).
- **Turnarounds** - Establish turnarounds for driveways and roadways greater than 150 feet in length per Exhibit D (Development Standards Drawing 505.E-6, 505.L-1, or 505.L-2 as applicable). Subject to other related codes and standards, i.e. Title 20.80.
- **Fire Hydrants** - Where a fire hydrant is located on a Fire Apparatus Access Road, the minimum roadway width shall be 26 ft. for a length of 40 ft. centered on the fire hydrant.
- **Bridges** - At the discretion of the Fire Marshal all bridges shall meet the requirements in Development Standards Section 513 *Bridges and
Associated Retaining Walls. See WCC Section 15.04.040, Section A, Item 11, Subsection b.

- Security Gates and Emergency Accesses - The County Fire Marshal requires a separate permit for any security gate or emergency access restricting device/system.

- Access Approach Surfacing Requirements - All fire apparatus access approaches shall have an approved paved/hard surfaced apron unless otherwise directed pursuant to this section and Development Standards Section 508 Roadside Features. See Exhibit C, Driveway Section.

- Additional or Alternative measures - The County Fire Marshal may consider or require additional or alternative fire protection measures on a case by case basis.

Criteria for Construction: Private roads/streets shall conform to the applicable sections of these Standards. Also see Development Standards Drawings 505.E-1 and 505.E-2.
### PLAN VIEW

NOTES:
1. Widening may be done on either side of the roadway or driveway.
2. Widened area to have the same standard section detail as roadway or driveway.

<table>
<thead>
<tr>
<th>DRIVEWAY/ROADWAY LENGTH</th>
<th>NUMBER OF TURNOUTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 – 600 feet</td>
<td>No turnout</td>
</tr>
<tr>
<td>601 – 1200 feet</td>
<td>One at mid-point</td>
</tr>
<tr>
<td>Over 1200 feet</td>
<td>Every 600 feet</td>
</tr>
</tbody>
</table>

5/10/2013

Not to Scale

EXHIBIT B
PRIVATE ROAD OR DRIVEWAY
TURNOUT DETAIL
WHATCOM COUNTY FIRE MARSHALL
MINIMUM SURFACING
44' RADIUS
(See Drawing 505.R-1 for additional details)

NOTES:
1. Turnarounds shall be within the County right of way and/or private easements.
2. Width of travelway is specified on Exhibit A, or the approved plans.
3. Turnaround construction shall be of approved subgrade, base, and top course.

NOTE: The length of the leg of a turnaround may be reduced from 60 feet to 45 feet for residential and residential accessory applications.

Exhibit D
PRIVATE ROAD AND NON-MAINTAINED COUNTY RIGHTS-OF-WAY TURNAROUND DETAILS
WHATCOM COUNTY FIRE MARSHALL

5/27/13 Not to Scale
15.04.050 Permit expirations and violations of the above referenced codes.

A. Expiration.

1. Sections 105.5 of the IBC, R105.5 of the IRC, and 105.3.1 of the IFC are amended as follows:

Every permit issued under the provisions of this code, according to IBC Section 105.5 and IRC Section R105.5, shall expire and become null and void, if the work authorized by such permit is not commenced within 180 days from the date of issuance of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. The building official is authorized to grant, in writing, one or more extensions of time, for a period not more than 180 days each. The extension shall be requested in writing and justifiable causes demonstrated. In the event of permit expiration, before such work can recommence, a new permit shall be first obtained to do so, and the fee therefore shall be one-half the amount required for a new permit for such work, provided no changes have been made, or will be made in the original plans and specifications for such work; and provided, further, that such suspension or abandonment has not exceeded one year. These permits are only transferable with the prior approval of the Building Official and any change in occupancy, operation, tenancy, or ownership shall require that a new permit be issued.

Every permit issued under the provisions of this code, according to IFC Section 105, shall expire and become null and void, if the work authorized by such permit is not commenced within 180 days from the date of issuance of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. The fire code official (designated as the fire marshal) is authorized to grant, in writing, one or more extensions of time for a period not more than 180 days each, except that expiration and extension shall not apply to open burning permits. The extension shall be requested in writing and justifiable causes demonstrated. In the event of permit expiration, before such work can recommence, a new permit shall be first obtained to do so, and the fee therefore shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year. An operational permit under the IFC shall remain in effect until reissued, renewed, or revoked or for such a period of time as specified in the permit. These permits are not transferable and any change in occupancy, operation, tenancy, or ownership shall require that a new permit be issued.

B. Construction Without Permit.
1. The following paragraph shall be added to IBC Section 114.1, IRC Section R113.1, and IFC Section 109.1:

When construction and/or development has occurred on a site without a valid permit as required by this chapter, any and all permits or approvals issued by the county may be denied for that site until the issue has been resolved. In addition, prompt restoration of the site to its original condition will be required. The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this code. No permit presuming to give authority to violate or cancel the provisions of this code shall be valid, except insofar as the work or use for which it authorizes is lawful. The issuance or granting of a permit or approval of plans shall not prevent the Director of Planning & Development Services, the Building Official, the Fire Code Official, or any administrator who has been granted authority by the Director from thereafter requiring the correction of errors in said plans and specifications or from preventing construction operations being carried on thereunder when in violation of this code or of any other ordinance or from revoking any certificate of approval when issued in error.

2. The following paragraph shall be added to IBC Section 114.1, IRC Section R113.1, and IFC Section 109.1:

When construction, development, modification, or any changes to a structure have taken place without a valid permit as required by this chapter, the County may, at its discretion and as it deems necessary for compliance, may require the structure to be restored to its original construction/condition. This may include, but is not limited to, complete or partial demolition of the structure or remodel; removal of framed walls or other structural components; electrical systems and/or components; cabinets, doors, countertops, fixtures, drywall; plumbing and/or plumbing fixtures; applicable appliances. Time lines required to restore the structure to its original condition shall be at the discretion of the County.

C. Stop Work Orders.

1. Sections 115 of the IBC, R114 of the IRC, and 111 of the IFC are amended as follows:

In the event any person, firm, partnership, corporation or other entity violates any provision of this ordinance or any code adopted by this ordinance, the County may issue a notice of violation, to be delivered to the owner, operator, or their agent, or to be conspicuously posted at the site. In a non-emergency situation, such notice may include notice of the intent to issue a stop work order no less than 10 calendar days following the receipt of the notice, and provide for an administrative pre-deprivation hearing within 10 calendar days of notice/order. In an emergency situation where
there is a significant threat to public safety or the environment, the County may issue a stop work order. The stop work order shall include, in writing, the right to request an administrative post-deprivation hearing within 72 hours following receipt of the stop work order. Failure to comply with the stop work order shall be a gross misdemeanor punishable upon conviction by a minimum fine of $500.00 up to a maximum fine of $1000.00 or one year in jail, or both. Under no circumstance may the court defer or suspend any portion of the minimum $500.00 fine for any conviction under this section. Each day or part thereof of noncompliance with said order to stop work shall constitute a separate offense.

D. Violation Deemed Misdemeanor.

1. Sections 114 of the IBC, R113 of the IRC, and 109 of the IFC are amended as follows:

Any violation of the provisions of the International Building, Fire, Residential or other related codes as herein adopted is a misdemeanor. Any person, firm or corporation violating any of the provisions of this code or failing to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents, directives or conditions of the Building Official or the Fire Code Official or the Director of Planning and Development Services or of a permit or certification used under provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than $1000.00 dollars or by imprisonment not exceeding 90 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

a. EXCEPTION: The International Fire Code Section 307 Open Burning and Recreational Fires shall constitute Class 1 civil infractions pursuant to RCW 7.80.120. The maximum penalty and the default amount for such violations shall be consistent with Chapter 7.80 RCW. All violations shall be heard and determined in accordance with the system established in Chapter 7.80 RCW. After having been found to have committed two successive infractions for violations of the same provision of this title on the same property, any person, firm, or corporation who continues to violate this title in the same manner on the same property shall be guilty of a misdemeanor, punishable by a fine of not more than $1000.00 or by imprisonment not exceeding 90 days, or both such fines and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

E. Notice of Violations.

1. Section 109.3 of the IFC is amended as follows:
When the Fire Code Official, referred to as the Fire Marshal, finds a building, premises, vehicle, storage facility or outdoor area that is in violation of this code, the fire code official is authorized to prepare a written notice of violation describing the conditions deemed unsafe. When immediate compliance is not possible, a time shall be specified for re-inspection. In special situations citations could be issued to individuals violating this code.

F. Civil Penalty.

1. Any person, firm, partnership, corporation or other entity violating any of the provisions of this chapter, or of the codes adopted by reference by this chapter, shall be deemed guilty of a civil offense and each day during which such violation is continued or committed shall constitute a separate offense, and shall be fined not more than $1,000 for each offense. The penalty provided in the above section shall be imposed by a notice in writing and delivered by personal service to the owner, the owner’s agent, the operator and/or violator, and/or sent by certified mail, and/or be conspicuously posted at the site. The notice shall include the amount of the penalty imposed and shall describe the violation with reasonable particularity in ordering the act(s) constituting the violation(s) to cease and desist or, in appropriate cases, requiring necessary corrective action to be taken within a specific and reasonable time. The notice may simultaneously accompany a notice of penalty.

2. Within 30 days after the notice is received, the person incurring the penalty may apply in writing to the building official for remission or mitigation of such penalty. Upon receipt of the application, said department may remit or mitigate the penalty upon whatever terms the department in its discretion deems proper. The final decision of the building official, fire code official or the director of planning and development services on mitigation or revision shall be reviewed by the county council, if the person being penalized files a written appeal therewith of said decision, within 10 days of its issuance. The decision of the county council regarding the penalty imposed shall be final.

In addition to the civil penalties described above, the prosecuting attorney may in his discretion bring such injunctive, declaratory or other actions as deemed necessary to ensure that violations of this chapter are prevented or cease, and to otherwise enforce the provisions of this chapter. (Ord. 2004-064 § 2)
Date: October 12, 2016

To: Whatcom County Council

From: Wain Harrison, Manager Building Services/Deputy Fire Marshal

Through: J.E. “Sam” Ryan, Director/Fire Marshal

Subject: Ordinance to revise and update Whatcom County Code, Title 15
        Follow Up to Previous P&D Committed Meeting, 10/11/16

Following the review of discussion of the proposed ordinance to revise and update Whatcom County Code (WCC) Title 15 with the Council P&D Committee, the Committee and Council members asked for some modifications and additional research and information.

Deletions are indicated by strikethrough and proposed modification language is underlined and highlighted in light gray:

**Sections 15.04.020, 030; and 15.04.040, Subsection E, 104.9 Alternate materials and methods:**

Where the alternative material, design or method of construction is not **approved**, the **Building Official** at his/her discretion may respond in writing, stating the reasons why the alternative was not **approved**, when a determination request is submitted to the **Building Official** in writing.

Or

Where the alternative material, design or method of construction is not **approved**, the **Building Official** Fire Marshal at his/her discretion may respond in writing, stating the reasons why the alternative was not **approved**, when a determination request is submitted to the Fire Marshal in writing.

**Section 15.04.040, Subsection O (a) (5):**

The language “in all cases” has been removed. “...unless otherwise approved by the Fire Marshal where topographic or other significant obstacles exist.” has been added to the end of the subsection.
Section 15.04.040, Subsection M (7):

Council has requested more information and additional discussion prior to approving the recommendation of an increase in the minimum fire flow standard from 500 gpm to 1000 gpm (for a duration of one hour) in consideration of factory, manufacturing, and storage/warehouse occupancies. This is the equivalent of 60,000 gallons of water storage.

I would remind the Council that for previous multiple decades the minimum required fire flow for these type of occupancies has been 1500 gpm (90,000 gals.). When the Fire Marshal’s Office endeavored to update and codify WCC in the 2012 ordinance we proposed the reduction to 500 gpm.

In partial explanation of this current proposed increase from 500 gpm to 1000 gpm, I cited the example of the recent manufacturing/warehouse fire north of Ferndale that took over 500,000 gallons of water to suppress the fire. This was in a facility of noncombustible construction equipped throughout with automatic sprinklers which functioned properly.

I would also point out that WCC exempts buildings of this type of occupancy from fire flow requirements up to 2500 sf. Without this exemption a building of this size, according to Table B105.1, would require a minimum of 750 gpm (45,000 gals.).

Councilmember Brown expressed a concern regarding the potential cost increase to businesses for upsizing a fire flow system, including pump and tank, from 500 gpm to 1000 gpm. A comparison cost estimate was prepared and submitted by Freeland and Associates showing the cost of an on-site system with an above ground concrete storage tank, listed/tested fire pump, pump house, piping and wiring:

A. 500 gpm delivery system, one hour duration (30,000 gal.) = $193,812.10
B. 1000 gpm delivery system, one hour duration (60,000 gal.) = $230,987.50

System B represents an approximate 17% increase over the cost of System A. See the complete Engineer's Estimate attached. However, System B would still represent an approximate 17% cost decrease over the previous system minimum of 1500 gpm prior to the 2012 update ordinance.

Information and response to issues raised by Roger Axelson regarding fire flow and IFC Appendix B:

Mr. Axelson brought up several issues related to fire flow. He asked what other jurisdictions required regarding this. Eight western Washington counties were surveyed: Skagit, Snohomish, King, Pierce, Kitsap, Thurston, Clark and Skamania. All except King County have adopted IFC Appendix B and included some degree of modifications similar to Whatcom County. King Co. chose to write its own fire code version with modifications and exemptions. See attached excerpts from the respective county code sections. It appears clear Whatcom County is in line with the standard of protection adopted by a substantial number of other Western
Washington counties. Note that adoption of IFC Appendix B requires all fire flow water to be measured at a minimum of 20 psi.

Mr. Axelsson wants the Fire Marshal to allow the installation of unpressurized draft water storage systems thus eliminating the cost of the listed fire pump. He cited NFPA Standard 1901, stating the hard pipe for a draft connection is required. However, the current edition of that standard only requires pumper apparatus to carry the hard pipe as an option (NFPA Standard 1901, Chapter 5, Pumper Fire Apparatus, Section 5.8.2.1). The majority of Whatcom County fire districts (FD) choose not to exercise this option in consideration of the following partial list of factors:

- Draft systems are typically private systems and are historically poorly maintained. Inventory and other storage items are often found obstructing hydrant access on industrial sites (pallets, barrels, machine parts, etc.). Brush, limbs and overgrowth often impede access.
- Assuming access is not impeded the apparatus must be exactly positioned regardless of topography.
- The hard pipe connections must be carefully made and extremely tight to eliminate incomplete suction.
- Connection to a pressurized system typically takes about 90 seconds to be operational. A hard pipe draft connection can typically take 8 – 12 minutes, sometimes more. Any firefighter will tell you this is a significant world of difference in time (5 to 8 times longer). NFPA Standard 1142, Chapter 4 Calculating Minimum Water Supplies, still requires significant water supplies on larger scale and/or hazardous projects and it requires that fire districts meet a minimum standard of time to deliver water that is not achievable when attempting a hard pipe draft connection. In addition, NFPA 1142, per the scope of the document, is not applicable to large rack storage facilities and other hazardous occupancies.
- Private draft storage systems can only be tested for ongoing maintenance and operation by connection to a fire district pumper truck and are supposed to be tested annually. The FD and/or the Fire Marshal’s Office do not have the time or resources to track and make these tests for private companies or individuals under any circumstance. Therefore, the systems are typically not tested and not maintained. The FD has no idea whether the system will function until they have taken the time to make the connection. If it is not functional the FD has wasted valuable equipment, personnel and time. It is conceivable the FD could charge concurrency mitigation fees through SEPA for resources and insurance to provide draft system tracking and annual testing of private systems which would have to be factored into the overall cost of a draft system.
- A typical fully equipped pumper currently costs +/- $600,000.00 or more. A poorly maintained system may allow gravel, vegetation, fish, frogs and other debris to flow through the system, potentially damaging the pumper equipment. The FD’s are generally unwilling to take this risk with such valuable equipment.
Note the example of an unpressurized, on-site tank storage system proposed for a company that uses flammable liquids in its manufacturing process and stores large quantities of flammable liquids on the site. The tank would have had a static head pressure of approximately 8 psi (when full) which would diminish as the tank volume decreased. The district chief promised to withdraw the written “will serve” status required by GMA and appeal if the County approved this system. Furthermore, this project and this type of occupancy are not eligible to have NFPA 1142 fire flow reductions applied because of the hazard level (NFPA 1142, Section 1.3).

Mr. Axelson also cited NFPA Standard 1142 Water Supplies for Suburban and Rural Fire Fighting, which allows for different types of fire water storage and delivery systems, including draft systems. In Chapter 4, Calculating Minimum Water Supplies, Section 4.1.3, states that the AHJ may require increases to compensate for particular conditions, including but not limited to:

1. Limited fire department resources.
2. Extended fire department response time or distance.
3. Potential for delayed discovery of the fire.
4. Limited access. (Many, many private access roads are substandard and/or under maintained.
5. Unusual terrain.

All of the above conditions exist in numerous locations of every county fire district.

Finally, please keep in mind that, while Mr. Axelson has quoted a few limited sections of NFPA 1142, it actually encompasses 59 pages of complicated standards and cross references 14 additional NFPA standards. When all applicable aspects of the standard are applied to typical manufacturing/warehouse occupancies significant amounts of fire water are still required. Additionally, the draft systems design standards are complicated and highly engineered.
## Engineer's Estimate
### Residential Fire Flow
500 gpm vs. 1000 gpm
Whatcom County

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>ITEM DESCRIPTION</th>
<th>UNIT</th>
<th>QUANTITY</th>
<th>UNIT COST</th>
<th>TOTAL COST 500 GPM</th>
<th>TOTAL COST 1000 GPM</th>
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<td>Fire Tank</td>
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<td>1.</td>
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<td>2.</td>
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<td></td>
<td>Fire Pump System, 500 gpm</td>
<td>Each</td>
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<tr>
<td></td>
<td>Fire Pump System, 1000 gpm</td>
<td>Each</td>
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<td>Pump House</td>
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<tr>
<td></td>
<td>Fire Pump House</td>
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|       | Subtotal                                               |      |           | $146,900.00 | $212,900.00          |
|       | VAT 13%                                                |      |           | $18,512.15  | $24,647.50           |
|       | Total                                                  |      |           | $165,412.18 | $237,547.50          |
FIRE FLOW FOR OTHER COUNTIES

1. Skagit County


- Section 103.3 Buildings That May Not Require Fire Flow.

- When, in the opinion of the Fire Marshal, a proposed building meets the criteria stated in “Skagit County Fire Marshal Procedures Concerning Fire Flow and Placement of Fire Hydrants,” a permit may be issued without meeting the requirements for fire flow for the following:

  - (i) Single family residences and accessory buildings, such as garages and carports.

  - (ii) Agricultural buildings as defined in SCC 14.04.020 in agricultural resource lands as identified on currently adopted zoning maps.

  - (iii) Other buildings that comply with all of the following:

    - (1) Are less than 4000 sq. ft. in area;

    - (2) Are not an ‘H’ or R occupancy group;

    - (3) Have 40-foot clear yards on all sides; and

    - (4) Are in a rural area where fire flow is not practical.

2. Snohomish County

3. 30.53A.514 Fire protection water supply - replaced.

4. Section 507.1 of the IFC is deleted in its entirety and replaced as follows:

5. (1) The minimum water supply requirements contained in this section shall apply to land use and construction permit actions subject to this title, or to any
other existing or future code provision in which compliance with the fire code is specifically required. Water mains and fire hydrants shall meet the required minimum standards for water mains and fire hydrants. These requirements shall apply to land use and construction permit actions subject to this title, or to any other existing or future code provision in which compliance with the fire code is specifically required.

6. (2) In administering these requirements, the fire marshal or the fire marshal’s designee shall have the authority to impose conditions on permits issued under this title where necessary to mitigate fire hazards.

7. (3) A water supply shall consist of reservoirs, pressure tanks, elevated tanks, water mains or other fixed systems capable of providing the required fire flow. Required water supply for fire protection shall include:

8. (a) An approved water supply capable of supplying the required water flow for fire protection shall be provided to premises upon which facilities, buildings or portions of buildings are hereafter constructed or moved into or within the jurisdictions

(b) All land upon which buildings or portions of buildings are or may be constructed, erected, enlarged, altered, repaired, moved into the jurisdiction, or improved, shall be served by a water supply designed to meet the required fire flow for fire protection as set out in appendix B of the IFC, except that fire flow requirements for rural areas outside of an Urban Growth Area shall be reduced by 25 percent. Fire flow requirements for structures with a supervised fire alarm system connected to an Underwriters Laboratory, Inc. approved fire alarm center may be reduced by an additional 25 percent.

10. (c) Prior to final approval of any subdivision or short subdivision, written verification by the water purveyor of actual fire flow, calculated in accordance with appendix B of the IFC, shall be provided to the fire marshal for review and approval.

11. (d) Prior to combustible construction of a single-family detached unit (SFDU) project the developer shall provide a final certificate of water availability indicating that all hydrants have been installed, charged and are operational. The hydrants shall provide a minimum 1,000 gpm for a 1-hour duration at 20 psi.
12. Exemptions: Except as provided in IFC section 508.1, the following permits and approvals are exempt from the water supply and fire hydrant requirements of this chapter:

13. (1) Subdivisions and short subdivisions in which all lots have a lot area of 43,560 square feet (one acre) or more in size;

14. (2) Building permits for structures classified by the building code as Group U occupancies (agricultural buildings, private garages; carports and sheds) that are restricted to private residential use only, provided that riding arenas or other agricultural type structures used or accessed by the public shall not be exempt;

15. (3) A building permit for a single family detached dwelling, duplex, or mobile home to be placed on a lot with a lot area of 43,560 square feet (one acre) or more in size; and

16. (4) Mobile home permits for mobile homes in established mobile home parks.

3. King County

17.04.470 Fire protection water supplies - Fire hydrant systems. Section 507.5 of the International Fire Code is not adopted and the following is substituted

Fire hydrant systems (IFC 507.5). Fire hydrant systems shall be in accordance with the procedures specified in King County water-main and fire hydrant provisions, K.C.C. chapter 17.08. (Ord. 17837 § 76, 2014: Ord. 14915 § 59, 2004: Ord. 14111 § 203, 2001. Formerly K.C.C. 17.04.010227).

17.08.020 Application.
A. Subdivisions and short subdivisions are required to be provided with water mains and fire hydrants, consistent with county standards and department of social and health services principles of water system design as a condition of final plat or short plat approval unless exempt pursuant to Section 17.08.030.
B. All structures or additions thereto erected pursuant to a building permit and/or mobile home permit shall be served by operational water mains and fire hydrants consistent with county standards prior to
1. the commencement or installation of combustible construction or
2. prior to construction of a second floor if the building is noncombustible, whichever occurs first, unless exempt pursuant to Section 17.08.030.
C. Mobile home parks and recreational vehicle parks shall be required to provide water mains and fire hydrants consistent with county standards as a condition of final site plan approval.
D. Permits or approvals for uses not involving a structure shall be served by water mains and fire hydrants consistent with county standards.
E. All new water mains and all additions and extensions to existing water mains shall meet the requirements of this chapter, provided that water mains which serve only uses exempt pursuant to Section 17.08.030 are also exempt from the requirements of this chapter.
F. All water purveyor comprehensive plans approved pursuant to K.C.C. Chapter 13.24 shall be consistent with the provisions of this chapter.
G. All water mains and fire hydrants shall be served by a water district or water purveyor in accordance with a current water comprehensive plan approved pursuant to K.C.C. Chapter 13.24, or by other adequate means providing service levels consistent with the provisions of this Chapter.

17.08.030 Exemptions.
A. The following permits and approvals are exempt from the water flow and fire hydrant requirements of this chapter. These exemptions do not exempt any development from compliance with the requirements of state law.
   1. Subdivisions and short subdivisions located outside an Urban Growth Area designated by the King County Comprehensive Plan and that do not contain a lot less than thirty-five thousand square feet in size.
   2. Building permits for single family, duplex detached dwellings and mobile home permits for mobile homes not in mobile home parks, located outside an Urban Growth Area designated by the King County Comprehensive Plan, only if the lot is at least thirty-five thousand square feet in size.
   3. Building permits for structures classified as Group U occupancies under the International Building Code that conform to the definition of agricultural buildings in Appendix C of the International Building Code only if the structures are located outside an Urban Growth Area designated by the King County Comprehensive Plan.
   4. Building permits for structures that:
      a. do not exceed two-thousand-five hundred square feet in floor area (excluding garage);
      b. are served by a Group B water system; and
      c. are located outside an Urban Growth Area.
   5. Building permits for structures that exceed the two-thousand-five hundred square feet limit provided for in subsection A.4.a. of this section, but comply with
subsection A.4.b. and c. of this section, shall be exempt from this chapter if the fire marshal determines that the project will not create a substantial fire hazard.

B. The fire marshal shall have the authority to impose conditions including, but not limited to, increased setbacks, use of fire retardant materials or sprinkler system requirements on permits exempt under subsection A. of this section where necessary to mitigate identified fire hazards.

C. Building permits and mobile home permits and subdivisions and short subdivisions exempt under subsection A. of this section shall as a condition of approval, record a covenant running with the land which acknowledges the absence of fire hydrants and by which owners of the property and their successors are deemed to have agreed to participate in and not oppose or protest annexation to a public water district or the formation of a utility local improvement district for installation of water mains and fire hydrants consistent with applicable county standards. However, this condition shall not apply to any subdivision or short subdivision, or to any building permits and mobile home permits exempt under subsection A. of this section when the lot is five acres or larger, or the proposed subdivision, short subdivision or structure is located outside an Urban Growth Area designated by the King County comprehensive plan. (Ord. 14915 § 117, 2004: Ord. 12321 § 1, 1996: Ord. 11625 § 2, 1994: Ord. 6541, 1983: Ord. 5828 § 4, 1982).

4. Pierce County

B. Fire Flow Requirements for Buildings. Prior to the issuance of a building permit for any building, portion of a building, alteration to a building, or substantial alteration thereto, fire flow shall be provided in the amount required by this Section. Fire flow shall be automatically available and supplied at a residual pressure of not less than 20 psi.

5. Kitsap County


Appendix B, Fire Flow Requirements for Buildings;

H. IFC Appendix B, Table B105.1 is amended as follows:
APPENDIX B, Table B105.1
MINIMUM REQUIRED FIRE FLOW AND FLOW DURATION FOR BUILDINGS

<table>
<thead>
<tr>
<th>FIRE AREA (square feet)</th>
<th>FIRE FLOW (gallons per minute)</th>
<th>FLOW DURATION (hours)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Type I and II a</td>
<td>Type II and III a</td>
<td>Type IV and V a</td>
</tr>
<tr>
<td>0-5,000</td>
<td>x 0.0929 for m²</td>
<td>0-5,000</td>
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<tr>
<td>5,001-30,200</td>
<td>5,001-17,000</td>
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</tr>
<tr>
<td></td>
<td></td>
<td>1,750</td>
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(The remainder of Table B105.1 is as printed in the IFC)


6. Thurston County


International Fire Code Appendix B sections B102.1, B103.1, B103.2, B103.3, B104.2, B105.1, B105.2 and Table B105.1 are amended; and sections B105.2.1, B105.2.2, Figure B105.1 and Table B105.2 are added to read as follows:

7. Clark County

15.12.9000 Appendices adopted. 

Appendices B, E, F, and G of the IFC are adopted, with the following amendments:

SECTION B101

GENERAL

B101. Scope. Fire flow requirements shall be determined by the Fire Marshal. The procedure for determining fire flow requirements for buildings or portions of buildings hereafter constructed shall be in accordance with this appendix.
EXCEPTION: 1. A reduction in fire flow of up to seventy-five percent (75%) as approved by the Fire Marshal, is allowed when the building is provided with an approved automatic sprinkler system. The resulting fire flow shall not be less than 1,000 gallons per minute (3,785 L/min).

| TABLE B105.1 |
| MINIMUM REQUIRED FIRE FLOW AND FLOW DURATION FOR BUILDINGS |
| FIRE FLOW CALCULATION AREA (square feet) | FIRE FLOW (gallons per minute) | FLOW DURATION (hours) |
| Type IA and IIB | Type IIA and IIIB | Type IV and VA | Type IIB and IIIB | Type V-B |  |
| 0 – 16,000 | 0 – 8,000 | 0 – 6,000 | 0 – 4,000 | 0 – 2,000 | 1,000 | 2 |
| 16,001 – 19,300 | 8,001 – 10,200 | 6,001 – 7,100 | 4,001 – 4,900 | 2,001 – 2,900 | 1,250 | 2 |
| 19,301 – 22,700 | 8,001 – 12,700 | 7,101 – 8,200 | 4,901 – 5,900 | 2,901 – 3,600 | 1,500 | 2 |

(Remainder of table is as stated in International Fire Code)

For SI: 1 square foot = 0.0929 m², 1 gallon per minute = 3.785 L/min, 1 pound per square inch = 6.895 kPa.

a. Types of Construction are based on the International Building Code.

b. Measured at 20 psi.

(Sec. 58 of Ord. 1985-05-28; amended by Sec. 29 of Ord. 1990-02-01; amended by Sec. 15 of Ord. 1990-10-46; amended by Sec. 29 of Ord. 1996-02-02; amended by Sec. 1 (Exh. A) of Ord. 2004-06-05; amended by Sec. 42 of Ord. 2007-06-19; amended by Sec. 1 of Ord. 2008-06-02)

8. Skamania County

C. The International Fire Code, published by the International Code Council, Inc. including those standards of the National Fire Protection Association specifically referenced in the International Fire Code: provided, that, notwithstanding any wording in this code, participants in religious ceremonies shall not be precluded
from carrying hand-held candles, also including Appendixes B and C as amended by Skamania County;
WHATCOM COUNTY COUNCIL AGENDA BILL

CLEARANCES

<table>
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<tr>
<th>Orig. Dept.</th>
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<th>Date Received in Council Office</th>
<th>Agenda Date</th>
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Division Head:

Dept. Head: 1/18/17

Prosecutor:

Budget:

Executive:

SUBJECT:
Resolution declaring formation of Columbia Valley Park and Recreation District

ATTACHMENTS

SUMMARY STATEMENT:

<table>
<thead>
<tr>
<th>Related County Contract #</th>
<th>Should the Clerk schedule a hearing? (Y/N)</th>
<th>Requested Date</th>
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Resolution declaring formation of the Columbia Valley Park and Recreation District

RECOMMENDED MOTION (for final action):

COUNCIL ACTION TAKEN

Related File Numbers: Ordinance or Resolution Number (this item only):
RESOLUTION NO. __________

DECLARING FORMATION OF THE COLUMBIA VALLEY
PARK AND RECREATION DISTRICT

WHEREAS, on July 26, 2016, the Whatcom County Council adopted Ordinance 2016-029, requesting that the Whatcom County Auditor set an election to determine the formation of the Columbia Valley Park and Recreation District; and

WHEREAS, the proposal to form the district was submitted to voters of the proposed district at the November 2016 General Election and was approved by majority vote; and

WHEREAS, per RCW 36.69.080, the county legislative authority is required to formally declare, by resolution, that the district is established and designate the district’s name.

NOW, THEREFORE, BE IT RESOLVED by the Whatcom County Council that the Columbia Valley Park and Recreation District is hereby declared to be formed.

APPROVED this ____ day of __________, 2017.

ATTEST:

Dana Brown-Davis, Clerk of the Council

Barry Buchanan, Council Chair

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

APPROVED AS TO FORM:

Civil Deputy Prosecutor
Columbia Valley Park and Recreation District Proposition No. 2016-1 Formation of Columbia Valley Park and Recreation District

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<th>Measure</th>
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<tr>
<td>Yes</td>
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<tr>
<td>No</td>
<td>332</td>
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Total Votes 1,052 100%

Precinct Results »

Columbia Valley Park and Recreation District Commissioner Position 1

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<td>Vern Yadon</td>
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Total Votes (not including write-ins) 755

Precinct Results »

Columbia Valley Park and Recreation District Commissioner Position 2

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<td>Richard Whitson</td>
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Total Votes (not including write-ins) 746

Precinct Results »

Columbia Valley Park and Recreation District Commissioner Position 3

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<td>Rebecca Boonstra</td>
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Total Votes (not including write-ins) 747

Precinct Results

Columbia Valley Park and Recreation District Commissioner Position 4

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<td>Kelly Vogel</td>
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Total Votes (not including write-ins) 745

Precinct Results

Columbia Valley Park and Recreation District Commissioner Position 5

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<td>Jessica Bee</td>
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Total Votes (not including write-ins) 744
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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</table>

**TITLE OF DOCUMENT:**
Annual appointments to various Boards and Commissions

**ATTACHMENTS:**
List of vacancies; applications

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

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

**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:** (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)
Annual appointments to Council-appointed citizen boards, commissions, and committees. See attached list of vacancies.

**COMMITTEE ACTION:**
1/10/2017: Various positions appointed
- Lummis Island Ferry Advisory Committee, Resident/Property Owner: Michael Shehan
- Planning Commission, County Council District 2: Andrew Rowison
- Planning Commission, County Council District 3: Atul Deshmule
- Portage Bay Shellfish Protection District Advisory Comm: Christine Woodward, Lee First & Doris Belisle

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

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

COUNTY COUNCIL-APPOINTED BOARDS AND COMMISSION VACANCIES

DRAYTON HARBOR SHELLFISH PROTECTION DISTRICT: 6 vacancies, 4-year terms
Current members eligible to reapply. Members must have a direct interest in the shellfish protection district. Duties are to advise the County Council on the proposed actions and operations relating to the restoration of water quality in the Drayton Harbor Shellfish Protection District.

Applicant(s): Charles Hawkins (incumbent)

FORESTRY ADVISORY COMMITTEE: 5 Vacancies, 4-year terms
- Small forest landowner,
- Commercial forest landowner or qualified designee,
- Forestry harvester,
- Citizen with forestry expertise,
- Forest product manufacturer.
The Forestry Advisory Committee provides review and recommendations to the Whatcom County Council on issues that affect the forestry industry. The Forestry Advisory Committee also provides a forum for all sectors of the forestry community to contribute to discussions on the future of forestry in Whatcom County. Meets the third Thursday of the month.

Applicant(s) - Citizen with Forestry Experience: Sharon Westergreen (incumbent)

Applicant(s) - Small Forest Landowner: Scott Thompson

SOLID WASTE ADVISORY COMMITTEE: 1 Vacancy. 3-year term
- 1 vacancy representing a public interest group
No two representatives can be from the same company or public interest group. The committee provides ongoing public input and advice to Whatcom County on solid waste management issues. Generally meets quarterly on Thursday evenings, but meeting schedule and frequency subject to change upon committee approval.

Applicant(s): Riley Grant
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS
PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Charles Hawkins
Street Address: 960 Ruby St.
City: Blaine
Mailing Address (if different from street address):
Day Telephone: 360-887-55
Evening Telephone: 
Cell Phone: 363-6033
E-mail address: Hawkins Family 360@Comcast.net

Name of board or committee—please see reverse:

1. Name of board or committee—please see reverse:

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.)

4. Which Council district do you live in? ( ) One ( ) Two ( ) Three ( ) Four ( ) Five

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 - 2018

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.

10. Please describe why you're interested in serving on this board or commission:

References (please include daytime telephone number):

Signature of applicant:

THIS IS A PUBLIC DOCUMENT: As a candidate for a public board or commission, the above information will be available to the County Council, County Executive, and the public. All board and commission members are expected to be fair, impartial, and respectful of the public, County staff, and each other. Failure to abide by these expectations may result in revocation of appointment and removal from the appointive position.
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Sharon D. Westergreen  Date: 1-6-17
Street Address: 8313 Westergreen Rd
City: Sumas
Zip Code: 98295

Mailing Address (if different from street address): 

Day Telephone: 360-966-3300 Evening Telephone: same Cell Phone: sharon@westergreenlaw.com or wwestergreen@gmail.com

1. Name of board or committee—please see reverse: Forestry Advisory Committee
   Citizen with Forestry Expertise

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? unknown
   ( ) One ( ) Two ( ) Three ( ) Four ( ) Five

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: June 2014

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: I have a contract with Whatcom County in which I will accept certain cases for representation. If the County asks for help with representation of indigent defendants, I will respond. 

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.
   Well-read, well-traveled nature lover who married into a logging family in 2010. Learning about forestry management through college-level texts, hand-on, and DNR classes which add to knowledge acquired from years of Whatcom Audubon Society membership. I wish to SERVE my community. I am passionate about our county’s forests. I have great writing and teamwork skill and a flexible schedule.

10. Please describe why you’re interested in serving on this board or commission:

Signature of applicant: Sharon D. Westergreen

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.
SHARON D. WESTERGREEN  
PO Box 174  
Everson, WA 98247  
360-966-3800

**Education:**

**UNIVERSITY OF VIRGINIA SCHOOL OF LAW**  
Charlottesville, Virginia  
Juris Doctor: May, 1990

Awards and Activities: National Moot Court Team; Bracewell and Patterson Oral Advocacy Award (for first year appellate arguments); Lile Moot Court Competition; Softball; Softball League Umpire-in-Chief (third year); Rugby.

**UNITED STATES MILITARY ACADEMY**  
West Point, New York  
Bachelor of Science: May, 1984

Awards and Activities: Distinguished Graduate (top five percent of the class); Dean's List every semester; Phi Kappa Phi; one of six cadets in the class selected to attend the Naval Academy for one semester; Varsity Softball and Soccer; Choir.

**Professional Experience:**

**WESTERGREEN LAW**  
January 6, 2014 - Present  
Everson, Washington

Sole practitioner with a felony and misdemeanor trial and appellate practice emphasizing criminal defense. Special Prosecutor for the municipality of Ferndale, Washington. Accepts civil cases such as administrative hearings, wills, protection orders, landlord-tenant, contracts, certain family law matters, certain business matters, and others if mutually agreeable. Supports the judicial system and indigent persons by accepting court appointments in felony, misdemeanor, and juvenile cases; civil commitments; and other matters as appropriate.

**OFFICE OF THE WHATCOM COUNTY PUBLIC DEFENDER**  
Bellingham, Washington

Senior Deputy Public Defender responsible for a full felony caseload of Class A, B, and C felonies. Provided excellent advocacy for felony clients from First Appearance through jury trial, and for Respondents in civil commitment cases. Wrote and argued motions and an interlocutory appeal. Developed and maintained excellent interpersonal working relationships.

**SHARON D. AI泽, ATTORNEY AND COUNSELOR AT LAW**  
Thompson's Station, Tennessee

Sole practice with an emphasis on criminal defense and appeals of all kinds. Assisted the courts by accepting appointments to represent indigent clients in all types of cases.
STATE OF TENNESSEE  August 2006 – February 24, 2009
Columbia, Tennessee

Office of the 22nd District Public Defender  September 1, 2006 – February 24, 2009

Assistant Public Defender responsible for serving in both General Sessions and Circuit Courts in all of the four counties served by our office. Responsible for writing any appeal briefs requested of me. Sole author of the Appellant's Brief in State v. Schneiderer, a capital case. Assisted on average ten to fifteen clients per day in court, and from April 1, 2008 was in the courtroom typically four days per week. Established an excellent reputation for integrity, zealous advocacy, and congeniality among the judges, court staff, and prosecutors in all four counties. Served part-time writing appeal briefs and responding to any other needs until starting full time on November 1, 2007.

Columbia State Community College  Fall Semester 2006 – Summer Semester 2007

Taught Criminology and Evidence as an Adjunct Instructor in the Criminal Justice Department of Columbia State Community College.

SOUTHEASTERN CAREER COLLEGE (now KAPLAN CAREER COLLEGE)  
August 2006 – Fall 2007

Taught Legal Writing, Criminal Law, American Government, and the research portion of the students' final practical course in the Paralegal Program at Kaplan Career College.

Pensacola, Florida and Thompson's Station, Tennessee

Sole practice in primarily criminal defense, but also handled civil commitments, appeals, domestic injunctions, postconviction motions, and other civil matters. Selected as primary attorney for case assignment in one felony division in Santa Rosa County if the Public Defender's Office had a conflict. Adjunct Faculty at the University of West Florida (Evidence, Criminal Procedure, Law Office Management) and Pensacola Junior College (Evidence, Police Operations, Criminalistics). Also served as part-time public defender beginning September 1, 2006 in Tennessee, as detailed supra.

STATE OF FLORIDA, FIRST JUDICIAL CIRCUIT
Pensacola, Florida

Staff Attorney  October 2003 – August 2004

Worked directly for and with the nine Circuit Court judges in Escambia County on criminal cases in postconviction proceedings. Drafted orders on behalf of the Court in response to motions for new trial, motions to correct illegal sentence, writs, and other motions. Drafted the Court's Orders in two capital postconviction review cases. Analyzed court records, including trial transcripts, evidence, and pretrial and trial motions. Conducted research, attended hearings, and conferred with judges. Engaged in thorough analysis and recommended Court action on such issues as search and seizure, illegally obtained confessions, admissibility of evidence, legality of sentences, police procedures and tactics, newly discovered evidence, and unconstitutional conduct. Directly assisted the Chief Judge in researching and drafting Administrative Orders and policies for the Circuit.
SHARON D. AIZER, ATTORNEY AND COUNSELOR AT LAW  June 2000 - June 2003
Shakopee, Minnesota

Sole practitioner with an emphasis on criminal defense. Accepted court appointments in civil commitment, paternity, and dependency cases in two counties. Accepted pro bono family law case from Legal Aid. Investigated complaints as a member of the 8th District Ethics Committee. Legal Writing Instructor at the University of Minnesota Law School August 2000 – May 2003.

CARVER COUNTY ATTORNEY’S OFFICE  November 1999 - June 2000
Chaska, Minnesota

Assistant County Attorney

Felony and misdemeanor prosecutor responsible for criminal prosecution from intake through appeal. Selected by the County Attorney to prosecute two complex white collar crime cases and to provide domestic abuse training to law enforcement. Established excellent working relationships with the Carver County Judiciary, Court Services, and Court Administration.

SPOKANE COUNTY PROSECUTING ATTORNEY’S OFFICE
Spokane, Washington


Prosecutor in a large, multi-team office. Managed trial case loads of serious adult felony offenses, felony drug and traffic offenses, and felony and misdemeanor juvenile offenses while assigned to the Major Crimes, Drug, and Juvenile teams. Tried 21 felony cases in 8 months. Selected as Team Leader of the Domestic Violence and Property Teams. Implemented trial advocacy training for Domestic Violence attorneys. Managed high case loads under strict speedy trial constraints. Assigned attorneys and supervised, trained, and counseled team members as the Deputy Team Leader for the 24 person District Court (misdemeanor) Team. Wrote briefs and created the office brief bank as an Appellate attorney. Developed an excellent relationship and reputation with judges, probation, police, and the defense bar.

MONTGOMERY COUNTY DISTRICT ATTORNEY’S OFFICE
Conroe, Texas


Felony prosecutor with complete responsibility for over 100 assigned cases, from grand jury presentation through trial. Litigated approximately 30 jury and bench trials and hearings on motions to revoke probation. Reviewed incoming cases (rotational position). Developed an excellent relationship with law enforcement, probation, judges, and the defense bar.
FOWLER, WILES, NORTON & KEITH
Dallas, Texas

Clerk/Associate Attorney July 1, 1992 - March 2, 1993
Conducted research. Drafted motions, pleadings, and briefs, including an appeal. Attended depositions, hearings, and mediations. Defended an indigent client against conspiracy charges in Federal Court.

UNITED STATES ARMY JUDGE ADVOCATE GENERAL’S CORPS
Fort Sam Houston, Texas

Physical Evaluation Board Counsel April 1991 - December 1991
Represented over 400 soldiers at formal hearings as part of the medical separation process. Litigated issues such as medical fitness for performance of military duty, causation of the injury or illness, degree of disability, and stability of medical condition. Authored appeals.

Legal Assistance Counsel January 1991 - April 1991
Assisted clients with various issues, including Army administrative appeals and wills.

Intern Summers of 1988 and 1989 (Fort Lee, Virginia)
Successfully represented the government in three administrative discharge hearings to separate soldiers for misconduct and drug abuse. Drafted criminal charges and discovery requests. Researched issues and wrote memoranda. Interviewed witnesses.

UNITED STATES ARMY ORDNANCE CORPS
Fort Richardson, Alaska

Maintenance Officer May 1984 - July 1987
Managed an upper echelon repair facility which staffed over 90 soldiers to repair over 1700 different vehicles, weapons, and other equipment. Created and managed a repair facility tasked with maintaining over 120 wheeled vehicles and 20 generators. Managed a supply warehouse. Commanded several maintenance and supply platoons.

Teaching Experience:

2006 – 2007 Southeastern (Kaplan) Career College
Legal Writing, American Government, Criminal Law, Practicum

2006 – 2007 Columbia State Community College
Criminology, Evidence

2005 University of West Florida
Evidence, Criminal Procedure, and Law Office Management

2004 – 2005 Pensacola Junior College
Police Operations, Criminalistics, and Evidence
2000 – 2003 University of Minnesota Law School  
*Legal Writing*

**Service:**

2004 – 2005 Presenter, Educators in the Workplace, Pensacola, Florida
2004 Judge, University of West Florida Psychology Class Mock Trial
2002 & 2003 Practice Judge, Minnesota Law School Moot Court Program
2001 & 2003 Judge, Minnesota Mock Trial Program
2001 – 2003 Judge, Minnesota Law School Legal Writing Class Oral Arguments
2001 – 2003 Investigator, Minnesota State Bar 8th District Ethics Committee

**Bar Memberships:** Washington. Former member, now retired, from the Florida Bar. Resigned from the Pennsylvania, Minnesota, Colorado, Tennessee, Texas, and District of Columbia Bars after moving to Whatcom County.

**Interests and Hobbies:** Dog sports, especially agility and flyball; Women's sports; Officiating girls basketball and softball.
Board and Commission Application

Step 1

Application for Appointment to Whatcom County Boards and Commissions

Public Statement
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First Name
Scott

Last Name
Thompson

Date
1/16/2017

Street Address
5880 Green Acres Drive

City
Everson

Zip
98247

Do you live in & are you registered to vote in Whatcom County?
Yes

Do you have a different mailing address? Field not completed.

Primary Telephone
3605920935

Secondary Telephone
3603052832

Email Address
scott4greens@gmail.com

Step 2

1. Name of Board or Committee
Forestry Advisory Committee

Forestry Advisory
Small forest landowner
Committee

2. Do you meet the residency, employment, and/or affiliation requirements of the position for which you’re applying? Yes

3. Which Council district do you live in? District 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 Field not completed.

8. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education Recently retired Control Systems and Project Engineer. Overseen various multi-million$ refinery construction projects. Formerly chair of Whatcom County Bicycle/Pedestrian Advisory Committee. Currently Facilitator for Green Party of Whatcom County. Bachelor degree from Cal State University system.

9. Please describe why I have been a landowner in Rural Forestry for 23 years and
you're interested in serving on this board or commission have a strong vested interest in guiding forestry policies to ensure best practices and ecosystem health. Successful forest management is critical to maintaining this showcase asset while providing materials, employment and recreation opportunities.

<table>
<thead>
<tr>
<th>References (please include daytime telephone number):</th>
<th>Kelly McClurg 360.592.5801; Stoney Bird 360.647.6696</th>
</tr>
</thead>
</table>

<table>
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<tr>
<th>Signature of applicant:</th>
<th>Scott C. Thompson</th>
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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.*

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<td>Last Name</td>
<td>Grant</td>
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<tr>
<td>Date</td>
<td>1/16/2017</td>
</tr>
<tr>
<td>Street Address</td>
<td>2309 Meridian St</td>
</tr>
<tr>
<td>City</td>
<td>Bellingham</td>
</tr>
<tr>
<td>Zip</td>
<td>98225</td>
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<td>Do you live in &amp; are you registered to vote in Whatcom County?</td>
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<tr>
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<td>360-733-8307</td>
</tr>
<tr>
<td>Secondary Telephone</td>
<td>Field not completed.</td>
</tr>
<tr>
<td>Email Address</td>
<td><a href="mailto:rileyg@re-sources.org">rileyg@re-sources.org</a></td>
</tr>
</tbody>
</table>

**Step 2**

1. Name of Board or Committee: Solid Waste Advisory Committee

**Solid Waste Advisory**

Public interest group representative (and the name of the group...
Committee (SWAC) you represent)

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 2

4. Are you a US citizen? Yes

5. Are you registered to vote in Whatcom County? Field not completed.

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? Yes

If yes, please explain My husband, Joshua Fleischmann, works for Whatcom County Planning and Development Services as a Planner II.

You may attach a resume or detailed summary of experience, qualifications, & interest in response to the following questions Field not completed.

8. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, I currently manage the Sustainable Schools program at RE Sources for Sustainable Communities. Our organization has been doing community and youth education about waste reduction and recycling for over 3 decades. Currently, our youth waste prevention education programs work with youth aged 4-18 throughout Whatcom County, reaching over 2,000 individuals annually. We engage youth in education and actions
and education to reduce landfill waste through a contract with Whatcom County Solid Waste Division and other supplemental funding. RE Sources also runs the RE Store, where we salvage and divert large quantities of building materials. While serving on the SWAC, I would represent the interests of our youth education programs as well as the RE Store and any other relevant waste prevention initiatives.

9. Please describe why you’re interested in serving on this board or commission

RE Sources’ role in waste prevention in Whatcom County is a pillar of our organization. By serving on the SWAC, I can represent the interests of our community and have the unique perspective of working with youth, the next generation of leaders in our community. Waste prevention has been a passion of mine since before I started working at RE Sources, with my very first volunteer activities focused on my town’s recycling center, and I am excited by the opportunity to continue to engage in solid waste issues on a County level.

References (please include daytime telephone number):

Crina Hoyer, Executive Director, RE Sources for Sustainable Communities (360) 733-8307 Grace Wang, Professor, Huxley College, Western Washington University (360) 650-3278

Signature of applicant: Riley Grant

Place Signed / Submitted: Bellingham, WA

(Section Break)

Email not displaying correctly? View it in your browser.
**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>Division Head:</td>
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<td>Dept. Head:</td>
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**TITLE OF DOCUMENT:**
Board of Supervisors annual appointment to Advisory Committees

**ATTACHMENTS:**
List of Vacancies; Applications

**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.)
Annual appointments to Board of Supervisor-appointed Flood Control Zone District Advisory Committee and subzone advisory committees. See attached list of vacancies.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**
1/10/2017: Various Positions Appointed (Council acting as the FCZDRS)
- Flood Control Zone District Advisory Committee, Special Districts: Ron Bronsema and Scott Hulse
- Flood Control Zone District Advisory Committee, Impacted Cities: Robert Bromley
- Birch Bay Watershed and Aquatic Resource Management Advisory Committee: Scott Hulse

**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.*
FLOOD CONTROL ZONE DISTRICT BOARD OF SUPERVISORS-APPOINTED
BOARDS AND COMMISSION VACANCIES
January 11, 2017

FLOOD CONTROL ZONE DISTRICT ADVISORY COMMITTEE - 2 Vacancies. Various terms

- 1 Vacancy representing geographical areas. 4-year term.
- 1 vacancy representing Impacted Cities. 1-year term, current member eligible to reapply.
- Any person interested in serving on the advisory committee may be appointed as an alternate for a term of six years. Alternate members shall be notified of each meeting and are encouraged to attend.

Committee assists and makes recommendations to the Board of Supervisors in performing flood damage repairs, maintenance and improvements, and minimizing future flood damage through prevention and management on the Nooksack River, its watershed, and the other watersheds within Whatcom County. Meets the second Thursday of the month or as needed.

Applicant(s) - Impacted Cities: John Perry (incumbent)
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: John Perry

Street Address: 312 Birchwood Dr.

City: Everson

Zip Code: 98247

Mailing Address (if different from street address):

Day Telephone: 360.816.5964 Evening Telephone: 360.916.3189 Cell Phone: __________________________

E-mail address: JohnPerry@eversonwa.us

1. Name of board or committee-please see reverse:
   Flood Consequence District Advisory Committee

2. You must specify which position you are applying for. Please refer to vacancy list.
   Impacted Cities

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  ( ) Four  ( ) Five

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: Since 2010 - Ongoing

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.

   Mayor - City of Everson

   __________________________

10. Please describe why you're interested in serving on this board or commission:

    City of Everson is directly affected with flooding issues from the Nooksack River!

References (please include daytime telephone number): Erik Ramstead 910.4212

Signature of applicant: __________________________

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WHATCOM COUNTY COUNCIL AGENDA BILL

CLEARANCES

Initial Date Date Received in Council Office Agenda Date Assigned to:

Originator: SM 1/13/17 Jan. 24, 2017 Full Council

Division Head:

Dept. Head:

Prosecutor:

Purchasing/Budget:

Executive:

TITLE OF DOCUMENT: Appointments to Executive’s Boards and Commissions for the year 2017.

ATTACHMENTS: Listing of nominations for appointments and reappointments; Membership applications.

SEPA review required? ( ) Yes ( X ) NO

SEPA review completed? ( ) Yes ( X ) NO

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

Requested Date:

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

County Executive Jack Louws requests confirmation of his new appointments and reappointments to the boards and committees noted on the attached list. These appointments take effect on February 1, 2017.

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.
The following vacancies on boards and committees are filled with appointments by the County Executive and confirmed by County Council.

**AGRICULTURAL ADVISORY COMMITTEE**
Reappointed is Anna Martin
Newly appointed is Myron Hawley

**BELLINGHAM WHATCOM COUNTY COMMISSION AGAINST DOMESTIC VIOLENCE**
Newly appointed are Moonwater and Karen Burke

**BICYCLE/PEDESTRIAN ADVISORY COMMITTEE**
Newly appointed are Matthew Paskus, Eileen Kadesh and Sunny Beaver

**CIVIL SERVICE COMMISSION**
Newly appointed is Samuel "Bart" Miller

**COUNTY APPEALS BOARD**
Reappointed is Scott Van Dalen
Newly appointed is Jerry De Bruin

**DEVELOPMENT STANDARDS TECHNICAL ADVISORY COMMITTEE**
Reappointed are Jeff Vander Yacht and Elizabeth Sterling;
Newly appointed are Raymond Peterson and Catherine Moore

**DEVELOPMENTAL DISABILITIES ADVISORY BOARD**
Newly appointed is Amy Glasser

**ETHICS COMMISSION**
Reappointed are Gary Jensen and Adrian Madrone
Newly appointed is Eli Wainman

**HOUSING ADVISORY COMMITTEE**
Reappointed is Jennifer Moon

**MARINE RESOURCE COMMITTEE**
See attached staff memorandum. Reappointed are Elizabeth Kilanowski (scientific expertise) and Doug Stark (conservation/environmental interest);
Newly appointed is Christine Woodward (conservation/environmental interest)

**NORTH SOUND BEHAVIORAL HEALTH ORGANIZATION**
Reappointed is Michael Massanari

**PARKS AND RECREATION COMMISSION**
Reappointed are Richard Sturgill (District 5) and Jeff Margolis (District At Large);
Newly appointed is Susan McClendon (District 2)
POINT ROBERTS COMMUNITY ADVISORY COMMITTEE
Reappointed is Keith Glading

PUBLIC HEALTH ADVISORY BOARD
Reappointed are Dr. Chi-Na Stoane (physician) and Ray Wolpow (education)

SALARY COMMISSION
See memorandum attached; newly appointed is Diana Schmidt

VETERANS ADVISORY BOARD
Reappointed is Lisa Brown and newly appointed are Robert Hines, Richard Conoboy and Allan Jensen.
Board and Commission Application

Application for Appointment to Whatcom County Boards and Commissions

Public Statement
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First Name         Anna
Last Name          Martin
Date               6/13/2016
Street Address     5800 Saxon Road
City               Acme
Zip                98220
Do you have a different mailing address? Field not completed.
Primary Telephone  360-595-9134
Secondary Telephone Field not completed.
Email Address      ospreyhillfarm@yahoo.com

1. Name of Board or Committee
   Agricultural Advisory Committee

2. Do you meet the residency, employment, and/or affiliation requirements of the position for which you're applying? Yes

3. Which Council district do you live in? District 1

4. Are you a US citizen? Yes

5. Are you registered to vote in Whatcom County? Yes
6. Have you ever been a member of this Board/Commission? No

7. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County? No

You may attach a resume or detailed summary of experience, qualifications, & interest in response to the following questions

Field not completed.

8. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education I'm an owner/manager of a 15 acre diversified farm (livestock & vegetables) as well as the owner of a butchering business--both in Acme. Prior to starting our family farm, I worked for 7 years as a cheese maker at an organic dairy in Bow. In 2000, I graduated from Seattle Pacific University with a BS in Food and Nutritional Sciences and have been working in the food & farming industry since. I'm also very involved in my community: 2005-2007 served on the Bellingham Farmers Market board and chaired the Marketing & Advertising Committee; 2010-present - founded a state non-profit to protect the aquifer in the South Fork Valley and serving as president; 2011- present - board member and volunteer book keeper for Three Rivers Educational Coop; 2012 Nooksack Valley Farmers Coop treasurer; 2013-2014 Nooksack Valley Farmers Coop president; 2014-2016 Puget Sound Food Hub Farmer Advisory Committee

9. Please describe why you’re interested in serving on this board or commission There is a growing number of farmers producing crops on smaller acreage than previously thought possible. Our needs as well as our contributions to the ag landscape are unique and I'd like to represent them on the county level.

References (please include daytime telephone number): Tom Thornton, Cloud Mountain Farm Center 360-815-4150 Sara Southerland, Sustainable Connections 817-657-3803

Signature of applicant: Anna Martin

Place Signed / Submitted Acme, WA
Application for Appointment to Whatcom County Boards and Commissions

Public Statement
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First Name
Myron

Last Name
Hawley

Date
1/13/17

Street Address
1291 central road

City
Everson

Zip
98247

Do you live in & are you registered to vote in Whatcom County?
Yes

Do you have a different mailing address?
Field not completed.

Primary Telephone
3603193301

Secondary Telephone
3603193301

Email Address
Hawleymike@yahoo.com

Agricultural Advisory Committee
Yes

1. Name of Board or Committee

2. Do you meet the residency, employment, and/or affiliation requirements of the position for which you’re applying?
Field not completed.

3. Which Council district do you live in?

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

8. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education

Currently I am a 4th generation seed potato farmer, occupying the same land and buildings my great grandfather established in the early 1900's. I am currently a board member of potatoes USA, whatcom county pest board, meridian high school CTE advisory board, and I have a BA from Washington State University.

9. Please describe why you're interested in serving on this board or commission

Agriculture is a vital industry in whatcom county and is what feeds my family. The AAC is a forefront to critical issue effecting agriculture in whatcom county. I believe I will serve as an open mind with all issues.

References (please include daytime telephone number):

Vicki Hawley 360 398-2196 Breton Feller 360 815-1261 Bob Vanderploeg 360 398-2141

Myron Hawley

Signature of applicant:

Place Signed / Submitted

Everson, WA
January 10, 2017

Executive Jack Louws
Whatcom County
311 Grand Avenue, Suite #108
Bellingham, WA 98225

Dear Executive Louws,

The Bellingham-Whatcom County Commission Against Domestic Violence (DV Commission) would like to make the following membership recommendations:

→ Moonwater, Executive Director, Whatcom Dispute Resolution Center, for the Whatcom County Human Service Provider position, with a partial term ending January 31, 2019. Moonwater is a natural and important ally for the DV Commission and our work. The Dispute Resolution Center is very connected to the mission of the DV Commission through their various services. In addition, Moonwater’s skills in meeting facilitation and conflict resolution will be of great use to furthering our conversations and efforts. Her application is attached to this letter.

→ Karen Burke, Executive Director, Domestic Violence & Sexual Assault Services (DVSAS), for the Whatcom County Domestic Violence Victim Service Provider position, with a partial term ending January 31, 2020. Karen is a previous Commission member who had reached her term limit and, after a year, is reapplying for membership. Her understanding of domestic violence dynamics, unwavering commitment to ending abuse in all its forms, and strong voice on behalf of victim-centered approaches are all invaluable to the work of the DV Commission.

Additionally, we have one member whose term is ending:

→ Mary Dumas, Dumas and Associates, currently in the Whatcom County Community at Large position, has her term ending January 31, 2017. We have approached someone and will present you with an application for a new member for that position as soon as we have all their completed application.

Sincerely,

Susan Marks
Director

Enclosures

Cc: Mayor Kelli Linville, City of Bellingham
Karen Goens, Whatcom County Human Resources
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Moonwater

Street Address: 1463 Country Lane

City: Bellingham

Mailing Address (if different from street address): 

Day Telephone: 676-0122 Evening Telephone: 

E-mail address: director@whatcomdrc.org

Date: 1/3/17

Zip Code: 98225

1. Name of board or committee—please see reverse:

Bellingham-Whatcom Commission Against Dr

2. You must specify which position you are applying for. Please refer to vacancy list.

Human Service Provider

3. Do you meet the residency, employment, and/or affiliation requirements of the position for which you’re applying? (If applicable, please refer to vacancy list.) 

(X) yes ( ) no

4. Which Council district do you live in? ( ) One ( ) Two ( ) Three ( ) Four ( ) Five

5. Are you a US citizen? 

(X) yes ( ) no

6. Are you registered to vote in Whatcom County? 

(X) yes ( ) no

7. Have you ever been a member of this Board/Commission? 

(X) 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? 

(X) yes ( ) no

If yes, please explain: I’m the ED of the WDOE, and we contract with the County for various programs.

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.

See attached

10. Please describe why you’re interested in serving on this board or commission;

See attached

References (please include daytime telephone number):

David Dun, Deputy Police Chief, CoB

178-8860

Signature of applicant: 

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January 3, 2017

Whatcom County Council
311 Grand Avenue, Suite 105
Bellingham, WA 98225

Council Members,

It is my honor to submit my application for consideration for the Bellingham-Whatcom County Commission Against Domestic Violence. As the Executive Director of the Whatcom Dispute Resolution Center (WDRC), I believe there is much I will be able to add as a Commission Member.

With a mission of providing and promoting constructive and collaborative approaches to conflict through mediation, training, facilitation, and community education, the WDRC has a rich 25 year history of serving Whatcom County. Our programs and services touch the lives of many – from youth participating in diversion programming, to parents experiencing divorce or engaging in supervised visitation, to individuals wanting to build their communication skill set. Our services are assisting schools to reduce out of school suspensions, helping parents stay connected to their children, and complimenting those provided by the Courts - successfully serving to divert cases off the dockets, saving the courts time and resources, and empowering community members to resolve their own disputes effectively.

There is a natural alignment with our services and the work of the DV Commission. Safety is paramount to our Agency and the clients we serve. Deepening the connection to the Commission and its stakeholders can only benefit our greater community, as stronger relationships and increased communication around issues the Commission is tackling will help ensure the WDRC continues to be responsive and proactive. With programs that serve people impacted by DV, there is also much the WDRC can both gain from and contribute relative to helping advance the DV Commission’s purpose.

I would be pleased to support the work of the DV Commission, offer insight and expertise where I can, and help move this important work forward. Thank you in advance for your consideration of my application. I can best be reached at director@whatcomdrc.org or 360/676-0122 x 110. I look forward to hearing from you.

Warm regards,

[Signature]

Moonwater
Executive Director
Moonwater
1463 Country Lane
Bellingham, WA 98225

(w) 360/676-0122 x 110
director@whatcomdrc.org

EDUCATION
Seattle University
Master of Public Administration
Seattle, WA
June, 2005

Whitman College
Bachelor of Arts in Psychology
Walla Walla, WA
May, 1998

Instituto di Lingua Moderna
Milan, Italy
Spring, 1997

PROFESSIONAL EXPERIENCE

2/05-Present
Whatcom Dispute Resolution Center
Executive Director
Bellingham, WA

- Responsible for overall agency management; including hiring and management of 12 staff, numerous contractors, and annual engagement of 100 volunteers, policy development and implementation, fiscal oversight, accounting and tax preparation, program development and oversight, fund development, event coordination, donor relations, volunteer coordination, case management, training, facilitation, mediation, and community education services.

- Support Board of Directors to develop and implement a strategic plan, build relationships with funders, City and County officials and other stakeholders to ensure actualization of mission.

- Provide direct service, including 40 hour professional mediation training course, conflict resolution workshops, and custom training and facilitation services for local city and county government leadership and departments, as well as numerous other workplace clients, including local tribes, nonprofit organizations, community associations, and local colleges and universities. Mediate family, foreclosure, workplace and community disputes. Conduct public outreach presentations. Design and deliver a broad range of ADR related custom curricula.

- Develop and manage multiple contracts with local courts, state agencies, and community partners and funders.

- Oversee training program for mediation practicum students, ensuring compliance with best practices and standards.

- Build and nurture relationships with statewide DRC partners organizations, other local nonprofit partners and service providers, schools, and associations.

1/09-3/09
Western Washington University
College of Business and Economics, Lecturer
Bellingham, WA

- Course instructor for Human Resource Management class focused on workplace mediation

10/99-8/06
Washington Campus Compact
Bellingham, WA

- Progressive responsibility directing National Service programs. Common responsibilities included grant writing; strategic planning; program management; volunteer recruitment and management; exempt and student staff hiring and supervision; budget development and management; record maintenance; facilitation; training; authoring grantee reports; media relations; establishing and maintaining relationships with funders and sub-grantees; and program evaluation.

Director of Student Engagement 9/03-8/05

- Responsible for the overall direction of Washington Campus Compact's student engagement efforts, linking college students with service opportunities - including both the statewide Campus Connections program, and 7-state regional Students in Service AmeriCorps programs (2000+ participants); co-authored successful $225,000 grant; authored successful grant for fulltime staff member through the Points of Light Foundation; supervised 2 full-time staff, 3 student staff, and 35 AmeriCorps members on 13 campuses; developed and managed $379,000 budget; managed contracts with state and federal agencies, and subcontracts with higher ed institutions; developed and implemented program policies; researched and created training curricula; developed and implemented staff evaluation plan; designed and facilitated multi day retreats for 35 participants; supported coordination of annual regional conference with 400 attendees.
Program Manager  9/01- 9/03
• Responsible for management of the statewide Campus Connections program, and the Skagit
  Washington Reading Corps; researched and authored successful $154,000 grant proposal;
  expanded program from 15 to 35 participants; served as an Advisory Committee member for
  the Continuums of Service Conference; presented “Effective Partnerships” at the National
  Youth Leadership Conference;

Program Coordinator  8/00- 8/01
• Responsibilities included program coordination for statewide Campus Reads AmeriCorps
  program; supervised participants on 11 campuses; expanded program from 18 to 26 participants.

Key Area Coordinator  10/99-7/00
• Responsibilities included coordination of a three county literacy program, the Washington
  Reading Corps, with 27 AmeriCorps and VISTA volunteers; collaborated with elementary
  school teachers and principals; served as primary contact between volunteers and the state
  funding agency.

8/98-8/99  Blue Mountain Action Council
           Walla Walla, WA
          Walla Walla Valley AmeriCorps Member
• Responsibilities included tutoring developmentally delayed and learning disabled children;
  created after school tutoring program; developed and implemented behavior management
  schedules; co-coordinated a peer-mentoring program.

3/99-8/99   Juvenile Justice Center
           Walla Walla, WA
          Intermittent Detention Officer
• Responsibilities included the supervision and support of juvenile offenders, monitoring the
  security control board, and assisting the youth with their daily routines.

ADDITIONAL EDUCATION

<table>
<thead>
<tr>
<th>Date</th>
<th>Institution/Event</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>November 2015</td>
<td>WA State Department of Commerce Advanced Foreclosure Mediation</td>
<td>Renton, WA</td>
</tr>
<tr>
<td>July 2015</td>
<td>Neuroawareness Consulting Services Certificate Program for Legal and ADR professionals</td>
<td>Online</td>
</tr>
<tr>
<td>August 2013</td>
<td>WA State Department of Corrections/Kitsap DRC Victim/Offender Facilitated Dialogue Training</td>
<td>Port Orchard, WA</td>
</tr>
<tr>
<td>January 2013</td>
<td>Skagit Dispute Resolution Center Restorative Justice Victim-Offender Meetings</td>
<td>Mt. Vernon, WA</td>
</tr>
<tr>
<td>November 2012</td>
<td>ManPower Interpersonal Communication</td>
<td>Bellingham, WA</td>
</tr>
<tr>
<td>September 2012</td>
<td>Northwest Justice Project, Opportunity Council, Whatcom DRC Foreclosure Mediation Training for Advocates</td>
<td>Bellingham, WA</td>
</tr>
<tr>
<td>September 2012</td>
<td>Whatcom County Bar Association ADR Tips for Attorneys</td>
<td>Bellingham, WA</td>
</tr>
<tr>
<td>December 2011</td>
<td>Antioch University Advanced Foreclosure Mediation Training</td>
<td>Seattle, WA</td>
</tr>
<tr>
<td>June 2011</td>
<td>Department of Commerce Foreclosure Mediation Training</td>
<td>Lynwood, WA</td>
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<tr>
<td>February 2011</td>
<td>Vigilant Counsel Dealing with Difficult People</td>
<td>Bellingham, WA</td>
</tr>
<tr>
<td>February 2011</td>
<td>Whatcom Dispute Resolution Center Parent/Teen Mediation</td>
<td>Bellingham, WA</td>
</tr>
<tr>
<td>September 2009</td>
<td>Lummi Cedar Tree Project Restorative Circles Training</td>
<td>Bellingham, WA</td>
</tr>
<tr>
<td>October 2009</td>
<td>Whatcom Dispute Resolution Center Parenting Coordinator Training</td>
<td>Bellingham, WA</td>
</tr>
</tbody>
</table>

440
March, 2008  Antioch University  
*Resolving Workplace Conflict*  
Seattle, WA

October, 2007  Antioch University  
*Mediator as Leader*  
Seattle, WA

Spring, 2007  Skagit Mediation Services & WSU extension  
*40 hour Master Facilitation Course*  
Burlington, WA

June, 2006  Northwest Training Institute  
*2 Day Advanced Negotiation Workshop*  
Everett, WA

July, 2001  Volunteers of America  
*3 Day Domestic Relations Mediation Training*  
Everett, WA

July, 2000  National Service Leadership Institute  
*7 Day Leadership, Management, & Diversity Training*  
San Francisco, CA

June, 1999  Benton Franklin Dispute Resolution Center  
*5 Day Professional Mediation Training*  
Kennewick, WA

### LEADERSHIP AND SERVICE

<table>
<thead>
<tr>
<th>Date</th>
<th>Position/Activity</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>6/11-Present</td>
<td>WA Secretary of State's Charities Advisory Council Council Member</td>
<td>Statewide</td>
</tr>
<tr>
<td>5/06-2/09</td>
<td>Washington Mediation Association Board Member</td>
<td>Statewide</td>
</tr>
<tr>
<td>4/06-2010</td>
<td>Whatcom Council of Nonprofits Steering Committee Member, past chair</td>
<td>Bellingham, WA</td>
</tr>
<tr>
<td>2006-2010</td>
<td>Whatcom County Law and Justice Council Council Member</td>
<td>Bellingham</td>
</tr>
<tr>
<td>2/05-Present</td>
<td>Resolution Washington (Association of Dispute Resolution Centers) Past President, Vice President, and Member</td>
<td>Statewide</td>
</tr>
<tr>
<td>9/05-6/06</td>
<td>Leadership Whatcom Participant in inaugural year long program on collaborative leadership</td>
<td>Bellingham, WA</td>
</tr>
<tr>
<td>8/03-6/05</td>
<td>Seattle University Institute for Public Service President, MPA Student Association</td>
<td>Seattle, WA</td>
</tr>
<tr>
<td>9/98-2/05</td>
<td>Whatcom Dispute Resolution Center Volunteer Mediator</td>
<td>Bellingham, WA</td>
</tr>
<tr>
<td>9/98-2/05</td>
<td>Northwest Youth Services /Juvenile Services Member of the Community Accountability Board</td>
<td>Bellingham, WA</td>
</tr>
<tr>
<td>5/98-8/99</td>
<td>Walla Walla Juvenile Detention Center Member of the Diversion Board</td>
<td>Walla Walla, WA</td>
</tr>
</tbody>
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### HONORS

<table>
<thead>
<tr>
<th>Date</th>
<th>Organization/Recognition</th>
<th>Location</th>
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</thead>
<tbody>
<tr>
<td>4/16</td>
<td>Bellingham Police Department Challenge Coin Award for Exemplary Service</td>
<td>Bellingham, WA</td>
</tr>
<tr>
<td>12/15</td>
<td>Whatcom Family and Community Network Ken Gass Community Collaboration Award</td>
<td>Bellingham, WA</td>
</tr>
<tr>
<td>12/14</td>
<td>Bellingham- Whatcom Chamber of Commerce Nonprofit of the Year</td>
<td>Bellingham, WA</td>
</tr>
<tr>
<td>5/13</td>
<td>Whatcom County Bar Association Liberty Bell Award</td>
<td>Bellingham, WA</td>
</tr>
</tbody>
</table>
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Karen Burke
Street Address: 4708 Fir Tree Way
City: Bellingham, WA
Mailing Address (if different from street address): 
Day Telephone: 360-319-6171
E-mail address: Karen.Burke@msn.com

Date: 12/15/16
Zip Code: 98229

1. Name of board or committee—please see reverse:
   Commission Against Domestic Violence
   DV Victim Service Provider

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 ( ) Four ( ) Five

5. Are you a US citizen? ( ) yes ( ) no

6. Are you registered to vote in Whatcom County? ( ) yes ( ) no

7. Have you ever been a member of this Board/Commission? ( ) yes ( ) no
   If yes, dates:

8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County? ( ) yes ( ) no
   If yes, please explain:

You may attach a résumé or detailed summary of experience, qualifications, & interest in response to the following questions.

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.
   Domestic Violence and Sexual Assault Services Executive Director
   Previously Lummi Nation Tribal Court Director

10. Please describe why you're interested in serving on this board or commission: Professional &
    Personal Interest

References (please include daytime telephone number): Susan Marks - 312-5700

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.

10/2010
Board and Commission Application

Application for Appointment to Whatcom County Boards and Commissions

Public Statement
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First Name  Matthew
Last Name  Paskus
Date  11/29/2016
Street Address  1151 Old Marine Drive
City  Bellingham
Zip  98225
Do you live in & are you registered to vote in Whatcom County?  Yes
Do you have a different mailing address?  Field not completed.
Primary Telephone  3602016665
Secondary Telephone  3602016665
Email Address  matt@paskus.net

1. Name of Board or Committee  Bicycle/Pedestrian Advisory Committee
2. Do you meet the residency, employment, and/or affiliation requirements of the position for which you're applying?  Yes
3. Which Council district do you live in?  District 1
4. Are you a US citizen? Yes
5. Are you registered to vote in Whatcom County? Yes
6. Have you ever been a member of this Board/Commission? No
7. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County? No

You may attach a resume or detailed summary of experience, qualifications, & interest in response to the following questions

8. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education

I currently hold a Master of Science in Geography and work locally for a telemetries company as an IT professional. I am an active jogger and love the outdoors even when its raining.

9. Please describe why you’re interested in serving on this board or commission

Whatcom County offers so much and is growing rapidly. Making our roads safe for outdoor enthusiasts by creating pathways that attract and make routes / corridors not just user friendly but places to remember are critical. Creating pathways that are easy to get to and above all fun for business or leisure travelers encourages a healthy community.

References (please include daytime telephone number):

Kevin Weatherill - 360.223.6036

Signature of applicant: Matthew Paskus

Place Signed / Submitted: Bellingham, WA
Matt Paskus
1151 Old Marine Drive
Bellingham, WA 98225

November 29th, 2016

Whatcom County Bicycle/Pedestrian Advisory Committee

RE: Bicycle/Pedestrian Advisory Committee

Committee Members:

It gives me great pleasure in applying for a seat on the Bicycle/Pedestrian Advisory Committee with Whatcom County. Please find attached a sample of my work that helped advocate for a trail systems around the Bellingham International Airport. Even though these were conceptual for the Port of Bellingham, it presented a fresh look on how we can connect our counties and communities together promoting fitness and creativity.

Serving the community is a tremendous opportunity and privilege. With the ability to offer my creativity, analytical, and technical skills allows me to give back to a great county.

Again, thank you for your consideration and for reviewing my work and I look forward to sharing my experience with the committee. If you have any questions, please feel free to contact me at any time. My cell is 360.201.6665.

Sincerely,

Matt Paskus
Who We Are

About Us
The BIAAC is committed to living up to the Port of Bellingham’s mission by fostering integrity and commitment to the community. Building a strong community starts by finding the linkages between culture, technology, business, the environment and the diverse communities we work and play in. The BIAAC is committed to creating ideas for the community making Bellingham a place to remember and want to visit for generations to come.

Contact Us
Phone: 360.201.6665
Email: bhp@alibee.com Web:
www.alibee.com/bhp

The Beaver Habitat Project’s planned location is situated between two diverse and vibrant cities, Vancouver and Seattle. Over 60,000 automobiles pass by Bellingham International Airport each day. Bellingham is also known for its retail atmosphere for the Canadian shopper. By offering the Canadian shopper a peaceful interlude and a place to strengthen Bellingham’s relationship with the Canadian consumer by hosting their national animal. The Beaver Habitat is in the perfect place to stop for the Seattle to Vancouver traveler.

BEAVER HABITAT PROJECT
1151 Old Marine Drive
Bellingham, WA 98225
Opportunities come when you least expect it.

The more we understand our environment and how we can bring business to the community is by showing the world that sustainability can work in amazing ways. The Bellingham Beaver Habitat is a trail system linking the Bellingham International Airport with the community in a very special way. We have a unique opportunity to create something that blends Whatcom County’s rich aviation history and strong commitment to the environment. These two forces foster tremendous educational, economic and environmental opportunities for the community.

Beavers are a keystone animal and have been in our culture for centuries.

Beavers are busy. Whatcom County has benefited from the beaver’s engineering marvels and sheer determination. Beavers have a direct benefit by decreasing damaging floods, recharging aquifers, reducing drought, removing pollutants from surface and ground water, and reduce erosion.

"It's all about connectivity"

We have an opportunity to create something special that brings culture, technology, nature and our community together. It's all about connectivity and the sustainable relationship we must maintain. Creating something of value for our community knits a social fabric around our community. Our local ecosystems are fragile. The Beaver Habitat plays a major role in preserving and fostering a balance between diminishing habitats and the airport. The Beaver Habitat Project is an opportunity to set aside and protect a local ecosystem.

Why is restoration critical?

The Beaver Habitat offers the community the chance to learn about a special animal that has been removed from the local environment. We have the chance to restore a native species and protect it from further harm while creating an atmosphere of sustainability for the community.

The Beaver Habitat Project offers something for everyone.

The Beaver Habitat will offer opportunities for sharing ideas, spawning creativity in the fields of architecture, engineering and environmental restoration creating a win for the community. Mixing aviation and nature enthusiast is a potent force for imagination and education.

The number of events to be held annually are limitless because the Beaver Habitat offers unlimited access while offering something for everyone.

Creativity and learning will never stop.

Creativity and learning will never stop at the Beaver Habitat. Technical advances in aviation with an understanding for the environment are simply stepping stones for the Beaver Habitat. With phased in approaches, dedication, integrity and commitment, the Beaver Habitat will be successful and build upon ideas making the Beaver Habitat one of the most talked about locations in the world.
Who We Are

About Us

The BIAAC is committed to living up to the Port of Bellingham's mission by fostering integrity and commitment to the community. Building a strong community starts by finding the linkages between culture, technology, business, the environment and the diverse communities we work and play in. The BIAAC is committed to creating ideas for the community making Bellingham a place to remember and want to visit for generations to come.

Contact Us

Phone: 360.201.6665
Email: tsp@alibee.com
Web: www.alibee.com/stp

The Towers Trail Project's planned location is situated between two diverse and vibrant cities, Vancouver and Seattle. Over 60,000 automobiles pass by Bellingham International Airport each day. Bellingham is also known for its retail atmosphere for the Canadian shopper. By offering the Canadian shopper a peaceful interlude or place to relax for their families, strengthens Bellingham's relationship with the Canadian consumer. The Towers Trail is also the perfect place to stop for the Seattle to Vancouver traveler.

TOWERS TRAIL PROJECT

Making the connection brings business, culture, and the environment together as a community.

TOWERS TRAIL PROJECT
1151 Old Marine Drive
Bellingham, WA 98225
Opportunities come when you least expect it.

The more we understand our environment and how we can bring business while creating ecotourism to the community is showing the world that sustainability can work in amazing ways. The Bellingham Towers Project is a trail system linking the Bellingham International Airport with the community in a very special way. We have a unique opportunity to create something that blends Whatcom County's rich aviation history and strong commitment to the environment through recreation. These forces foster tremendous educational, economic, recreational and environmental opportunities for the community.

Having a place to go for young adults offers a unique chance to socialize and learn in a healthy setting.

Places are simply limited for kids. Whatcom County has the chance to set land aside and building a unique experience for families. With the right leadership, Towers Trail will be a place for families and young adults to feel safe within an outdoor setting.

"It's all about connectivity"

We have an opportunity to create something special that brings culture, technology, recreation, nature and our community together fostering volunteerism. It's all about connectivity and the sustainable relationship we must maintain. Creating something of value for our community knits a social fabric around our community.

The Towers Trail plays a major role in preserving and fostering a balance between diminishing recreational lands and the airport that are within proximity to the central core of Bellingham neighborhoods.

Why is the bike trail critical?

The bike trail offers a year-round adventure for Whatcom County youth fostering volunteerism and creating an attraction which promotes health and fitness.

The Towers Trail Project offers something for everyone.

The Towers Trail will offer opportunities for sharing ideas, spawning creativity in fields of architecture, engineering and environmental restoration and recreation creating a win for the community. Mixing aviation and nature enthusiast is a potent force for imagination and education.

The number of events to be held annually are limitless because the Tower Trail offers year-round and unlimited access while offering something for everyone.

Creativity and learning will never stop.

Creativity and learning will never stop at the Towers Trail. Technical advances in aviation with an understanding for the environment and recreation are simply stepping stones for the Towers Trail Project. With phased in approaches, dedication, integrity and commitment, the Towers Trail will be successful and build upon ideas making the Towers Trail one of the most talked about locations in the world.
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  Eileen
Last Name  Kadeshe
Date  1/5/2017
Street Address  1381 N. Parkstone Ct.
City  Bellingham
Zip  98229
Do you live in & are you registered to vote in Whatcom County?  Yes
Do you have a different mailing address?  Field not completed.
Primary Telephone  360-483-2914
Secondary Telephone  425-691-9307
Email Address  kadeshe@gmail.com
1. Name of Board or Committee  Bicycle/Pedestrian Advisory Committee
2. Do you meet the residency, employment, and/or affiliation requirements of the position for which you’re applying?  Yes
3. Which Council district do you live in?  District 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 currently retired from a career as a transportation planner. My last position was Senior Transportation Planner at King County Metro Transit in Seattle, where I worked for 30 years in transportation demand management, including managing Metro's bicycle program. I was instrumental in starting car sharing and bike sharing in Seattle. Previously, I worked as the first Bicycle Coordinator for the District of Columbia DOT in the late 1970's and developed the first bicycle plan for the City of Santa Barbara in 1973. I have also worked for EPA and the U.S. DOT in Washington, D.C., for the Multnomah County, Oregon Planning Department in 1977, and for three consulting firms, one in San Francisco, one in Alexandria, Virginia, and one in Portland, Oregon, doing bicycle/pedestrian planning and education. I have a Master's degree in City and Regional Planning from UC Berkeley (1975).

9. Please describe why you're interested in serving on this board or commission
I have worked for two years doing bicycle education in the Whatcom County elementary schools through the WCOG Smart Trips program. I also am a regular cyclist myself and do most of my errands by bike. In addition, I walk every day in my neighborhood and started the Parkstone Walking Club to encourage more residents to walk. I would like to see Whatcom County become a friendlier place to travel by alternative transportation modes.

References (please include daytime telephone number):
Mark Greenberg, Dean of Libraries, WWU (813-767-3101) Mary Anderson, Whatcom Council of Governments (360-685-8388) Malva Slachowitz, Senior Transportation Planner, King County Metro Transit (206-477-5873)

Signature of applicant:
Eileen Kadesh

Place Signed / Submitted
Bellingham, Washington
Application for Appointment to Whatcom County Boards and Commissions

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First Name
Sunny

Last Name
Beaver

Date
1/11/2017

Street Address
2706 Nevada St

City
Bellingham

Zip
98229

Do you live in & are you registered to vote in Whatcom County?
Yes

Do you have a different mailing address?
Field not completed.

Primary Telephone
707-391-5173

Secondary Telephone
Field not completed.

Email Address
slb95449@gmail.com

Bicycle/Pedestrian Advisory Committee

1. Name of Board or Committee

2. Do you meet the residency, employment, and/or affiliation requirements of the position for which you’re applying?

3. Which Council district do you live in?
District 2

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

Please see attached resume.

9. Please describe why you’re interested in serving on this board or commission

I love to ride bicycles, and I love to walk. And I love to do these things in Whatcom County. I have been walking for most of my life, riding recreationally for about as long, and for the past decade have commuted by bicycle, first in San Francisco and now in Bellingham, as I have chosen not to own a car. Because I have chosen to travel by foot or by wheel, I depend on, and interact with, public infrastructure such as buses, roads, sidewalks, and trails to a high degree. Day in and day out, in darkness and light, in rain, snow, and fairest skies, on busy roads and on empty ones, with each footstep or pedal revolution, for thousands of fortunate miles, I have had much time to consider what would make my cycling experiences better. And it isn’t just my experiences that I think of. I very much want cycling and walking to be convenient, fun, legitimate, safe, and viable means of both recreation and transportation for riders and walkers of all ages and all types. Because that is a healthy outcome for our society: enriching the physical and emotional health of participants; reducing air pollution, greenhouse gas production, and traffic congestion; contributing to local economies through bicycle- and hiking-related tourism; and answering the growing desire on the part of the next generations for liveable, rideable, walkable communities. Because I believe strongly in the positive effects making intelligent improvements to the experience of cyclists and walkers both, I welcome the opportunity to apply my professional and personal experience to making those improvements in Whatcom County. Thank you for your consideration.

References (please include daytime telephone number):

David Vitt, Owner Kulshan Brewing Company 360-739-3608 Gayle Isbell, Friend 360-468-3266

Signature of applicant:

Sunny Beaver

Place Signed / Submitted

Bellingham, WA
Sunny L Beaver
Phone: 707-391-5173
Email: slb95449@gmail.com

EMPLOYMENT

2015-present Bookkeeper, Kulshan Brewing Co. Bellingham, WA
Assist Finance Manager and CFO with accounts payable, check and cash disbursements, account reconciliations, cash drawer preparation, payroll, expense accruals, preparation of periodic financial statements, purchases of ingredients, inventory control, other administrative tasks as needed.

2012-2014 Office Manager & Bookkeeper, San Francisco Landscapes San Francisco, CA

2002-2011 Office Manager & Bookkeeper, Yokayo Biofuels Ukiah, CA
Performed bookkeeping and accounting tasks including account reconciliations, accounts receivable, accounts payable, cash receipts and disbursements, and payroll. Prepared and filed sales, payroll, and excise tax returns. Acted as custodian of company records and petty cash. Provided customer service and education. Managed relations with customers and vendors.

1999-2002 Technical Sales Associate, Real Goods Berkeley/Hopland, CA
Designed and sold renewable energy (solar, wind, and hydro) systems. Advised customers on system maintenance.

EDUCATION

2013-2014: Accounting, City College of San Francisco
1993-1997: B.A. in Geography/Environmental Studies, UCLA
1989-1993: High School Diploma, Chula Vista High School, Chula Vista, CA

VOLUNTEER POSITIONS

2011 Ukiah Natural Foods Co-op Board of Directors, Ukiah, CA
2012-2014 18 Reasons Volunteer Staff, San Francisco, CA
Application for Appointment to Whatcom County Boards and Commissions

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First Name
Samuel "Bart"

Last Name
Miller

Date
1/9/2017

Street Address
5949 Shannon Avenue

City
Ferndale

Zip
98248

Do you live in & are you registered to vote in Whatcom County?
Yes

Do you have a different mailing address?
Field not completed.

Primary Telephone
360-303-5055

Secondary Telephone
Field not completed.

Email Address
sbartmiller@comcast.net

Civic Service Commission
Yes

1. Name of Board or Committee

2. Do you meet the residency, employment, and/or affiliation requirements of the position for which you’re applying?

3. Which Council district do you live in?
Field not completed.

4. Are you a US citizen?
Yes

5. Are you registered to vote in Whatcom County?
Yes

6. Have you ever been a member of this Board/Commission?
No

RECEIVED
JAN 09 2017
JACK LOUWS
COUNTY EXECUTIVE
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

See resume.

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 feel that I bring a balance of management experience, negotiating skills, perception and a good understanding of law enforcement in a variety of aspects and positions that would bring a strong balance to the needs for this position.

References (please include daytime telephone number):

Grant Fishbook 350-733-1337 Sheriff Bill Elfo 360-676-6650 Alan Cheesman 360-815-6666

Signature of applicant: S. Bart Miller

Place Signed / Submitted Ferndale, Washington
S. Bart Miller
5949 Shannon Avenue
Ferndale, Washington 98248
360-303-5055 - Cell
sbartmiller@comcast.net

EXPERIENCE

- September 2014 to June 2015 – Security Lead – CTK Bellingham
- November 2005 to January 2014 – Center Manager, BioLife Plasma Services (Baxter Healthcare), Bellingham, WA. Duties include all phases of center operation. (HR, risk management, budgeting, regulatory compliance, production, marketing, facilities, etc.) Supervise two assistant managers, five supervisors and 40+ employees.
- April 2004 to September 2005 – Administrator, Cornwall Church, Bellingham, WA. Duties included office (HR, risk management, benefits, payroll, accounting, legal, employment, governmental compliance, etc.) and facilities management for the church. Supervise an Office Manager, Treasurer and Facilities Manager.
- January 1992 to April 2004 – Administrator, Life Center Foursquare Church, Spokane, WA. Duties included office (HR, risk management, benefits, payroll, accounting, legal, employment, database, governmental compliance, etc.) and facilities management for the church. Managed all supervisors.
- November 1988 to December 1991 – Loss Control Specialist, SAFECO Insurance Companies, Spokane, WA. Duties included inspecting various commercial companies, in conjunction with commercial underwriting, for property, liability, worker’s compensation and various other coverages. Territory included Eastern Washington, Northern Idaho and Montana.
- November 1987 to December 1988 – Air Monitoring Technician, Radian Corporation, Austin, TX. Duties included monitoring and maintenance of two collection stations with various instruments. This was in conjunction with the approval for the Spokane County Incinerator.
- July 1977 to May 1987 – Last position held was as the Engineering Services Manager, KeyTronic Corporation, Spokane, WA. Duties included managing the department involving engineering drawings, bills of material, printed circuit design, distribution of those to production, coordinating with mechanical engineering and electrical engineering and various other departments. This last position was a three-shift operation with 70-80 employees. Other positions held were as Mold Shop Supervisor, Mold Shop Manager and Assembly Manager.
  - Other experience includes:
    - Letter Carrier – full-time during summers for two years while completing college.
    - Hearing Technician – Spokane School District #81 – full-time position while completing college.
    - Nuclear Weapons Technician, U.S. Air Force. Seven years in Texas, Colorado, West German and Spokane.
    - Reserve Officer, Spokane Police Department for 9+ years.
    - Law Enforcement Chaplain, Spokane County Sheriff’s Office and Washington State Patrol, District #4 and the Whatcom County Sheriff’s Office for 5+ years.

EDUCATION

Whitworth College – Spokane, Washington. Graduated with a BS in Business Management. (3.7 GPA)
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: A. Scott Van Dael
Street Address: 847 H Street Rd.
City: Lynden WA 98264
Zip Code: 98264
Mailing Address (if different from street address): Same
Day Telephone: 360-815-7979 Evening Telephone:
Cell Phone: 360-815-7979
E-mail address: eaglebuildingscom

1. Name of board or committee-please see reverse:
   Whatcom County Appeals Board
   3 year Term

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.)
   (X) yes  ( ) no

4. Which Council district do you live in?
   ( ) One  ( ) Two  ( ) Three  ( ) Four  ( ) Five

5. Are you a US citizen?
   (X) yes  ( ) no

6. Are you registered to vote in Whatcom County?
   (X) yes  ( ) no

7. Have you ever been a member of this Board/Commission?
   (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?
   If yes, please explain:
   ( ) yes  (X) no

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.
   Owner of commercial construction company:
   Eagle Contracting + Steel Buildings Inc.

10. Please describe why you're interested in serving on this board or commission:
    To be of service to Whatcom County.

References (please include daytime telephone number):
   Glenn Powell - Bank of the Pacific 360-318-8780

Signature of applicant: A. Scott Van Dael 1-10-17

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APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Jerry De Bruin
Street Address: 3797 Clearbrook Rd
City: Sumas, WA
Mailing Address (if different from street address): 
Day Telephone: 360-577-2828
E-mail address: jdebruin@wcfd4.org

Date: 12/13/16
Zip Code: 98295

1. Name of board or committee-please see reverse: County Appeals Board

2. You must specify which position you are applying for. Please refer to vacancy list.

3. Do you meet the residency, employment, and/or affiliation requirements of the position for which you’re applying? (If applicable, please refer to vacancy list.) (X) yes ( ) no

4. Which Council district do you live in? ( ) One (X) Two ( ) Three

5. Are you a US citizen? (X) yes ( ) no

6. Are you registered to vote in Whatcom County? (X) yes ( ) no

7. Have you ever been a member of this Board/Commission? ( ) yes (X) no

   If yes, dates: 

8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County? If yes, please explain: Fire Chief - Whatcom County Fire District #14 (X) yes ( ) no

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.
   Fire Chief - WCFD #14 - 2008 - Present - Volunteer Fire Chief WCFD14 1998 - 2008

10. Please describe why you’re interested in serving on this board or commission: To become more familiar with this process and other county processes - To serve in some way as this to benefit

References (please include daytime telephone number): Chief Bill Hewett - 278-8400

Chair Gray Bear - 354-4900 Wain Harrison - 676-1607

Signature of applicant: 

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Board and Commission Application

Application for Appointment to Whatcom County Boards and Commissions

Public Statement
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First Name        Jeff
Last Name         Vander Yacht
Date              11/4/2016
Street Address    1812 Cornwall Avenue
City              Bellingham
Zip               98225
Do you have a different mailing address? Field not completed.
Primary Telephone 360-671-7387
Secondary Telephone 360-815-4196
Email Address     ivanderyacht@psesurvey.com

1. Name of Board or Committee Development Standards Technical Advisory Committee

2. Do you meet the residency, employment, and/or affiliation requirements of the position for which you’re applying? Yes

3. Which Council district do you live in? District 2

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?
   Yes

   If yes, please list dates:
   1-31-16 through present, seeking second term

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?
   Yes

   If yes, please explain
   Principal at Pacific Surveying and Engineering, Inc.

   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
   Professional Civil Engineer

9. Please describe why you're interested in serving on this board or commission
   I want to use my professional experience related to development activities in Whatcom County to help review, revise, and improve the development standards.

References (please include daytime telephone number):
See resume for additional references

Signature of applicant:
Jeff Vander Yacht

Place Signed / Submitted
Bellingham, Washington
Summary of Qualifications:
Mr. Vander Yacht has more than 20 years of civil design and project management experience within Whatcom, Skagit, and Island counties. He has served local agencies and private developers by performing as a project manager, design engineer, and construction inspector. Jeff’s technical design experience includes urban street design, rural roadway design, commercial site grading plans, utility design, pedestrian corridors, bikeways, potable water distribution systems, potable water booster pump station design, Group A and Group B public water system development, and stormwater management. Jeff’s design team leadership experience includes project scheduling, maintaining design budgets, permit acquisition, project feasibility, and coordination of sub consultants.

Project Experience:

Slater Road Intersections – Imhof Road and Ferndale Road
Whatcom County Public Works
Kevin M. Thompson, Project Engineer
(360) 715-7450, Ext. 50690

West Bakerview Overpass
City of Bellingham
Rory Routhe, P.E.
(360) 778-7900

Barkley Village Road & Utilities
Civil Engineering / Improvements
Jeff Kochman, President
Talbot Real Estate, LLC
Bellingham, Washington
(360) 671-6450

Carl Cozier School SRTS
City of Bellingham – Public Works
Bellingham, Washington
Stephen Day, P.E.
(360) 778-7900

Expertise:
- Storm Water Management
- Public Water System Development
- Construction Quality Control
- Construction Cost Estimating
- Construction Management
- Design of Pedestrian Facilities
- Commercial Site Development
- Urban and Rural Roadways Design
- Municipal Ad & Award Procedures

Education:
- BS – Civil Engineering
  University of Portland
  Portland, Oregon

Registration & Affiliation:
- Technical Advisory Committee – Board Member (TAC) 2015- Current
- Washington Engineering Institute (WEI) – Board Member 2010 - Current

Professional References:
Mr. Bob Hayden
UPPER SKAGIT INDIAN TRIBE
Sedro Woolley, Washington
(360) 410-7099

Mr. Stephen Day, P.E.
Project Manager
CITY OF BELLINGHAM
Bellingham, WA
(360) 778-7900

Mr. Mark Sandal
Public Works Program Coordinator
CITY OF LYNDEN
Lynden, Washington
(360) 354-3446

Mr. Martin Kjelstad, PE
CITY OF BELLINGHAM
Public Works Department
Bellingham, Washington
(360) 778-7900
Board and Commission Application

Application for Appointment to Whatcom County Boards and Commissions

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First Name  Elizabeth
Last Name  Sterling
Date  12/2/2016
Street Address  1397 Central Road
City  Everson
Zip  98247
Do you live in & are you registered to vote in Whatcom County?  Yes
Do you have a different mailing address?  YES
Mailing Address  P.O. Box 5234, Bellingham, WA 98227
Primary Telephone  (360) 733-6100 x-221
Secondary Telephone  (360) 510-8944
Email Address  lsterling@wilsonengineering.com

1. Name of Board or Committee
Development Standards Technical Advisory Committee

2. Do you meet the residency, employment, and/or affiliation requirements of the position for which you’re applying?  Yes

3. Which Council district do you live in?  District 2

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? Yes

If yes, please list dates: 2/2015-1/2017

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? Yes

If yes, please explain: I work for Wilson Engineering LLC (Bellingham, WA) which does periodic engineering consulting work for Whatcom County.

You may attach a resume or detailed summary of experience, qualifications, & interest in response to the following questions Field not completed.

8. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education Registered WA civil engineer with sixteen years of experience working in Whatcom County.

9. Please describe why you're interested in serving on this board or commission I've served on Development Standards TAC for the past two years and have found the experience very rewarding.

References (please include daytime telephone number): Field not completed.

Signature of applicant: Elizabeth A. Sterling

Place Signed / Submitted: 805 Dupont St., Bellingham, WA
# Board and Commission Application

**Application for Appointment to Whatcom County Boards and Commissions**

**Public Statement**

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<table>
<thead>
<tr>
<th>First Name</th>
<th>Raymond</th>
</tr>
</thead>
<tbody>
<tr>
<td>Last Name</td>
<td>Peterson</td>
</tr>
<tr>
<td>Date</td>
<td>11/30/2016</td>
</tr>
<tr>
<td>Street Address</td>
<td>2105 Wildflower Way</td>
</tr>
<tr>
<td>City</td>
<td>Bellingham</td>
</tr>
<tr>
<td>Zip</td>
<td>98229</td>
</tr>
</tbody>
</table>

Do you live in & are you registered to vote in Whatcom County? Yes

Do you have a different mailing address? YES

<table>
<thead>
<tr>
<th>Mailing Address</th>
<th>PO Box 31626, Bellingham, WA 98228</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Telephone</td>
<td>360-319-3429</td>
</tr>
<tr>
<td>Secondary Telephone</td>
<td><em>Field not completed.</em></td>
</tr>
</tbody>
</table>

**Email Address**

| raypeterson36@gmail.com |

1. **Name of Board or Committee**

   Development Standards Technical Advisory Committee

2. Do you meet the residency, employment, and/or affiliation requirements of the position for which you’re applying? Yes

3. Which Council district do you live in? District 1

4. Are you a US citizen? Yes
5. Are you registered to vote in Whatcom County? Yes

6. Have you ever been a member of this Board/Commission? No

7. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County? Yes

If yes, please explain Professional Land Surveyor with Larry Steele and Associates Inc. which does land surveying work for Whatcom County.

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 See attached document

9. Please describe why you’re interested in serving on this board or commission See attached document

References (please include daytime telephone number): See attached document

Signature of applicant: Raymond Peterson

Place Signed / Submitted Bellingham, WA
Raymond Peterson, PLS  
2105 Wildflower Way  
Bellingham, WA 98229  
360-319-3429

Application for the Whatcom County Development Standard Technical Advisory Committee

Occupation & qualifications:


I have a strong construction and business background, working in the field and in the office, and have a strong proficiency at conducting the survey calculations required for construction staking. I have worked in the field and in the office on many projects in Whatcom County, from small housing developments and municipal road projects, to large scale industrial projects. I have served as the Construction Coordinator for Larry Steele and Associates on many large scale projects and frequently interacted with the prime contractors to determine the most effective and efficient use of our field surveying and mapping efforts. I have previously performed the onsite field management of a 23 mile portion of the pipeline capacity replacement project through Whatcom County, running from Sumas and into Skagit County, for Williams Pipeline Company. I managed up to 6 onsite field crews at one time, coordinating with the contractor for all survey aspects of the job that were needed throughout the 23 mile project. Most recently, Mr. Kleinknecht and I worked together and oversaw the survey completion of the Crude Rail Logistics Project at the BP Railway Loop. This included the oversight of 3-4 field crews working on various sites and navigating the needs of several construction companies and contractors working on the job site.
I am an active member in the Land Surveyor's Association of Washington (LSAW), and have been the Treasurer of the Northwest Chapter of the LSAW since 2010.

**Interest for serving on the committee:**

With my extensive surveying history in construction, I feel that I could be very helpful in reviewing and modifying proposed standards. I feel that serving on the committee would be a great way to give back to my community and further my knowledge about the development standards.

**References:**

Larry Steele, PLS
Larry Steele & Associates Inc.
360-676-9350

Erich Kleinknecht, PLS
Larry Steele & Associates Inc.
360-676-9350

Tony Freeland, PE
Freeland & Associates
360-650-1408
Application for Appointment to Whatcom County Boards and Commissions

Public Statement
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First Name
Catherine

Last Name
Moore

Date
1/12/2017

Street Address
2321 Iron St

City
Bellingham

Zip
98225

Do you live in & are you registered to vote in Whatcom County?
Yes

Field not completed.

Do you have a different mailing address?

Field not completed.

Primary Telephone
360-647-1500

Secondary Telephone

Email Address
cmoore@carmichaelclark.com

1. Name of Board or Committee
Development Standards Technical Advisory Committee

2. Do you meet the residency, employment, and/or affiliation requirements of the position for which you’re applying?
Yes

3. Which Council district do you live in?

District 2

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?

Yes

If yes, please explain

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 employed as an associate attorney at Carmichael Clark, a law firm operating in Bellingham.

Catherine Moore - TAC Application.pdf - attached

Please see attached.

9. Please describe why you're interested in serving on this board or commission

Please see attached.

References (please include daytime telephone number):

Bob Carmichael - bob@carmichaelclark.com - 360-647-1500 Simi Jain - sjain@carmichaelclark.com - 360-647-1500

Catherine Moore

Bellingham, WA

Signature of applicant:

Place Signed / Submitted
January 12, 2017

Whatcom County Executive’s Office
311 Grand Avenue
Suite 108
Bellingham, WA 98225

Dear Sir or Madam,

I write to apply to a vacant At Large position on the Development Standards Technical Advisory Committee.

In October 2016, I joined the law firm Carmichael Clark, PS as an associate attorney. I work closely with Bob Carmichael, who recommended I apply to join the committee. My primary area of practice is land use law. I work with a variety of clients in this capacity, including municipalities and developers. I believe my legal experience could help the county grow while balancing the need for flexibility with its valuable established development regulations.

I graduated from the University of Washington School of Law in May 2016. Though I have been actively practicing law for only a few months, in law school I devoted much of my study to land use issues. I took almost all environmental or land use law classes. I gained practical experience by externing at the Washington Forest Law Center and participating in the Regulatory and Environmental Law Clinic. Due to my current practice and my previous exposure, I understand the various pressures and perspectives that governments, environmentalists, and developers bring to the table.

I would also like to contribute my perspective as a long-time Whatcom County resident. I grew up in Bellingham and am a graduate of Sehome High School. Though I left Whatcom County to pursue my education, I returned immediately after law school. Now that I am back, I want to use my expertise to improve the community.

Please find my resume attached. Do not hesitate to contact me with any questions.

Very truly yours,

Catherine Moore
Associate Attorney
Catherine Moore

2321 Iron Street, Bellingham, WA 98225 • (360) 201-7451 • cmoore@carmichaelclark.com

Carmichael Clark, P.S.

Attorney • October 2016 to Present • Bellingham, WA
Practice areas include land use, water use, environmental regulations, and litigation. Provide support to partners to advise clients including municipalities, water districts, land developers, non-profit organizations, homeowners’ associations, and private individuals.

Member of the Washington State Bar Association and the Whatcom County Bar Association.

Education

University of Washington School of Law • Seattle, WA
Juris Doctor, June 2016 • GPA: 3.56
Selected Honors and Activities:
- Pro Bono Honors Award Recipient
- Charlotte MacDonald Malone Endowed Scholarship Recipient
- 2014-2015 Moderate Means Intern

University of Washington • Seattle, WA
Bachelor of Arts, Political Science and Bachelor of Science, Economics • June 2012 • GPA: 3.87
Selected Honors and Activities:
- Graduated Magna Cum Laude
- Dean’s List all 12 quarters
- College Honors Program
- Phi Beta Kappa
- Senior Thesis: Marbled Murrelets: Mysteries and Management

Selected Experience

Student Legal Services • September 2015 to July 2016 • Seattle, WA
Advised members of the University of Washington community on a wide variety of legal issues. Particular emphasis on landlord-tenant issues.

Washington Forest Law Center • January 2016 to March 2016 • Seattle, WA
Researched novel areas of land use and natural resources law and drafted litigation documents.

Northwest Justice Project • June 2015 to August 2015 • Bellingham, WA
Aided residents of Whatcom and Skagit Counties under 200% of the federal poverty level with legal concerns.

Regulatory and Environmental Law Clinic • September 2014 to March 2015 • Seattle, WA
Worked with high-profile environmental non-profits on cases involving water law on the Columbia River and land use and zoning matters regarding Concentrated Animal Feeding Operations.
November 22, 2016

TO: Jack Louws, County Executive
FROM: Jessica Lee, Program Specialist, Developmental Disabilities
RE: Nomination for Initial Appointment to the Developmental Disabilities Advisory Board

I am pleased to forward the nomination of Amy Glasser for initial appointment to the Developmental Disabilities Advisory Board. (DDAB)

The DDAB nominating committee met on November 21, 2016 and unanimously recommended Amy’s appointment.

Amy is a resident of Bellingham and an independent clinical social worker who has been working with children and families for over 37 years. Her interest is in ensuring that all community members are included and have equal access to community resources and activities. Her references note her skill in helping families navigate complex systems, her compassion, integrity and advocacy skills.

As you can see, Amy provides valuable expertise in areas that will assist the Board in its work improving the lives of people with developmental disabilities.

Thank you, Jack, for considering this nomination for appointment.
# Board and Commission Application

## Application for Appointment to Whatcom County Boards and Commissions

### Public Statement

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<table>
<thead>
<tr>
<th>First Name</th>
<th>Amy</th>
</tr>
</thead>
<tbody>
<tr>
<td>Last Name</td>
<td>Glasser</td>
</tr>
<tr>
<td>Date</td>
<td>10/11/16</td>
</tr>
<tr>
<td>Street Address</td>
<td>2930 Sunset Drive</td>
</tr>
<tr>
<td>City</td>
<td>Bellingham</td>
</tr>
<tr>
<td>Zip</td>
<td>98225</td>
</tr>
<tr>
<td>Do you have a different mailing address?</td>
<td>Field not completed.</td>
</tr>
<tr>
<td>Primary Telephone</td>
<td>360-366-7492</td>
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<tr>
<td>Secondary Telephone</td>
<td>Field not completed.</td>
</tr>
<tr>
<td>Email Address</td>
<td><a href="mailto:amyglassermsw@yahoo.com">amyglassermsw@yahoo.com</a></td>
</tr>
</tbody>
</table>

1. Name of Board or Committee

   **Developmental Disabilities 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 2

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 a social worker. I have over 37 years working with children, adults and families with disabilities both psychological and physical.

9. Please describe why you’re interested in serving on this board or commission  I would like to get more involved in making sure that all people in the community have access to all the amazing activities and events in our county.

References (please include daytime telephone number):  Victor Pleucy 360-223-2514 Marcia Joy: 318-3966 Dennis Dashiel: 224-5498 Sieneke Stevenson: 594-6757

Signature of applicant:  Amy Glasser

Place Signed / Submitted  Bellingham, WA
EXPERIENCE

Private Practice  3/2004 - Present
Bellingham, WA

Licensed Independent Clinical Social Worker
Responsibilities:
* Private therapist treating children and families affected by abuse, sexual assault, domestic violence, mental illness and substance abuse.
* Private parent educator; teaching skills to improve parenting and enhance family functioning.
* Providing court ordered therapeutic supervised visits, reunification work, and consultation to parent, attorneys, and others who work in the best interest of children.
* Contracts with the State and the County providing outreach therapeutic services, parenting classes and case management services.
* Conduct workshops relating to families and healthy relationships.
* Case manager assisting clients of all ages (children - geriatric) who are at high risk of being psychiatrically hospitalized.
* Extensive collaboration with state agencies, schools, mental health clinics and medical facilities.
* Specific expertise in the area of child abuse/neglect, sexual abuse, and domestic violence.
* Current contracts with the State of Washington providing all types of therapy and parent education and with Whatcom County Behavioral Health Access Program providing therapeutic services to the uninsured.

The Next Door  10/2001 - 10/2002
Hood River, Oregon

Wasco Family Services Program Manager/Therapist
Responsibilities:
* Managed the community Teen Court, Educational Success Project and the Drug Free Communities Grant.
* Provided direct therapeutic services to the teens of Wasco County at risk for involvement in the juvenile system and to teens in temporary placement in the NDI Community Attention Homes.
* Manager duties include budgeting, office management, state and government reports and providing in-service training on abuse and neglect related issues.
* Extensive coordination with the Commission on Children and Families, local schools and all state and private agencies serving county children.
Family Advocacy Program Manager
Responsibilities:
* Coordinating the prevention, intervention and treatment of domestic violence and child abuse cases within the 254th Base Support Battalion community region.
* Educating the community and professionals about recognizing and reporting suspected family violence; providing educational classes on anger management, parenting, marriage enrichment, abuse prevention; and all other issues relating to families
* Writing SOP and community policies, coordinating and conducting policy meetings.
* Managing the Army Foster Care Program
* Coordinating the community’s Special Needs Program
* Budget management.
Additional responsibilities include:
* Providing crisis intervention to community and military members.
* Providing individual, family, school and community consultation.
* Developed an extensive library of material for the community relating to the family and individual functioning.
* Assisted in all activities of the Army Community Service program.

Medford, Oregon

Specialized Foster Care Coordinator
Responsibilities:
* Recruitment of therapeutic foster homes to serve severely disturbed children ranging from ages 3-18
* Certification of these foster homes
* Training of foster care providers
* Case management of homes
* Providing supervision to foster care providers
* Counseling to the children in the homes
* Crisis management to the foster homes
* All necessary paperwork and documentation required by the county agencies that refer these children to the program.

Tri-City Mental Health and Retardation Center 1/1991-3/1995
Lynn, Ma

Therapist & Service Director
Responsibilities:
* Sexual abuse, domestic violence, substance abuse and mental illness counseling & case management
* Coordinating medical, school and community outreach programs involved with the families
* Managing a community mental health multi-disciplinary treatment team
* Supervising a staff of ten (10) therapists
* Implementing and overseeing government contracts
* Monitoring budgets and third party billing

Amesbury, MA

Therapist & Program Director
Responsibilities:
* Individual, family and group therapy to caseload of eighteen emotionally and psychologically disturbed adolescents males, ages 11-18
* Developing and managing a community mental health outreach program
* Supervising four (4) therapists in a residential program serving 100 adolescents
* Providing ongoing consultation to facility management

Massachusetts Department of Social Services 12/1978-11/1988
Lynn, MA

Social Worker, Children's Protective Service Unit
Responsibilities:
* Screening, investigating, assessing and case managing more than 700 cases of child abuse and neglect
* Conducting District Court ordered care and protection investigations
* Presenting abuse and neglect training to families, community and professional organizations
* Media liaison concerning issues of sexual abuse
* Teaching S.T.E.P. "Parenting" programs
* Facilitating treatment groups for parents of sexually abused children
* Directly delivering short-term counseling to children and families

EDUCATION
University of New Hampshire
Bachelor's Degree - 6/1978
Major: Social Work

University of Connecticut
Masters of Social Work Degree- 12/1986
Major: Social Work

LICENSES AND CERTIFICATIONS
LICSW 2003, LW 00007256, Washington State
Originally licensed 1988 Massachusetts
Board and Commission Application

Application for Appointment to Whatcom County Boards and Commissions

Public Statement
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First Name: Gary
Last Name: Jensen
Date: 2/10/16
Street Address: 2482 Hilltop Road
City: Ferndale
Zip: 98248

Do you have a different mailing address? Field not completed.

Primary Telephone: 360-815-6135
Secondary Telephone: None
Email Address: Garystevenjensen@gmail.com

Step 2
1. Name of Board or Committee: Ethics Commission

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

Field not completed.

8. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education

Former Mayor, City of Ferndale, serving eight years or two terms. Two years as Ferndale City Councilmember. President and owner of Sullivan Plumbing Inc. Past president of the State of Washington, Plumbing, Heating and Cooling Association, Past board member of Whatcom BIA, Ferndale Chamber of Commerce, Ferndale Boys and Girls Club, Whatcom Parks and Recreation, Whatcom/Skagit Wrestling Referee Association. Thirty three years as a high school sports official. Education; Ferndale High School, Western Washington University (no degree) . Bellingham Technical College. Technical training in the field of plumbing.

9. Please describe why you’re interested in serving on this board or commission

I have been a public servant for a large portion of my adult life. I was asked to serve on this commission and volunteer to do so.

References (please include daytime telephone number):

Greg Young, City Administrator, City of Ferndale, 360-685-2351  
Mike Knapp, Police Chief, City of Ferndale, 360-815-1501

Signature of applicant: Gary S. Jensen

Place Signed / Submitted Ferndale, Wa
Application for Appointment to Whatcom County Boards and Commissions

Public Statement
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First Name
Adrian

Last Name
Madrone

Date
1/9/2017

Street Address
222 Grand Ave. Ste. A

City
Bellingham

Zip
98225

Do you live in & are you registered to vote in Whatcom County?
Yes

Do you have a different mailing address?
*Field not completed.*

Primary Telephone
360-685-4221

Secondary Telephone
360-223-7063

Email Address
adrian@lustick.com

1. Name of Board or Committee

2. Do you meet the residency, employment, and/or affiliation requirements of the position for which you’re applying?

3. Which Council district do you live in?

4. Are you a US citizen?

5. Are you registered to vote in Whatcom County?

6. Have you ever been a member of this Board/Commission?

Ethics Commission
Yes

District 2

Yes

Yes
If yes, please list dates:

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?

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 currently a private criminal defense attorney with the law firm Lustick, Kaiman & Madrone.

9. Please describe why you’re interested in serving on this board or commission

I have served on the board for the last term (four years), and would like to renew for a second term.

References (please include daytime telephone number):

Field not completed.

Signature of applicant:

Adrian Madrone

Place Signed / Submitted

Bellingham, WA
Application for Appointment to Whatcom County Boards and Commissions

Public Statement
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First Name
Eli

Last Name
Wainman

Date
1/12/2017

Street Address
501 12th St. Apt. 3

City
Bellingham

Zip
98225

Do you live in & are you registered to vote in Whatcom County?
Yes

Do you have a different mailing address?
Field not completed.

Primary Telephone
3603922826

Secondary Telephone
Field not completed.

Email Address
eli@wainmanlaw.com

Ethics Commission
Yes

1. Name of Board or Committee

2. Do you meet the residency, 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
No
Board/Commission?

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?

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

Field not completed.

A native of the Pacific Northwest, I grew up digging clams, pulling crab pots, and trolling for salmon at my grandfather's side off the shores of Guemes Island. After these early years, my family headed south, where I attended the prestigious Harvard-Westlake Academy in Los Angeles, California. When it was time to head off to college, I went back to the Pacific Northwest, where I attended Reed College of Portland, Oregon. After working as a carpenter and at a Beverly Hills talent agency, I received my legal training from the renowned Jesuit academics at Loyola Law School of Los Angeles. In 2003, I was sworn as a member of the California State Bar and the U.S. District Court for the Central District of California. whatcom museum began my legal career in insurance litigation, defending corporate and professional clients in civil suits alleging malpractice, contract liability, and personal injuries. Later, I served for 27 months as a Volunteer for the United States Peace Corps in Central America. It was in the hills and jungles of Honduras that I became fully fluent in Spanish. Upon returning to the USA, I "moved across the aisle" to work for individual clients. I read for the Washington State Bar and moved with my family back to the great Pacific Northwest, to begin my professional life as a plaintiff's lawyer. To get the client the needed result, to provide zealous representation and wise counsel, and to serve the underserved are my ultimate goals. I've volunteered my time pro bono for the Whatcom County Law Advocates, the Northwest Immigrant Rights Project, and the Whatcom County Public Defender's Office. I live in Bellingham with my wife, our daughter, and our German Shepherd dog. I enjoy woodworking, shooting, lifting weights, and cooking elaborate meals for my family and friends.

9. Please describe why you're interested in serving on this board or commission

I have held a serious interest in the ethical codes of conduct to which our elected and appointed officials are held since I began the study of ethics and philosophy in college. The study of law introduced a personal dimension for me, as I am held to a higher standard as a member of the bars of CA and WA.

References (please include daytime telephone number):

Steve Chance (360) 676-9700, Ziad Youssef (360) 734-0908, Aaron Lukoff (360) 647-5241, Darrin Hall (360) 778-5240

Signature of applicant:

Eli Wainman

Place Signed / Submitted

Bellingham, WA
Eli Lawrence Wainman, Esq.

114 W. Magnolia Street, Suite 400, Bellingham, WA 98225 | Phone: 360-392-2826 | Toll-free Phone: 888-267-5126
Fax: 360-392-2803 | Email: eli@wainmanlaw.com | Licensed in WA and CA

JURIS DOCTOR | 2003
Loyola Law School - Los Angeles, CA

BACHELOR OF ARTS | 1999
Reed College - Portland, OR

THE LAW OFFICES OF ELI WAINMAN, PLLC | 2014-PRESENT
Solo civil litigation practice in Bellingham, WA. Plaintiff’s attorney in civil matters of personal injury, IFCA, CPA, employment discrimination/harassment, insurance coverage, and product liability.

ASSOCIATE | STEVE CHANCE, ATTORNEY-AT-LAW, PC | 2015-2016
Associated counsel in plaintiff’s firm, trial practice in insurance coverage, personal injury, premises liability, employment discrimination and sexual harassment causes of action.

ATTORNEY INTERN | WHATCOM COUNTY PUBLIC DEFENDER | 2014-2015
Pro bono defense of indigent clients in state misdemeanor and felony criminal causes.

LEGAL COUNSEL/HR MANAGER | THE WAIGNMAN LLC | 2012-2014
General counsel and human resources management at large family entertainment center of 40 employees.

ASSOCIATE ATTORNEY | HEWITT & TRUSZKOWSKI | 2010-2011
Associate attorney in civil practice of personal injury and insurance defense, specializing in diving and motorcycle racing liability.

ATTORNEY CONTRACTOR | THE LAW OFFICES OF ANGELA BERRY-JACOBY | 2009-2010
Criminal practice with concentration on misdemeanor and felony DUI defense. Law and motion practice, calendar appearances.

WATER & SANITATION VOLUNTEER | UNITED STATES PEACE CORPS, HONDURAS | 2007-2009
Manager of development projects in 40+ rural communities. Full operational responsibility for local infrastructure slate.

ATTORNEY CONTRACTOR | WINSTON & STRAWN, LLP/STROOCK & STROOCK, LLP | 2005-2007
Litigation of shareholder-derived actions and utilities lawsuits.

ASSOCIATE ATTORNEY | FONDA & FRASER, LLP | 2003-2004
Insurance defense firm. Litigation of complex coverage, products liability, and professional malpractice causes of action.
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Jennifer Moon  Date: 1/30/16
Street Address: 1160 Cornwall Ave, Suite 205
City: Bellingham  Zip Code: 98225
Mailing Address (if different from street address): 
Day Telephone: 360-594-9616  Evening Telephone: 
Cell Phone: 
E-mail address: Jennifer_Moon@unitycarenw.org

1. Name of board or committee—please see reverse: Housing Advisory Committee
   Health Care

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 ( ) Four ( ) Five

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: 2015-2016

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. I have worked at Unity Care NW for the past six years as a program manager and development associate involved in community relations. I have worked in social service and public health for nearly 20 years and have a strong understanding of current housing issues.

10. Please describe why you’re interested in serving on this board or commission: I have served on this committee for the past year and will be happy to continue as Health Care representative. Unity Care NW works closely with numerous organizations in the community on the intersection between housing, social service, and health.

References (please include daytime telephone number): 
Anne Deacon, 360-778-6000 ext. 6054
Gail de Hoos, 360-788-2657
Rinnor Bardley, 360-734-9862

Signature of applicant: 

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10/2016
TO: The Honorable Jack Louws, County Executive

THROUGH: Jon Hutchings, Director

FROM: Gary S. Stoyka, Natural Resources Manager
       Austin Rose, Planner I

RE: Marine Resources Committee appointment recommendations

DATE: January 13, 2017

There are currently three vacancies on the Marine Resources Committee (MRC). Applicant positions include one citizen with relevant Scientific interest and two citizens with Conservation/Environmental interest. The Executive's office forwarded three applications for the MRC to review which included: one application from Elizabeth Kilanowski to fulfill a second term in a Scientific interest position, one application from Doug Stark to fulfill a second term in a Conservation/Environmental interest position, and one application from Christine Woodward in which a position was not stated.

A recommendation was requested from the Executive's Office for the most appropriate applicants on file for the open positions. The entire MRC reviewed the above mentioned applications in addition to recent applications kept on MRC files to choose appropriate candidates to recommend for the open positions.

The MRC recommends the appointments of Elizabeth Kilanowski to continue to represent a Scientific interest to the MRC and Doug Stark to continue to represent a Conservation/Environmental interest to the MRC. In addition, the MRC recommends the appointment of Christine Woodward to represent a Conservation/Environmental interest to the MRC.

Ms. Kilanowski and Mr. Stark have been invaluable members to the MRC since 2013. Their commitment to education and outreach, monitoring projects, and policy recommendations are important assets to the committee. Ms. Woodward has a wealth of experience with the Northwest Straits Initiative including participation on the Skagit County MRC and the Northwest Straits Commission whom oversee the MRC's. Her knowledge of MRC history and experience in the role of Chair of the Northwest Straits Commission will be very supportive to the function of the Whatcom MRC.

If you have any questions regarding this recommendation, please contact Austin Rose at extension 6286.
Board and Commission Application

Application for Appointment to Whatcom County Boards and Commissions

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First Name
Elizabeth

Last Name
Kilanowski

Date
12/9/2016

Street Address
2621 S. Harbor Loop Dr.

City
Bellingham

Zip
98225

Do you live in & are you registered to vote in Whatcom County?
Yes

Do you have a different mailing address?
YES

Mailing Address
PO Box 1134 Bellingham, WA 98227

Primary Telephone
(360) 527-6471

Secondary Telephone
Field not completed.

Email Address
kilaruba@copper.net

1. Name of Board or Committee
Marine Resource Committee

2. Do you meet the residency, employment, and/or affiliation requirements of the position for which you’re applying?
Yes

3. Which Council district do you live in?
District 2
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? Yes

If yes, please list dates: December 9, 2016 February 12, 2013

7. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County? No

You may attach a resume or detailed summary of experience, qualifications, & interest in response to the following questions

Field not completed.

8. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education

Self employed-scientific consultant. My education includes a bachelor’s and master’s degree in Geology. Over the years, I have participated in volunteer work in the County relating to water issues (both marine and freshwater) and land stewardship activities.

9. Please describe why you’re interested in serving on this board or commission

I have served on the MRC for one term and wish to continue for another as I believe the committee serves an important role in the protection and restoration of the marine waters of Whatcom County.

References (please include daytime telephone number):

Sue Blake (360 778-5812) Rebecca Rettmer (360 758-7997)

Signature of applicant: Elizabeth Kilanowski

Place Signed / Submitted: Lummi Island, WA
Application for Appointment to Whatcom County Boards and Commissions

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First Name
Doug

Last Name
Stark

Date
1/5/2017

Street Address
2813 Birchwood Ave

City
Bellingham

Zip
98225

Do you live in & are you registered to vote in Whatcom County?
Yes

Do you have a different mailing address?
Field not completed.

Primary Telephone
360 815-7490

Secondary Telephone
Field not completed.

Email Address
starkdna@gmail.com

1. Name of Board or Committee
Marine Resource Committee

2. Do you meet the residency, employment, and/or affiliation requirements of the position for which you’re applying?
Yes

3. Which Council district do you live in?
District 2

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?
Yes

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 work to enrich the connections of community members with their local waters and Salish Sea ecosystem. With training in marine biology, ecology and science education, (B.A., Biology, St. Olaf College; M.Ed., Secondary Science Ed., U of Minn.) I have 30 years of experience in these fields. My current focus on reducing stormwater pollution includes educating youth through classroom and field trip activities, delivering messages such as "scoop the poop" to the community, and assisting with monitoring to determine sources. I have led local programs that trained adult volunteers in surveying local shoreline environments, such as in the MRC's clam surveys, and in shoreline education such as volunteer beach naturalist programs

9. Please describe why you're interested in serving on this board or commission

I appreciate the various skills & perspectives the MRC brings together and wish continued service to the MRC's mission of science-based advisory, education & restoration. I strive to involve members of the community in activities that aid in the MRC's understanding of various public perspectives and I enjoy collaborating with others to prioritize, develop, execute communication strategies that increase understanding among the public.

References (please include daytime telephone number):

Austin Rose, 676-6876; Eleanor Hines, 733-8307; Lisa Kaufman 360-393-6948; Emily Johnson, 778-7970

Signature of applicant:

Doug Stark

Place Signed / Submitted

Bellingham, Washington
Application for Appointment to Whatcom County Boards and Commissions

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First Name
Christine

Last Name
Woodward

Date
12/21/2016

Street Address
2715 W. Illinois

City
Bellingham

Zip
98225

Do you live in & are you registered to vote in Whatcom County?
Yes

Do you have a different mailing address?
Field not completed.

Primary Telephone
360-661-6336

Secondary Telephone
Field not completed.

Email Address
cwoodward5893@gmail.com

1. Name of Board or Committee

2. Do you meet the residency, 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 Retired Director of Natural Resources for the Samish Indian Nation. Current vice chair of the Portage Bay Shellfish Protection District. 15 year member of the Skagit MRC. Former chair of the Northwest Straits Commission. (2 years) Past representative of the Northwest Straits Commission for the Skagit MRC. 1991 Graduate of WWU/Huxley with a Bachelor of Science degree/Environmental Planning and Design. I also was a private contractor for the county for the 2 shellfish protection districts.

9. Please describe why you’re interested in serving on this board or commission Having been a member of the Skagit MRC and a representative of the Northwest Straits Commission. I would like to share my knowledge in a way that supports the Whatcom MRC through my understanding of the MRC history and past chair of the Northwest straits Commission whom oversees the MRC’s. I have been a resident of Whatcom county since 1989.

References (please include daytime telephone number):

Ginny Broadhurst 360-325-3560 Erika Douglas 360-676-6876 Lisa Kaufman 360-393-6948

Signature of applicant: Christine Woodward

Place Signed / Submitted Bellingham WA
Memorandum

TO: Jack Louws, County Executive
FROM: Anne Deacon, Human Services Manager
DATE: November 23, 2016
RE: North Sound Behavioral Health Organization (BHO) Appointment

We are pleased Dr. R. Michael Massanari has agreed to continue to represent Whatcom County on North Sound BHO’s Advisory Board, and ask that you confirm his reappointment.

He has been a valuable member of the Behavioral Health Revenue Advisory Committee and of the Integrated Behavioral Health Board, and we are privileged to have Mike represent our county.

If you have any questions, please contact me.
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS
PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: R. Michael Massanari, MD
Street Address: 930 Hemlock Loop
City: Lynden
Zip Code: 98264
Mailing Address (if different from street address): ________________________________
Day Telephone: 360 922 0063 Evening Telephone: ____________ Cell Phone: 360 941 7321
E-mail address: mmassanari@comcast.net

1. Behavioral Health Advisory Board - member
2. Behavioral Health Revenue Advisory Comm. - member
3. North Sound Behavioral Health Advisory Board - member

1. Name of board or committee - please see reverse
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.) [X] yes [ ] no
5. Are you a US citizen? [X] yes [ ] no
6. Are you registered to vote in Whatcom County? [X] yes [ ] no
7. Have you ever been a member of this Board/Commission? (member of all the above) [X] yes [ ] no

If yes, dates: 2014, 2015

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

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. 
   Physician and Professor of Medicine (retired)

10. Please describe why you’re interested in serving on this board or commission:
    Personal concerns for people marginalized with mental illness and substance abuse.

References (please include daytime telephone number): 
   Jackie Mitchell - Dept of Health 778 6408
   Sharon Benton - Pastor, First Congregational Church Bellingham - 734 3720

Signature of applicant: ____________________________

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APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Richard C. Sturgill
Street Address: 1218 4TH STREET
City: BLAINE
Zip Code: 98230
Mailing Address (if different from street address):
Day Telephone: 232-5742 Evening Telephone: SAME
Cell Phone: 201-3062
E-mail address: RCS3@COMCAST.NET

1. Name of board or committee—please see reverse:
PARKS AND RECREATION COMMISSION

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 ( ) Four ( ) Five

5. Are you a US citizen?
   ( ) yes ( ) no

6. Are you registered to vote in Whatcom County?
   ( ) yes ( ) no

7. Have you ever been a member of this Board/Commission?
   ( ) yes ( ) no
   If yes, dates:

8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County?
   ( ) yes ( ) no
   If yes, please explain:

You may attach a résumé or detailed summary of experience, qualifications, & interest in response to the following questions.

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.
   From San Diego State University I earned a Business Management Degree and a Certificate in Event Planning.
   From Whatcom Community College I have a Certificate in Park and Recreation Management.

10. Please specify why you are interested in serving on this board or commission:
    I have had a lifelong interest in parks and recreation issues. Currently, I am a Commissioner with the
    Blaine Parks and Recreation District. I have been involved with Blaine for over 20 years, including serving on
    the Blaine City Council. I have been involved with the Blaine Parks and Recreation District since 1981. As a
    volunteer, I have served on the Board of Directors for over 20 years.

References (please include daytime telephone number):
   Ted Nichols, Birch Bay Park District 372-5800
   Mike Donio, President of the Blaine School Board of Directors 323-8485

Signature of applicant:

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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.
RICHARD C. STURGILL

Captain Richard C Sturgill holds a Bachelor of Social Science Degree from San Diego University and a teaching credential from U. S. International University.

Awards for community service include:

- 1990- BLAINE BANNER AWARD for outstanding Community Service

Man of the Year Award presented by the Ferndale Record Journal for outstanding service to the community (1992 and 1996 - two separate awards)

- Blaine Builder Award for significant contributions to the City of Blaine in restoring the Plover ferry, developing the Salishan Neighborhood Association, and serving two terms on the City Parks and Cemetery Board (2006)

- 2010 William J. Dittrich Award recipient for dedication to enhancing parks and recreation in Whatcom County.

List of community service projects include:

- 1994- initiated and helped the City of Blaine get federal highway grant funding of $130,000 for bike path at Marine Park

- 4. 2000-present-Appointed by the Blaine City Council to be a member of the Coast Millennium Trail committee, representing the City's interests.

- 2000-present- initiated letter of agreement between DHM & Whatcom Co. Parks where DHM would use volunteers that allowed the reopening of the Semiahmoo Park Maritime Museum to the public.

- 2001-2004 Appointed by County Executive Pete Kremen to the County Bicycle Advisory Committee.

Served on the Port of Bellingham Marina Advisory Committee, two terms.

- Plover Project Manager (started the Plover Project in 1988 to restore and put back into service the Plover passenger ferry along her traditional route while raising thousands in donations, 1988 – present)
• Drayton Harbor Maritime (founded this 501c3 non-profit initially under the name of Friends of the Plover, a tax-exempt organization, 1988 – present)

Plover Dock Reconstruction Project (as Project Manager completed a $750,000 grant-funded project at Semiahmoo which gave a 100 year dock lease to Drayton Harbor Maritime for $1.00, 2004)

• Interpretive Sign Panel Project at the Plover Dock, Tongue Point, Semiahmoo (Project Director, 2004 – present)

• Northwest Park and Recreation District 2 (Commissioner, 2008 – present)
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS
PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Jeffrey S. Margolis Date: 12/2/16
Street Address: 5455 Potter Road
City: Deming Zip Code: 98244
Mailing Address (if different from street address): 54
Day Telephone: 360-592-2747 Evening Telephone: 360-592-8719 Cell Phone: 360-594-1812
E-mail address: goodbuy@everybodys.com

1. Name of board or committee—please see reverse: PARKS & RECREATION COMMISSION
AT LARGE or DIST. 3

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.) (Y) yes ( ) no

4. Which Council district do you live in? ———————— ( ) One ( ) Two ( ) Three ( ) Four ( ) Five

5. Are you a US citizen? ———————— (Y) yes ( ) no

6. Are you registered to vote in Whatcom County? ———————— (Y) yes ( ) no

7. Have you ever been a member of this Board/Commission? ———————— (Y) yes ( ) no

If yes, dates: 2012-2016

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? ———————— (Y) 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.

Self-Employed: Owner/Operator Everybody’s Store - Van Zandt

Chair WCPR Commission, Past Chair WC Bicycle-Pedestrian Advisory Comm
Past Member, Lake Whatcom Advisory Comm - WA Health State U, MA East W, Mich U

10. Please describe why you’re interested in serving on this board or commission: Symphony - Whatcom Chord Per, South Fork Community Assoc., Fer Foothills Club

I am interested in moving WCPR to an enhanced level wherein we offer via volunteers & contractors, guide services. As well I want to explore the possibility of creating park tours with other cultural amenities (museums) that are available. References: Mike Kifer, Diana Dr. WCPR

Tim Avera, Nancy Peering 360-294-5234 - HOLLY OVERTON Deming Wa.

Signature of applicant: [Signature]

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10/2015
Application for Appointment to Whatcom County Boards and Commissions

Public Statement
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First Name
Susan

Last Name
McClendon

Date
1/10/2017

Street Address
3100 Plymouth Drive

City
Bellingham

Zip
98225

Do you live in & are you registered to vote in Whatcom County?
Yes

Do you have a different mailing address?
Field not completed.

Primary Telephone
404-219-6744

Secondary Telephone
360-756-2140

Email Address
susan.mcclendon@gmail.com

Parks and Recreation Commission
Yes

1. Name of Board or Committee

2. Do you meet the residency, employment, and/or affiliation requirements of the position for which you’re applying?

3. Which Council district do you live in?
District 2

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

8. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education

40 years as architect and construction specification writer. Familiarity with building design, building codes, energy codes, zoning codes, building construction, urban design, accessibility design, energy conservation in construction. Interest in landscape design, natural landscapes, access to natural features, community and small scale agriculture, small scale energy, aging in place and other elder issues.

I'm retired and it's time to give back.

9. Please describe why you're interested in serving on this board or commission

References (please include daytime telephone number):

Natalie McClendon (sister), 360-319-8287, member of Planning Commission

Susan McClendon

Signature of applicant:

Place Signed / Submitted

Bellingham, WA
Application for Appointment to Whatcom County Boards and Commissions

Public Statement
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First Name
Keith

Last Name
Glading

Date
12/14/2016

Street Address
1905 Province Road

City
Point Roberts

Zip
98281-9522

Do you live in & are you registered to vote in Whatcom County?
Yes

Do you have a different mailing address?
Field not completed.

Primary Telephone
360-524-2145

Secondary Telephone
360-945-3436

Email Address
kglading@alumni.uvic.ca

1. Name of Board or Committee
Point Roberts Community Advisory Committee

2. Do you meet the residency, employment, and/or affiliation requirements of the position for which you're applying?
Yes

3. Which Council district do you live in?
District 5

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?
   Yes

   If yes, please list dates:
   Feb 2015-present

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
   Retired from US Navy, Eli Lilly and Company, and freelance Computer Analyst

9. Please describe why you’re interested in serving on this board or commission
   I have been a member and wish to continue serving. That said, if I am selected and Steve Wolff is not a member of the PRCAC in another position, please select him for this position and I will wait for another opportunity to present itself.

References (please include daytime telephone number):
   All current Members of the PRCAC, Steve and Suzanne Wolff 360.945.0418

Signature of applicant:
   Keith E. Glading

Place Signed / Submitted
   Point Roberts, WA
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

Name: Chi-Na (Kwi) Stoane Date: 10-8-16
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: Chirstoane@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)

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)

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 had 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 Stern - 778-6008
Dr. Asma Neeli - 778-6105

Signature of applicant: Chilla Smith
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.
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARD
PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Ray Wolpow Date: 11/11/17

Street Address: 922–38th Street

City: Bellingham WA Zip Code: 98229

Mailing Address (if different from street address):

Day Telephone: 360–734–7927 Evening Telephone: ___________________ Cell

Phone: 360 319 4691

E-mail address: Ray.Wolpow@wwu.edu

1. Name of board or committee—please see reverse: ___________________ Public Health Advisory Board

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.) (X) yes ( ) no

4. Which Council district do you live in? (X) One ( ) Two ( ) Three ( ) Four ( ) Five

5. Are you a US citizen? (X) yes ( ) no

6. Are you registered to vote in Whatcom County? (X) yes ( ) no

7. Have you ever been a member of this Board/Commission? (X) yes ( ) no

If yes, dates: 2012–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 (X) no

If yes, please explain:

You may attach a résumé or detailed summary of experience, qualifications, & interest in response to the following questions.

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.

I have served in this capacity for 5 years and wish to continue to do so.

See attached
10. Please describe why you're interested in serving on this board or commission:

References (please include daytime telephone number): Please contact members of the PHAB

Signature of applicant: [Signature]

11/12

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If you are applying for one of the following boards, committees, or commissions, please send this application to the

Whatcom County Executive’s Office:
311 Grand Avenue, Suite 108
Bellingham, Washington 98225
Phone: (360) 778-5200 Fax: (360) 778-5201

- Agricultural Advisory Committee
- Americans with Disabilities Act (ADA) Compliance Committee
- Behavioral Health Advisory Board
- Bellingham-Whatcom County Commission Against Domestic Violence
- Bicycle/Pedestrian Advisory Committee
- Boundary Review Board
- Civil Service Commission
- County Appeals Board
- Developmental Disabilities Board
- Development Standards Technical Advisory Committee
- Ethics Commission
- Housing Authority of Whatcom County
- Housing Advisory Committee
- Lodging Tax Advisory Committee
- Marine Resource Committee
- North Sound Mental Health Administration
- Northwest Senior Services Board
- Parks and Recreation Commission
- Point Roberts Community Advisory Committee (Public Health Advisory Board)
- Purchase of Development Rights Oversight Committee
- Rural Library Board
- Salary Commission
- Veteran’s Advisory Board

If you are applying for one of the following boards, committees, or commissions, please send this application to the

Whatcom County Council Office:
311 Grand Avenue, Suite 105
Bellingham, Washington 98225

507
Ray Wolpow
922 38th Street Bellingham, Washington 98229
Ray.Wolpow@wwu.edu
Winter 2017

Vita

Education
Pennsylvania State University
School of Education
Major: Curriculum and Instruction
University Park, Pennsylvania
Minor: Language and Literacy
Ph.D. 1995

University of Washington
Seattle, Washington
Graduate Business Studies
1981 - 2

Teachers College
Columbia University
Major: Special Education
Minor: Reading
M.A. 1975

Wagner College
Staten Island, New York
Major: Elementary Education
Minor: Music Education
B.A. 1973

Honors and Awards for Research, Teaching and Curriculum Development

RAY WOLPOW INSTITUTE FOR THE STUDY OF THE HOLOCAUST, GENOCIDE AND CRIMES AGAINST HUMANITY – This institute bears my name in recognition of the scholarship, teaching and service I performed at Western in this area of study.

PROFESSOR EMERITUS: Western Washington University, Bellingham, Washington, June 2014


WESTERN WASHINGTON UNIVERSITY EXCELLENCE IN TEACHING AWARD: June 12, 1999

DIRECTOR, NATIONAL ENDOWMENT FOR THE HUMANITIES FOCUS GRANT: Holocaust and Genocide Studies Reconsidered. Grades 4-12 JULY, 1 1999


Teaching

September 1994-June 2014

PROFESSOR OF SECONDARY EDUCATION

Western Washington University,
Bellingham, Washington 98225


September 1982 - 1993

READING/HISTORY/STUDY SKILLS TEACHER
Ferndale High School
Ferndale, Washington


October 1985-1993

ADJUNCT INSTRUCTOR
Department of Curriculum and Instruction
Western Washington University
Bellingham, Washington

Instruction of four 400 level courses: EDCI 481, Developmental Reading in the Secondary School, EDCI 484, Reading in the Content Areas, EDCI 445y Reading and Study Skills for Content Area Teachers, and EDCI 445z, Reading Comprehension: A Thinking Skills Approach. Course and instruction consistently rated in the top two percentiles on confidential student evaluations.

August 1993-May 1994

GRADUATE ASSISTANT
Department of Curriculum and Instruction
Pennsylvania State University
University Park, Pennsylvania

Instruction of four sections of Social Studies in Elementary Education 430W, a writing intensive social studies methods course.
July 1981-August 1982  EDUCATIONAL CONSULTANT
Readwrite Educational Programs Inc.
San Diego, California

Northwestern coordinator for staff hiring, training, and evaluation. Development of commercial educational programs and instructional packages. Extensive public speaking, copy writing and travel for promotional purposes.

September 1980 -June 1981  REMEDIAL READING AND MATH TEACHER
Eli Whitney Vocational High School
Brooklyn, New York

Design and instruction of remedial reading, writing, and computing programs for illiterate minority youth in an inner-city vocational high school.

September 1979 -August 1980  LEARNING RESOURCE TEACHER
St. William Elementary School
Los Altos, California

Diagnosis and prescriptive remediation of mildly learning-disabled children in a parochial school setting. Resource Teacher, grades K-8, Parent and teacher counseling.

August 1976 -July 1979  TRAINING DIRECTOR
Adventures in Reading Inc.
San Jose, California

Development of commercial educational programs and instructional packages. Staff hiring and training, extensive public speaking, copy writing and travel for promotional purposes.

August 1975 -June 1976  LEARNING RESOURCE TEACHER
Supai Elementary School
Scottsdale Unified School District
Scottsdale, Arizona

Resource teacher grades 4-8, learning-disabled, mentally retarded, behaviorally handicapped. Psychometric testing, writing and implementation of individualized educational programs.

September 1973 -August 1974  DIRECTOR OF MUSIC THERAPY
Willowbrook State School
Staten Island, New York

Design and implementation of music therapy programs for 120 profoundly and severely multi-handicapped residents. Ongoing supervision of four therapists.
Service

Chair, Department of Secondary Education (Fall '03 to Spring 2007; Summer 2010 – Spring 2012). Oversight of K-12 secondary teacher certification programs for 225 undergraduate, post-bac and graduate students in Bellingham and Seattle and supervision of faculty and staff at both sites. Representative for department for the Woodring Leadership Council.

Director, Northwest Center for Holocaust, Genocide and Ethnocide Education (NWCHGEE)
Established in 1998 in response to state legislation: chapter 28a.300 RCW, HB2212: "Every public high school is encouraged to include in its curriculum, instruction on the events of the period in modern world history known as the Holocaust, during which six million Jews and millions of non-Jews were exterminated. The instruction may also include other examples from both ancient and modern history where subcultures or large human populations have been eradicated by the acts of mankind. The studying of this material is a reaffirmation of the commitment of free peoples never again to permit such occurrences...."

Since the inception of the (NWCHGE) in 1998, tens of thousands have accessed information from its website Education www.wce.wwu.edu/nwche. This website contains an anecdotal bibliography with links to hundreds of Holocaust Education resources as well as the original scholarship of nearly a dozen WWU students.

The NWCHGEE sponsors speakers each quarter. For example, last year, more than 1,500 students and community members attended lectures by Holocaust survivor and award-winning teacher Noemi Ban.

Committee Work: (College and University)

Member Thesis Committees:
Candidate: Deborah Kellner,
Title: Creating a mosaic within time and space: The role of trauma in identity, literacy and life.
University of Cincinnati, Awarded Ph.D. 2007

Candidate: Mary Wilson
Title: Compassionate school model: Creating trauma sensitive schools
Pacific Lutheran University, Awarded Ph.D. 2012

Candidate: Amy Hockenberry:
Title: Adolescent Substance Use—The Relationship of Adverse Childhood Events and Protective Factors on the Prevalence of 30-day Use.
University of Alaska, Anchorage, Master's Degree, pending

Member of Woodring Research Fellows
WWU Writing Research Fellow 2010 – 2011
Woodring Multicultural Fellow 2009 - 2010
External evaluator, Manson School District, 1996-2009

In-service provider on Trauma, Vicarious Trauma, and Self-Care
Numerous school districts including:
Leavenworth School District, Leavenworth
Seattle Interagency School, Seattle;
Spanaway Elementary, Spanaway;
Vista Middle School, Ferndale;
Mount Baker Middle School and Acme Elementary School, Mount Baker School District
Manitou Elementary Schools, Tacoma,
Concrete School District, Concrete
ESD 189, Anacortes
NCESD - Wenatchee

Educational Organizations
Advisory Board Member, Washington State Holocaust Resource Center (2004-present)
Board Member, American Reading Forum (1998-2001)
Board Member, Washington State Holocaust Resource Center (2001-2003)
Board Member, Western Washington University Hillel (1999-2001)
Chair, Call to Forum Committee, American Reading Forum, (1999-2003)

Community Service:
Whatcom County Public Health Advisory Board, (2012 - present)
Board Member, Congregation Beth Israel Synagogue (2004 - 2007)
Scholarship

Juried Books and Journals, Solicited Chapters and Reviews:

Wolpow, R. (2012). “What is to give light must endure burning:” Fostering compassion and addressing vicarious trauma amidst the unspeakable. *Trauma and Learning in Post-Secondary Education: Conference Journal.* 1, 93-110


MEMORANDUM

To: Whatcom County Council members
From: Jack Louws, County Executive
Subject: Salary Commission – appointment of alternate
Date: January 13, 2017

Last Fall, the County Council confirmed my appointments to the Salary Commission for members who are commencing new terms as of January 1, 2017.

The Salary Commission will be commencing their work soon, however we just received notice that one of the members has stepped down due to work conflicts. This now opens up one position on the commission.

The County Auditor, in the early process of selecting candidates by random draw, designated one alternate position as backup in the event the situation arose that a commission member stepped down. Since this is now the case, I am appointing Ms. Diana Schmidt, who was the named alternate on the Auditor’s list. Ms. Schmidt has agreed to serve on the commission and has submitted an application, which is attached. Please confirm this appointment at your next meeting so that Ms. Schmidt may join the commission in their work.

Thank you.
Application for Appointment to Whatcom County Boards and Commissions

Public Statement
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First Name
Diana

Last Name
Schmidt

Date
1/13/2017

Street Address
2233 Sweetbay Drive

City
Bellingham

Zip
98229

Do you live in & are you registered to vote in Whatcom County?
Yes

Do you have a different mailing address?
Field not completed.

Primary Telephone
360-441-2889

Field not completed.

Secondary Telephone

Email Address
dianas73@comcast.net

1. Name of Board or Committee

2. Do you meet the residency, 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

Field not completed.

8. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education

For the past six years I was a part time cashier for Target. Prior to that I was the event coordinator for Lairmont Manor for five years. I really enjoyed both positions as I enjoy working with people. I only have a high school education but have taken many professional courses such as real estate which I did for 14 years in Hawaii, Wisconsin and in Washington.

I don't have much experience in the political arena but am willing to do whatever research is needed to make informed decisions. When I first heard of this position I found myself eager to be involved but I really can't say why. Something about doing something for my community was my first thought.

Tamara Dobson 360-441-0327 Ann Lund 360-676-4593

9. Please describe why you’re interested in serving on this board or commission

References (please include daytime telephone number):

Signature of applicant:

Place Signed / Submitted

Diana L. Schmidt

Bellingham, WA
Board and Commission Application

Application for Appointment to Whatcom County Boards and Commissions

Public Statement
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First Name          Lisa
Last Name           Brown
Date                2/8/2016
Street Address      4708 Raptor Lane
City                Bellingham
Zip                 98229
Do you have a different mailing address? Field not completed.
Primary Telephone   3607567995
Secondary Telephone 3602235296
Email Address       lisamk3@mac.com

1. Name of Board or Committee Veteran's Advisory Board

2. Do you meet the residency, employment, and/or affiliation requirements of the position for which you're applying? Yes


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?  Yes

If yes, please list dates:  Jan 2009-Apr 2013

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

Brown Resume 2016.pdf

8. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education  I am a retired Doctor of Public Health from the USAF and as a civilian at the Naval Hospital Oak Harbor. My career focused on the prevention of exposure and effects from occupational hazards in the military. I am also a member of the North West Clean Air Agency Advisory Board, member of the Harborside Lions Club, volunteer at Cornwall Church, and DAV service officer.

9. Please describe why you're interested in serving on this board or commission  My desire is to continue supporting veterans in Whatcom County through providing input on services and education. After almost four years serving as the secretary of the veterans advisory board (VAB), I took a full time job at the Naval Hospital Oak Harbor so had to resign from the VAB in early 2013. Currently I am medically retired but desire to continue serving the veteran population in Whatcom County by sharing my expertise in programs, Public Health, and research to the Veterans Advisory Board.

References (please include daytime telephone number):  Gary Lysne (425) 941-6213 Christopher Brown (425) 306-2571

Signature of applicant:  Lisa Marie Kirk Brown

Place Signed / Submitted  Bellingham, Washington
EDUCATION

1999-2003 UNIFORMED SERVICES UNIVERSITY OF THE HEALTH SCIENCES Bethesda, MD
Doctor of Public Health
- Awarded full five-year academic scholarship and stipend for Environmental Health research and study.
- Awarded three-year research grant to plan and implement the first U.S. Army prospective epidemiologic investigation testing chemical warfare and radiological agent biological assessment methods during deployment.
- Developed new DOD and U.S. Centers for Disease Control and Prevention depleted uranium and chemical warfare agent exposure assessment policies for deployed DOD personnel.
- Recipient of “Outstanding Teaching Assistant and Lecturer” award, selected by students.
- Commencement speaker; selected by Dean of Graduate School.
- Upon graduation, appointed Adjunct Professor in the Department of Preventive Medicine and Biometrics.

2000 OAK RIDGE ASSOCIATED UNIVERSITIES Edgewood, MD
Graduate Fellow, U.S. Department of Energy (concurrent with USUHS research)
- Developed and published unique risk based wipe surface screening levels for chemical warfare agents in industrial scenarios; methodology used to assess exposures to lead following the Pentagon aircraft crash on 9-11.

1986-1990 UNITED STATES AIR FORCE ACADEMY Colorado Springs, CO
Bachelor of Science in Civil Engineering; Minors in French and Physical Education
- Superintendent’s, Dean’s, Commandant’s List; total of nine semesters.
- Awarded Outstanding Senior Academic, Civil Engineering 463 Course.
- “Operation Civil Engineering” Participant at U.S. SPACE COMMAND, selected by Professors.
- Appointed as “First Sergeant” for Cadet Squadron 36, selected by Commander.
- Upon graduation, certified “Engineer in Training” by Colorado Board of Professional Engineers and Surveyors.

PROFESSIONAL HONORS
- Civilian Meritorious Service Medal, December 2013.
- Senior Civilian of the Quarter by the Naval Hospital Oak Harbor for the 1st Quarter 2012, cash award.
- Outstanding Unit Award by the Governor of Maryland, Oct 2006.
- Joint Service Achievement Medal for efforts in Medical Intelligence and Bio-threat Assessment, Feb 2006.
- Governor’s Citation for exceptional service to the State of Maryland, Sep 2005.
- U.S. Environmental Protection Agency Ozone Depleting Protection Award, Dec 1995.
- General Thomas D. White Environmental Quality Award, Dec 1993.
- Company Grade Officer of the Quarter, 1st Quarter at Hill Air Force Base, Apr 1991.

PROFESSIONAL EXPERIENCE

11/15-Present ACHIEVE WELL BEING Bellingham, WA
Motivational Speaker
- Developed unique model to motivate disabled veterans, those with chronic illness, and their caregivers to achieve well being. Creating 24 installment, year long video blog outlining the steps necessary to achieve well being.
- Provided educational seminars to support groups and community partners on the steps to achieve well being.
- Authoring e-book to be provided in early 2017 free of charge to disabled veterans, those with chronic illness, and their caregivers.

08/11 – 12/13 US NAVAL HOSPITAL OAK HARBOR Oak Harbor, WA
Industrial Hygienist
- Conducted exposure assessments for over 500 industrial work sites on the Naval Air Station Whidbey Island (NASWI) for chemical, physical, and biological hazards including all data entry into the Defense Occupational and
Environmental Health Readiness System-Industrial Hygiene (DOEHSR-IH) Program.
- Determined Navy military and civilian medical surveillance requirements for exposure assessment data.
- Conducted statistical analyses of over 50 similar exposure groups to determine trends and describe variability. Served as template for all of NASWI.
- Conducted over 100 Indoor Air Quality, Mold, Asbestos, Swipe Sampling, and Carbon Dioxide Assessments.
- Presented heavy metal dust swipe sampling study to the North West Occupational Health Conference in Oct 2012.
- Served as one of NASWI Certified Asbestos Building Inspectors.
- Appointed to serve as a member of the North West Clean Air Agency Advisory Board.
- Continued serving as Secretary of the Whatcom County Veterans Advisory Board and Service Officer for the Disabled American Veterans.
- Selected as civilian member of the Naval Hospital Oak Harbor Executive Steering Committee determining strategic direction for the command.
- Co-authored Pulmonary Biomarker book chapter with the Army Public Health Command Environmental Epidemiology Office.
- Provided critical review of the Swipe Sampling Operation Ranch Hand Aircraft Study for Dr. Pete Lurker.
- Adjunct Professor at Western Washington University and the Uniformed Services University of the Health Sciences.
- Lieutenant Colonel in Maryland Air National Guard serving as Principle Subject Matter Expert for all CBRN matters under the Director of Intelligence for the State of Maryland, retired May 2012.

12/09 – 07/13 PINK TO CAMOUFLAGE (P2C, EIN# 27-1557140) Bellingham, WA
Chief Executive Officer and Sole Proprietor
- Created business to provide consulting services to federal, state, local governments as well as private sector companies and academia that protect and promote veterans health using science and technology developments, health education materials, writing and public speaking.
- Initial contract awarded by the Johns Hopkins University in Feb 2010 to develop bioscience business strategy.
- Volunteer member of the Whatcom County Veteran’s Advisory Board, a county comprised of 10% veterans.
- Volunteer to Washington State Veteran’s Administration for health promotion of returning veterans and specific women veteran’s health issues.
- Volunteer to Disabled American Veterans to serve disabled or chronically ill women veterans.
- Adjunct Professor at Western Washington University and the Uniformed Services University of the Health Sciences.
- Lieutenant Colonel in Maryland Air National Guard serving as Principle Subject Matter Expert for all CBRN matters under the Director of Intelligence for the State of Maryland.

10/08 – 12/09 WESTERN WASHINGTON UNIVERSITY Bellingham, WA
Executive Director, Critical Junctures Institute and Adjunct Professor, Huxley College of the Environment
- Led the Critical Junctures Institute, a new venture of the Western Washington University and St Joseph Hospital aimed at social network analysis and chronic disease prevention - formalized all aspects of strategic development and administration (infrastructure, processes, and staffing).
- Adjunct Professor in the Western Washington University Huxley College of the Environment.
- Volunteer Epidemiologist at Whatcom County Health Department assisting in H1N1 influenza epidemiologic surveillance for rapid prevention interventions during outbreak and disease surveillance system design to be used during upcoming Winter Olympic Games in Vancouver, British Columbia – worked with regional epidemiologist to determine correct protocols.
- Lieutenant Colonel in Maryland Air National Guard serving as Principle Subject Matter Expert for all CBRN matters under the Director of Intelligence for the State of Maryland.

7/07-10/08 THE JOHNS HOPKINS UNIVERSITY APPLIED PHYSICS LABORATORY Laurel, MD
Senior Professional Staff, Research & Technology Development Center
- Project Manager for Tactical Biometrics Center and $1M biometrics research program with US Air Force.
- Organized and conducted conference for over 50 biometrics technical experts across government and academia for sponsor to assist in solutions for remote identification of individuals.
- Served as Milton Eisenhower Research Center Technology Transfer Representative for Intellectual Property & Patents.
- Major in the Maryland Air National Guard serving the 175th Information Operations Squadron.
- Successfully completed Air Command and Staff College in Correspondence at Air University, Maxwell AFB.
- Adjunct Professor at the Uniformed Services University of the Health Sciences.
- Promoted to Bioscience Program Manager and Lieutenant Colonel in the Maryland Air National Guard.

10/05 – 05/12 MARYLAND AIR NATIONAL GUARD National Security Agency, MD
Lieutenant Colonel, Bio-threat Issues Manager, 175th Information Operations Squadron
Executive Officer, National Guard Bureau Joint Staff Surgeon’s Office
- Assisted in establishing the first National Guard Bureau Joint Staff Surgeon’s Office to include personnel and budget.
- Conducted environmental epidemiologic investigations, developed force health protection policies for infectious and environmental disease threats and determined disease impacts for 54 State and Territory National Guard Units responding to Domestic Operations.
- Recommended the selection of medical countermeasures and patient tracking systems across National Guard.
- Lead team to conduct Bio-threat Decision Based Needs Assessment and to develop a Bio-threat Corporate Strategy.
**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.*

<table>
<thead>
<tr>
<th>Field</th>
<th>Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Name</td>
<td>Robert</td>
</tr>
<tr>
<td>Last Name</td>
<td>Hines</td>
</tr>
<tr>
<td>Date</td>
<td>4/4/2016</td>
</tr>
<tr>
<td>Street Address</td>
<td>822 11th Street</td>
</tr>
<tr>
<td>City</td>
<td>Bellingham</td>
</tr>
<tr>
<td>Zip</td>
<td>98225</td>
</tr>
<tr>
<td>Do you have a different mailing address?</td>
<td><em>Field not completed.</em></td>
</tr>
<tr>
<td>Primary Telephone</td>
<td>703-395-7196</td>
</tr>
<tr>
<td>Secondary Telephone</td>
<td><em>Field not completed.</em></td>
</tr>
<tr>
<td>Email Address</td>
<td><a href="mailto:rjhnyc52@aol.com">rjhnyc52@aol.com</a></td>
</tr>
<tr>
<td>1. Name of Board or Committee</td>
<td>Veteran's Advisory Board</td>
</tr>
<tr>
<td>2. Do you meet the residency, employment, and/or affiliation requirements of the position for which you're applying?</td>
<td>Yes</td>
</tr>
<tr>
<td>3. Which Council district do you live in?</td>
<td>District 1</td>
</tr>
<tr>
<td>4. Are you a US citizen?</td>
<td>Yes</td>
</tr>
<tr>
<td>5. Are you registered to vote in Whatcom County?</td>
<td>Yes</td>
</tr>
</tbody>
</table>
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 have spent my entire adult life in Public Service and now that I am semi-retired, I would like to continue serving the interests of our less fortunate veterans.

References (please include daytime telephone number):

Kenneth Hines 425-941-7221

Signature of applicant:  
Robert J Hines

Place Signed / Submitted:  
Bellingham, WA
TO:                Jack Louws, County Executive
FROM:             Elizabeth Harmon-Craig, Veterans Specialist
DATE:             January 11, 2017
RE:               Nomination for Initial Appointment to the Veterans’ Advisory Board

Two positions on our Veterans Advisory Board (VAB) are currently vacant due to member resignations. Vietnam veterans filled both of these positions. This office would like to recommend Richard Conoboy and Allan Jensen and for appointment to the VAB to fulfill these vacant positions.

Mr. Conoboy comes to us highly recommended from the community and was unanimously approved by the Veterans Advisory Board nomination committee for consideration. He served honorably in Viet Nam and continued his Army career for the next two decades. Mr. Conoboy is engaged on veterans’ issues at the national level and is local advocate. He is active on Western Washington University’s campus and he is also engaged in both his neighborhood association and the City of Bellingham.

Mr. Allan Jensen is a retiree of the City of Bellingham’s Police Force where he served as a detective for 37 years. Mr. Jensen also served in the Air Force during Viet Nam and continued his career into the Reserves. Mr. Jensen is the Vice Commander of American Legion Post 7, the largest American Legion post in Whatcom County. In serving on the board, Mr. Jensen can ensure that our local American Legion members’ voices are heard.

Both Mr. Conoboy and Mr. Jensen bring a breadth of experience and diverse background to our Veterans Advisory Board. Their input will be essential in planning future programs for Whatcom County veterans.

Thank you for considering these recommendations for appointment.
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: RICHARD CONWAY

Street Address: 165 S. 46TH ST.

City: BELLINGHAM

Mailing Address (If different from street address):

Day Telephone: __________________ Evening Telephone: __________________ Cell Phone: 360-739-1734

E-mail address: Riton@comcast.net

1. Name of board or committee—please see reverse: VETERANS ADVISORY BOARD

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.) (Y) yes ( ) no

4. Which Council district do you live in? (Y) One ( ) Two ( ) Three

5. Are you a US citizen? (Y) yes ( ) no

6. Are you registered to vote in Whatcom County? (Y) yes ( ) no

7. Have you ever been a member of this Board/Commission? ( ) yes (Y) 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 (Y) 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. SEE ATTACHED

10. Please describe why you’re interested in serving on this board or commission: SEE ATTACHED

References (please include daytime telephone number): SEE ATTACHED

Signature of applicant: ____________________

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9. Retired federal manager and analyst. BA, John Carroll University  MA, Middlebury College

- Thirteen years of commissioned service in the US Army. Vietnam Veteran. Former Resource Manager at the Soldiers’ and Airmen’s Home (Continuous Care Retirement Community) in Washington, DC. Certified Retirement Home Planner (American Association of Homes and Services for the Aging, AAHSA). Ten years with the Defense Prisoner of War-Missing in Action Office as an analyst and resource manager. Former Assistant Professor of French at the United States Military Academy. Re-invention Associate with the National Partnership for Re-inventing Government, Office of the Vice-President of the US.

- Member of the Board of Directors, Samish Neighborhood Association and its representative to the Mayor’s (Bellingham) Neighborhood Advisory Commission. Member of the Campus Community Coalition. Writer for several Bellingham/Whatcom County news sites and blogs. Former senior volunteer at the Bellingham Police Department. BlockWatch Captain and for several years advisor and panelist at Bellingham high schools for the Seniors' Culminating Projects. Over eight years part-time at WWU to provide crowd control for collegiate sporting events. For several seasons, operated the scoreboard for the WWU Women's Softball Team.

10. I view service on the VAB as a natural continuation of my community involvement. The nature and severity of the problems facing our veterans are too great to ignore. As a Vietnam veteran, I have personally seen my veteran friends drink themselves to death or commit suicide while the system failed them. We should be doing as much as we can locally to support all of our veterans, especially those who fall through the rather large holes in our federal safety net.

References:

Kelli Linville, Mayor of Bellingham  (360) 778-8100

Steve Abell, President of the Samish Neighborhood Association (360) 734-1098
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Allan L Jensen

Date: 6/4/2015

Street Address: 726 Ashley Court

City: Ferndale

Zip Code: 98248

Mailing Address (if different from street address):

Day Telephone: 360-718-8609  Evening Telephone: 360-384-3419  Cell Phone: 360-739-1269

E-mail address: asjengene.comcast.net

1. Name of board or committee—please see reverse:

   Veterans Advisory Board

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:

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.

   Veterans - Bellevue PD - Air Force Veteran (1972-1975)
   2nd Vice Commander - Bellevue American Legion Post 7 - Certified Legal VA Service Officer

10. Please describe why you’re interested in serving on this board or commission: To serve this community.

   REFERENCES:

   George Mulligan - 733-1410

   Signature of applicant:

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