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**TITLE OF DOCUMENT:**

2016 Critical Areas Ordinance Update

- Review of certain questions, comments, and suggestions by Council members related to Article 5, Critical Aquifer Recharge Areas; Article 8, Conservation Program on Agriculture Lands; Article 9, Definitions

**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 6/1/2017
B. Best Available Science Report 2016 (previously distributed)
C. Chapter 16.16 Draft Critical Areas Ordinance - 2016-06-09, PC adopted (previously distributed)

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<th>SEPA review required?</th>
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<th>( ) 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.)

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:**

4/4/2017: Discussed and amended
4/18/2017: Discussed and amended
5/2/2017: Amended and discussed
5/16/2017: Discussed and amended
5/30/2017: Presented, discussed and amended

**COUNCIL ACTION:**

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 Council
   Jack Louws, County Executive

FROM: Cliff Strong, Senior Planner

THROUGH: Mark Personius, Asst. Director

DATE: June 1, 2017

SUBJECT: 2016 Critical Areas Ordinance Update
          County Council Review Workshop on June 13, 2017

On June 13th, the Council will continue its review of the 2016 Critical Areas Ordinance Update. Topics to be covered include:

- Review of certain questions, comments, and suggestions by Council members related to:
  - Article 5, Critical Aquifer Recharge Areas
  - Article 8, Conservation Program on Agriculture Lands
  - Article 9, Definitions

To prepare for this meeting, please review this memo. In it, I have merged the remaining Council questions and issues from your last two memos and removed the ones you’ve already covered; however, I have retained the original Issue numbers in order to keep them straight (even though they’re out of order now). Yellow highlighting in the text indicates a Councilperson’s proposed amendments.
Questions, Comments, and Suggestions by Council Members

Article 5. Critical Aquifer Recharge Areas

ISSUE 118. (Weimer)
Add a new Section 16.16.540 to read:

16.16.540 Activities Subject to Conservation Farm Plans
Agricultural activities covered under 16.16.820 in moderate or high susceptibility critical aquifer recharge areas shall develop conservation farm plans as specified in 16.16.840 to protect critical aquifer recharge areas.

Staff Response: Staff does not recommend making Conservation Farm Plans mandatory for all agricultural activities in CARAs for several reasons.
Currently the CPAL program is a voluntary program for ongoing agriculture only; new agriculture must meet the standard requirements of the CAO. Half of the county (236,480 of 472,159 acres) is in a moderate or high susceptibility critical aquifer recharge area; with 92.2% of the Ag zone (76,475 of 82,966 acres) in one or the other. Agriculture is also allowed in other zones (e.g., Rural). Overall, there are 40,603 parcels with an agricultural use on them in a moderate or high susceptibility critical aquifer recharge area, and all told we have 1,702 farms. (See map, below.) Adding this section would make farm plans mandatory for all farms in moderate or high susceptibility CARAs, potentially one for each of the 1,702 farms. To date, all 101 certified dairies and approximately 102 small farms have approved conservation farm plans, leaving roughly 1,500 currently without farm plans. Neither PDS nor the Whatcom Conservation District has the resources to process this number of farm plans. In Whatcom County, we only have 1 qualified consultant, 1 Certified Farm Planner in PDS, and 2/3 Certified Farm Planner at the Whatcom Conservation District. We estimate that we’d need at least 3-4 more FTEs to process, monitor, and enforce farm plans on all farms.

Requiring all farms to participate in the CPAL program would also allow new agriculture to modify the standard critical areas requirements, when the program was intended to apply only to areas with critical areas that had already, historically been impacted by farming. Allowing new agriculture to modify the standards in new areas would lead to a loss of functions and values.

Additionally, we already require that farms manage their nutrients via WCC 16.28 (Manure and Agricultural Nutrient Management), which regulates the amount, location, method, and timing of nutrient application. There are no additional BMPs that could be applied short of having a staff monitor at each of the farms during nutrient application or count animal units (including weekends and after hours).

A different way to achieve Councilmember Weimer’s intent may be to amend the threshold for when a Land Disturbance Permit (LDP) is required for substantial grading (in WCC 20.80.733) to mimic that of our stormwater regulations. The suggestion below would continue to exempt most standard agricultural practices from having to obtain an LDP, but would require anyone substantially altering the topography (+/- 1 foot) to obtain an LDP, which typically occurs for dairy-to-berry conversions. Remember that obtaining a permit is one of the triggers for being subject to the CAO or having to obtain a farm plan. We (or the Whatcom Conservation District) could then work with that new berry farmer to develop a farm plan and educate them on BMPs.
20.80.730 LAND CLEARING.
20.80.733 Exemptions.
Any clearing activity that meets the following criteria shall be exempt from the clearing requirements of this chapter:
1) The proposed activity does not involve the conversion of forest land, is outside critical areas and associated buffers, and is exclusively related to commercial agriculture practices (as defined in the 2012 Washington State Department of Ecology Stormwater Management Manual for Western Washington, as amended) as defined in this title.

Article 8. Conservation Program on Agriculture Lands

General CPAL Questions

ISSUE 119. (Donovan)
Does this update improve the CAO’s ability to protect the values and functions of critical areas, as required by law?

Staff Response: As proposed, overall it does. However, unless Council makes some additional changes to the CPAL program, nothing changes for that, as the Planning Commission-recommended CPAL language doesn’t really change (the amendments only combine various sections to read better). Nonetheless, previous Councils found that our current regulations do protect the functions and values of critical areas, and our CPAL program has been used as a model for other counties.

ISSUE 120. (Donovan)
(a) If a farm does not have critical areas, does it need a farm plan? (Policy PL1-85-004Z, May 6 2010). (b) What if near a critical area? (c) What if a farm has the potential to affect ground or surface water beyond that farm? (d) What if a person works to implement a farm plan to deal with critical areas on their farm, but those areas are affected by a neighboring property that does not have a farm plan?

Staff Response: (a) No, the CPAL program is a voluntary program and applies only to ongoing agriculture in critical areas or buffers; new agriculture must adhere to the standard CAO requirements.
(b) Pursuant to 16.16.255(H)(2), a critical areas assessment must provide written description of the critical areas and buffers on or in the vicinity of the site.
(c) If Best Management Practices are implemented so as to not affect ground or surface water on a particular farm, then it shouldn’t affect waters beyond that farm.
(d) As mentioned, the CPAL program is voluntary, and it is triggered when someone applies for a permit (e.g., building, Land Disturbance Permit, etc.) or is referred through the Whatcom County’s Pollution Identification program, the Department of Ecology’s Environmental Report Tracking System (ERTS) program, or a citizen complaint, whereupon we start an enforcement case.

ISSUE 121. (Donovan)
How do we know if these things work, how are they monitored, what enforcement if they don’t work?

Staff Response: Pursuant to WCC 16.16.860, PDS inspects BMPs to make sure they are implemented properly per the farm plan. We then monitor the farm plan as appropriate to ensure that the BMPs continue to be implemented. If they don’t work, the plan is adapted or referred to code enforcement.
Additionally, the Whatcom Conservation District is currently testing BMPs on 6 sites as to their effectiveness.

**ISSUE 122. (Donovan)**

Does this Article adequately recognize science (in the 2005 BAS report, and more recent work) showing that manure nutrient loading from Whatcom County? From one abstract: “Only four wells showed a decreasing trend in nitrate and 14 of the 26 wells had medians above the nitrate MCL of 10 mg N/L. Values of 5 15N measured from wells validate that the source of the nitrate is a mix of organic manure and inorganic commercial fertilizer; however, the manure component was higher.” [I don’t know how many wells in BC vs. Whatcom Co.]

**Staff Response:** Yes, PDS believes the CAO update adequately recognizes the Best Available Science regarding manure nutrient loading. See Error! Reference source not found., page Error! Bookmark not defined., and Error! Reference source not found., page Error! Bookmark not defined., above. A previous Council had the same BAS and chose how we respond to it. (The 2005 BAS report had 5 recommendations for code changes, all of which were made.)

**ISSUE 123. (Donovan)**

Without baseline data, how do we know if these things are working? By working, I mean not degrading the values and functions of critical areas?

**Staff Response:** PDS’s position has been that if each individual farmer/property owner is not degrading critical areas on their farms/property (using the BMPs that have been deemed to be adequate to protect critical areas functions and values), then overall critical areas’ functions and values are not being degraded. This is the premise on which all jurisdictions operate for all mitigation strategies.

This has been borne out by the results of Washington Department of Fish and Wildlife’s High Resolution Change Detection Project¹, which shows that between 2006 and 2011, in the entire County there has only been a 3% decline in vegetative cover within 200 feet of our waterbodies (streams, lakes, and coast), of which only 0.37% was due to development related activities over which the COA has jurisdiction.

Additionally, per WCC 16.16.860, PDS and the Whatcom Conservation District continually monitor the BMPs installed pursuant to a Farm Plan.

**ISSUE 124. (Donovan)**

Where are BMPs defined? Do the BMPs defined in Article 9 (“control”, “minimize”) meet GMA legal standards?

**Staff Response:** “Best Management Practices” are defined in 16.16.900 and are presumed effective. The text of this Article further refers to “NRCS BMPs” or NRCS Conservation Practices.” These have been found to constitute Best Available Science by the Growth Management Hearings Board in WEAN v Island County, Final Decision & Order (BAS document # 68) and further supported by BAS document #69 (Letter to the Island County Planning Commission from Assistant Director Jeff Tate, explaining their review of NRCS Best Management Practices constituting Best Available Science). Further, the NRCS’s Field Office Technical Guide was reviewed and cited in our BAS Addendum (BAS document #72).

¹ BAS Addendum Report, document #22.
ISSUE 125. (Donovan)
The 2005 BAS report (Parametrix) stated “We recommend conducting a best available science review specifically targeted on the methods for developing the conservation plans and requirements of the CPAL Program, including monitoring of success and effectiveness. Conversion of agricultural land to other uses should trigger review under the Critical Areas Ordinance. Institute a program to monitor conservation plan implementation once developed.” Sounds like we need to do that.

Staff Response: We did do that. As mentioned for Issue 121, PDS monitors conservation farm plan implementation pursuant to 16.16.290(C) (existing code), the text of which is proposed to be moved to 16.16.860 (proposed code).

ISSUE 126. (Donovan)
Why delete the old 16.16.290 language? The original language, with minor edits, seems a better statement of purpose:

16.16.800. Purpose.
B. Ongoing agricultural activities shall be permitted within critical areas and/or their buffers in accordance with the standards of this Chapter or pursuant to an approved conservation program established by this section Article. Under this program agriculture is afforded more flexibility but only if farmers are good stewards of the land. This is more than growing crops and livestock. It necessarily includes protecting critical areas and their functions and values.

Staff Response: Paragraph A of 16.16.800 was moved from Appendix A (where half of the CPAL regulations were found). Paragraphs B & C were originally in 16.16.290 but were moved here to consolidate all the CPAL regulations into one Article. Paragraph B was modified by the TAC as it read more like a regulation than a purpose statement, and they wanted to be more explicit about its purpose. The stricken sentence beginning with “Under this program...” and the clause “agreement with their community” was stricken by the Planning Commission.

However, staff has no issue with CM Donovan’s suggestion.

ISSUE 127. (Donovan)
The original language seems more appropriate, with minor edits:

16.16.810 Resource concerns.
Keeping horses and other large animals. Keeping horses and other large animals. Agricultural operations have the potential to create potential adverse impacts to critical areas, and to water quality. It is the County’s policy to minimize such impacts.

Staff Response: This sentence was amended because there are a lot more agricultural practices than just keeping horses and other large animals that have the potential to impact critical areas.

ISSUE 149. (Brenner)
16.16.810 Resource Concerns.
D. Degradation of Riparian Areas. The term “riparian” is defined in Article 9 of this chapter and includes the areas adjacent to streams, lakes, marine shorelines and other waters. A healthy riparian area is essential to protecting fish and wildlife, including salmon and shellfish. Dense riparian vegetation along the water’s edge will slow and protect against flood flows; provide infiltration and filtering of
pollutants; secure food and cover for fish, birds and wildlife; and keep water cooler in summer. **Uncontrolled grazing removes important riparian vegetation.**

**Staff Response:** Staff does not recommend this change. This entire section is intended to identify the rationale behind our CPAL regulations. Each of the paragraphs identifies a concern and how agricultural practices, if poorly-managed, can harm that resource. Removing just sentence removes the nexus of why we’re trying to protect riparian areas in agricultural areas.

**ISSUE 150. (Brenner)**

**16.16.820 Classification and Applicability.**

D. Agricultural activities that qualify for coverage under this section include:

1. **Type 1 Low-impact Farm or Livestock**

**Staff Response:** Staff does not recommend this change. The Critical Areas Citizens Advisory Committee recommended renaming the farm operation types from low, moderate, and high impact to Type 1, 2, and 3 to avoid value-loaded words. Putting them back in for just one of the types isn’t consistent. If Council does want to revert for this one type, staff would suggest reverting all back to their original names (Low, Moderate, and High Impact Operations).

**ISSUE 128. (Weimer)**

**16.16.820(D)(1)(a) – Type 1 Operations**

This section talks about “animal units” which are defined as 1,000 pounds of livestock live weight. How would this apply to smaller animals like sheep or chickens? How is this integrated with PDS Policy related to “animal thresholds” since that policy is not in the CAO or referenced?

**Staff Response:** PDS Policy PL-1-85-0042 (CPAL – Animal Threshold, Resource Priority) doesn’t define what an animal unit is. That policy was put in place to prioritize staff time spent on CPAL. It basically says that PDS will not consider a farm in need of a Conservation Farm Plan if the farm (i) has fewer than 1 cow or horse; 2 sheep, alpacas, non-breeding pigs, or goats; 20 ducks or geese; or 30 chickens, (ii) has at least 3 grazable acres, and (iii) manages their animals to avoid direct discharge of sediment or fecal matter into surface waters.

In practice, animal unit equivalents are found in the Farm Plan Planning Workbook: Checklist and Action Plan, which is what an applicant uses to prepare a farm plan.

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**ISSUE 129. (Weimer)**

This section also says “These operations present a low potential risk to critical area degradation including ground/surface water contamination because the animals kept generate fewer nutrients than can be used by the crops grown there.” Is there BAS that supports this? Is there any review of whether actual practices regarding distribution of nutrients is done in such a way to not impact critical areas, especially CARAs?

**Staff Response:** According to George Boggs, one animal unit/acre does not meet the nutrient requirements of forage crops. In a pasture-based operation the nutrients will be distributed in a dispersed manner because of how animals are grazed, such that there are no excess nutrients remaining to be leached down into groundwater. (The WCE can provide a calculation and supporting references for this proposition.) By following the Prescribed Grazing practice, surface water is protected from runoff. Here is some specific language from that Conservation Practice (528):

Additional Criteria to Improve or Maintain Surface and/or Subsurface Water Quality and Quantity.

Minimize concentrated livestock areas to enhance nutrient distribution and improve or maintain ground cover. Plan intensity, frequency, timing and duration of grazing and/or browsing to:

Minimize deposition or flow of animal wastes into waterbodies, Minimize animal impacts on stream bank or shoreline stability. Provide adequate ground cover and plant density to maintain or improve infiltration capacity and reduce runoff. Provide adequate ground cover and plant density to maintain or improve filtering capacity of the vegetation.

By following the prescriptions, animals are removed towards the end of the growing season to ensure that grass will provide an effective buffer to avoid transport to surface water.


**ISSUE 151. (Brenner)**

16.16.820 Classification and Applicability.

D. Agricultural activities that qualify for coverage under this section include:

2. **Type 2 Moderate** Operations.

a. Type 2 operations are farms that include, but are not limited to those that exceed one animal unit per one acre of grazable pasture; farms that have orchards, vineyards, small-fruit field or row crops; and drainage improvement districts. These operations present a potential moderate risk to critical area degradation, including ground or surface water contamination, because the nutrients applied from manure or commercial fertilizers may exceed that which can be easily used by the crops grown there without careful planning and management. The agricultural activities are also likely to be much more intense than Type 1 operations, posing greater potential risks to other critical areas.

**Staff Response:** Staff is neutral.
ISSUE 130. (Weimer)

16.16.820(D)(2)(a) – Type 2 Operations

I don’t see hay production lands included in this. Don’t farmers spread manure or fertilizers and pesticides on those types of land? Wouldn’t that require a plan?

Staff Response: Type 2 includes “all other operations,” i.e. those that don’t specifically fit into Type 1 or Type 3. It doesn’t matter if the crop is apples, berries, potatoes, or hay (forage). Type 2 operations must complete a custom plan that addresses CARAS as well as stream riparian and wetlands. Attached is an example of a Type 2 for a berry operation.

ISSUE 152. (Brenner)

16.16.830 Conservation Farm Plans – General Standards.

B. A conservation farm plan shall authorize filling, draining, grading, or clearing activities within critical areas or buffers, except only on existing ongoing agricultural land where such activities are an essential part of the ongoing agricultural use or part of routine maintenance; and,

Staff Response: Staff does not recommend these changes. As explained previously, the CPAL program is intended to only apply to on-going agriculture; new agriculture must protect the functions and values of critical areas. This section is basically saying that certain activities (filling, draining, grading, or clearing activities within critical areas or buffers), where those activities have already been historically been performed, may continue to do so via a Conservation Farm Plan. New ag should not be allowed to do these things in new areas.

ISSUE 153. (Brenner)

16.16.830 Conservation Farm Plans – General Standards.

C. The A conservation farm plan shall authorize:

1. The construction of new structures. New structures shall be constructed in compliance with the applicable provisions of this chapter and the Whatcom County Code. Landowner shall ensure that all of the following are met:
   - Siting of structures shall not result in surface or groundwater contamination.
   - Dust, odor, and noise concerns attendant to the use of the improvement shall be mitigated.
   - Impermeable surfaces such as building roofs, roads, and yards shall not change the flow, volume, and/or direction of runoff, or cause erosion or downstream flooding.

2. New or expanded drainage systems. (Routine maintenance of existing drainage systems may be allowed but only in compliance with the Washington State hydraulic code (WAC 220-660) and the Best Management Practices found in the “Drainage Management Guide for Whatcom County Drainage Improvement Districts.”)

3. The conversion of land to agricultural use.

Staff Response: Staff does not recommend this change. By definition, all of these items would expand agricultural uses into areas where previously not done, and therefore not considered ongoing agriculture. Amending the language as proposed would explicitly say that a farm plan—again, intended to apply only to areas already impacted—could be done. Farm plans cannot apply to activities that cause additional harm to critical areas.
ISSUE 154. (Brenner)

16.16.840 Conservation Farm Plan Requirements.

A. **Type 1 (Standard) Conservation Farm Plans.** Owners of Type 1 low-impact livestock operations have limited options to control animal waste because their operations are small. The required conservation farm plan can be prepared by the landowner and include a simple map of the property, a standard checklist designed to protect water quality, and the following additional components:
   1. System Siting and Design. Barns, corrals, paddocks, or lots are to be sited to avoid runoff directly into critical areas.
      a. Where structures exist in critical areas or buffers and cannot be relocated, corrective measures must be taken if necessary to avoid runoff of pollutants and bacteria to critical areas.

**Staff Response:** Staff is neutral.

ISSUE 131. (Donovan)

16.16.840 Conservation Farm Plan Requirements

Need clarification for why deletions in A.1.b.

**Staff Response:** In subsection A.1.b and A.1.b.i, words were just moved around for grammatical clarity. In subsection A.1.b.ii, the TAC recommended that all streams lacking vegetation be planted to the standard found in that subsection to address temperature impairment. However, the CAC recommended not adopting this, as the cost of installing hedgerows might keep people from participating in the CPAL program. The P/C agreed with the CAC and deleted the proposed TAC addition.

ISSUE 155. (Brenner)

16.16.840 Conservation Farm Plan Requirements.

A. **Type 1 (Standard) Conservation Farm Plans.** Owners of Type 1 low-impact livestock operations have limited options to control animal waste because their operations are small. The required conservation farm plan can be prepared by the landowner and include a simple map of the property, a standard checklist designed to protect water quality, and the following additional components:
   1. System Siting and Design. Barns, corrals, paddocks, or lots are to be sited to avoid runoff directly into critical areas.
   b. Where trees and shrubs exist along regulated streams, lakes, ponds, or wetlands:
      i. **Where trees and shrubs already exist,** they shall be retained and managed to preserve the existing functions of the buffer pursuant to the NRCS Conservation Practice 391, "Riparian Forest Buffer."

**Staff Response:** Staff does not recommend either the removal of the footnote, and the deletion of "retained." Though the footnote contains no regulation, it was added as a reminder to the reader to review the definitions of "stream" and "ditch," since there's always been confusion. Removing the word "retained" in reference to existing trees and shrubs goes against the BMP recommended by the NRCS.

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*Note that ditched channels may or may not meet the definition of a stream. See Article 9, Definitions.*
ISSUE 133. (Weimer)

16.16.840 Conservation Farm Plan Requirements
Subsection (A)(4): How is this section on Exercise or Barn Lots protective of CARAs?

Staff Response: According to George Boggs, Exercise/Barn Lots are typically found on small operations (hobby/few animals). They are confined in wet season and then turned out to pasture. Solids would be picked up and moved to covered storage. Because surface runoff would be directed to a vegetative area the dissolved nutrients (N and P) would be used by the vegetation that is required to be established.
NOTE: Nitrates are not shed in urine or feces. Mineralization is temperature dependent. If soil is cold there is little/no conversion. When the soil warms, mineralization occurs but the grass is growing to take up the nutrients.

ISSUE 156. (Brenner)

16.16.840 Conservation Farm Plan Requirements.

A. Type 1 (Standard) Conservation Farm Plans. Owners of Type 1 low-impact livestock operations have limited options to control animal waste because their operations are small. The required conservation farm plan can be prepared by the landowner and include a simple map of the property, a standard checklist designed to protect water quality, and the following additional components:

5. Existing native vegetation within critical areas and their buffers shall be retained to the extent practicable.

Staff Response: Staff does not recommend this change. The phrase was stricken because the definition of ongoing ag says that no new area will be cleared per 16.16.290.B.1. Reintroducing it would allow some clearing of existing vegetation.

ISSUE 132. (Weimer)

16.16.840 Conservation Farm Plan Requirements

A. Type 1 (Standard) Conservation Farm Plans. Owners of Type 1 operations have limited options to control animal waste because their operations are small. The required conservation farm plan can be prepared by the landowner and include a simple map of the property, a standard checklist designed to assess risk to protect water quality, and the following additional components:

7. Fertilizers. The rate and timing of fertilizer application shall not exceed crop requirements, or cause surface or groundwater quality degradation.

Staff Response: This seems like a better way to do what CM Weimer’s trying to do in Issue 118, though we might want to say “Fertilizers other than manure,” since manure is already addressed in (2).

That said, Natural Resources staff says that though a farm plan might address fertilizer application rates, tracking actual application is not feasible given we only have one staff member who does this, and he’s not in the field all the time. PDS believes helping farmers manage this would best be done through the Whatcom Conservation District’s education & outreach program. Also, the Washington Department of Agricultural has programmed public outreach activities in 2017-2018 to the berry-growing community in Whatcom County specifically addressing BMPs for application of fertilizers, including manure.
ISSUE 134. (Weimer)

16.16.840 Conservation Farm Plan Requirements
Subsection (B)(2): This section says that “benchmark conditions are to be captured and described in the plan.” How is this done for CARAs?

Staff Response: Benchmark groundwater conditions are not currently assessed through farm plans. One approach to address this would be to coordinate the activities of the Washington State Departments of Ecology and Health and the Whatcom County Health Department, all of whom already test and/or monitor wells in some manner.

ISSUE 157. (Brenner)

16.16.840 Conservation Farm Plan Requirements.

B. Type 2 (Custom) Conservation Farm Plans. In addition to the elements of a Type 1 conservation farm plan, Type 2 plans must address the following:

Staff Response: Staff does not recommend this change. Title 180 is already more lenient than the CAO.

ISSUE 135. (Weimer)

16.16.840 Conservation Farm Plan Requirements
Subsection (B)(5): This section says that “Where potential significant impacts to critical areas are identified through a risk assessment, then plans shall be prepared to prevent same.” Where in the chapter is a “risk assessment” required, and how is that defined?

Staff Response: The risk assessment is part of the farm plan application/workbook one uses to apply for farm plan approval. By definition one cannot develop a farm plan (regardless of the type 1, 2, or 3) without an inventory and risk assessment. Attached is a checklist (jointly developed by PDS, the Department of Ecology, and the Whatcom County Health Department) on grazing & manure management for developing that component of the plan. For the purposes of CPAL, CARA’s, streams, riparian, and wetlands are the resource concern. Potential impacts are: Nutrients, Pathogens, Sediment, Plant Damage and Bank erosion. These are addressed through the various practices the selection of which is tailored to the specific farming activities. Pesticides applications are regulated by EPA and WSDA.

ISSUE 158. (Brenner)

16.16.840 Conservation Farm Plan Requirements.

B. Type 2 (Custom) Conservation Farm Plans. In addition to the elements of a Type 1 conservation farm plan, Type 2 plans must address the following:
5. Where potential significant impacts to critical areas are identified through a risk assessment, then plans shall be prepared to mitigate and/or prevent same by:
   a. A planning advisor; or
   b. Through the USDA Natural Resources Conservation Service; or
   c. The Whatcom conservation district; or
d. An eligible farmer or rancher, who participates in this program by:
   • Attending a County-sponsored or approved workshop, and
   • Conducting a risk assessment of their farm or ranch, alone or with a planning advisor’s assistance, and
   • Developing a plan to mitigate and/or prevent any identified risks, and
   • Having the plan approved pursuant to WCC 16.16.290.

**Staff Response:** Staff is neutral.

**ISSUE 159. (Brenner)**

**16.16.850 Preparation and Approval of Conservation Farm Plans.**

**Table 1. Who May Prepare Conservation Farm Plans**

<table>
<thead>
<tr>
<th>Who May Prepare</th>
<th>Type 1 Operations</th>
<th>Type 2 and 3 Operations</th>
</tr>
</thead>
<tbody>
<tr>
<td>The farm operator</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Whatcom County Planning and Development Services</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>A Qualified Consultant</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>A Watershed Improvement District (for a farm or ranch that is within its boundaries)</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>The Whatcom Conservation District</td>
<td>X</td>
<td>X</td>
</tr>
<tr>
<td>A Planning Advisor</td>
<td>X</td>
<td>X</td>
</tr>
</tbody>
</table>

**Staff Response:** Staff does not recommend this change. Currently there are no qualified consultants to prepare even Type 1 Conservation Farm Plans in Whatcom County (though there is one Planning Advisor). Staff added the ability for someone to become qualified, but only for the simpler Type 1 farm plans. In order to be qualified to prepare Type 2 or 3 farm plans, one must go through Federal training, by which one becomes a Planning Advisor.

**ISSUE 136. (Weimer)**

**16.16.860 Monitoring and Compliance**

Is all the language in here about the timing related to “reasonable notice” and “receiving confirmation and scheduling” a site visit up to the County or is some of this state law?

**Staff Response:** All the language in this section was developed by Whatcom County. The non-underlined text is in the existing code. Most of the new, underlined text is from PDS Policy PL1-85-003Z.

**ISSUE 137. (Weimer)**

**16.16.860 Monitoring and Compliance**

What about site visits if there are imminent threats to health or the environment?

**Staff Response:** The same policy, proposed to be incorporated in the code, would apply as written. 16.16.860(C) allows for enforcement pursuant to WCC 16.16.285.
ISSUE 138. (Weimer)

16.16.860 Monitoring and Compliance

*What occurs if a landowner does not respond to a request for a site visit?*

**Staff Response:** Then the farm plan would be considered noncompliant and it would become an enforcement issue.

From George Boggs: The Whatcom Conservation District is considering moving to a paradigm that requires a written agreement whereby the farm operator agrees to work in good faith. If not, we terminate our assistance. If the matter had been referred to the District for technical assistance, then that agency would be told that the relationship had ended. See attached draft agreement.

---

ISSUE 160. (Brenner)

16.16.860 Monitoring and Compliance.

*Define "Monitoring"*

**Staff Response:** Staff does not recommend this change. There are too many types of monitoring within the CAO to have just one definition, and frankly, each section where monitoring is mentioned appear to self-define what it is. Staff doesn’t think it necessary.

---

ISSUE 161. (Brenner)

16.16.860 Monitoring and Compliance.

A. The technical administrator and/or the farm operator shall *periodically* monitor plan implementation and compliance beginning **one year after plan approval and every two years thereafter**, through the life of the plan, or more frequently at the Technical Administrator’s discretion. The monitoring may include periodic site inspections, self-assessment by the farm operator, or other appropriate actions. For a time period of up to every 5 years, self-certification is allowed for Type 1 conservation farm plans, or if the for any plan that is prepared by the Whatcom Conservation District or Planning Advisor and approved by the department. If a sufficient self-certification monitoring report (must include photos and implemented Best Management Practices) is not submitted within 30 days of request, County staff may make a site visit. Site visits will be coordinated with the landowner/farm operator. Prior to carrying out a site inspection, the technical administrator shall provide reasonable notice to the owner or manager of the property as to the purpose or need for the entry, receive confirmation, and afford at least two weeks in selecting a date and time for the visit. At the landowner’s/farm operator’s discretion, staff may be accompanied by the planning advisor or Whatcom Conservation District planner.

**Staff Response:** Staff does not recommend this change. Changing the language to “any plan prepared by the WCD or PA” would allow all Type 2 and 3 farm plans to be self-certified. Allowing self-certification of Type 1 farm plans was intended to assist the small farm operators. However, allowing larger operations to self-certify would go against the standard practices of the WCD, the Department of Ecology, and other regulatory agencies. The language was incorporated from PDS Policy PL1-85-003Z.
ISSUE 162. (Brenner)

Define "imminent threat."

16.16.860 Monitoring and Compliance.

B. Where the planning advisor has reason to believe that there is an imminent threat to public health or significant pollution with major consequences occurring as a result of the agricultural operations, a planning advisor will advise the agricultural operator of his or her concerns in writing. While the planning advisor may provide suggestions for resolving the issue, the responsibility for compliance and resolution of issues rests solely with the farm operator. If compliance issues are not promptly resolved, the planning advisor shall promptly withdraw from representing the farm operator, notify the Technical Administrator of such, and may report such situations to the Technical Administrator for subsequent action and enforcement in accordance with WCC 16.16.285.

Staff Response: Staff does not recommend this change. We feel that there are too many types of potential imminent threats and too many agencies potentially involved (health, agriculture, ecology, etc.) to classify. We feel it would be better for the various departments’ directors to have the discretion to determine what constitutes an “imminent threat.”

ISSUE 139. (Donovan)

16.16.860 Monitoring and Compliance

Subsection (C): Why delete “If the conservation farm plan is found not to be protective of critical areas in the approved farm plan...” and where is the original language that concluded after this deletion?

Staff Response: The condition of finding a farm plan to not be protective of critical areas, and the original language that concluded after this deletion became subsection (D) because (C) had addressed two different concepts.

ISSUE 140. (Donovan)

16.16.860 Monitoring and Compliance

Subsection (C): What are the consequences of a plan being found to be not protective of critical areas? (Is this covered in PL1-85-003Z, point 7?)

Staff Response: The consequences of a plan being found to be not protective of critical areas are found in subsection (D), into which PL1-85-003Z was incorporated, which requires that a new farm plan be developed to address the changed conditions.

ISSUE 141. (Donovan)

16.16.860 Monitoring and Compliance

Subsection (D): Does “ineffective” mean plan is null and void, and then what?

Staff Response: Any one of the 6 conditions listed under subsection (D), including it becoming ineffective due to substantial changes in agricultural activities, is cause for a new plan to be developed.
ISSUE 142. (Donovan)

16.16.860 Monitoring and Compliance

Related to monitoring and compliance, PL1-85-003Z May 6, 2010 states: "a self-certification is allowed." Does this present problems similar to the OSS self-certification program?

Staff Response: Self-certification of monitoring and compliance efforts under the CPAL program differs from the OSS self-certification program. Under CPAL, implementation/installation of BMPs is first verified by staff through a site visit; photos showing that the measures are still present are allowed in subsequent years. On the fifth year, staff performs another site visit.

ISSUE 163. (Brenner)

16.16.860 Monitoring and Compliance.

D. Agricultural operations shall cease to be in compliance with this Article, and a new or revised conservation farm plan will be required, section when the technical administrator determines with detailed written findings that any of the following has occurred:

3. When substantial changes in the agricultural activities of the farm or livestock operation have occurred that render the current conservation farm plan ineffective. Substantial changes that render a conservation farm plan ineffective are those that:
   a. Degrade baseline critical area conditions for riparian and wetland areas that existed when the plan was approved; or,
   b. Result either in an increased direct discharge or substantial potential discharge of pollution to surface or ground water; or;
   c. The type of agricultural practices change from Type 1 to Type 2, Type 2 to Type 3, or Type 1 to Type 3 operations.

Staff Response: Staff does not recommend adding "with detailed written findings" as Council has declined this suggestion in other areas. Staff also doesn't recommend adding "an increased" as direct discharges of pollution are never "grandfathered;" each discharge is a separate and illegal activity under the federal Clean Water Act.

ISSUE 164. (Brenner)

16.16.860 Monitoring and Compliance.

E. With one exception, Whatcom County will not use conservation farm plans (standard or custom) as an admission by the landowner that s/he or she has violated this Chapter. Disclosure of current farm practices, structures on conservation farm plan documents, or observations made through monitoring inspections or conservation farm plan approval, will not be used to bring other enforcement actions against a farm operator. W The exception is that when matters of major life, health, environment, or safety issues, as determined with detailed written findings by the Technical Administrator are observed and the landowner fails to immediately and permanently remediate, then the observations may be used in an enforcement action.

Staff Response: Staff does not recommend adding "with detailed written findings" as Council has declined this suggestion in other areas.
ISSUE 143. (Weimer)

16.16.870 Limited Public Disclosure

Is it our decision regarding disclosure of farm plans or is that state law. If it is state law please describe exactly what the state protects from disclosure.

Staff Response: Under state law (see below) PDS considers very little to be disclosable, as most Conservation Farm Plans are prepared by the Whatcom Conservation District, and all dairies, CAFOs, and AFOs need to apply for a Clean Water permit. The only farm plans we believe are disclosable are those used for the application or issuance of a building permit, which we estimate to be about 10% of all the farm plans we have in the county.

Attached to this memo is PDS Policy PL1-85-002Z, which implements RCW 42.56.270.

The state laws regarding the nondisclosure of farm plans follow:

RCW Chapter 42.56 PUBLIC RECORDS ACT

RCW 42.56.270. Financial, commercial, and proprietary information.

The following financial, commercial, and proprietary information is exempt from disclosure under this chapter:

(17)(a) Farm plans developed by conservation districts, unless permission to release the farm plan is granted by the landowner or operator who requested the plan, or the farm plan is used for the application or issuance of a permit;

(b) Farm plans developed under chapter 90.48 RCW and not under the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject to RCW 42.56.610 and 90.64.190;

RCW 42.56.610. Certain information from dairies and feedlots limited—Rules.

The following information in plans, records, and reports obtained by state and local agencies from dairies, animal feeding operations, and concentrated animal feeding operations, not required to apply for a national pollutant discharge elimination system permit is disclosable only in ranges that provide meaningful information to the public while ensuring confidentiality of business information regarding:

(1) Number of animals; (2) volume of livestock nutrients generated; (3) number of acres covered by the plan or used for land application of livestock nutrients; (4) livestock nutrients transferred to other persons; and (5) crop yields. The department of agriculture shall adopt rules to implement this section in consultation with affected state and local agencies.

Chapter 90.64 RCW DAIRY NUTRIENT MANAGEMENT

RCW 90.64.190. Information subject to public records disclosure—Rules.

This section applies to dairies, AFOs, and CAFOs, not required to apply for a permit. Information in plans, records, and reports obtained by state and local agencies from livestock producers under chapter 510, Laws of 2005 regarding (1) number of animals; (2) volume of livestock nutrients generated; (3) number of acres covered by the plan or used for land application of livestock nutrients; (4) livestock nutrients transferred to other persons; and (5) crop yields shall be disclosable in response to a request for public records under chapter 42.56 RCW only in ranges that provide meaningful information to the public while ensuring confidentiality of business information. The department of agriculture shall adopt rules to implement this section in consultation with affected state and local agencies.

WAC 16-06-210 Exemptions (to the Public Disclosure rules).
(29) Under RCW 42.56.610 and 90.64.190, information identifying the number of animals; volume of livestock nutrients generated; number of acres covered by the plan or used for land application of livestock nutrients; livestock nutrients transferred to other persons; and crop yields in plans, records, and reports obtained by state and local agencies from dairies, animal feeding operations, and concentrated animal feeding operations not required to apply for a National Pollutant Discharge Elimination System permit is disclosable in the following ranges:

(a) Number of animals: Beef cattle

<table>
<thead>
<tr>
<th>Number of animals</th>
<th>Volume range</th>
<th>Volume range</th>
<th>Volume range</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 to 19</td>
<td>6,000 to 10,999</td>
<td>31,200 to 37,439</td>
<td>37,440 to 44,999</td>
</tr>
<tr>
<td>20 to 159</td>
<td>11,000 to 15,999</td>
<td>37,440 to 44,999</td>
<td>45,000 and above</td>
</tr>
<tr>
<td>160 to 299</td>
<td>16,000 to 20,999</td>
<td></td>
<td></td>
</tr>
<tr>
<td>300 to 999</td>
<td>21,000 to 25,999</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1,000 to 5,999</td>
<td>26,000 to 31,199</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(b) Number of animals: Mature dairy cattle

<table>
<thead>
<tr>
<th>Number of animals</th>
<th>Volume range</th>
<th>Volume range</th>
<th>Volume range</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 to 37</td>
<td>1,700 to 2,699</td>
<td>5,700 to 6,839</td>
<td>6,840 and above</td>
</tr>
<tr>
<td>38 to 199</td>
<td>2,700 to 3,699</td>
<td></td>
<td></td>
</tr>
<tr>
<td>200 to 699</td>
<td>3,700 to 4,699</td>
<td></td>
<td></td>
</tr>
<tr>
<td>700 to 1,699</td>
<td>4,700 to 5,699</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(c) Number of animals: Dairy heifers

<table>
<thead>
<tr>
<th>Number of animals</th>
<th>Volume range</th>
<th>Volume range</th>
<th>Volume range</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 to 49</td>
<td>300 to 999</td>
<td>3,000 to 3,999</td>
<td>4,000 and above</td>
</tr>
<tr>
<td>50 to 149</td>
<td>1,000 to 1,999</td>
<td></td>
<td></td>
</tr>
<tr>
<td>150 to 299</td>
<td>2,000 to 2,999</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(d) Number of animals: Swine (fifty-five pounds or greater)

<table>
<thead>
<tr>
<th>Number of animals</th>
<th>Volume range</th>
<th>Volume range</th>
<th>Volume range</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 to 19</td>
<td>400 to 749</td>
<td>4,250 to 5,999</td>
<td>6,000 to 7,749</td>
</tr>
<tr>
<td>20 to 159</td>
<td>750 to 2,499</td>
<td>6,000 to 7,749</td>
<td>7,750 and above</td>
</tr>
<tr>
<td>160 to 399</td>
<td>2,500 to 4,249</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(e) Number of animals: Swine (less than fifty-five pounds)

<table>
<thead>
<tr>
<th>Number of animals</th>
<th>Volume range</th>
<th>Volume range</th>
<th>Volume range</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 to 99</td>
<td>2,000 to 2,999</td>
<td>24,000 to 30,999</td>
<td>31,000 and above</td>
</tr>
<tr>
<td>100 to 499</td>
<td>3,000 to 9,999</td>
<td></td>
<td></td>
</tr>
<tr>
<td>500 to 1,099</td>
<td>10,000 to 16,999</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1,100 to 1,999</td>
<td>17,000 to 23,999</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(f) Number of animals: Layers (all ages)

<table>
<thead>
<tr>
<th>Number of animals</th>
<th>Volume range</th>
<th>Volume range</th>
<th>Volume range</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 to 199</td>
<td>196,000 to 252,999</td>
<td>771,380 to 925,655</td>
<td>925,656 to 1,110,787</td>
</tr>
<tr>
<td>200 to 999</td>
<td>253,000 to 309,999</td>
<td>1,110,788 to 1,332,945</td>
<td></td>
</tr>
<tr>
<td>1,000 to 10,999</td>
<td>310,000 to 371,999</td>
<td>1,110,788 to 1,332,945</td>
<td></td>
</tr>
<tr>
<td>11,000 to 24,999</td>
<td>372,000 to 446,399</td>
<td></td>
<td></td>
</tr>
<tr>
<td>25,000 to 81,999</td>
<td>446,400 to 535,679</td>
<td></td>
<td></td>
</tr>
<tr>
<td>82,000 to 139,999</td>
<td>535,680 to 642,815</td>
<td></td>
<td></td>
</tr>
<tr>
<td>139,000 to 195,999</td>
<td>642,816 to 771,379</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(g) Number of animals: Broilers (all ages)

<table>
<thead>
<tr>
<th>Number of animals</th>
<th>Volume range</th>
<th>Volume range</th>
<th>Volume range</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 to 199</td>
<td>212,500 to 299,999</td>
<td>150 to 499</td>
<td>500 to 849</td>
</tr>
<tr>
<td>200 to 999</td>
<td>300,000 and above</td>
<td>850 to 1,199</td>
<td>1,200 to 1,549</td>
</tr>
<tr>
<td>1,000 to 17,999</td>
<td>(h) Number of animals:</td>
<td>1,550 and above</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Horses</td>
<td></td>
<td></td>
</tr>
<tr>
<td>18,000 to 37,499</td>
<td>1 to 19</td>
<td></td>
<td></td>
</tr>
<tr>
<td>37,500 to 124,999</td>
<td>20 to 79</td>
<td></td>
<td></td>
</tr>
<tr>
<td>125,000 to 212,499</td>
<td>80 to 149</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(h) Number of animals: Broilers (all ages)

<table>
<thead>
<tr>
<th>Number of animals</th>
<th>Volume range</th>
<th>Volume range</th>
<th>Volume range</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 to 199</td>
<td>300 to 449</td>
<td>1,500 to 2,499</td>
<td>2,500 to 4,999</td>
</tr>
<tr>
<td>75 to 134</td>
<td>450 to 749</td>
<td>2,500 to 4,999</td>
<td>5,000 to 8,499</td>
</tr>
<tr>
<td>135 to 299</td>
<td>750 to 1,499</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
### (j) Livestock nutrients generated or exported by weight (tons/year)

<table>
<thead>
<tr>
<th>Range of Nutrients</th>
<th>Weight Range (tons/year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>8,500 to 11,999</td>
<td>84,097 to 164,184</td>
</tr>
<tr>
<td>12,000 to 15,999</td>
<td>164,185 to 262,734</td>
</tr>
<tr>
<td>16,000 and above</td>
<td>262,735 to 394,200</td>
</tr>
<tr>
<td></td>
<td>394,201 to 558,384</td>
</tr>
<tr>
<td></td>
<td>558,385 to 722,634</td>
</tr>
<tr>
<td></td>
<td>722,635 to 919,734</td>
</tr>
<tr>
<td></td>
<td>919,735 to 1,051,134</td>
</tr>
<tr>
<td></td>
<td>1,051,135 and above</td>
</tr>
</tbody>
</table>

### (k) Number of acres covered by the plan or used for land application of livestock nutrients

<table>
<thead>
<tr>
<th>Acres Range</th>
<th>Weight Range (tons/year)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 25</td>
<td>901 to 1,300</td>
</tr>
<tr>
<td>26 to 65</td>
<td>1,301 to 1,800</td>
</tr>
<tr>
<td>66 to 120</td>
<td>1,801 to 2,500</td>
</tr>
<tr>
<td>121 to 300</td>
<td>2,501 to 3,200</td>
</tr>
<tr>
<td>301 to 550</td>
<td>3,201 to 4,000</td>
</tr>
<tr>
<td>551 to 900</td>
<td>4,001 to 6,000</td>
</tr>
<tr>
<td></td>
<td>6,001 to 9,000</td>
</tr>
<tr>
<td></td>
<td>9,001 to 11,500</td>
</tr>
<tr>
<td></td>
<td>11,501 to 14,000</td>
</tr>
<tr>
<td></td>
<td>14,001 and above</td>
</tr>
</tbody>
</table>

### (l) Crop yields - tons/acre

<table>
<thead>
<tr>
<th>Yield Range</th>
<th>Weight Range (tons/acre)</th>
</tr>
</thead>
<tbody>
<tr>
<td>0 to 1</td>
<td>7.1 to 9</td>
</tr>
<tr>
<td>1.1 to 2</td>
<td>9.1 to 12</td>
</tr>
<tr>
<td>2.1 to 3.5</td>
<td>12.1 to 14.5</td>
</tr>
<tr>
<td>3.6 to 5</td>
<td>14.6 to 17</td>
</tr>
<tr>
<td>5.1 to 7</td>
<td>17.1 to 19.5</td>
</tr>
<tr>
<td></td>
<td>19.6 to 22</td>
</tr>
<tr>
<td></td>
<td>22.1 to 26</td>
</tr>
<tr>
<td></td>
<td>26.1 and above</td>
</tr>
</tbody>
</table>

### ISSUE 144. (Weimer)

#### 16.16.870 Limited Public Disclosure

*Is the "general summary information" mentioned regarding farm plans available on the county’s website? What does it include?*

**Staff Response:** No, PDS has never compiled such information. However, staff has been talking with the Whatcom Conservation District about obtaining general summary information on a watershed level, which could be compiled and posted on our website.

**From George Boggs:** I believe the County has lacked the resources to capture and make this information available. We can work with the County to do this going forward. From the summary info, one could not deduce from exempt information the identity of the operation. It could provide information such as acreage/animal units/types of operations/BMPs recommended/status of the farms without plans/have plans/implemented plans. NOTE: The County can disclose all elements of the plans obtained as a condition for obtaining permits. There are a number of these.

### ISSUE 145. (Weimer)

#### 16.16.870 Limited Public Disclosure

*Subsection (A): Reinsert “will” – Conservation farm plans will not be subject to public disclosure unless required by law;*

**Staff Response:** Good catch.
ISSUE 146. (Weimer)

16.16.870 Limited Public Disclosure
Amend subsection (B) to read:

B. Provided, that the County will collect summary information related to the address and parcel numbers general location of a farming enterprise covered by the farm plan, the nature of the farming activity, and the specific best management practices to be implemented during the conservation farm plan review process, the number of acres included, and the date of the last compliance review. This information, along with a map that shows parcels covered by approved farm plans, will be made easily and publicly available on the county’s website. The summary information shall be provided by the farm operator or his/her designee and shall be used to document the basis for the County’s approval of the plan. Plans shall also be subject to disclosure if required by a court of competent jurisdiction. Upon request, the County may provide a sample conservation farm plan, exclusive of site- or property-specific information, to give general guidance on the development of a conservation farm plan.

Staff Response: Staff strongly recommends against this. If we require this, it would probably end peoples’ participation in CPAL. We can do a summary of CFPs by watershed in the Whatcom Conservation District.

Article 9. Definitions

ISSUE 165. (Brenner)

16.16.900 Definitions.
“Actively farmed” means land that has an documented history of ongoing agricultural use and that is currently used primarily for the production of crops and/or raising or keeping livestock.

Staff Response: Staff recommends deleting this entire definition, as we find now that the term isn’t used anywhere in the CAO.

ISSUE 166. (Brenner)

16.16.900 Definitions.
“Agricultural activities” means those activities directly pertaining to the production of crops or livestock including, but not limited to: cultivation; harvest; grazing; animal waste storage and disposal; fertilization; the operation and maintenance of farm and stock ponds or drainage ditches, irrigation systems, and canals; and normal maintenance, repair, or operation of existing serviceable structures, facilities, or improved areas. Neither the construction of new structures nor activities that bring an a new, non-ongoing, agricultural area into agricultural use are not considered agricultural activities.

Staff Response: Staff does not recommend this change. Where this term is used in the code it is in reference to exempting standard farming practices from some of the rules. However, both constructing new buildings and bringing new areas into agricultural use are supposed to always fall under the standard rules.
ISSUE 167. (Brenner)
Change, "Aquifer susceptibility" and "Aquifer vulnerability" to one definition that uses both terms since they are really the same. (p.86, In 3-8)

16.16.900 Definitions.
"Aquifer susceptibility" means the ease with which contaminants can move from the land surface to the aquifer based solely on the types of surface and subsurface materials in the area. Susceptibility usually defines the rate at which a contaminant will reach an aquifer unimpeded by chemical interactions with the vadose zone media.

"Aquifer vulnerability" is the combined effect of susceptibility to contamination and the presence of potential contaminants.

Staff Response: Staff does not recommend this change. Though related, these words are not the same. Susceptibility how easily a particular aquifer may be contaminated. Its vulnerability is a measure of both its susceptibility and its likelihood of being contaminated given what types of uses are located above it.

ISSUE 168. (Brenner)

16.16.900 Definitions.
"Cumulative Impact" means effects on the environment that are caused by the combined results of past, current and reasonably foreseeable future activities. Evaluation of such cumulative impacts should consider: (i) current circumstances affecting the critical area and relevant natural processes; (ii) reasonably foreseeable future development that may affect the critical area; and (iii) beneficial effects of any established regulatory programs, under other local, state, and federal laws.

Staff Response: Staff does not recommend this change. The term “cumulative impact” is used in 6 instances in the code and it would be best to define it. This definition is paraphrased from WAC 173-26-186(8)(d) of the Shoreline Management Act.

ISSUE 169. (Brenner)

16.16.900 Definitions.
"Debris flow," also called “lahar," means a moving mass of rock fragments, soil, and mud, more than half of the particles being larger than sand size; a general term that describes a mass movement of sediment mixed with water and air that flows readily on low slopes.

Staff Response: Staff does not recommend this change. Though all lahars are a type of debris flow, not all debris flows are lahars. Some can be non-volcanic in nature.

ISSUE 147. (Weimer)

16.16.900 Definitions.
Amend the definition of “development” to read:

“Development” means any activity that requires federal, state, or local approval for the use or modification of land or its resources. These activities include, but are not limited to: subdivision and short subdivisions; binding site plans; planned unit developments; variances; shoreline substantial development and exemptions; clearing activity; fill and grade work; activity conditionally allowed; building or construction; revocable encroachment permits; and septic approval, and agricultural activities requiring a conservation farm plan.
Staff Response: Staff does not recommend defining agriculture as development. Putting one cow on one acre, plowing, or irrigating a crop would then be considered development for which permits, including SEPA review, would be required.

ISSUE 170. (Brenner)

16.16.900 Definitions.
“Geologically hazardous areas” means areas that, because of their susceptibility to erosion, sliding, earthquake, or other geological events, pose unacceptable risks to public health and safety and may not be suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

Staff Response: Staff does not recommend this change. This definition is straight out of RCW 36.70A.030(9).

ISSUE 171. (Brenner)

16.16.900 Definitions.
“Ongoing agriculture” means those activities conducted on lands defined in RCW 84.34.020(2), and those activities involved in the production of crops and livestock, including, but not limited to, operation and maintenance of existing farm and stock ponds or drainage ditches, irrigation systems, changes between agricultural activities, and maintenance or repair of existing serviceable structures and facilities. Activities that bring an area into agricultural use are not part of an ongoing activity. An operation ceases to be ongoing when the area on which it was conducted has been converted to a nonagricultural use, or has lain idle for more than five consecutive years unless that idle land is registered in a federal or state soils conservation program. Forest practices are not included in this definition.

Staff Response: Staff does not recommend this change. We realize that several amendments have been proposed that would open up the CPAL program to all farming (both new and existing, or ongoing), but that was never the intent of this program. To do so may make us vulnerable to appeals, since treating new ag as old and allowing new impacts could be construed as violating the GMA.

ISSUE 172. (Brenner)
Under "Reasonable Use" Change "2,500 square feet" to "3,000 square feet"

16.16.900 Definitions.
“Reasonable Use” means a property that is deprived of all reasonable use when the owner can realize no reasonable return on the property or make any productive use of the property. Reasonable return does not mean a reduction in value of the land, or a lack of a profit on the purchase and sale of the property, but rather, where there can be no beneficial use of the property; and which is attributable to the implementation of the Critical Areas Ordinance, means any one of the uses allowed within a given zone that has the least impact on the critical areas found on the subject property. For zones that allow single-family residential uses, this typically would mean a house that has a development footprint (including all appurtenances except drainfields) and landscaping of 2,500 square feet or less.

Staff Response: The section of this definition that refers to the square feet is already proposed for deletion so changing the number wouldn’t do any good. And Council has already changed this number to 4,000 in 16.16.270.
ISSUE 148. (Weimer)

During the CAO review both the TAC and CAC raised issues regarding the lack of baseline data to allow the County to know whether our CAO is working to protect critical areas. During the CompPlan review the Council built some of this concern into it, and during the Planning Commission review of the CAO they included a finding of fact where they would not agree that the CAO was GMA compliant because of lack of baseline information:

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

I am assuming that none of us want a similar finding of fact in what the Council ultimately produces. To avoid that, or in at least my case a no vote on the entire CAO, I would request that PDS brings us a plan to address this lack of baseline information. At a minimum the plan should include plans to address obtaining baseline info for wetlands, wildlife, and CARAs, and include an implementation timeline, specifics about what is needed (staffing/consultants/funding), and a proposed funding mechanism/source.

Staff Response: There is no requirement in the GMA to do jurisdiction-wide, long-term monitoring of the CAO’s effectiveness, though the Growth Management Hearings Board in several of their decisions have indicated that doing so would be valuable. That said, staff could only find two jurisdictions (King and Snohomish counties) that have performed such a task. Both were done only once, and both received EPA grants to do so. Nonetheless, over the ensuing months after adoption of the CAO, if Council so desires, staff could develop a monitoring plan proposal (see Table 2, below). (This, along with other issues, was actually raised back in September at your first workshop as a potential follow-up issue that the Wildlife Advisory Committee could oversee.)

Just because the P/C struck the referenced words (above) from the proposed finding doesn’t mean the Council can’t reinsert them if they believe the practices contained within the CAO protect critical areas’ functions and values. Staff believes that it does and we urge you to do so, as it would greatly assist in any future appeals.
<table>
<thead>
<tr>
<th>Tasks</th>
<th>Subtasks</th>
<th>Supports C/P Policies</th>
<th>Est. Add'l FTEs</th>
<th>Est. Cost ($)</th>
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</thead>
<tbody>
<tr>
<td>Development Permit Mitigation Monitoring Program</td>
<td>• Continuation of our current 5-year mitigation monitoring program for individual development projects</td>
<td>10A-2, 10K-15, 10M-4, 10L-17</td>
<td>0.25</td>
<td></td>
</tr>
</tbody>
</table>
| Development Permit Mitigation Monitoring Program Review (adaptive management, on-going review every 2 years) | • Internal assessment of program consistency (Permit issuance + Mitigation)  
• Review WDFW High Resolution Change Detection data                   | 10A-2, 10K-15, 10M-4, 10L-17                                           |                   |                   |
| Countywide Ecosystem Functions and Values Study (initial study)      | • Hire a consultant to design the baseline analysis, develop data architecture, develop assessment data forms, and train field crew (WC staff). The baseline analysis is an on-the-ground rapid assessment to ground truth GIS data sets for ecosystem health.  
• Create working relationship with Western University and citizen science community  
• Use a stratified random sampling analysis for site selection in order to maintain statistical integrity. PDS would recommend 7 sites for each unique ecosystem (nearshore/offshore/sand spit, marine riparian, wetland, fresh water stream/river, fresh water lake, grassland/prairie/AG, upland forest,); for a total of 49 sites. The Wildlife Committee has established 5 habitat categories for their report to Council; the study design would use these categories as one of the stratification levels.  
• Complete Rapid Habitat Assessments for various habitats and wildlife (bird, amphibian, upland vegetation (grassland, forest (cession type), bald), streams, marine riparian, riparian, wetlands, lakes, nearshore  
• GIS Vegetation Change Analysis (WDFW High Resolution Change Detection)  
• Water quality conventional sampling at each site as applicable  
• Wetland Prediction Model (work with Snohomish County and Skagit County)  
• GIS Analysis  
• Laboratory Analysis  
• Citizen Scientist Workshops | 10A-2, 10K-15, 10K-16, 10M-4, 10L-17, 10L-18 | 0.25          | $250,000 – $400,000 |
| Countywide Baseline Ecosystem Functions and Values Monitoring Program (adaptive management, on-going review every 5-years) | • Complete Rapid Habitat Assessments  
• Laboratory Analysis  
• Internal assessment of program consistency (Permit issuance + Mitigation)  
• Wetland Prediction Model Maintenance  
• Citizen Scientist Workshops | 10A-2, 10K-15, 10K-16, 10M-4, 10L-17, 10L-18 | 0.25          | $100,000 (data management and consultant) |
| Additional (potential) Programs                                      | • If we start a mitigation bank  
• If we start/participate in an in-lieu fee program                     |                        | 0.75          |                   |
**WHATCOM COUNTY COUNCIL AGENDA BILL**

<table>
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<tr>
<th>CLEARANCES</th>
<th>Initial</th>
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<td>May 30, 2017</td>
<td>Introduction</td>
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<td>5.23.17</td>
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**TITLE OF DOCUMENT:**
ORDINANCE REPEALING AND REPLACING WHATCOM COUNTY CODE CHAPTER 1.18

**ATTACHMENTS:**
Memo to Whatcom County Executive and Whatcom County Council

**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.)

Proposal to repeal and replace existing Whatcom County Code Chapter 1.18

**COMMITTEE ACTION:**

**COUNCIL ACTION:**
5/30/2017: Introduced 7-0

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: [www.co.whatcom.wa.us/council](http://www.co.whatcom.wa.us/council).
DATE: 05-08-2017

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

FROM: Sheriff Bill Elfo

RE: Ordinance Repealing and Replacing County Code 1.18.010 and 1.18.020 and adding Code section 1.18.030

Attached is a proposed Ordinance to repeal the existing County Code sections 1.18.010 and 1.18.020, replace them with updated versions and add a new Code section (1.18.030) to this chapter, to allow other local Courts of Limited Jurisdictions to utilize them if they so choose. This Code concern the ability of offenders to receive credit for work done for the County, to be credited against fines and/or court costs for Whatcom County District Court.

The current County Code provides that offenders will be ordered into full custody to sit out unpaid fines and/or court costs. Further, the Code sets the dollar amount of credit at $40.00 a day if the offender simply stays in jail and $60.00 a day if they perform labor for the County.

The replacement Code reflects the actual practice, in place since approximately 1992. District Court does not order people into custody for failing to pay fines and/or costs, but will allow offenders to remain out of full custody and work off fines/costs via the Out of Custody Work Crew. District Court may also elect to send unpaid fines/costs to collection.

The new Code sections clarify the means of having fines/costs satisfied by offenders, increases the amount of credit they can receive, and makes the provisions of this ordinance available to the other local Courts of Limited Jurisdiction.

Please direct any questions to Chief Wendy Jones at 6505.

Our Vision: The Office of Sheriff: Dedicated to making Whatcom County the Safest in the State through Excellence in Public Safety.
PROPOSED BY: WHATCOM COUNTY SHERIFF'S OFFICE
INTRODUCTION DATE: MAY 30, 2017

ORDINANCE NO. ________

REPEALING AND REPLACING WHATCOM COUNTY CODE CHAPTER 1.18

WHEREAS, Whatcom County Code Chapter 1.18 provides that defendants who are
incarcerated by District Court may perform labor as provided for in RCW 10.82.040 in lieu of
paying fines and/or costs; and

WHEREAS, this chapter of the Code was passed in 1991 when defendants were
incarcerated for failing to pay fines assessed by District Court; and

WHEREAS, since approximately 1992 the jail has not held defendants in custody who sole
offense was failure to pay District Court fines and costs; and

WHEREAS, the District Court has permitted defendants to work off their fines and/or
costs by participating in the Whatcom County Corrections Out of Custody Work Crew; and

WHEREAS, the working off of fines should also be extended to other local Courts of
Limited Jurisdiction; and

WHEREAS, Whatcom County Code Section 1.18.020 set the value of a day’s labor at
$60.00 per day; and

WHEREAS, the value of a day’s labor has increased significantly since 1991; and

WHEREAS, allowing defendants to work off their fines and/or costs for District Court at a
rate more representative of the current value of a day’s labor will be a benefit to the community; and

WHEREAS, these code sections are no longer representative of best practices within the
Criminal Justice System;

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the current
Whatcom County Codes Chapter 1.18 (Exhibit A) is hereby repealed and replaced as set forth in
Exhibit B, attached hereto.

ADOPTED 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:

Elizabeth Gallery, Civil Deputy Prosecutor

Jack Louws, County Executive

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON

( ) Approved   ( ) Denied

Date Signed: ____________________________
Exhibit “A”

Current County Code

Chapter 1.18
COURT FINES AND COSTS

Sections:

1.18.010  Imprisonment for nonpayment.

1.18.020  Reduction by serving time and/or performing labor.

1.18.010 Imprisonment for nonpayment.
If any person ordered into custody, until the fine and costs adjudged against him by district court are paid, does not, within five days, pay, or cause the payment of the same to be made, the clerk of the court shall issue a warrant to the sheriff commanding him to imprison such defendant in the county jail until the amount of such fine and costs owing are paid. Execution may at any time issue against the property of the defendant for that portion of such fine and costs not reduced by the application of this chapter. (Ord. 91-088 (part)).

1.18.020 Reduction by serving time and/or performing labor.
The amount of such fine and costs owing to district court shall be the whole of such fine and costs reduced by the amount of any portion thereof paid, and $60.00 for every day the defendant performs labor as provided in RCW 10.82.040, and $40.00 for every day the defendant does not perform such labor while imprisoned. This chapter shall not apply to those fines and costs owed to superior court. (Ord. 91-088 (part)).
Exhibit “B”

Chapter 1.18

COURT FINES AND COSTS

Sections:

1.18.010 Reduction of Fines and/or Costs
1.18.020 Determination of value of labor
1.18.030 Permission to utilize Ordinance for other Courts of Limited Jurisdiction

1.18.010 Reduction of Fines and/or Court Costs.

A District Court Judge or Commissioner may permit a defendant to reduce the amount of fines and court costs by performing labor for the County as provided in RCW 10.82.040. This labor will be performed under the supervision of the Whatcom County Sheriff in work programs that benefit the greater community. Alternatively, execution may, at any time, issue against the property of the defendant or sent to collections for that portion of such fine and costs not reduced or satisfied by the application of this chapter. The defendant must meet the Jail work program eligibility criteria.

1.18.020 Determination of value of labor.

The amount of such fine and costs owing to district court shall be the whole of such fines and costs, reduced by the amount of any portion thereof paid, and the value of every day’s labor calculated at the cost of an average of the following wage rates for the current year:

- Washington State Minimum Wage
- Washington State Prevailing wage for Landscape Construction Workers
- Whatcom County Parks Department wage for Temporary Groundskeepers

For the year 2017, that average is $12.70 per hour or $102.00 per day worked. This wage will be reset at the beginning of each calendar year to reflect the current year’s average.

1.18.030 Reductions for fines/court costs for other Courts of Limited Jurisdiction

Corrections Offender Work Programs utilized to satisfy court fines and/or costs will be extended to other local Courts of Limited Jurisdiction at the request of those courts and with the permission of the appropriate Judicial Officer. Standards and practices of the work crews and labor credit will be as specified within this ordinance.
<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>May 25, 2017</td>
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<td>Finance: Board of Supervisors (Council 1)</td>
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</table>

**TITLE OF DOCUMENT:**
High Creek Credit Transaction Agreement with Lummi Nation Wetland and Habitat Mitigation Bank

**ATTACHMENTS:**
1. Credit Transaction Agreement

<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>
</thead>
<tbody>
<tr>
<td>SEPA review completed?</td>
<td>( ) Yes</td>
<td>( ) No</td>
<td>Requested Date:</td>
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<td></td>
</tr>
</tbody>
</table>

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

This Credit Transaction Agreement secures wetland mitigation credits at the Lummi Nation Wetland and Habitat Mitigation bank. Credit acquisition fulfills mitigation requirements for the High Creek Sediment Management and Fish Passage Improvement project and is required to obtain final local and state permits.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

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

<table>
<thead>
<tr>
<th>Originating Department:</th>
<th>Public Works</th>
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<tbody>
<tr>
<td>Division/Program: (i.e. Dept. Division and Program)</td>
<td>River &amp; Flood</td>
</tr>
<tr>
<td>Contract or Grant Administrator:</td>
<td>John N. Thompson, Sr. Planner, PW- NR</td>
</tr>
<tr>
<td>Contractor’s / Agency Name:</td>
<td>Lummi Nation Wetland &amp; Habitat Mitigation Bank</td>
</tr>
</tbody>
</table>

**Is this a New Contract?**
- Yes [x]  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):

**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 [ ]  No [x]  If yes, RFP and Bid number(s):

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

If YES, indicate exclusion(s) below:
- [ ] Professional services agreement for certified/licensed professional.
- [x] 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):
  - $ 21,600

**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 Credit Transaction Agreement secures wetland mitigation credits at the Lummi Nation Wetland and Habitat Mitigation bank. Credit acquisition fulfills mitigation requirements for the High Creek Sediment Management and Fish Passage Improvement project and is required to obtain final local and state permits.

**Term of Contract:**
- Must execute within 60 days of May 1, 2017
- Expiration Date: N/A

**Contract Routing:**
1. Prepared by: John N. Thompson
2. Attorney signoff: Daniel L. Gibson ✔ 05/01/17
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: May 25, 2017  Date: May 25, 2017  Date: 05/31/17  Date: 05/31/17  Date: 05/31/17  Date: 05/31/17  Date: 05/31/17  Date: 05/31/17  Date: 05/31/17  Date: 05/31/17

Last edited: 10/31/16
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: High Creek Wetland Mitigation Credit Transaction Agreement

DATE: May 25, 2017

Enclosed is one (1) original of a Credit Transaction Agreement between the Lummi Nation Wetland and Habitat Mitigation Bank and Whatcom County Flood Control Zone District (FCZD) for your review and signature.

Background and Purpose
The High Creek Sediment Management and Fish Passage Restoration project was developed to reduce recurrent flood damages to nearby landowners and closure of the Mt. Baker Highway at High Creek south of Kendall Elementary School. The project design team has largely addressed Critical Areas Ordinance wetland and buffer mitigation requirements on-site. However, a portion of the required wetlands mitigation cannot be accomplished on-site without undue impact to an adjoining landowner. Off-site mitigation can be provided through an approved wetland mitigation bank; Lummi Nation’s wetland bank is the only such facility within our service area.

Off-site mitigation and use of the Lummi Nation Wetlands and Habitat Mitigation Bank was approved by Washington Department of Ecology and the Army Corps of Engineers. Lummi Nation has accepted our application to purchase mitigation credits. Purchase of mitigation credits not only reduces the impact on the adjacent landowners where mitigation would have to occur, it minimizes Whatcom County Flood Control Zone District long-term maintenance and monitoring requirements at the project site.

Construction is anticipated in 2018, if funding is available. Acquisition of the credits now allows staff to finalize local and state permits and prepare bid documents for advertisement in early 2018.

Funding Amount and Source
The Credit Transaction Agreement provides for the purchase of 0.072 mitigation credits for $21,600; the 2017 FCZD budget has adequate expenditure authority for this purchase.

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

Encl.
Lummi Nation Wetland and Habitat Mitigation Bank
Credit Transaction Agreement

Credits To Be Transacted: 0.072

Abbreviated Legal Description of Mitigation Bank: Township 38 North, Range 2 East of the Willamette Meridian, Washington, all or fractions of Sections 16, 17, 18, 19, 20, and 21

Project Details:

| Project Title: High Creek Channel Maintenance and Sediment Collection Area Installation |
| Customer/Transferee: Whatcom County Flood Control Zone District |
| Address: 322 N. Commercial St., Suite 120, Bellingham, WA 98226 |
| Project Location: 7480, 7450 Wheeler Road, Maple Falls, WA 98266-7836 |
| Property ID Number: 4005341982300000, 4005342361810000 |
| Impact Description: Kendall floodplain wetland impacts include clearing and grubbing of deciduous trees and shrubs within the project footprint followed by excavation and removal of native alluvium to re-establish a 3' to 5' deep stream channel (depth from top of bank to thalweg varies and is relative to local topography) in a historic channel location. |
| Wetland Impacts: |
| Wetland Class: Wetland Acres: Buffer Acres: |
| Category II: 0.06: 0 |

This agreement is a sales contract with the express purpose to convey wetland and habitat mitigation credits from the Lummi Nation Wetland and Habitat Mitigation Bank to the above identified Customer.

1. Allocation of Credits:
   On the date of execution of this contract, the Lummi Nation will allocate the following credits for the above identified project:

<table>
<thead>
<tr>
<th>Mitigation Bank Phase</th>
<th>Mitigation Credits Required</th>
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</table>

2. Purchase Price:
   The Purchase Price for the Credits shall be in compliance with the terms established by the Lummi Indian Business Council Resolution No. 2011-037 or otherwise as established by the Lummi Nation Wetland and Habitat Mitigation Administrative Panel (Administrative Panel). The price per credit is $300,000.00 for this transaction.

3. Payment:
   Complete payment for all the credits must be submitted to the Lummi Indian Business Council within 60 days of the issuance of this contract. Payment is required to be paid in full, not installments. No refunds shall be provided, for any purpose.

4. Non-Transferability:
   The mitigation credits that are purchased and released subject to this agreement are not transferable to another project, developer, location or type of wetland mitigation requirement.
5. **Not Confidential Information:**
   The credits that are purchased and released subject to this agreement are not confidential information. The parties to this agreement are not confidential information. Information regarding the number of credits, location and type of mitigation, and other information may all be made publicly available through recording or other administrative requirements.

6. **No Endorsement by the Lummi Indian Business Council**
   The sale and release of the mitigation credits from the Lummi Indian Business Council is not an endorsement of the project. The Lummi Indian Business Council retains the right to challenge aspects of this project if the LIBC deems the project to be a threat to the interests of the Lummi Nation, Lummi Tribal members or Lummi Nation commercial interests.

7. **No Relief Provided for Compliance with Laws:**
   The sale and release of the mitigation credits from the Lummi Indian Business Council does not provide the purchaser with relief from compliance with the laws, regulations and requirements of the laws of the Lummi Nation, the United States of America and the State of Washington.

8. **No Guarantee of Overall Project Approval:**
   The credits that are purchased and released subject to this agreement are not, in any way, a guarantee that the project will be approved by the required government (tribal, federal and state) agencies. The Lummi Indian Business Council has no authority over project and permit approval processes that take place within other governments.

The foregoing has been reviewed by the Customer and the Customer has authority to execute this agreement.

Customer: On behalf of Whatcom County Flood Control Zone District Board of Supervisors

Date of Execution

---

Date Issued: Monday, May 01, 2017 11:43:57 AM
**WHATCOM COUNTY COUNCIL AGENDA BILL**

<table>
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<tr>
<th>CLEARANCES</th>
<th>Initial</th>
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<th>Date Received in Council Office</th>
<th>Agenda Date</th>
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<td></td>
<td>6.6.17</td>
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**TITLE OF DOCUMENT:** Access Easement- Dewey and Janet Huston

**ATTACHMENTS:** Access Easement Document

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

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

Request authorization to grant a non-exclusive residential driveway easement across park property to Dewey and Janet Huston, 3315 North Shore Drive.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

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

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

TO: Honorable Members of the Council and Executive Louws
FROM: Michael McFarlane, Director
DATE: May 19, 2017
RE: Access Easement - Dewey and Janet Huston

Enclosed is a non-exclusive residential driveway access easement for Dewey and Janet Huston, 3315 North Shore Drive for your approval. This easement provides access over county property at Lake Whatcom Park to the Huston's residence.

The current 35 year driveway easement with the County will expire in October of this year and contains a renewal option which they would like to exercise.

The term of the new easement has been reduced to 20 years.

Please contact me at 5855 if you have any questions or require additional information.
After Recording Return To:
Whatcom County Parks & Recreation Department
3373 Mt. Baker Highway
Bellingham WA 98226

Document Title: Easement
Grantor: Whatcom County
Grantee: Dewey and Janet Huston
Legal Description: Ptn Govt Lots 4-5, Sec. 4, Twp 37 N, Rge 04, E W.M.
Assessor's Parcel No.: 3704040704100000 Parcel ID: 28433

ACCESS EASEMENT

For and in consideration of $200 in hand paid, the benefits derived and to be derived by the Grantor and Grantee herein, and other good and valuable consideration, receipt whereof is hereby acknowledged, the Grantor, WHATCOM COUNTY, a municipal corporation and political subdivision of the State of Washington, does through its Parks & Recreation Department, hereby grants to DEWEY HUSTON and JANET HUSTON, husband and wife, a non-exclusive driveway access easement over and across the property described in Exhibit “A”, attached hereto and by this reference is incorporated herein for the sole purpose of residential ingress and egress on a single lane driveway to that certain single family residence located at 3315 North Shore Drive, Bellingham, in the County of Whatcom, State of Washington.

This Easement is Subject to the Following:
1. Grantor grants said non-exclusive easement for a period of twenty (20) years from the date of this easement agreement with an option to renew or amend only by mutual written agreement for an additional twenty (20) year period.
2. That said access easement is for the sole purpose of private, non-commercial, ingress and egress to the single family residence referred to above.

3. That said easement shall not include the right to construct, obstruct or otherwise build any new structures or construct hard or cement surfaces upon the real property which is the subject of this easement without prior written approval of the Grantor.

4. Any fees, costs, or assessments related to the property of this easement are the responsibility of the Grantees.

5. Grantee shall at all times exercise its rights herein in accordance with the requirements (as from time to time amended) and all applicable statutes, orders, rules and regulations of any public authority having jurisdiction.

6. Notwithstanding that Grantee is granted easement for residential, non-commercial purposes, Grantee shall exercise its right of ingress and egress in accordance with rules and regulations as Grantor may from time to time specify.

7. Grantee shall exercise its rights under this Agreement so as to minimize and to avoid if reasonably possible, interference with the Grantor’s use of the property. Grantee shall at all times conduct its activities on Grantor’s property so as not to interfere with, obstruct, or endanger Grantor’s operations or facilities.

8. In the event that Grantor desires to construct facilities relating to Grantor’s operations on or in the vicinity of the easement described in Exhibit “A” hereto, and the location or existence of this driveway easement interferes with such facilities or construction thereof, or makes such consideration or facilities substantially more expensive, Grantor shall have the right to re-locate the driveway which is the subject matter of this easement and amend Exhibit “A” attached hereto if necessary.

9. In the event Grantee breaches or fails to perform or observe any of the terms and conditions herein, and fails to cure such breach or default within ninety (90) days of Grantor’s giving Grantee written notice thereof, or, if not reasonably capable of being cured within such (90) days, within such other period of time as may be reasonable in the circumstances, Grantor may terminate Grantee’s rights under this Agreement in addition to and not in limitation of any other remedy of Grantor at law or in equity, and the failure of the Grantor to exercise such right at any time shall not waive Grantor’s right to terminate for any future breach or default.

10. In the event Grantee or his heirs ceases to use the driveway for a period of five (5) successive years, this Agreement and all Grantee’s rights hereunder shall terminate and revert to Grantor.
11. No termination of this Agreement shall release Grantee from any liability or obligation with respect to any matter occurring prior to such termination.

12. Grantor reserves all rights with respect to its property including, without limitation, the right to grant easements, licenses and permits to others subject to the rights granted in this easement.

13. Grantee does hereby release, indemnify and promise to defend and save harmless Grantor from and against any and all liability, loss, damage, expense, actions and claims, including costs and reasonable attorney's fees incurred by the Grantor in defense thereof, asserting or arising directly or indirectly on account of or out of acts or omissions of Grantee and Grantee's servants, agents, employees, services, invitees, guests, and contractors in the exercise of the rights granted herein: PROVIDED, HOWEVER, this paragraph does not purport to indemnify Grantor against liability for damages arising out of bodily injury to persons or damage to property caused by or resulting from the sole negligence of Grantor or Grantor's agents or employees.

14. Grantee shall maintain in effect at all times during the term of this easement a policy of general liability insurance and/or residential insurance policy which insurance shall cover the Grantees and the property that is subject to this easement.

15. The rights granted herein are subject to permits, leases, licenses and easements, if any, heretofore granted by the Grantor affecting the property subject to this easement. Grantor does not warrant title to its property and shall not be liable for defects thereto or failure thereof.

16. Notices required to be in writing under this Agreement shall be given as follows:

If to the Grantor: Director
Whatcom County Parks & Recreation Department
3373 Mount Baker Highway
Bellingham, WA 98226
(360) 778-5850

If to Grantee: Dewey and Janet Huston
3315 North Shore Drive
Bellingham, WA 98226
(360) 734-5861
Notices shall be deemed effective, if mailed, upon the second day following deposit thereof in the United States mail, postage prepaid, certified or registered mail, return receipt requested, or upon delivery thereof if otherwise given. Either party may change the address to which notices may be given by giving notice as above provided.

17. Grantee shall not assign its rights hereunder without prior written consent of Grantor which consent shall not be unreasonably withheld. No assignment of the privileges and benefits accruing to Grantee herein and no assignment of the obligations or liabilities of Grantee herein, whether by operation of law or otherwise, shall be valid without the prior written consent of Grantor, which shall not be unreasonably withheld.

18. Subject to the preceding paragraph, the rights and obligations of the parties shall inure to the benefit of and be binding upon their respective successors and assigns.

WHATCOM COUNTY:

[Signature]
Department Director

Approved as to form:
[Signature]
Attorney, Civil Division

EXECUTED as of the date hereinabove set forth:

Dated this _________ day of __________________, 2017.

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 ____________________
Dated this ______ day of ____________________, 2017
Grantee:

Dewey Huston  
Janet Huston

On this 12th day of May, 2017, before me personally appeared Dewey Huston and Janet Huston, to me known to be the individual(s) described in and who executed the within and foregoing instrument, and acknowledged that she/he/they signed the same as her/his/their free and voluntary act and deed, for the purposes therein mentioned.

Given under my hand and seal this 12th day of May, 2017.

[Signature]

NOTARY PUBLIC in and for the State of Washington, residing at Ferndale, WA
My commission expires 4/14/2019
Dated this 12th day of May, 2017
EXHIBIT A

All of the hereinafter described real property, being a portion of Government Lots 4 and 5 in Section 4, Township 37 North, Range 4 East, W.M. in Whatcom County, Washington, more particularly described as follows:

A tract of land 50 feet in width south of the centerline of the abandoned Northern Pacific Railway right-of-way beginning at the west line of said Lot 4 and terminating at the extension of the east line of the following described tract:

That portion of the following described tract lying south of the southerly line of the Northern Pacific Railway right-of-way: The East 100 feet of the West 250 feet of Government Lots 4 and 5 of Section 4, Township 37, Range 4 East of W.M., except roads. Situate in Whatcom County, Washington.
**WHATCOM COUNTY COUNCIL AGENDA BILL**

<table>
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<tr>
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<th>Assigned to:</th>
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<td>James Karcher, P.E.</td>
<td>5-23-17</td>
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<td>06/13/2017</td>
<td>Finance/Council</td>
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<td>5-23-17</td>
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<td>Dept. Head:</td>
<td>Jon Hutchings</td>
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<td>Daniel Gibson</td>
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<td>Executive:</td>
<td>Jack Louws</td>
<td>6/6/17</td>
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</table>

**TITLE OF DOCUMENT:**
East Smith Road Pavement Rehabilitation, Everson-Goshen to SR-542; CRP No. 916006

**ATTACHMENTS:**
1. Memo
2. Contract Information Sheet
3. Rural Arterial Program (RAP) - Project Agreement for Construction Proposal; three (3) originals
4. Project Narrative

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

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

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

Public Works respectfully requests that the County Council authorize the County Executive to enter into an agreement with CRAB in order to receive RAP grant funding for the East Smith Road Pavement Rehabilitation project.

Please return all three (3) originals of the RAP Agreements to our office for further processing. We will return one (1) fully executed original to you once they are signed by CRAB.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

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

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

Through: Jon Hutchings, Director

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

Date: May 31, 2017

Re: East Smith Road Pavement Rehabilitation, Everson-Goshen Road to SR-542
   CRP No. 916008
   Rural Arterial Program (RAP) Funding Contract

Enclosed for your review and signature are three (3) originals of a contract between the County
Road Administration Board (CRAB) and Whatcom County.

Requested Action
Public Works respectfully requests that the County Council authorize the County Executive to enter
into an agreement with CRAB in order to receive RAP grant funding for the East Smith Road
Pavement Rehabilitation project.

Please return all three (3) originals of the RAP Agreements to our office for further processing. We
will return one (1) fully executed original to you once they are signed by CRAB.

Project Background
This agreement allows Rural Arterial Trust Account (RATA) funds to be used for the design and
construction of the East Smith Road Pavement Rehabilitation project (from Everson-Goshen Road
to SR-542).

Funding Amount and Source
Whatcom County has been awarded $549,430 in RATA funds for this project. Total anticipated
project costs (design and construction) will be approximately $1,500,000 resulting is a local
contribution of approximately $950,570 coming from the Road Fund. This project is listed as Item
No. 11 in the 2017 Annual Construction Program.

Please contact Jim Karcher at extension 6271 if you have any questions or concerns regarding the
terms of this agreement.
<table>
<thead>
<tr>
<th>Originating Department:</th>
<th>Public Works</th>
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<tbody>
<tr>
<td>Contract or Grant Administrator:</td>
<td>James P. Karcher, PE – Engineering Manager</td>
</tr>
<tr>
<td>Contractor's / Agency Name:</td>
<td>Washington State - County Road Administration Board</td>
</tr>
</tbody>
</table>

**Is this a New Contract?**  If not, is this an Amendment or Renewal to an Existing Contract?  Yes __ No __  
**Yes _____ No _____**  If Amendment or Renewal, Original Contract #________.  
Does contract require Council Approval?  Yes __ No __  
**Yes _____ No _____**  If yes, grantor agency contract number(s) ______ CFDA # ______.  

**Is this contract grant funded?**  
**Yes _____ No _____**  If yes, associated Whatcom County grant contract number(s) ______.  

**Is this contract the result of a RFP or Bid process?**  
**Yes _____ No _____**  If yes, RFP and Bid number(s) ______.  
Cost Center: ______.  

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

**If yes, indicate exclusion(s) below:**  
- [ ] Professional services agreement for certified/licensed professional  
- [ ] Contract less than $100,000.  
- [ ] Contract for Commercial off the shelf items (COTS)  
- [ ] Contract work is all performed outside U.S.  
- [ ] Work related subcontract less than $25,000.  
- [X] Interlocal Agreement (between Gov’t’s)  
- [ ] Public Works - Local Agency/Federally Funded FHWA  

**Contract Amount:(sum of original contract amount and any prior amendments)**  
$549,430. (RATA funds) ______.  
**This Amendment Amount:**  
$ N/A ______.  
**Total Amended Amount:**  
$549,430. ______.  

**Contracts that require Council Approval (incl. agenda bill & memo)**  
- Professional Services Agreement above $20,000.  
- Bid is more than $40,000.  
- 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:**  
Whatcom County has been awarded $549,430 in Rural Arterial Trust Account (RATA) Funds by the Washington State County Road Administration Board through a grant from the Rural Arterial Program. Whatcom County will utilize these funds for the pavement rehabilitation of East Smith Road between Everson-Goschen Road and SR-542, a distance of approximately 3.25 miles in length.  

**Term of Contract: Completion of Project**  
Expiration Date: N/A  

**Contract Routing Steps & Signoff:** [sign or initial][indicate date transmitted]  
1. Prepared by: CS  
   Date 05/23/17 [electronic]  
2. Attorney reviewed: Daniel L. Gibson  
   Date 05/26/17 [electronic]  
3. AS Finance reviewed: bbennett  
   Date 05/24/17 [electronic]  
4. IT reviewed if IT related  
   Date [electronic]  
5. Corrections made:  
   Date [electronically] hard copy printed  
6. Attorney signoff:  
   Date  
7. Contractor signed:  
   Date  
8. Submitted to Exec Office □  
   Date 06/1/17 [summary via electronic; hardcopies]  
9. Council approved (if necessary)  
   Date  
10. Executive signed:  
   Date  
11. Contractor Original Returned to dept:  
   Date  
12. County Original to Council  
   Date  

Last Edited 7/2/13
The State of Washington County Road Administration Board (CRABroad) and Whatcom County mutually agree as follows:

(1) The funds hereby authorized are for completion of the proposed project as defined by chapter 36.79 RCW Roads and bridges — rural arterial program.

(2) The County is in compliance with the provisions of chapter 136-150 WAC regarding eligibility for Rural Arterial Trust Account (RATA) funds. If the County is found not to be in compliance with these provisions, such non-compliance may be cause for the CRABroad to withdraw or deny the Certificate of Good Practice of the County and require pay back of any RATA funds that have been paid to the County for this project.

(3) If the project is reconstruction, the County shall gain approval from WSDOT (chapter 43.32 RCW) for all deviations from the design standards listed in the Local Agency Guidelines prior to construction.

(4) If the project is 3R (resurfacing, restoration, and rehabilitation), the County shall document its design considerations for the proposed improvements in keeping with 3R standards as listed in the Local Agency Guidelines.

(5) The project shall be constructed in accordance with the information furnished to the CRABroad, and the plans and specifications prepared by the county engineer.

(6) Phased construction methodology is permitted upon notification by the County Engineer of the phasing plan as authorized under WAC 136-170-030. Failure by the county to notify the CRABroad of phasing plan at least 15 days prior to commencement of construction may result in withdrawal of funding by the CRABroad and county forfeiture of all RATA funds expended.

(7) The County shall notify the CRABroad when a contract has been awarded and/or when construction has started, and when the project has been completed.

(8) The County shall reimburse the RATA in the event a project post audit reveals improper expenditure of RATA funds.

(9) Costs of the project which exceed the amount of RATA funds authorized by the CRABroad, set forth above, and the required matching funds and other funds represented by the county to be committed to the project, shall be paid by the County as necessary to complete the project as submitted to the CRABroad.
(10) Matching funds and other funds represented to be committed to the project shall be available as necessary to implement the projected development of the project as set forth in the construction proposal prospectus.

(11) The CRABoard hereby agrees to reimburse the county from RATA funds allocated, and not otherwise, for its reimbursable costs not to exceed the amount above specified.

(12) The CRABoard will reimburse counties on the basis of monthly progress payment vouchers received and approved on individual projects in the order in which they are received in the CRABoard office, and subject to the availability of RATA funds apportioned to the region. Such obligation to reimburse RATA funds extends only to project costs incurred after the date of project approval by the CRABoard.

(13) Either the CRABoard or the County may request changes to the provisions contained in this agreement. Such changes shall be mutually agreed upon and incorporated by written amendment to this agreement. No variation or alteration of the terms of this agreement shall be valid unless made in writing and signed by authorized representatives of the CRABoard or the County hereto.

(14) During the term of this agreement and for a period not less than six (6) years from the date of final payment by the CRABoard, the records and accounts pertaining to this agreement are to be kept available for inspection and audit and copies of all records, accounts, documents, or other data pertaining to the agreement will be furnished upon request. If any litigation, claim, or audit is commenced, the records and accounts along with supporting documentation shall be retained until said litigation, claim, or audit finding has been resolved even though such litigation, claim, or audit continues past the six year retention period.

IN CONSIDERATION of the allocation by the CRABoard RATA funds to the project in the amount set out above, the County hereby agrees that as condition precedent to payment of any RATA funds allocated at any time to the above referenced project, it accepts and will comply with the terms of this agreement, including the terms and conditions set forth in Chapter 49, Laws of 1983, 1st Ex. Sess. (chapter 36.79 RCW); the applicable rules of Title 136 WAC and all representations made to the CRABoard upon which the fund allocation was based; all of which are familiar to and within the knowledge of the county and are incorporated herein and made a part of this agreement, although not attached.

This agreement supersedes all prior agreements issued using the project number listed above and shall be valid and binding only if it is signed and returned to the CRABoard office within 45 days of its mailing by the CRABoard.

COUNTY ROAD ADMINISTRATION BOARD:  WHATCOM COUNTY:

By: ________________________________  By: ________________________________

Date: ________________________________  Date: ________________________________

Jack Iouws  County Executive

Date: ________________________________

Approved as to form:  

Daniel L. Gibson  Date

Chief Civil Deputy Prosecutor

RAP Project Number: 3717-01   Page 2 of 2
**East Smith Road**
Everson-Goshen Road to SR 542  
CRP # 916006

**Construction Funding Year(s):** 2018

**Project Narrative:**
This East Smith Road project is located between Everson-Goshen Road and State Route 542 in Section 25 of T39N, R3E and Sections 28, 29, 30 T39N, R4E. The work will involve the pavement rehabilitation of approximately 3.25 miles of roadway. This project is listed #R17 on the 2017-2022 Six-Year Transportation Improvement Program.

**Project Status:**
Design, permitting and construction are anticipated to be complete in 2018. Rural Arterial Trust Account (RATA) grant funds have been authorized in the amount of $549,430 by CRAB under their Rural Arterial Program (RAP).

<table>
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<td>$1,500,000</td>
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<td>Expenditures to Date:</td>
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<td>$340</td>
<td>$549,430</td>
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<td>Local</td>
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<td>$950,570</td>
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**Environmental Permitting**
SEPA, ESA

**Right-of-Way Acquisition (Estimate)**
N/A

**County Forces (Estimate)**
N/A
TITLE OF DOCUMENT: Interagency Agreement GCG 2547 between Whatcom County and the Department of Transportation for ferry deficit reimbursement.

ATTACHMENTS:
Interagency Agreement GCB 2547
Memo

<table>
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<tr>
<th>SEPA review required?</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.)

Requesting authorization and approving the Executive to enter into Interagency Agreement GCB 2547.

The purpose of the agreement is to carry out the provisions of RCW 47.56.725 regarding a distribution of funds identified in RCW 46.68.090 (2) (h) for WSDOT to continue to reimburse the County for up to fifty percent (50%) of the previous year's annual operating deficit incurred in the operation and maintenance of the County ferry system.

Participation in this reimbursement program stipulates that fares will be maintained at or above the January 1st 2015 published rates at least through June 30th 2021.

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: Rob Ney, Special Programs Manager
Randy Rydel, Financial Services Manager

DATE: May 31, 2017

RE: Interagency agreement between Whatcom County and Department of Transportation, Highways & Local Programs for ferry deficit reimbursement

Requested Action
Enclosed are two (2) originals of Interagency Agreement GCG 2547, between Whatcom County and the Department of Transportation, Highways & Local Programs. Public Works respectfully requests that you execute the enclosed agreements.

Background and Purpose
The purpose of the agreement is to carry out the provisions of RCW 47.56.725 regarding distribution of funds identified in RCW 46.68.090 (2) (h). WSDOT uses this formula to reimburse the County, up to fifty percent (50%), of the previous year’s annual operating deficit incurred in the operation and maintenance of the County ferry system.

Participation in this reimbursement program stipulates that fares will be maintained at or above the January 1, 2015 published rate, through the end of this agreement on June 30, 2021.

Funding Amount and Source
The funding amount will be determined by the formula included in the agreement based on the previous year’s annual operating deficit incurred by the County ferry system as reported in an annual report to the Department of Transportation. The funds are distributed from the collection of statewide fuel taxes.

Differences from Previous Contract
Major differences from the previous contract include an increase in the total biennial program amount from $1,000,000 to $1,800,000, and a provision that the ferry tolls must be at least equal to the published fares from January 1, 2015. Other than these two items, the contract is relatively unchanged.

Please contact Randy Rydel at extension 6217 if you have any questions or concerns regarding the terms of this agreement.
May 4, 2017

Jon Hutchings
Public Works Director
Whatcom County
322 Commercial Street, Suite 210
Bellingham, WA 98225-4042

Subject: Ferry Deficit Agreement GCB 2547

Dear Mr. Hutchings:

Enclosed for your review and signature are two copies of Interagency Agreement GCB 2547, renewing the operating subsidy agreement with Whatcom County for the Puget Sound county ferry system. After execution, this agreement will be in effect for four years; from July 1, 2017 until June 30, 2021.

Please review these documents carefully, secure the necessary signatures, and return both original, signed copies of the agreement to the following address:

WSDOT  
Attn: Lynn Noah  
Local Programs  
PO Box 47390  
Olympia, Washington 98504-7390

Upon receipt of both originals, I will return a signed original to you. If you have any questions regarding this interagency agreement, please contact me at 360-705-7373, or by email at Leingae@wsdot.wa.gov.

Sincerely,

[Signature]

Eileen Leingang
Finance and Administration Manager
Local Programs

Enclosures
### Whatcom County Contract Sheet

**Originating Department:** Public Works  
**Division/Program:** Ferry  
**Contractor's Agency Name:** WSDOT

**Is this a New Contract?**  Yes ☐  No ☒  
**Amendment or Renewal, (per WCC 3.08.100(a)) Original Contract #:**

**Does contract require Council Approval?**  Yes ☐  No ☒  

**Is this a grant agreement?**  Yes ☐  No ☒  
**Grantor agency contract number(s):**  
**CFDA#:**

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

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

**Is this agreement excluded from E-Verify?**  No ☒  Yes ☐

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):  
$ N/A

**This Amendment Amount:**  
$ NA

**Total Amended Amount:**  
$ NA

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:** WSDOT will reimburse the county for up to fifty percent (50%) of the previous year’s annual operating deficit incurred in the operation and maintenance of the County ferry system.

**Term of Contract:** Four Years  
**Expiration Date:** June 30, 2021

**Contract Routing:**

1. Prepared by: R Rydel  
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:  

---

**Last edited:** 10/31/16  
**Page:** 52
GCB 2547
INTERAGENCY AGREEMENT
BETWEEN
WASHINGTON STATE DEPARTMENT OF TRANSPORTATION
LOCAL PROGRAMS
AND
WHATCOM COUNTY

THIS AGREEMENT is made and entered into by and between the WASHINGTON STATE DEPARTMENT OF TRANSPORTATION, LOCAL PROGRAMS, hereinafter referred to as “WSDOT,” and Whatcom COUNTY, hereinafter referred as the “COUNTY,” collectively the “PARTIES” and individually the “PARTY”.

IT IS THE PURPOSE OF THIS AGREEMENT to carry out the provisions of RCW 47.56.725 regarding a distribution of the funds identified in RCW 46.68.090 (2) (h) and to replace existing interagency AGREEMENT GCB-1352 with interagency AGREEMENT GCB-2547; and

WHEREAS, it is mutually agreed that the continued operation of the Puget Sound county ferry system operated by Pierce, Skagit and Whatcom counties is a benefit to the traveling public; and

WHEREAS, since 1976, the three counties have received a subsidy of up to 50 percent of the county ferry maintenance and operating deficit up to the amount identified in RCW 47.56.725 through a continuing agreement;

NOW, THEREFORE, pursuant to RCW 47.56.725, 46.68.090(2)(h), chapter 468-22 WAC, the above recitals that are incorporated herein as if fully set forth below, and in consideration of the terms, conditions, covenants, and performances contained herein,

IT IS MUTUALLY AGREED AS FOLLOWS:

1. TERMS AND CONDITIONS

1.1 WSDOT agrees to continue to reimburse the COUNTY for up to fifty percent (50%) of the previous year’s annual operating deficit incurred in the operation and maintenance of the COUNTY ferry system. The COUNTY shall maintain tolls on its ferry at least equal to published fares in place on January 1, 2015, excluding surcharges. All toll changes shall be made in accordance with chapter 468-22 WAC.

1.2 The annual fiscal year operating and maintenance deficit is defined as a total of operating and maintenance expenditures less the sum of ferry toll revenues and that portion of the fuel tax revenue distribution that is attributable to the county ferry system.

1.3 Operating and maintenance expenditures are defined as:

- Routine costs of operating and maintaining the ferry, including salaries, benefits, fuel, supplies, utilities, repairs, inspection, advertising, taxes, small tools, land leases, rentals, postage, printing, etc.
- Routine anticipated replacement of piling, wing-wall facing, repairing docks, etc. which does not extend the useful life, nor increase the efficiency or capacity of an asset.
- Routine dry-docking and associated repairs to maintain the vessel’s certification.
- Routine engine repair or rebuilding.
- Work directed toward preservation of the existing roadway or facility and related appurtenances as necessary for safe and efficient operation.
• Any surface treatments less than .06 feet thick, crack sealing, etc.
• Other work not defined as capital and agreed to in writing by WSDOT.

1.4 Excluded from operating and maintenance expenditures are:
• Depreciation
• Interest
• Other work or repairs that are considered capital improvements.

1.5 The COUNTY shall maintain records of actual costs in accordance with the Budgeting, Accounting and Reporting System (BARS) for counties and other accounting procedures as prescribed by the Office of the State Auditor. WSDOT reserves the right to conduct an audit of the COUNTY ferry system operations and maintenance and to disallow any costs not in accordance with BARS and/or this AGREEMENT.

1.6 By April 1 of each year, the COUNTY shall submit a "County Ferry Operations Report which details the receipts and expenses resulting from the operations and maintenance of the COUNTY ferry system for the previous COUNTY fiscal year, January 1 through December 31. The report shall be in a format, which shall include:

• A declaration certifying that the amounts claimed are true and correct; that ferry tolls are at least equal to published fares in place on January 1, 2015; that the amount claimed as a deficit is due and payable from the COUNTY’s share of the gas tax under the terms of this AGREEMENT and all applicable laws, rules and regulations; and that the signatory is authorized to sign for the COUNTY;

• The total ferry receipts for the fiscal year; the calculation of the fuel tax revenue attributed to the ferry operation; the total operating and maintenance expenditures and the net deficit; and

• An expenditure cost breakdown to include the following categories of expenditures: salaries; fringe benefits; miscellaneous costs; diesel and fuel; mechanical costs; insurance.

1.6.1 The County Ferry Operations Report shall be submitted to the following address or to such other address as may be from time to time specified:

Director, Local Programs
WSDOT
P. O. Box 47390
Olympia, WA 98504-7390

1.7 Within the first thirty (30) calendar days of the beginning of the subsequent state fiscal year, WSDOT shall submit a request to the Office of the State Treasurer to direct a distribution to the COUNTY in accordance with RCW 46.68.090 (2) (h) in the next regular distribution.

1.7.1 The biennial amount set aside by RCW 47.56.725 (2) for reimbursement to Pierce, Skagit and Whatcom counties for the county ferry system operating and maintenance deficits shall be distributed equitably, but shall not exceed a combined total of one million eight hundred thousand dollars in the 2015-2017 biennium. For subsequent biennia, the amount authorized must increase by the fiscal growth factor as defined in RCW 43.135.025. The following methodology shall be employed:
A. During the first state fiscal year of the biennium, from the cash available under RCW 47.56.725 (2), WSDOT shall reimburse each county based upon one of the situations following:

- Situation 1: In the circumstance where the combined total of fifty percent (50%) of each county's annual ferry system operating and maintenance deficit does not exceed one-half of the amount provided in RCW 47.56.725 (2), WSDOT shall reimburse each county for fifty percent (50%) of its annual ferry system operating and maintenance deficit incurred in the previous county fiscal year.

- Situation 2: In the circumstance where the combined total of fifty percent (50%) of each county's annual ferry system operating and maintenance deficit incurred in the previous county fiscal year exceeds one-half of the amount provided in RCW 47.56.725 (2), WSDOT shall reimburse the COUNTY based upon the formula following:

<table>
<thead>
<tr>
<th>Whatcom County Deficit divided by: Total Combined Annual Deficits of Pierce, Skagit and Whatcom counties</th>
<th>Multiplied by: 1/2 Biennial Amount Available</th>
<th>Equals: Whatcom County Share</th>
</tr>
</thead>
</table>

B. During the second state fiscal year of the biennium, from the remaining cash available under RCW 47.56.725 (2), WSDOT shall reimburse each county based upon one of the situations following:

- Situation 3: In the circumstance where the combined total of fifty percent (50%) of each county's annual ferry system operating and maintenance deficit does not exceed the total amount provided under RCW 47.56.725 (2), less cash reimbursements made during the first fiscal year of the biennium. WSDOT shall reimburse each county for fifty percent (50%) of its annual ferry system operating and maintenance deficit incurred in the previous county fiscal year if there are surplus funds remaining in this situation, AND during the first fiscal year of the cash distribution, Situation B was the method of disbursement, the surplus funds remaining shall be distributed in an adjustment of the first year distribution up to fifty percent (50%) of the annual ferry system operating deficit.

- Situation 4: In the circumstance where the combined total of fifty percent (50%) of each county's annual ferry system operating and maintenance deficit incurred in the previous county fiscal year exceeds the total amount provided under RCW 47.56.725 (2), less the amount reimbursed during the first fiscal year, WSDOT shall reimburse the COUNTY based upon the formula following:

<table>
<thead>
<tr>
<th>Whatcom County Deficit divided by: Total Combined Annual Deficits of Pierce, Skagit and Whatcom counties</th>
<th>Multiplied by: Biennial Amount Available less the first fiscal year reimbursement</th>
<th>Equals: Whatcom County Share</th>
</tr>
</thead>
</table>
1.7.2 The total cash payments to the counties during any state fiscal biennium shall not exceed the amount provided by RCW 47.56.725 (2). If, through audit findings or by other means, it is determined that the COUNTY has been paid in excess of fifty percent (50%) of its annual fiscal year operation and maintenance deficits in any of the preceding years, the COUNTY agrees to refund the excess amount to WSDOT within thirty (30) calendar days of written notice of the overage paid. The COUNTY agrees that should it fail to make such refund as provided, WSDOT shall withhold the overage amount paid from funds due to the COUNTY from fuel tax distributions.

2. PERIOD OF PERFORMANCE

Subject to its other provisions, the period of performance of this AGREEMENT shall commence July 1, 2017 and continue through June 30, 2021, unless terminated sooner as provided herein.

3. AGREEMENT ALTERATIONS AND AMENDMENTS

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

4. TERMINATION

Either PARTY may terminate this AGREEMENT upon thirty (30) calendar 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. In addition, this AGREEMENT automatically terminate if statutory funding is no longer made available through legislative action.

5. INDEMNIFICATION AND HOLD HARMLESS

The PARTIES shall protect, defend, indemnify, and hold harmless each other and their employees, while acting within the scope of their employment as such, from any and all costs, claims, judgments, and/or awards of damages (both to persons and/or property), arising out of, or in any way resulting from, each Party’s obligations to be performed pursuant to the provisions of this AGREEMENT. The Parties shall not be required to indemnify, defend, or hold harmless the other PARTY if the claim, suit, or action for injuries, death, or damages (both to persons and/or property) is caused by the negligence of the other PARTY; provided that, if such claims, suits, or actions result from the concurrent negligence of the STATE, its employees and (b) the COUNTY, its employees, or includes those actions covered by RCW 4.24.115, the indemnity provisions provided herein shall be valid and enforceable only to the extent of the negligence of each PARTY and its employees. This indemnification shall survive the termination of this AGREEMENT.

6. LIABILITY

WSDOT shall assume no liability or responsibility for the COUNTY’s ferry system except for statutory funding as identified in this AGREEMENT.

7. RECORDS RETENTION

During the term of this Agreement and for a period not less than six (6) years from the date of final payment by the WSDOT, the records and accounts pertaining to the COUNTY’s ferry tolls and
operations and maintenance costs and accounting therefore are to be kept available for inspection and audit by Washington State and/or the federal government and copies of all records, accounts, documents, or other data pertaining to the COUNTY's ferry tolls and operations and maintenance costs will be furnished upon request. If any litigation, claim, or audit is commenced, the records and accounts along with supporting documentation shall be retained until said litigation, claim, or audit finding has been resolved even though such litigation, claim, or audit continues past the six- (6) year retention period.

8. DISPUTES

In the event that a dispute arises under this AGREEMENT, it shall be resolved as follows: The WSDOT and the COUNTY shall each appoint a member to a dispute board, these two members shall select a third board member not affiliated with either PARTY. The three-member board shall conduct a dispute resolution hearing that shall be informal and unrecorded. An attempt at such dispute resolution in compliance with aforesaid process shall be a prerequisite to the filing of any litigation concerning the dispute. The PARTIES shall equally share in the cost of the third board member; however, each PARTY shall be responsible for its own costs and fees.

9. GOVERNANCE

9.1 This AGREEMENT 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.

9.2 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 order following:

   a. Applicable state and federal statutes and rules; and

   b. Any other provisions of this AGREEMENT, including materials incorporated by reference.

10. VENUE

In the event that either PARTY deems it necessary to institute legal action or proceedings to enforce any right or obligation under this AGREEMENT, the PARTIES agree that any such action or proceedings shall be brought in Thurston County Superior Court. Further, the PARTIES agree that each will be solely responsible for payment of its own attorney's fees, witness fees, and costs.

11. WAIVER

A failure by either PARTY to exercise its rights under this AGREEMENT shall not preclude that PARTY from subsequent exercise of such rights and shall not constitute a waiver of any other rights under this AGREEMENT unless stated to be such in a writing signed by an authorized representative of the PARTY and attached to the original AGREEMENT.

12. SEVERABILITY

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

13. ALL WRITINGS CONTAINED HEREIN

This AGREEMENT contains all the terms and conditions agreed upon by the PARTIES. 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.

14. AGREEMENT MANAGEMENT

- The program manager for each of the PARTIES shall be responsible for and shall be the contact person for all communications and billings regarding the performance of this AGREEMENT.

- The Program Manager for WSDOT is: Director, Local Programs, PO Box 47390, Olympia, WA 98504-7390.

- The Program Manager for Whatcom County is: Public Works Director, Whatcom County, 322 N Commercial Street, Ste 210, Bellingham, WA 98225-4042.

- Or, to such other persons and/or addresses as may be specified from time to time by notice to the other PARTY.

IN WITNESS WHEREOF, the PARTIES have executed this AGREEMENT, as of the day, month, and year last signed below.

<table>
<thead>
<tr>
<th>WHATCOM COUNTY, WASHINGTON</th>
<th>WASHINGTON STATE DEPARTMENT OF TRANSPORTATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>By:</td>
<td>By:</td>
</tr>
<tr>
<td>Printed:</td>
<td>Kathleen B. Davis</td>
</tr>
<tr>
<td>Jack Louws</td>
<td>County Executive</td>
</tr>
<tr>
<td>Title:</td>
<td>Director of Local Programs Division</td>
</tr>
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<td>Date:</td>
<td>Date:</td>
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</table>

APPROVED TO FORM

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<tr>
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<tr>
<td>By:</td>
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<tr>
<td>Scott Lockwood</td>
</tr>
<tr>
<td>Prosecuting Attorney</td>
</tr>
<tr>
<td>Daniel L. Gibson</td>
</tr>
<tr>
<td>Date:</td>
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<td>06/01/17</td>
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APPROVED TO FORM

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<td>06/01/17</td>
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</tbody>
</table>
TITLE OF DOCUMENT:
Contract between Whatcom County and Advancement Northwest

ATTACHMENTS:
1. Contract Information Sheet
2. Memo to Executive
3. 2 Originals of Contract

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

The purpose of this contract is to provide “Pathways to Employment” and “Community Access” services to eligible individuals with developmental disabilities. Pathways to Employment services are designed to assist individuals with developmental disabilities to pursue and maintain paid employment in integrated community settings. Community Access Services are designed to increase independence and inclusion in the community.
MEMORANDUM

TO: Jack Louws, County Executive
FROM: Regina A. Delahunt, Director

RE: Advancement Northwest, New Contract for Services to Individuals with Developmental Disabilities

DATE: May 30, 2017

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

- Background and Purpose
  The purpose of this contract is to provide "Pathways to Employment" and "Community Access" services to eligible individuals with developmental disabilities. Pathways to Employment services are designed to assist individuals with developmental disabilities to pursue and maintain paid employment in integrated community settings. Community Access Services are designed to increase independence and inclusion in the community. Currently, 311 adults in Whatcom County receive employment services (82% of whom are employed and earning wages) and 17 individuals receive community access services. Advancement Northwest will be one of the community providers offering these services.

- Funding Amount and Source
  The source of funding for this contract is the Washington State Department of Social and Health Services, Developmental Disabilities Administration. Funding includes state dollars and federal Medicaid match. Total compensation under this contract will vary depending on the number of clients and the types of services authorized, however, the estimated authorized service level is $95,659. County Council approval is required.

- Differences from Previous Contract
  This is a new contract. The Contractor has been monitored and found to meet on-going qualification requirements, originally established through RFQ #13-25.

Please contact Jessica Lee at extension 6047 if you have any questions regarding this agreement.

Encl.
**WHATCOM COUNTY CONTRACT INFORMATION SHEET**

<table>
<thead>
<tr>
<th>Originating Department:</th>
<th>Health</th>
</tr>
</thead>
<tbody>
<tr>
<td>Division/Program: (i.e. Dept. Division and Program)</td>
<td>Human Services</td>
</tr>
<tr>
<td>Contract or Grant Administrator:</td>
<td>Jessica Lee</td>
</tr>
<tr>
<td>Contractor's / Agency Name:</td>
<td>Advancement Northwest</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Is this a New Contract?</th>
<th>Yes ☐ No ☒</th>
<th>If not, is this an Amendment or Renewal to an Existing Contract?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes ☒ No ☐ If Amendment or Renewal, (per WCC 3.08.100 (a)) Original Contract #:</td>
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<thead>
<tr>
<th>Does contract require Council Approval?</th>
<th>Yes ☒ No ☐</th>
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<tbody>
<tr>
<td>If No, include WCC:</td>
<td>(see Whatcom County Codes 3.06.010, 3.08.090 and 3.08.100)</td>
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<table>
<thead>
<tr>
<th>Is this a grant agreement?</th>
<th>Yes ☐ No ☒</th>
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<tbody>
<tr>
<td>If yes, grantor agency contract number(s):</td>
<td></td>
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<tr>
<th>CFDA#:</th>
<th>TBD (DSHS/DDD Revenue Contract in Process)</th>
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<tr>
<th>Is this contract grant funded?</th>
<th>Yes ☒ No ☐</th>
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<tr>
<td>If yes, Whatcom County grant contract number(s):</td>
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<thead>
<tr>
<th>Contract Cost</th>
<th>RFQ #13-25</th>
<th>Center: 673800</th>
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<tr>
<th>Is this contract the result of a RFP or Bid process?</th>
<th>Yes ☒ No ☐</th>
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<td>If yes, RFP and Bid number(s):</td>
<td></td>
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<tr>
<th>Is this agreement excluded from E-Verify?</th>
<th>Yes ☐ No ☒</th>
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<tr>
<td>If No, include Attachment D Contractor Declaration form.</td>
<td></td>
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</table>

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

<table>
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<tr>
<th>Contract Amount (sum of original contract amount and any prior amendments):</th>
<th>Varies depending on number of clients and types of services authorized.</th>
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| Summary of Scope: The purpose of this contract is to provide “Pathways to Employment” and “Community Access” services to eligible individuals with developmental disabilities. Pathways to Employment services are designed to assist individuals with developmental disabilities to pursue and maintain paid employment in integrated community settings. Community Access Services are designed to increase the individual’s independence and inclusion in the community. |

<table>
<thead>
<tr>
<th>Term of Contract:</th>
<th>1 Year</th>
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<tr>
<td>Expiration Date:</td>
<td>6/30/2018</td>
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<td></td>
<td>2. Attorney signoff: rb</td>
<td>Date: 5/17/17</td>
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<td></td>
<td>3. AS Finance reviewed: bbenet</td>
<td>Date: 5/9/17</td>
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<td>4. IT reviewed (if IT related):</td>
<td>Date:</td>
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<td>5. Contractor signed:</td>
<td>Date: 5/23/17</td>
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<td>6. Submitted to Exec.:</td>
<td>Date: 6/2/17</td>
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<td>7. Council approved (if necessary):</td>
<td>Date:</td>
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<td>8. Executive signed:</td>
<td>Date:</td>
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<td>9. Original to Council:</td>
<td>Date:</td>
</tr>
</tbody>
</table>
COUNTY ORIGINAL

CONTRACT FOR SERVICES AGREEMENT
Employment Services

Whatcom County Contract No. 201706009

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

General Conditions, pp. 3 to 8,
Exhibit A (Scope of Work), pp. 9 to 14,
Exhibit B (Compensation), pp. 15 to 17,
Exhibit C (Certificate of Insurance) p. 18,
Exhibit D ( Assignment of Medicaid Billing Rights) p 19,
Exhibit E (E-Verify Declaration) p 20.

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

The term of this Agreement shall commence on the 1st day of July, 2017, and shall, unless terminated or renewed as elsewhere provided in the Agreement, terminate on the 30th day of June, 2018.

The general purpose or objective of this Agreement is to provide employment or community access services to individuals with developmental disabilities as more fully and definitively described in Exhibit A hereto. The language of Exhibit A controls in case of any conflict between it and that provided here.

The maximum consideration for the initial term of this agreement or for any renewal term will vary, depending upon the number of clients authorized for service by the Washington State Department of Social and Health Services, Developmental Disabilities Administration (DSHS/DDA). 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 27th day of May, 2017.

CONTRACTOR:
Advancement Northwest
2219 Rimland Drive, Suite 301
Bellingham, WA 98226

[Signature]
Name & Title of Signatory

STATE OF WASHINGTON

COUNTY OF [Whatcom]

On this 23rd day of March 2017, before me personally appeared [Name of Witness], to me known to be the owner (title) of Advancement Northwest and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

MADELIN GONZALES
NOTARY PUBLIC
STATE OF WASHINGTON
COMMISSION EXPIRES DECEMBER 9, 2020

HL_070117_Adv_NW_Adult_Svcs
WHATCOM COUNTY:
Recommended for Approval:

[Signature]
Arnie Deacon, Human Services Manager
Date: 5/30/17

[Signature]
Regina A. Decker
Department Director
Date: 5/30/17

Approved as to form:

[Signature]
Prosecuting Attorney
Date: 6-1-17

Approved:
Accepted for Whatcom County:

By:
Jack Louws, Whatcom County Executive

STATE OF WASHINGTON   
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.

[Signature]
NOTARY PUBLIC in and for the State of Washington, residing at __________________________. My commission expires ____________

CONTRACTOR INFORMATION:

Advancement Northwest
2219 Rimland Drive, Suite 301
Bellingham, WA 98226
Contact: Rachel Silves, Co-Owner
Phone: (360) 820-3013
Rachel@advancementnw.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:
The duration of this Agreement may be extended by mutual written consent of the parties, for a period of up to one year, and for a total of no longer than three years.

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

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

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

Series 20-29: Provisions Related to Consideration and Payments

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

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

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

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

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

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

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

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

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

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

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

31.2 Patent/Copyright Infringement: Not Applicable

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

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

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

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

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

36.1 Waiver of Noncompetition: Not Applicable

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

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

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

Jessica Lee, Developmental Disabilities Program Specialist – illee@whatcomcounty.us
Whatcom County Health Department
509 Girard Street
Bellingham, WA 98225
(360) 778-6047
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:
The E-Verify contractor program for Whatcom County applies to contracts of $100,000 or more and sub contracts for $25,000 or more if the primary contract is for $100,000 or more. Contractor represents and warrants that it will, for at least the duration of this contract, register and participate in the status verification system for all newly hired employees. The term "employee" as used herein means any person that is hired to perform work for Whatcom County. As used herein, “status verification system” means the Illegal Immigration Reform and Immigration Responsibility Act of 1996 that is operated by the United States Department of Homeland Security, also known as the E-Verify Program, or any other successor electronic verification system replacing the E-Verify Program. Contractor/Seller agrees to maintain records of such compliance and, upon request of the County, to provide a copy of each such verification to the County. Contractor/Seller further represents and warrants that any person assigned to perform services hereunder meets the employment eligibility requirements of all immigration laws of the State of Washington. Contractor/Seller understands and agrees that any breach of these warranties may subject Contractor/Seller to the following: (a) termination of this Agreement and ineligibility for any Whatcom County contract for up to three (3) years, with notice of such cancellation/termination being made public. In the event of such termination/cancellation, Contractor/Seller would also be liable for any additional costs incurred by the County due to contract cancellation or loss of license or permit. * Contractor will review and enroll in the E-Verify program through this website: www.uscis.gov

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 hereininafter specified and within the time limits stated, the records, orders, rulings, instructions, and decisions of the Administrative Officer shall be final and conclusive.

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

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

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

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

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

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

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

I. Background

The purpose of this contract is to provide “Pathways to Employment” and “Community Access” services to eligible individuals with developmental disabilities. Pathways to Employment services assist working age adults to pursue and maintain paid employment in integrated community settings. Community Access services support individuals who are retired or no longer seeking employment to increase their independence and inclusion in the community.

All services are individualized to reflect the individual’s interests, strengths, gifts, talents, and service goals.

This contract reflects the community values and goals of the Whatcom County Developmental Disabilities Advisory Board, the Whatcom County Developmental Disabilities program, the Washington Department of Social and Health Services (DSHS) work order for the current biennium and the County Guidelines published by DSHS and available at https://www.dshs.wa.gov/sites/default/files/DDA/dda/documents/c_guidelines.pdf.

II. Service Types

The contractor has applied for and been accepted and monitored as a qualified provider for the services indicated, below.

☑ Individual Supported Employment
☐ Group Supported Employment
☐ Community Access

These services are defined in the table below, based on the definitions found in the DSHS/DDA Program Agreement for the current DDA biennium.
<table>
<thead>
<tr>
<th>Service Type</th>
<th>Service Description</th>
<th>Service Goals</th>
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<tbody>
<tr>
<td>Individual Supported Employment</td>
<td>▪ These services are part of an individual's pathway to integrated employment in typical community jobs.</td>
<td>▪ Establish employment opportunities for participants within local businesses on a one-person/one-job basis or self-employment in line with the DSHS/DDA self-employment guidelines.</td>
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<td></td>
<td>▪ These are individualized services necessary to help persons with developmental disabilities obtain and maintain integrated employment at or above the state's minimum wage in the general workforce.</td>
<td>▪ Develop work opportunities regardless of the level of disability.</td>
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<td>▪ These services may include intake, discovery, assessment, job preparation, job marketing, job supports, recordkeeping and on-going support to maintain a job.</td>
<td>▪ Develop relationships with and support from co-workers without disabilities (i.e. natural supports).</td>
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<td>▪ Earn sufficient wages to increase self-sufficiency and meet or exceed living expenses.</td>
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<td>▪ Develop skills necessary to increase independence on the job and decrease dependence on paid supports.</td>
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<td></td>
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<td>▪ Make measurable progress toward the individual's employment goals.</td>
</tr>
<tr>
<td>Group Supported Employment</td>
<td>▪ These services are part of an individual's pathway to integrated employment in typical community jobs.</td>
<td>▪ Establish supervised employment and training opportunities for small groups of participants within local business, industry and community settings.</td>
</tr>
<tr>
<td></td>
<td>▪ These services are intended to be short term and offer ongoing supervised employment for groups of no more than eight (8) workers with disabilities in the same setting.</td>
<td>▪ Develop relationships with and support from co-workers without disabilities (i.e. Natural supports).</td>
</tr>
<tr>
<td></td>
<td>▪ Examples include enclaves, mobile crew and other business models employing small groups of workers with disabilities in integrated employment in community settings.</td>
<td>▪ Earn sufficient wages to increase self-sufficiency and meet or exceed living expenses.</td>
</tr>
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<td></td>
<td></td>
<td>▪ Develop skills necessary to increase independence on the job, and decrease dependence on paid supports.</td>
</tr>
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<td></td>
<td>▪ Make measurable progress toward the individual's employment goals and toward integrated employment at minimum wage or better.</td>
</tr>
<tr>
<td>Community Access</td>
<td>▪ These individualized services are provided in typical integrated community settings for individuals in retirement or no longer pursuing employment</td>
<td>▪ Participation in integrated community activities of clients' choice similar to individuals without disabilities of the same age.</td>
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<tr>
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<td>▪ Services will promote individualized skill building which supports the individual to actively and independently engage in their local community.</td>
<td>▪ Membership/leadership in local community clubs and associations based on interest and culture.</td>
</tr>
<tr>
<td></td>
<td>▪ Activities will provide opportunity to develop relationships and to learn, practice and apply skills that result in greater independence and community inclusion.</td>
<td>▪ Foster connections between persons with disabilities and persons without disabilities who are not paid developmental disabilities staff.</td>
</tr>
<tr>
<td></td>
<td>▪ These services may be authorized instead of employment support for working age individuals (21-62) who have received nine months of employment support and choose to no longer pursue employment.</td>
<td>▪ Enhance or maintain the persons' competence, integration, physical or mental skill.</td>
</tr>
</tbody>
</table>

### III. Statement of Work

HL_070117_Adv_NW_Adult_Svcs
The Contractor will develop an individualized service plan for each client based on his or her interests, skills and abilities. Support will be provided as defined below to make measurable progress toward the client’s service goals as outlined in the plan.

A. Client support

“Support” provided in the implementation of client services, as referenced herein, is defined as staff time spent on behalf of the program client to achieve community employment or access goals. In addition to those activities specifically outlined within the billable activities, below, “support” when used within a definition typically refers to one of the three following activities:

- **Monitoring** of client employment or community access activities (e.g., ensuring safety, quality etc.);
- Providing verbal or physical reminders or **prompts** for the client to successfully complete or engage in employment or community access activities; or
- Providing partial or total 1:1 **physical assistance** to allow the client to successfully complete or engage in employment or community access activities.

B. Pathway to Employment Billable Support Activities

Pathway to Employment includes both Individual Employment (IE) and Group Supported Employment (GSE). Billable support activities for Pathway to Employment services are found on the Washington State Department of Social & Health Services Developmental Disabilities Administration (DSHS/DDA) website, and may be amended or updated with prior notification by the County without a contract amendment.


C. Community Access Billable Support Activities

Billable support activities for Community Access services are found on the DSHS/DDA website, and may be amended or updated with prior notification by the County without a contract amendment.


D. Individualized Plan for Services

The Contractor is required to have a written, individualized service plan for each client, completed within 60 days of County authorization. This individual plan is meant to be the “driver” or basis for support services delivered by the Contractor. The individual plan must be updated and reviewed at least annually by the planning team, as described below.

The individual plan requires the development of a planning team including the client, client’s guardian when applicable, DSHS/DDA Case Resource Manager, and others identified by the client to provide input. At a minimum, the DSHS/DDA Case Resource Manager and the individual/guardian will receive a copy of the completed plan. Other members of the planning team may request a copy with the client’s permission.

Required elements of both Pathways to Employment and Community Access plans are outlined in the County Program Implementation Guide, referenced in Section 7.

E. Progress Updates
For all clients, the Contractor shall document measureable progress toward achieving the individual's service goals every 6 months in a format approved by the County. Six (6) month progress updates must be sent to the DSHS/DDA Case Resource Manager and the client/guardian.

If clients receiving Individual Employment or Group Supported Employment services have not obtained paid employment at minimum wage or better within six (6) months the contractor will:

- Review the progress toward service goals
- Provide evidence of consultation with the family/client
- Develop additional strategies with the family/client, county staff, employment support staff and case manager as appropriate. Strategies may include technical assistance, changing to a new provider and/or additional resources as needed to support employment goals.
- Document the additional/new strategies developed for each client with the client's file.

If after 12 months the client remains unemployed, an additional review will be conducted. The Contractor will address steps outlined in the previous six month progress report in the next 6 month progress report. The client may request to participate in Community Access activities or the client can choose to remain in an employment program. Individuals requesting to participate in Community Access activities will be referred to his/her DSHS/DDA Case Resource Manager.

IV. Service Requirements

A. All Services will:

1. Be individualized and unique to the client’s Individualized Pathway to Employment or Community Access Plan.
2. Ensure continued movement toward inclusive settings, integration and connection with others in the community without disabilities.
3. Provide supports in a variety of settings and in a broad range of activities that will contribute to his/her individual service goals.
4. Provide staff and training interventions at appropriate levels to safely and effectively meet the needs of the client.
5. Promote independence through skill development and training, including the effective use of public transportation.
6. Implement curriculum, work activities, routines, and other materials used to facilitate learning that are relevant to the age and individual needs of each client.
7. Emphasize the development of natural community supports, in conjunction with, but not an over-reliance on, public funds. Natural supports are those provided by individuals in the work or community environment who are not paid to support the client.
8. Demonstrate measurable progress toward achieving the client’s individualized service goals.
9. Include at minimum monthly contact by the contractor.
10. Provide support to the client at a service level proposed by the Contractor, approved by the County and authorized by the DSHS/DDA Case Resource Manager. Service levels will be authorized in accordance with:
   - Washington Administrative Code (WAC) 388-828-9325, through 9360 for Employment Services
   - Washington Administrative Code (WAC) WAC 388-828-9300 through 9310 for Community Access Services
   - County Implementation Guide for Employment and Community Access Services
11. Adhere to 42CFR 441 530(a) (1) related to Home and Community Based settings which requires:
   a. The service setting is integrated in and supports full access to the greater community;
   b. Ensures the individual receives services in the community to the same degree of access as individuals not receiving Medicaid HCBS;
   c. Provides opportunities to seek employment and work in competitive integrated settings; and
   d. Identifying settings that isolate people from the broader community or that have the effect of isolating individuals from the broader community of individuals who do not receive Medicaid HCB services. These settings are presumed not to be home and community-based.

B. All Employment Services will:

1. Emphasize maximum integration with co-workers without disabilities. All efforts will be made to promote employer responsibility for workers with disabilities, including exploration of direct employment of clients by the business/industry in Group Supported Employment.
2. Ensure that pay for work performed is commensurate with pay to other employees doing the same type and amount of work.
3. Ensure compensation in accordance with applicable federal and state laws and regulation. This includes, but is not limited to section 14 (C) of the Federal Fair Labor Standards Act (FLSA), RCW 39.12.022, RCW 49.46.060, RCW 49.46.020 and WAC 296-128-050 and Washington State Labor and Industries requirements and procedures for payment of sub-minimum wage.
4. Ensure that all individuals, regardless of their disability, are provided the opportunity to pursue employment. Some participants may need more support than others and may spend time in activities that will prepare the participant for future community employment.

C. Group Supported Employment (GSE) will:

1. Ensure paid work/paid training is available for all clients authorized for these services. In the event that contracted work is no longer available or insufficient to maintain a GSE work site, the provider is expected to notify the County to determine appropriate next steps related to client authorization.
2. Work towards establishing permanent integrated employment at or above minimum wage.

D. Community Access Services will:

1. Focus on activities that are typically experienced by the general public. Support to participate in segregated activities and/or specialized activities will not be reimbursed. Segregated and specialized activities are those which are organized and designed for individuals based on their disability.
2. Not be provided simultaneously with employment services, unless approved by exception by DSHS/DDA.
3. Ensure the health and safety of participating clients.
4. Ensure a positive image and development of relationships, increased competence, individualized skill-building, and other benefits identified in the client's plan. Services will occur individually or in a group of no more than 2 or 3 individuals. Group services may only occur when based on similar interests and needs.
5. Allow a client to discontinue services in order pursue work and to receive employment support at any time.

V. Program Implementation Requirements
The Developmental Disabilities Program Implementation Guide, Employment and Community Access Services is incorporated by reference into the Scope of Work as presently adopted or subsequently amended and can be located at http://www.whatcomcounty.us/713/Contractors. The purpose of the Program Implementation Guide is to detail implementation requirements including policy and procedure for Pathways to Employment and Community Access services.
EXHIBIT "B"
(COMPENSATION)

The source of funding for this contract is DSHS/DDA and includes state dollars and federal Medicaid match. Total compensation for the contract is variable, depending upon the number of clients and service levels authorized by DSHS/ DDA and the County. This is a vendor agreement and not a sub recipient agreement.

The Whatcom County rate structure employs an hourly fee for services system.

The County will pay the contractor for services delivered to DSHS/DDA authorized clients.

- Service levels are individualized, based on assessed client need
- The service hours authorized for each client is mutually agreed upon by DDA, the County and the contractor.
- Limits to client service authorizations are established in Washington Administrative Code (WAC) 388-828-7020.
- Funding is allocated for services delivered to an individual client. The client’s service allocation and funding will follow the client in the event that they choose to receive services through another contractor.
- The billing unit for services is hourly.

I. Billing and Payment

1. Invoices and attached service documentation will be submitted monthly to the Whatcom County Health Department in the format provided by the County. A complete billing includes both an invoice coversheet and attached client service documentation. The Contractor shall send invoices and service documentation to the following address:

   Jessica Lee
   Whatcom County Health Department
   Human Services Division
   509 Girard Street
   Bellingham, WA  98225
   jilee@co.whatcom.wa.us

2. The County must receive all invoices and supporting documentation within ten (10) calendar days following the last day of the month for which reimbursement is claimed. If an invoice or required documentation is incorrect, it will be returned to the Contractor. All invoice corrections or modifications must be submitted no later than forty five (45) days after the last day of the month in which the services were provided.

3. Payment by the County will be considered timely if it is made within thirty (30) days of the receipt and acceptance of billing information from the Contractor. The County may withhold payment of an invoice if the Contractor submits it more than thirty (30) days after the expiration of this contract. Invoices and invoice corrections or modifications related to work done prior to December 31 of the contract year will be accepted no later than January 15 following the end of the County fiscal year (i.e. December 31).

4. The Contractor will not be paid for any billings or invoices for services occurring prior to the execution of the Contract or after its termination.

5. The Contractor shall not bill the County for service performed or provided under this contract if the Contractor has been or will be paid for the same service by any other source. Such sources include, but are not limited to, the Division of Vocational Rehabilitation Social Security Work Incentives such as Plans for Achieving Self Support (PASS), or Impairment Related Work Expense (IRWE). The Contractor is responsible for any audit exceptions or disallowed amounts paid as a result of this contract.
6. Invoices must include the following statement, with an authorized signature and date:

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

7. A total annual funding authorization for all clients will be communicated to the contractor at the start of the contract year. The funding authorization may be amended, based on use, over the course of the contract year without contract amendment. Expenditures may not exceed the total funding authorization approved by the County and in no case will exceed the total available funding restricted to these services.

II. Reporting

1. Reporting on client services will be made monthly with the invoice for services through the established DSHS/DDA County billing and reporting process in the format provided by the County. Data elements and definitions for each category of service are outlined by DSHS/DDA in the Case Management Information System (CMIS) billing instructions found at: https://www.dshs.wa.gov/dda/county-best-practices.

2. The Contractor will provide other reports as developed and required by DSHS/DDA and the County during the term of the contract.

III. Additional Provisions

1. In determining the service level associated with each individual client, the primary service obligation is to meet the needs of the individual client related to his or her service goals, within the limits and requirements established in Washington Administrative Code (WAC).

2. Service levels proposed by the contractor must be approved by the County and authorized by the DDA Case Resource Manager (CRM).

3. Payment will be made on an hourly basis for all staff support hours provided, up to, but not to exceed the monthly support hours authorized for each client.

4. Authorized service levels documented in the DSHS/Case Management Information System (CMIS) database will take precedence in the event of any inconsistency or conflict. The current maximum authorized service level will be downloaded from the DSHS/CMIS database and provided to the Contractor on the monthly billing report.

5. The Contractor may propose a change in service level through the process established in the County Program Implementation Guide.

6. Funds received from the County shall not be used to provide cash benefit to the supported individual, whether salary, bonuses, or benefits.

7. The Contractor agrees to assign to the County its Medicaid waiver billing rights for services to DDA clients eligible under Title XIX programs. If the Contractor chooses to contract directly with DSHS to provide covered services under Title XIX, those services will not be billed to the County. (See Exhibit D)
IV: Reimbursement Rates for Pathways to Employment and Community Access Services

<table>
<thead>
<tr>
<th>Service Type</th>
<th>Description</th>
<th>Rate</th>
<th>Funding source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Individual Employment</td>
<td>Individualized staff support authorized up to 26 hours a month per client</td>
<td>$68/hour</td>
<td>DSHS/DDA</td>
</tr>
<tr>
<td>Individual Employment</td>
<td>Individualized staff support authorized greater than 26 hours a month per client *</td>
<td>$48/hour</td>
<td>DSHS/DDA</td>
</tr>
<tr>
<td>Group supported employment</td>
<td>Shared staff support within the GSE setting and individualized staff support outside of the GSE setting as authorized</td>
<td>$65/hour</td>
<td>DSHS/DDA</td>
</tr>
<tr>
<td>Community Access</td>
<td>Individualized support in integrated community settings</td>
<td>$32/hour</td>
<td>DSHS/DDA</td>
</tr>
</tbody>
</table>

*i.e. service levels authorized above 26 hours a month will be paid at a lower hourly rate. Both the rate and the service level are attached to the client's authorization approved by DSHS/DDA. This means that if the actual number of hours provided falls below 26, the lower hourly rate will still apply.*

a. Other Reimbursable Activities

<table>
<thead>
<tr>
<th>Activity</th>
<th>Description</th>
<th>Reimbursement</th>
<th>Funding source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff Training</td>
<td>Training for Contractor’s staff for the purpose of improving, or enhancing job-related knowledge and skills in the provision of developmental disabilities services.</td>
<td>Reimbursement for actual costs, pre-approved by the County.</td>
<td>DSHS/DDA</td>
</tr>
<tr>
<td></td>
<td>Travel and accommodation costs will be reimbursed according to Section 8.3 in the County Implementation Guide.</td>
<td>And local funds</td>
<td></td>
</tr>
<tr>
<td>Partnership Project (School to Work)</td>
<td>Time spent in collaboration with school districts, Division of Vocational Rehabilitation staff, families, employers and other community collaborators to provide employment services to young adults with developmental disabilities during the school year they turn 21.</td>
<td>$68/hour not to exceed funding authorized in writing by the County per eligible student.</td>
<td>DSHS/DDA</td>
</tr>
<tr>
<td></td>
<td>Billable activities include those listed in Exhibit A, Scope of Work, Section III B.</td>
<td>And local funds</td>
<td></td>
</tr>
</tbody>
</table>
**CERTIFICATE OF LIABILITY INSURANCE**

This certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not affirmatively or negatively amend, extend or alter the coverage afforded by the policies below. This certificate of insurance does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder.

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

<table>
<thead>
<tr>
<th>PRODUCER</th>
<th>CONTACT NAME</th>
<th>PHONE</th>
<th>FAX</th>
<th>ADDRESS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Snapper Shuler Kenner Ins</td>
<td>Beth Kelsey</td>
<td>380-354-4488</td>
<td>380-354-1946</td>
<td><a href="mailto:beth@eskinsurance.com">beth@eskinsurance.com</a></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>INSURED</th>
<th>INSURER(S) AFFORDING COVERAGE</th>
<th>NAIC #</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advancement Northwest LLC</td>
<td>Philadelphia Indemnity Ins.</td>
<td>18058</td>
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</table>

**COVERAGES**

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<tr>
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<tbody>
<tr>
<td>Advancement Northwest LLC</td>
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<td>18058</td>
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</table>

**CERTIFICATE NUMBER:**

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<th>POLICY NUMBER</th>
<th>POLICY EFF</th>
<th>POLICY EXP</th>
<th>LIMITS</th>
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<td>X</td>
<td>OCCUR</td>
<td>X X PHPK1577252</td>
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**WORKERS COMPENSATION AND EMPLOYERS’ LIABILITY**

<table>
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<tr>
<th>Y/N</th>
<th>PER STATUTE</th>
<th>LOST</th>
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<tbody>
<tr>
<td>N/A</td>
<td>E.L. EACH ACCIDENT</td>
<td></td>
</tr>
<tr>
<td></td>
<td>E.L. DISEASE - EA EMPLOYEE</td>
<td></td>
</tr>
<tr>
<td></td>
<td>E.L. DISEASE - POLICY LIMIT</td>
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</tbody>
</table>

**DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)**

General Liability Deluxe Endorsement: Human Services - PI-GLD-HS 10/11

Additional Insured Primary and Non-Contributory Insurance - PI-GLD-005 07/12

**CERTIFICATE HOLDER**

Whatcom County Health Dept.
Administration
509 Girard Street
Bellingham, WA 98225

**CANCELLATION**

**AUTHORIZED REPRESENTATIVE**

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EXHIBIT "D"

(ASSIGNMENT OF MEDICAID BILLING RIGHTS)

The County, through its agreement with the Department of Social and Health Services (DSHS), Developmental Disabilities Administration (DDA), must ensure that all County-contracted providers assign their Medicaid waiver billing rights to the County. DSHS, as the single state Medicaid agency, has administrative authority for Title XIX coverage of services for people with developmental disabilities per 42 CFR 431.10. The County only has responsibility for services covered under its contract with DSHS/DDA. The Contractor agrees, by signing below, to assign to the County its Medicaid waiver billing rights for services to DDA clients eligible under the Title XIX programs. If the Contractor chooses to contract directly with DSHS to provide covered services under Title XIX, those services will not be billed to the County.

Authorized Signature

Date 5/25/17
Firm Name: Advancement Northwest

Proposal/Bid/Invitation/Solicitation No.: N/A

The undersigned declares, under penalty of perjury under the laws of Washington that:

1. The above named firm is currently enrolled in and using the E-Verify system for all employees hired on or after the contract inception date and will continue to use the E-Verify system for so long as work is being performed on the above named project.

2. I certify that I am duly authorized to sign this declaration on behalf of the above named bidder/proposer.

3. I acknowledge that Whatcom County requires a copy of the Memorandum of Understanding between the contractor listed above and the Department of Homeland Security certifying enrollment in the E-Verify program. Failure to provide the required Memorandum of Understanding could lead to suspension of this contract.

DATE: 5/25/17

SIGNATURE:

PRINTED NAME: Don McGrath
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.)

Yes ( ) No ( )

SEPA review required? Yes ( ) No ( )

SEPA review complete? Yes ( ) No ( )

Should Check schedule a hearing? Yes ( ) No ( )

Requested Date:


discussion with County Executive. Loans regarding the creation of a Capital Facility Reserve Fund and the removal of EMS transfers from the General Fund.

Related County Contract #: 5/30/2017: Discussed and held in committee

Related File Numbers:

Ordinance or Resolution Number:

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

TO: Whatcom County Council Members
FROM: Jack Louws, County Executive
DATE: May 19, 2017
SUBJECT: Capital Facility Reserve Fund creation

The 2017-2018 Whatcom County Council adopted General Fund budget included transfers to support Emergency Medical Services (EMS) at the 2016 level of service plus additional funding to cover system shortages. The adopted budget assumed no funding from the proposed EMS property tax levy. For the past several years the General Fund budget included support for EMS of approximately $1.4 million. In 2017, as the result of declining revenues and increasing costs, the General Fund’s support was increased $1.1 million to a total of $2.5 million and in 2018 it was increased $1.3 million to a total of $2.7 million. The impact of the increased funding was a reduction in the projected ending General Fund fund balance.

2017/2018 General Fund Adopted Budget

<table>
<thead>
<tr>
<th></th>
<th>2017</th>
<th>2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Expenditures</td>
<td>$85,239,796</td>
<td>$86,649,985</td>
</tr>
<tr>
<td>Revenues</td>
<td>$80,367,238</td>
<td>$81,628,376</td>
</tr>
<tr>
<td>Net Expenditure</td>
<td>$4,872,558</td>
<td>$5,021,609</td>
</tr>
<tr>
<td>Projected 4% lapse</td>
<td>$3,409,592</td>
<td>$3,465,999</td>
</tr>
<tr>
<td>Net Expenditure after Lapse</td>
<td>$1,462,966</td>
<td>$1,555,610</td>
</tr>
<tr>
<td>Adjusted Fund Balance</td>
<td>$15,169,885</td>
<td>$13,239,846</td>
</tr>
</tbody>
</table>

Now that the EMS levy has passed and EMS has a stable property tax funding source, we would like to discuss with the County Council the best use of the General Fund budget supplanting by the EMS levy.

We recommend creating a Capital Facility Reserve Fund. This fund will be dedicated to the long-term preservation and improvement of our general government and public safety buildings. We recommend a transfer in 2017 of $1,462,996 and in 2018 of $1,555,610. to the Capital Facility Reserve Fund. This will anticipate a net neutral budget for 2017 and 2018 with the transfer of the Net Expenditure after Lapse amount as identified in the chart above. There will be no expenditures budgeted in the fund, as utilization of the fund will require future County Council action.

The balance of the supplant General Fund budget, approximately $1.1 million in 2017 and $1.3 million in 2018 will be removed from budget expenditures, resulting in a corresponding increase to the General Fund ending fund balance.

Recommended action: Motion to instruct Administration to:

1) Create a Capital Facility Reserve Fund ordinance

2) Remove EMS transfers and establish a transfer to the Capital Facility Reserve Fund through a budget supplemental
WHATCOM COUNTY COUNCIL AGENDA BILL

CLEARANCES

<table>
<thead>
<tr>
<th>Originator:</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
<th>Assigned to:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Sidhu</td>
<td>5/23/2017</td>
<td></td>
<td>5/30/2017</td>
<td>Finance Committee</td>
</tr>
</tbody>
</table>

Division Head:

Dept. Head: 5/20/17

Prosecutor: 5/25/17

Purchasing/Budget:

Executive:

TITLE OF DOCUMENT:
Ordinance establishing WCC 2.126, Business & Commerce Advisory Committee

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.)
Ordinance establishing WCC 2.126, Business & Commerce Advisory Committee

COMMITTEE ACTION:
5/30/2017: Discussed and held in committee

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.
PROPOSED BY: SIDHU
INTRODUCTION DATE: ________

ORDINANCE NO. ________

ESTABLISHING WHATCOM COUNTY CODE CHAPTER 2.126, CREATING THE WHATCOM COUNTY BUSINESS AND COMMERCE ADVISORY COMMITTEE

WHEREAS, Whatcom County has numerous advisory boards and commissions to advise the Council and the Executive on a great range of matters; and

WHEREAS, there is no board or commission with the express goal of providing business and industry perspective on regulations and policies; and

WHEREAS, Whatcom County is home to numerous businesses and industries that provide important jobs and contribute meaningfully to the community; and

WHEREAS, Whatcom County businesses have different needs to be successful in a wide variety of economic sectors ranging from individual professionals and service providers, small businesses, medium-sized businesses, and large businesses competing nationally and internationally; and

WHEREAS, Whatcom County seeks to be a place where new businesses are encouraged to start and existing businesses recognize the value of remaining and expanding, creating jobs, and increasing the resources available for all members of the community; and

WHEREAS, the actions of county government can have positive and negative effects on the overall business environment and on individual operations; and

WHEREAS, to ensure the appropriate balance between the interests of the community and the interests of businesses is met, it is critical that business and industry have a voice in policies and regulations that may impact them.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that Whatcom County Code 2.126 is hereby established, creating the Whatcom County Business and Commerce Committee as outlined in Exhibit A to this ordinance.

ADOPTED this ____ day of ________, 2017.

ATTEST:

Dana Brown-Davis, Clerk of the Council

Barry Buchanan, Council Chair

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

WHATCOM COUNTY
APPROVED AS TO FORM:

Civil Deputy Prosecutor

Jack Louws, County Executive

( ) Approved ( ) Denied
Date Signed: ____________________
EXHIBIT A

CHAPTER 2.126
BUSINESS AND COMMERCE ADVISORY COMMITTEE

Sections:
2.126.010 Established
2.126.020 Purpose
2.126.030 Function
2.126.040 Membership
2.126.050 Organization - Meetings

2.126.010 Established.
The Whatcom County Business and Commerce Advisory Committee is hereby established.

2.126.020 Purpose.
The committee will advise the Whatcom County Council on issues, including regulations and policies that could impact local businesses, industry, or economic development.

2.126.030 Function.
The committee reports directly to the County Council as necessary to carry out the following functions:

A. Review and provide recommendations on comprehensive plans, regulations, economic development efforts and on proposals which directly impact business and economic conditions in Whatcom County; and

B. Assist the county and provide recommendations on efforts to improve business conditions, environment and infrastructure; and

C. Assist and develop recommendations for comprehensive economic development efforts and other issues impacting business in Whatcom County.

2.126.040 Membership.
A. The committee shall consist of 13 voting members.

B. The following committee members will be appointed by the county council to four year terms:
   1. One professional service provider working locally as an individual or a in a firm of less than five employees. Professional services providers include accountants, doctors, lawyers, engineers, and other professionals.
   2. At least three members representing small businesses with fewer than 10 employees.
   3. At least three members representing medium-sized businesses with 11 to 50 employees.
   4. At least three members representing large businesses with 51 or more employees.

C. One member shall be the director of the County’s Associate Development Organizations (ADO) or designee.
D. All appointed committee members shall be from for-profit business entities and may include food and agricultural processing businesses, but not farm operations. No two members can represent or be employed by the same company.

2.126.050 Organization – Meetings.
A. Meetings of the committee shall be open and accessible to the public and shall be subject to the Open Public Meetings Act.

B. The committee shall determine its own meeting schedule, but shall meet at least four times per year.

C. At every meeting, the committee will schedule an open session to take public comment on local business issues. Written records of meetings, resolutions, findings, and recommendations shall be kept and such records shall be public.

D. The committee shall adopt its own rules and procedures for the conduct of business.

E. The committee shall elect a chairperson from among its members who shall preside at its meetings.

F. The committee shall comply with Whatcom County Charter Section 4.20, Qualifications, and with Whatcom County Code Chapter 2.03, Boards and Commissions.
COUNCILMEMBER BROWNE'S PROPOSED VERSION

(DISTRIBUTED TO COUNCIL AS ADDITIONAL INFORMATION ON MAY 26, 2017)
EXHIBIT A

Chapter 2.1xx
Business and Commerce Advisory Committee

Sections:
2.1xx.010 Established
2.1xx.020 Purpose
2.1xx.030 Function
2.1xx.040 Membership
2.1xx.050 Organization - Meetings

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A. Review and provide recommendations on comprehensive plans, regulations, economic development efforts and on proposals which directly impact business and economic conditions in Whatcom County; and

B. Assist the county and provide recommendations on efforts to improve business conditions, environment and infrastructure; and

C. Assist and develop recommendations for comprehensive economic development efforts and other issues impacting business in Whatcom County.

D. Develop recommendations and strategies for ensuring the county applies a client-focused approach to supporting businesses with regulations, permitting, and planning.

2.1xx.040 Membership.
A. The committee shall be composed of 15 voting members,

B. The following four designated officials:
1. One member of the Whatcom County Council;
2. City of Bellingham Mayor or designee;
3. Port of Bellingham Executive Director or designee; and
4. One representative from the small cities, designated by the Small Cities Caucus.

C. The county council shall appoint the one member representing for-profit business entities in each of the following industries:

1. Internet technology;
2. Manufacturing;
3. Food processing;
4. Recreation;
5. Retail;
6. Marine trades; and
7. Commercial real estate.

D. The county council shall also appoint:
1. Two members representing for-profit business entities in any industry, including those listed subsection C; and
2. Two members representing the county’s institutions of higher education (Western Washington University, Whatcom Community College, The Northwest Indian College, and Bellingham Technical College).

E. No two appointed members may represent or be employed by the same company or organization.

F. The term of office for appointed members shall be four years; provided that the terms of those first appointed shall be staggered so that five will be appointed for two years and six will be appointed for four years.

2.1xx.050 Organization – Meetings.
A. Meetings of the committee shall be open and accessible to the public and shall be subject to the Open Public Meetings Act.

B. The committee shall determine its own meeting schedule but shall meet at least four times per year.

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EXHIBIT A

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Sections:
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D. Develop recommendations and strategies for ensuring the county applies a client-focused approach to supporting businesses with regulations, permitting, and planning.

2.1xx.040 Membership.
A. The committee shall be composed of 1315 voting members.
B. The following committee members will be appointed by the county council to four year terms: designated officials:
   1. One professional service provider working locally as an individual or in a firm of less than five employees. Professional services providers include accountants, doctors, lawyers, engineers, and other professionals.
   2. At least three members representing small businesses with fewer than 10 employees.
   3. At least three members representing medium-sized businesses with 11 to 50 employees.
   4. At least three members representing large businesses with 51 or more employees.

1. One member shall be the director of the Whatcom County Council; 
2. City of Bellingham Mayor or designee;
3. All appointed committee members shall be Port of Bellingham Executive Director or designee; and
4. One representative from the small cities, designated by the Small Cities Caucus.

C. The county council shall appoint the one member representing for-profit business entities and may include food and agricultural in each of the following industries:

1. Internet technology;
2. Manufacturing;
3. Food processing businesses, but not farm operations;
4. Recreation;
5. Retail;
6. Marine trades; and
7. Commercial real estate.

D. The county council shall also appoint:
   1. Two members representing for-profit business entities in any industry, including those listed subsection C; and
   2. Two members representing the county's institutions of higher education (Western Washington University, Whatcom Community College, The Northwest Indian College, and Bellingham Technical College).

D-E. No two appointed members can represent or be employed by the same company or organization.

F. The term of office for appointed members shall be four years; provided that the terms of those first appointed shall be staggered so that five will be appointed for two years and six will be appointed for four years.
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A. Meetings of the committee shall be open and accessible to the public and shall be subject to the Open Public Meetings Act.

B. The committee shall determine its own meeting schedule but shall meet at least four times per year.

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D. The committee shall adopt its own rules and procedures for the conduct of business.

E. The committee shall elect a chairperson from among its members who shall preside at its meetings.

F. The committee shall comply with Whatcom County Charter Section 4.20, Qualifications, and with Chapter 2.03 WCC, Boards and Commissions.
TITLE OF DOCUMENT:
Discussion regarding potential property acquisition for the Flood Control Zone District

ATTRACTIONS:
None

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.)

Discussion regarding a potential property acquisition for the Flood Control Zone District with Public Works staff. (Discussion of this item may take place in executive session (closed to the public pursuant to RCW 42.30.110 (1) (b))

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

CLEARANCES

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TITLE OF DOCUMENT:
Departmental Updates to Council

ATTACHMENTS:

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.)

Council Reporting Schedule - 2017

2/21/2017: Public Works, Health & Safety - Public Works
3/7/2017: Finance & Admin Services - HR & Finance / Public Works, Health & Safety - Sheriff's Office
4/4/2017: Planning & Development - PDS
5/2/2017: Public Works, Health & Safety - Public Defender
5/16/2017: Finance & Admin Services - Finance / Public Works, Health & Safety - District Court Probation
5/30/2017: Natural Resources - Parks & Recreation / Finance & Admin Services - Prosecuting Attorney
6/13/2017: Public Works, Health & Safety - Juvenile Court
7/11/2017: Finance & Admin Services - Facilities
7/25/2017: Public Works, Health & Safety - District Court
8/8/2017: Finance & Admin Services - IT
9/12/2017: Public Works, Health & Safety - Public Works / Finance & Admin Services - HR/Finance
9/26/2017: Planning & Development - PDS
10/10/2017: Public Works, Health & Safety - Superior Court
10/24/2017: Natural Resources - Parks & Recreation
11/21/2017: Finance & Admin Services - Finance
12/5/2017: Finance & Admin Services - IT

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.
## TITLE OF DOCUMENT:
Draft Public Participation Plan

### ATTACHMENTS:
1. Cover letter
2. Draft Public Participation Plan

### 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 Growth Management Act requires counties to develop public participation programs for comprehensive plan and development regulation amendments. A draft Public Participation Plan for Whatcom County Comprehensive Plan and Development Regulation Amendments has been developed for Council review and approval. This plan will guide public participation efforts relating to comprehensive plan and development regulation amendments.

### COMMITTEE ACTION:

### COUNCIL ACTION:

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<th>Related County Contract #:</th>
<th>Related File Numbers:</th>
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Memorandum

May 30, 2017

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

FROM: Matt Aamot, Senior Planner

THROUGH: Mark Personius, Assistant Director

RE: Draft Public Participation Plan

The Growth Management Act (GMA) requires counties to develop public participation programs for comprehensive plan and development regulation amendments. The Whatcom County Council approved the 2016 Public Participation Plan last September, after review by the Planning Commission. The County is now updating this Plan.

The Public Participation Plan identifies statutory requirements (GMA requirements) and lists docketed comprehensive plan and development regulation amendments that have been initiated for further review by the County Council.

The Plan classifies proposed comprehensive plan and development regulation amendments as level 1, 2 or 3 projects for determining the public participation approach. The process for each level is summarized below:

**Level 1** – Requires a staff report, notice in the newspaper, posting the proposal on the website, and sending it to the County’s e-mail list. It also requires a public hearing before the Planning Commission prior to final Council action.

**Level 2** – Requires all Level 1 processes, plus developing alternatives (when appropriate) and review by an advisory committee, agency, county department or the appropriate City.

**Level 3** – Requires all Level 2 processes, plus a town hall meeting.

Proposed changes from last year’s Public Participation Plan include:

1. **Removing 2016 Comp Plan Update Language** – The 2016 Comprehensive Plan Update/UGA Review was adopted by the County Council in August 2016. Therefore, the language relating to the 2016 update has been removed.
2. **Inserting New Amendments** - Inserting the comprehensive plan and development regulation amendments that were initiated for review in 2017 (Resolution 2017-016).

3. **Removing Amendments** - Deleting amendments that were previously initiated but have completed the review process. Additionally, the Council voted to remove two specific items from the docket that have not completed the review process: The MRL Expansion – Lummi Island (which is now owned by the Lummi Island Heritage Trust) and the Offsite Wetland Mitigation/Habitat Restoration application (because the applicant did not provide requested information).

On May 11, 2017, the draft Public Participation Plan was posted on the County website and sent to the people and agencies on the County’s e-mail list. Notice of the Planning Commission hearing was published in the Bellingham Herald on May 12, 2017. The Planning Commission recommended approval of the Plan on May 25, 2017.

Thank you for your review and consideration of the draft Public Participation Plan. We look forward to discussing it with you.
Public Participation Plan

Whatcom County Comprehensive Plan and Development Regulation Amendments

DRAFT
Recommended by Planning Commission
May 25, 2017
Approved by the County Council
September 13, 2016
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Chapter 1. Introduction

The Washington State Growth Management Act (GMA) requires the County to review and revise its comprehensive plan and development regulations periodically [RCW 36.70A.130(1)]. The GMA states:

"...Except as otherwise provided, a county or city shall take legislative action to review and, if needed, revise its comprehensive land use plan and development regulations to ensure the plan and regulations comply with the requirements of this chapter... The review and evaluation required by this subsection shall include, but is not limited to, consideration of critical area ordinances and, if planning under RCW 36.70A.040, an analysis of the population allocated to a city or county from the most recent ten-year population forecast by the office of financial management." 

Additionally, the GMA requires review of urban growth areas [RCW 36.70A.130(3)]. The GMA states:

“(a) Each county that designates urban growth areas under RCW 36.70A.110 shall review, according to the schedules established in subsection (5) of this section, its designated urban growth area or areas, and the densities permitted within both the incorporated and unincorporated portions of each urban growth area. In conjunction with this review by the county, each city located within an urban growth area shall review the densities permitted within its boundaries, and the extent to which the urban growth occurring within the county has located within each city and the unincorporated portions of the urban growth areas.

— (b) The county comprehensive plan designating urban growth areas, and the densities permitted in the urban growth areas by the comprehensive plans of the county and each city located within the urban growth areas, shall be revised to accommodate the urban growth projected to occur in the county for the succeeding twenty-year period."
According to RCW 36.70A.130(5), Whatcom County is required to complete its review and update of the comprehensive plan, development regulations (zoning, critical areas ordinance, etc.) and urban growth areas in 2016. The update represents the county’s vision for the next twenty years.

Whatcom County adopted the 2016 comprehensive plan, urban growth area (UGA), and development regulations update in August 2016. However, the critical areas ordinance (CAO) update has not yet been completed. It is anticipated that the CAO update will be completed in 2017.

This Public Participation Plan (PPP) is intended to guide the County in reviewing comprehensive plan, zoning, and critical areas ordinance (CAO) amendments. The Plan is required by state law (RCW 36.70A.140), which indicates:

“Comprehensive plans – Ensure public participation. Each county and city that is required or chooses to plan under RCW 36.70A.040 shall establish and broadly disseminate to the public a public participation program identifying procedures providing for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing such plans. The procedures shall provide for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, communication programs, information services, and consideration of and response to public comments. . . .”

The bolded sentence of RCW 36.70A.140 above guided the County in developing this PPP. Prior to implementation, this plan will have been reviewed by the planning commission and the county council, with opportunity for the public to comment. The plan will be implemented as adopted.

The issues that will be considered as part of County’s review and amendment of the comprehensive plan and development regulations are divergent and far-reaching. A one-size-fits-all approach to this public participation plan for all of these very different types of issues would not be effective and would do a disservice to the residents of Whatcom County.

This PPP outlines the public participation approach that will be taken with each issue rather than a generic overall approach. The objective of this plan is to provide a clear process for each issue so residents can easily determine how best to be involved in the issues they care about most.

There are other planning issues that require public participation that may not be mentioned in this plan, including standard map and text amendments to Title 20 Zoning that are initiated for review after approval of this plan. At minimum, these items will be processed as Level 1 projects. If additional public participation is required or another approach is appropriate, the Planning and Development Services Department will upgrade the item to a more rigorous approach. Please see Chapter 4 for more information about public participation approaches.
Ongoing programs administered through the Planning Department also provide opportunities for public participation through their respective advisory committees. The Agricultural Advisory Committee, Purchase of Development Rights Oversight Committee, Forestry Advisory Committee, Surface Mining Advisory Committee, and Wildlife Advisory Committee, and Critical Areas Advisory Committees meet as needed to assist in the administration of their programs, and may recommend amendments to the comprehensive plan and County Code. These advisory committee meetings are open to the public. More information on these programs can be found at: http://www.whatcomcounty.us/210/Boards-Commissions.

The PPP is designed to meet the following objectives:

- Provide a roadmap for the public, outlining a clear and accessible public process for comprehensive plan and development regulation amendments;
- Provide a roadmap for the public, outlining a clear and accessible public process for the CAO update;
- Ensure input is sought from a broad base of public participants and is elicited in a timely fashion, considered, and incorporated as appropriate into review of Comprehensive Plan and Development Regulation amendments; and
- Make a concerted and continuous effort to ensure that elected officials and staff are fully aware of and understand community and stakeholder concerns.

1.1. Public Participation Plan Format

To meet PPP objectives consistent with GMA goals this document:

- Outlines the issues that will be considered (Chapter 2);
- Identifies the potential project participants in the comprehensive planning process (Chapter 3), and;
- States the approach that will be taken with each issue (Chapter 4).
Chapter 2. The Issues

The issues that Comprehensive Plan and development regulation amendments will address can be divided into two categories: statutory requirements and docketed requests. This section of the PPP outlines these issues, within these categories. Each issue has been assigned a number beginning first with an “S” or “D” for “statutory” or “docket” respectively. These numbers will carry with each issue to Chapter 4 of this document. Chapter 4 will go into greater detail on the public participation approach that the County will take on each of these issues.

2.1. Statutory Requirements

The Growth Management Act requires Whatcom County to review and update the comprehensive plan by 2016. The County has completed the 2016 comprehensive plan and zoning update, but is still working on the CAO update. The following is a current list of identified statutory requirements:

S-1. **Forest Practices** (RCW 36.70A.570, amended in 2007 by SHB 1409) – Relating to the transfer of jurisdiction over conversion-related forest practices to local governments. For counties planning under the GMA, if more than 25 Class IV applications had been filed with the DNR between certain dates, then the county, and the cities within it, are required to adopt forest practices approval ordinances.

S-2. **Critical Areas/Best Available Science** (RCW 36.70A.130(1)(c)) – The GMA was amended in 1995 to require that the county include the best available science (BAS) in developing policies and development regulations to protect the functions and values of critical areas. State law requires the county to consider the critical areas ordinance and best available science as part of this 2017 update. See also EHB 1653 and SSB 6520 from 2010.
2.2. Docketed Amendment Requests

The items in this section were docketed amendment requests in 2017-2016. These were items initiated for further review by the County Council under Resolutions 2017-016,2016-009 and 2016-027. As with statutory requirements in the previous section, this list will be updated on an annual basis.


D-2. **Marijuana Production Facility - Buffer Waivers** (PLN2017-00002) - Amend the Whatcom County Zoning Code to allow marijuana production facilities in the Agriculture zone closer to churches when a waiver is signed by the legal representatives of the church.

D-3. **MRI County-wide Designation Process** (PLN2017-00004) - Through a county-led countywide assessment, seek to identify and designate potential commercially significant mineral resource lands, to meet future demand, compatible with water resources, agricultural lands, forest lands and other GMA goals pursuant to Comprehensive Plan Policy 8R-1.

D-4. **New Marine Resource Lands Section** (PLN2017-00005) - Create a new Marine Resource Lands section in the Comprehensive Plan (Chapter 8) pursuant to Comprehensive Plan Policy 8T-1.

D-5. **Water Resources - GMA Compliance** (PLN2017-00006) - Amend the Whatcom County Comprehensive Plan and development regulations to address exempt wells in closed basins, in accordance with the Washington Supreme Court’s decision in Hirst v. Whatcom County (Oct. 2016).

D-6. **WCC/Title 20 Amendments** (PLN2017-00007) - Review and, if needed, revise the Whatcom County Zoning Code and other sections of the Whatcom County Code to implement Comprehensive Plan policies and/or address issues identified in the administration of the codes. Additionally, any revisions needed to achieve consistency with the Growth Management Act may also be considered.

D-1. **Kennels in the Ag Zone** (PLN2016-00009) - Amend the Whatcom County Zoning Ordinance to allow Commercial Kennels as a conditional use in the Agriculture zone on parcels between one and five acres in size.

D-2. **Capital Facility Planning** (PLN2016-00003) - Review and update the 20 Year Capital Facilities Plan (Appendix E) and the Six-Year Capital Improvement Program for Whatcom County Facilities (Appendix F) of the Whatcom County Comprehensive Plan.

D-3. **Critical Areas Ordinance Update** (PLN2016-00004) - Update the Critical Areas Ordinance, in accordance with the Growth Management Act.
D-4. Low Impact Development Code Revision (PLN2016-00005) - Whatcom County is updating the Comprehensive Plan, codes and standards to be consistent with the Low Impact Development (LID) principles condition of the 2013-2018 National Pollutant Discharge Elimination System (NPDES) Western Washington Phase II Municipal Stormwater Permit. As a Phase II Permittee, the County is required to review and update its development codes and standards to make LID the preferred and commonly used approach to site development within the areas of the County covered by the NPDES Permit. The County is also using this as an opportunity to review its stormwater regulations, and may potentially amend other sections to standardize stormwater regulations throughout the County.

D-85. Wireless Communication Facilities (PLN2016-00006) - Review and update provisions in Chapter 20.13 to ensure consistency with new 2015 FCC rules (80 FR 1238) which are designed to implement and enforce Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012. The sections to be reviewed and updated will include WCC 20.13.010 - Purpose; WCC 20.13.020 - Definitions; WCC 20.13.040 - Permitted Uses; and WCC 20.13.120 - Application requirements and conditions of issuance.

D-97. WCC/Title 20 Amendments (PLN2016-00007) - Review and, if needed, revise the Whatcom County Zoning Code and other sections of the Whatcom County Code to address issues identified in the administration of the codes. Additionally, any revisions needed to achieve consistency with the Growth Management Act and the Whatcom County Comprehensive Plan will also be considered.

D-97. Permit Review Procedures (PLN2016-00008) - Review and revise Whatcom County Code 2.33 (Permit Review Procedures), including updating the code for consistency with state law.

D-108. Sign Regulations Update (PLN2016-00009) - Review and revise Whatcom County Code 20.80.400 (Sign Regulations), including updating the code for consistency with the U.S. Supreme Court's decision in Reed v. Town of Gilbert (2015).

D-119. Vacation Rentals (PLN2014-00020/PLN2016-00011) - Consider proposal to amend the zoning code to allow vacation rental units as accessory uses in residential and commercial zones. Consider proposal to amend the shoreline management code to allow bed and breakfast and vacation rentals under residential uses within the shoreline jurisdiction.

D-10. Cherry Point Amendments (PLN2016-00012) - Review proposed amendments to the Cherry Point section of Chapter Two—Land Use of the Comprehensive Plan including provisions relating to environmental protection, water usage, fossil fuel exports, and the number of piers allowed.

D-123. Code Enforcement Amendments (PLN2015-00003) - Create a new Whatcom County Code (WCC) Title 19, called “Code Enforcement,” to establish an efficient system to address enforcement of building, critical areas and zoning codes. The proposal would consolidate the existing code enforcement provisions from WCC 15, 16.16, and 20 into a new WCC Title 19. The
proposed amendments include provisions that would allow the County to record a document at
the Whatcom Auditor’s office indicating that there is a code violation on a property.

D-12. **Point Roberts Character Plan Amendments (PLN2015-00004)**—Amend the Point Roberts Subarea Plan including the “Point Roberts Character Plan” to ensure consistency between Character Plan development regulations and administrative procedures, the Official Whatcom County Zoning Ordinance (WCC Title 20), and Whatcom County Permit Review Procedures (WCC 2.33). Amend the Point Roberts Character Plan to address timelines for Character Plan Advisory Committee review of projects, roof materials, exterior finish, fire hydrant appearance, screening, dumpsters, utilities & other uses, signs rules, and Character Plan Advisory Committee timelines for responding to alleged code violations.

D-13. **Boundary Line Adjustments (PLN2014-00001)** - Amend Section 20.83.110 of the Whatcom County Zoning Ordinance relating to boundary line adjustments. The amendment would allow boundary line adjustments to nonconforming parcels to resolve encroachments such as fences, trees and other occupational indicators. The amendment would also allow boundary line adjustments that modify the boundaries between two nonconforming parcels based upon land owner preferences, as long as the smallest parcel is not decreased in size.

D-14. **Weddings and Special Events (PLN2014-00016)** - Amend the Official Whatcom County Zoning Ordinance (Title 20) to allow for “Weddings and Special Events” in specific zone districts through an approved Conditional Use Permit (CUP). Authorization to approve this amendment will result in the county needing to define “Special Events” under the “Definitions” section of WCC 20.97 and an additional amendment made to the “Parking Space Requirements” under WCC 20.80.580.


D-16. **Agricultural Strategic Plan Implementation (PLN2012-00007)** - Resolution 2011-023 was approved by the County Council on 7/26/2011 declaring support for the Whatcom County Agricultural Strategic Plan. An immediate priority in this plan is to review the Rural Study Areas as listed in the 2007 Rural Land Study and make recommendations for possible changes in accordance with Resolution 2009-040 (100,000 acre target), Resolution 2011-023 (the Agricultural Strategic Plan), and RCW 36.70A.170 and .177. Other immediate and short-term priorities in this plan include developing tools that can be incentives for agricultural operators within the priority agricultural areas. These activities may lead to proposed changes to the agricultural portions of the Comprehensive Plan and zoning regulations.

D-17. **MRL Expansion – North Star Rd. (PLN2012-00009)** - Consider proposal to amend the comprehensive plan designation from Rural to Mineral Resource Lands (MRL) and amend the zoning map to expand a MRL overlay zone on approximately 19.7 acres on the west side of North Star Rd., south of Brown Rd. The underlying zoning is Rural one dwelling/five acres (R5A).
D-18. Rural Element Update (PLN2012-00012)—Amend the Rural element of the Whatcom County Comprehensive Plan, including provisions relating to water resources, in response to a decision of the Growth Management Hearings Board. Make related amendments to the Official Whatcom County Zoning Ordinance and maps.

D-19. MRL Expansion – Lummi Island (PLN2011-00099)—Consider proposal to amend the comprehensive plan designation from Rural Forestry to Mineral Resource Lands (MRL) and amend the zoning map to expand a MRL overlay zone on approximately 27.5 acres on Lummi Island. The underlying zoning is Rural Forestry.

D-20. Offsite Wetland Mitigation/Habitat Restoration (ZON2008-00001)—Consider proposal to amend the Official Whatcom County Zoning Ordinance to allow offsite wetland mitigation and habitat restoration as a form of compensatory mitigation in all zoning districts.

2.3. Comprehensive Plan and Development Regulation Appeals

The Whatcom County Council may continue to address appeals brought to the Growth Management Hearings Board (GMHB) or the courts. Public participation for settlement activities that will result in an ordinance amending the comprehensive plan and/or development regulations will include, at a minimum:

- Posting an initial draft proposal on the County website and sending it to anyone requesting notification at least 30 days prior to the public hearing. Posting any revised draft on the County website and sending it to anyone requesting notification at least 10 days prior to the public hearing.

- If urban growth areas are being modified, sending the draft proposal to cities and any citizen planning groups for non-City UGAs at least 30 days prior to the public hearing. Sending any revised draft to cities and any citizen planning groups for non-City UGAs at least 10 days prior to the public hearing.

- Publishing notice of the hearing in the newspaper and, if urban growth areas are being modified, e-mailing notice to cities at least 10 days prior to the public hearing; and

- Holding a public hearing.
Chapter 3. Project Participants

The Public Participation Plan is designed to reach all audiences that may have an interest in Comprehensive Plan and development regulation amendments. It is also designed to reach out to other groups and individuals—those that may not yet have an interest or be inclined to participate—to encourage their awareness, understanding and involvement in the process. The PPP also promotes use of existing communication networks to encourage involvement in the Whatcom County Comprehensive Plan and development regulation amendment process.

3.1. The Public

The general public is defined as members of the community including residents, groups, property owners, farmers, business owners and any others that might be interested in the Comprehensive Plan and development regulation amendments. The following sections contain a breakdown of some specific types of community groups and organizations that the County will attempt to engage in the process.

3.1.1. Interested Property Owners and Developers

Interested property owners and developers are defined as members of the community that have an interest in growth and development regulations, especially as they relate to their private property rights. They may have an interest in developing or preserving their property. This might include farmers, real estate and development groups and other related professionals.

3.1.2. Community Organizations

Community organizations are loosely defined as groups, associations, or committees that come together for a common interest or cause. This includes service groups, environmental groups, chambers of commerce, non-profit organizations, advocacy groups, community councils, neighborhood associations, local granges, social service organizations, religious organizations,
and others. Community organizations also include groups that are centered around non-city UGAs like the Birch Bay steering committee and others.

3.1.3. Other Groups and Individuals

WAC 365-196-600(4) states that “Each county or city should try to involve a broad cross-section of the community, so groups not previously involved in planning become involved.” The County will continue to expand our email list when people request to be added to the list and as new groups come to the County’s attention, we will work to include them as appropriate.

3.2. Governmental/Quasi-Governmental Groups

Governmental and quasi-governmental groups are defined as organizations that have a connection to local government, including Whatcom Council of Governments; Whatcom County Council; City Councils; Whatcom County and individual cities’ Planning Commissions; area tribes; local special purpose districts; citizen advisory committees and others. Groups typically consist of elected officials, appointed or volunteer community members, or jurisdictional staff. Table 1 below shows a selected group of advisory committees that may be asked to comment on comprehensive plan, zoning, and/or critical areas ordinance amendments.

<table>
<thead>
<tr>
<th>Table 1: Selected Whatcom County Advisory Boards/Committees and Commissions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agricultural Advisory Committee</td>
</tr>
<tr>
<td>Bicycle/Pedestrian Advisory Committee</td>
</tr>
<tr>
<td>Birch Bay Shellfish Protection District Advisory Committee</td>
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<tr>
<td>Birch Bay Watershed and Aquatic Resources Management Advisory Committee</td>
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<tr>
<td>Critical Areas Ordinance Citizen-Advisory Committee</td>
</tr>
<tr>
<td>Critical Areas Ordinance Technical-Advisory Committee</td>
</tr>
<tr>
<td>Development Standards Technical Advisory Committee</td>
</tr>
<tr>
<td>Drayton Harbor Shellfish Protection District Advisory Committee</td>
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<tr>
<td>Flood Control Zone District Advisory Committee</td>
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<tr>
<td>Flood Control Sub-Zone District Advisory Committee</td>
</tr>
<tr>
<td>Marine Resource Committee</td>
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<tr>
<td>Forestry Advisory Committee</td>
</tr>
</tbody>
</table>
3.2.1. Planning Commission

Implementation of the GMA as it relates to public participation is covered within WAC 365-196-600 “Public Participation.” WAC 365-196-600(3)(c) states: “The public participation program should clearly describe the role of the planning commission, ensuring consistency with requirements of chapter 36.70, 35.63, or 35A.63 RCW.” RCW 36.70 is the Planning Enabling Act, which requires:

- Notice of the time, place and purpose of any public hearing shall be given by one publication in a newspaper of general circulation in the county at least ten days before the hearing (RCW 36.70.390 and .590).
- A recommendation of approval of comprehensive plan or official control amendments shall be by the affirmative vote of not less than a majority of the total members of the planning commission. Such approval shall be by a recorded motion which shall incorporate the findings of fact of the planning commission and the reasons for its action (RCW 36.70.400 and .600).

For purposes of this process, the Planning Commission will be more involved throughout each of the projects within the larger process. The Planning Commission is an appointed group of citizens that work directly with Planning and Development Services to craft legislation and make recommendations to the County Council. They also hear and make recommendations on applications for amendments to the Whatcom County Code and the Comprehensive Plan from private individuals, agencies and other applicants. Currently, the Planning Commission hears from the public primarily during public hearings and through written correspondence.

It is the goal that most town hall meetings, open houses and other public participation activities will occur with some involvement with the Planning Commission. In this way, the Planning Commission will hear straight from the public on each issue and will be more involved in crafting policies, earlier in the process. The public is encouraged to communicate with planning commissioners through the email and mailing address listed in Chapter 5 of this document in addition to attending planning commission meetings.

3.3. The Cities

Whatcom County will continue to engage with the Cities on issues of common interest, including UGA planning.
Chapter 4. Public Participation Approach

4.1. Overall Approach

The Washington Administrative Code (WAC) provides guidelines and rules for public involvement in comprehensive planning. WAC 365-196-600 "Public Participation" states that “The public participation program should clearly describe the role of the planning commission, ensuring consistency with requirements of chapter 36.70, 35.63, or 35A.63 RCW.”

Through this public participation program the planning commission will act as a central hub for many public participation activities. In this way, the planning commission will have maximum exposure to the public perspective no matter how complex or minute the issue.

Starting in section 4.2, issues are broken down into 3 types for the purposes of public participation. Each type of issue has a different approach and the approach is described in each section. All the issues retain the numbers assigned to them in Chapter 2, so if more information is needed about an issue, the reader may refer back to Chapter 2.
4.2. Level 1 Issues

Level 1 issues are generally less complicated, have already been through extensive public process or are quasi-judicial actions. This level is also appropriate for most standard map and text amendments to Title 20 Zoning. A more vigorous public participation approach may be assigned at the discretion of the Planning and Development Services Department.

4.2.1. Approach

Level 1 issues will be subject to the public process required by the code. Typically, they will follow this process:

1) Proposal: Staff generates a proposal or a recommendation on an application.

2) Proposal posted: Proposal is posted to the website and announced through email list. Legal notice will be given as required and applicable. Public may make comment to the Planning Commission via email and/or US mail.

3) Public hearing: Planning Commission holds public hearing on issue.

4) Work session and recommendation: Planning Commission conducts work session on issue and recommends action to the County Council. Public may make comment to the County Council via email and/or US mail.

5) County Council: County Council will review the recommendation of the Planning Commission and hold a work session in committee and a public hearing. The Council will approve the recommendation, modify, or deny.

4.2.2. Level 1 Projects

S-1. Forest Practices (RCW 36.70A.570, SHB 1409)

D-1. Urban Fringe Subarea Plan Update (PLN2017-00001)

D-2. Marijuana Production Facility - Buffer Waivers (PLN2017-00002)

D-6. WCC/Title 20 Amendments (PLN2017-00007)

D-2. Capital Facility Planning (PLN2016-00003)

D-4. Low Impact Development Code Revision (PLN2016-00005)

D-55. Wireless Communication Facilities (PLN2016-00006)

D-6. WCC/Title 20 Amendments (PLN2016-00007)

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1 Quasi-judicial actions of local decision-making bodies are “those actions of the legislative body, planning commission, hearing examiner, zoning adjustor, board of adjustment, or boards which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceeding” (RCW 42.36.010). These require adjudication in a court-like process, in which the guidelines for public participation are different from other actions. Notice requirements for quasi-judicial rezone are set forth in WCC 20.90.045.
4.3. Level 2 Issues

Level 2 issues require a little more than the code-required public process. The issues in this category are of a sensitive or political nature and/or the public has come out to oppose or support them in the past. They are generally more complicated.

4.3.1. Approach

Typically, level 2 issues will follow this process:

1) **Alternatives**: Staff generates alternative approaches to the issue, when applicable.

2) **Alternatives posted**: Alternatives are posted to the website and announced through email list.

3) **Advisory Committee/Agency/City Review and Comment**: The alternatives will be submitted to the appropriate advisory committee, department, city or agency for review and comment.

4) **Proposal**: Staff generates a proposal considering any feedback received on the alternatives.

5) **Proposal posted**: Proposal is posted to the website and announced through email list and legal notice as required and applicable. Public may make comment to the Planning Commission via email and/or US mail.

6) **Public hearing**: Planning Commission holds public hearing on issue.

7) **Work session**: Planning Commission conducts work session on issue and recommends action to the County Council. Public may make comment to the County Council via email and/or US mail.
8) **County Council:** County Council will review the recommendation of the Planning Commission and hold a work session in committee and a public hearing. The Council will approve the recommendation, modify, or deny.

### 4.3.2. Level 2 Projects

- **D-4. New Marine Resource Lands Section** (PLN2017-00005). Coordination with the Marine Resource Committee and Shellfish Protection Advisory Committees.

- **D-1. Kennels in the Ag Zone** (PLN2016-00002). Coordination with Agriculture Advisory Committee.

- **S-2/D-73. Critical Areas Ordinance Update** (PLN2016-00004) (RCW 36.70A.130(1)(c)).

- **D-16. Agricultural Strategic Plan Implementation** (PLN2012-00007). Coordination with the Agriculture Advisory Committee and applicable Cities.


### 4.4. Level 3 Issues

These issues are generally more complicated and are of interest to the general public. All of these issues will have many opportunities for public comment, including a town-hall style meeting where people are able to openly share their feelings on the alternatives proposed or just the issue in general. When appropriate, town hall meetings will be planned close to areas that will be or are being impacted by the issue.

#### 4.4.1. Approach

Typically, level 3 issues will follow this process:

1) **Alternatives:** Staff generates alternative approaches to the issue, when appropriate.

2) **Alternatives posted:** Alternatives are posted to the website and announced through email list.

3) **Advisory Committee/Agency/City Review and Comment:** The alternatives will be submitted to the appropriate advisory committee, department, city or agency for review and comment.

4) **Town hall meeting:** A town hall style meeting is held to seek public input on the issue and the proposed alternatives. When appropriate, the meeting is held in a location that is reasonably located near an area affected by the issue. Planning Commission may be in
attendance at this town hall meeting. Announcements of town hall meetings will be done through the website, email list, media releases, and local postings as appropriate.

5) **Proposal**: Staff generates a proposal considering feedback received on the alternatives, including feedback heard at the town hall meeting.

6) **Proposal posted**: Proposal is posted to the website and announced through email list. Legal notice will be given as required and as appropriate. Public may make comment to the Planning Commission via email and/or US mail.

7) **Public hearing**: Planning Commission holds public hearing on issue.

8) **Work session**: Planning Commission conducts work session on issue and recommends action to the County Council. Public may make comment to the County Council via email and/or US mail.

9) **County Council**: County Council will review the recommendation of the Planning Commission and hold a work session in committee and a public hearing. The Council will approve the recommendation, modify, or deny.

4.4.2. **Level 3 Projects**

D-3. MRL County-wide Designation Process (PLN2017-00004)

D-5. Water Resources - GMA Compliance (PLN2017-00006)

D-10. Cherry Point Amendments (PLN2016-00012)
Chapter 5. Conclusion

This public participation plan will guide the review of comprehensive plan and development regulations amendments. It is a living document that should be updated as conditions change or new methods are discovered. This public participation plan meets the requirements of the RCW and the requirements of the WAC. Specifically, the Planning and Development Services Department hopes that this public participation program will “involve a broad cross-section of the community, so groups not previously involved in planning become involved” as WAC 365-196-600(4) suggests it should.

To provide written feedback on this public participation plan, please contact Planning and Development Services at rboxx@co.whatcom.wa.us. If you wish to provide comment on any issue to the Planning Commission or County Council, please utilize the following addresses:

Whatcom County Planning and Development Services
5280 Northwest Drive
Bellingham, WA 98226

Planning Commission
c/o Becky Boxx, coordinator
5280 Northwest Drive
Bellingham, WA 98226
PDS_Planning_Commission@co.whatcom.wa.us

County Council
311 Grand Ave, Ste 105
Bellingham, WA 98225
council@co.whatcom.wa.us
**Title of Document:**
Ordinance amending the Whatcom County Code Title 20 Zoning and the Whatcom County Comprehensive Plan relating to cumulative impervious surface coverage standards.

**Attachments:**
- Staff Memorandum
- Draft Ordinance
- January 17 Staff Report
- February 28 Staff Memorandum to Planning Commission
- April 19 Staff Memorandum to Planning Commission
- Planning Commission Minutes
- Planning Commission Findings and Recommendations
- Public Comments

**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.)

Ordinance amending the Whatcom County Code Title 20 Zoning and the Whatcom County Comprehensive Plan relating to cumulative impervious surface coverage standards.

**Committee Action:**

**Council Action:**

**Related County Contract #:**
PLN2016-00013

**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: 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: May 30, 2017

SUBJECT: Impervious Surface Code Amendments

Discussion of proposed amendments involving impervious surface standards are scheduled for discussion at the June 13 Planning and Development Committee meeting. The attached draft recommended by the Planning Commission would apply to land in the Rural and Residential Rural zones (about 132,000 acres total), but would not apply to farms in those zones that currently have a farm plan that addresses stormwater. For the affected parcels, a new development project that causes the cumulative impervious surface to exceed a threshold of 35 percent of the parcel size, or 45,000 square feet, whichever is greater, would require use of the Department of Ecology stormwater manual to assure stormwater mitigation.

The Planning Commission held four public hearings on the proposal and made its recommendation on April 27 (the minutes of these meetings are attached). The attached April 19 staff memorandum to the Planning Commission outlines four options that were discussed. The memorandum also explains the accompanying Comprehensive Plan amendment, which would update Policy 2DD-2, which references the County’s measures to protect water quality in rural areas.

This proposed amendment is in response to the water quality portion of the Supreme Court’s decision regarding water resources (the Hirst decision). A limit on impervious surfaces is one of the Growth Management Hearings Board’s suggestions for additional measures to protect water quality in rural areas.
If you have any questions, please call Gary Davis, Senior Planner, at extension 5931.

Attachments:

Draft ordinance and amendments: WCC Title 20 Zoning and WCCP
Staff Report
February 28, 2017 staff memorandum to Planning Commission
April 19, 2017 staff memorandum to Planning Commission
Planning Commission Minutes
Planning Commission Findings and Recommendations
Public Comments
ORDINANCE NO. __________

AMENDING THE WHATCOM COUNTY CODE TITLE 20 ZONING AND THE WHATCOM COUNTY COMPREHENSIVE PLAN RELATING TO CUMULATIVE IMPERVIOUS SURFACE COVERAGE STANDARDS

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 for protecting water resources; and

WHEREAS, RCW 36.70A.070(1), requires that the land use element of a county comprehensive plan “shall provide for protection of the quality and quantity of groundwater used for public water supplies.”; 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, Whatcom County Planning and Development Services has proposed amendments to Whatcom County Code Title 20 Zoning; and

WHEREAS, The Whatcom County Council reviewed and considered Planning Commission recommendations, staff recommendations, and public comments on the proposed amendments; and

WHEREAS, The County Council hereby adopts the following findings of fact and conclusions:

FINDINGS OF FACT

1. Whatcom County Planning and Development Services has submitted an application for amendments to WCC Title 20 Zoning to establish cumulative impervious surfaces.

2. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on January 25, 2017.
3. Notice of the subject amendment was submitted to the Washington State Department of Commerce on January 5, 2017.


5. The Planning Commission held a public hearing on the proposed amendments on January 26, March 9, March 23, and April 27, 2017.

6. The Growth Management Hearings Board and Washington Supreme Court have found Whatcom County’s Comprehensive Plan to be out of compliance with the Growth Management Act in that its rural element lacks measures to protect water quality and availability in rural areas. The Board suggested impervious surface limits as a possible measure the County might adopt to protect water quality.

7. The Whatcom County Comprehensive Plan adopts by reference County Code provisions related to water resources under Policy 2DD-2.C. Revisions to the County Code are therefore also revisions to the Comprehensive Plan. The amendments propose adding Policy 2DD-2.C.10 to adopt by reference the new impervious surface standards proposed in WCC 20.32.500 and 20.36.500.

8. On October 11, 2016 the County adopted Ordinance 2016-045 revising the County’s stormwater regulations and integrating low impact development principles and best management practices into the County’s development regulations in order to meet the state’s 2014 NPDES Phase 2 Permit requirements.

9. The purpose of the proposed Zoning Code and Comprehensive Plan amendments is to resolve an appeal of the Comprehensive Plan filed with the Growth Management Hearings Board. Comprehensive Plan amendments may be considered outside the annual concurrent review of Comprehensive Plan amendments per WCC 2.160.010D.

10. WCC 2.160.080 provides approval criteria for Comprehensive Plan amendments.

11. Whatcom County Comprehensive Plan (WCCP) Policy 10H-8 states: “Strongly incentivize the use of low impact development strategies. Minimize the amount of impervious surface whenever practicable by using natural engineering design methods such as the use of open, grassed, street swales and rain gardens instead of curbs and gutters. Where feasible, encourage alternate surfacing options and other techniques associated with low impact development.”
12. WCCP Policy 10H-12 states: "Amend subdivision, zoning, and other land use regulations and design standards to encourage that land use activities minimize the amount of impervious surface."

**CONCLUSIONS**

1. The amendment regarding impervious surface limits in rural zoning districts is in the public interest.

2. The amendments are consistent with the Whatcom County Comprehensive Plan.

3. The Comprehensive Plan amendments meet the approval criteria of WCC 2.160.080.

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

Section 1. Amendments to the Whatcom County Code and Comprehensive Plan are hereby adopted as shown on Exhibits A and B.

ADOPTED this ________ day of ________________, 2017.

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

ATTEST:

______________________________  ______________________________
Dana Brown-Davis, Council Clerk      Barry Buchanan, Chairperson

APPROVED as to form:

______________________________
Civil Deputy Prosecutor

( ) Approved    ( ) Denied

______________________________
Jack Louws, Executive

Date: _________________________
EXHIBIT A

Whatcom County Code

AMENDMENTS

TITLE 20 ZONING

Chapter 20.32
RESIDENTIAL RURAL (RR) DISTRICT

20.32.656 Drainage. (Adopted by reference in WCCP-Chapter 2.)
All development activity within Whatcom County shall be subject to the stormwater management provisions of the Whatcom County Development Standards WCC 20.80.630 – 20.80.635 unless specifically exempted.

No project permit shall be issued prior to meeting submittal requirements relating to stormwater management in the appropriate chapters of the Whatcom County Development Standards Code.

Chapter 20.36
RURAL (R) DISTRICT

20.36.656 Drainage. (Adopted by reference in WCCP-Chapter 2.)
All development activity within Whatcom County shall be subject to the stormwater management provisions of the Whatcom County Development Standards WCC 20.80.630 – 20.80.635 unless specifically exempted.
No project permit shall be issued prior to meeting submittal requirements relating to stormwater management in the appropriate chapters of the Whatcom County Development Standards Code.

[Note: Revisions identical to the 20.36.656 revision above are made to Sections 20.34.659; 20.37.655; 20.44.652; 20.59.704; 20.60.655; 20.61.704; 20.63.654; 20.64.655; 20.67.653; and 20.69.655.]

Chapter 20.80

GENERAL PROVISIONS

20.80.630 Stormwater and drainage.

(1) Unless exempted in WCC 20.80.631, all development activity on lands within Whatcom County shall be subject to stormwater management requirements as follows:

(a) NPDES Phase II Permit Area. Except in the Lake Whatcom Watershed Overlay District, development activity inside the NPDES Phase II permit area shall comply with:


(ii) Appendix 1, Minimum Technical Requirements, of the Western Washington Phase II Municipal Stormwater Permit; and


(b) Lake Whatcom Watershed Overlay District. Except for areas within or that overlap with the NPDES Phase II permit area (see subsection (1)(a) of this
All development activity inside the Lake Whatcom Watershed Overlay District shall comply with Chapter 20.51 WCC, Lake Whatcom Watershed Overlay District, which satisfies all 2013 Western Washington Municipal Stormwater Permit development and redevelopment requirements.

(c) Stormwater Special Districts. Except for areas within or that overlap with the NPDES Phase II permit area (see subsection (1)(a) of this section), development activity inside stormwater special districts (as defined by WCC 20.80.635) shall comply with the Stormwater Manual, using the following modified minimum requirements in the table below, and using the Stormwater Manual’s definitions of terms for “stormwater site plan,” “impervious surface,” “hard surface,” “land disturbing activity,” “project,” “site,” and “replaced hard surface”:

Within Special Stormwater Districts – Modified Thresholds for Stormwater Management Table

<table>
<thead>
<tr>
<th>Minimum Requirement (MR)(^1)</th>
<th>When Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>MR1 Stormwater Site Plan</td>
<td>&gt; 500 sq. ft. of new impervious surface, or Renovation projects where the estimated cost exceeds 50% of the assessed value</td>
</tr>
<tr>
<td>MR2 Construction SWPPP</td>
<td>Always required</td>
</tr>
<tr>
<td>MR3 Source Control</td>
<td>Not required</td>
</tr>
<tr>
<td>MR4 Preserve Natural Drainage</td>
<td>&gt; 500 sq. ft. of new impervious surface, or Renovation projects where the estimated cost exceeds 50% of the assessed value</td>
</tr>
<tr>
<td>MR5 On-Site Stormwater</td>
<td>• Property ≥ 2 acres meeting MR1, provide dispersion • Property &lt; 2 acres meeting MR1 where soils are suitable</td>
</tr>
</tbody>
</table>
# Within Special Stormwater Districts – Modified Thresholds for Stormwater Management Table

<table>
<thead>
<tr>
<th>Minimum Requirement (MR)¹</th>
<th>When Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>Management</td>
<td>for infiltration, provide infiltration</td>
</tr>
<tr>
<td></td>
<td>• Property &lt; 2 acres meeting MR1 where soils are not suitable for infiltration and project does not increase the 24-hour, 100-year peak flow rate by ≥ 0.1cfs; provide dispersion</td>
</tr>
<tr>
<td>MR6 Treatment</td>
<td>Always required</td>
</tr>
<tr>
<td>MR7 Flow Control</td>
<td>Property &lt; 2 acres meeting MR1 where project increases the 24-hour, 100-year peak flow rate by ≥ 0.1cfs; provide detention</td>
</tr>
<tr>
<td>MR8 Wetlands Protection</td>
<td>&gt; 500 sq. ft. of new impervious surface, or Renovation projects where the estimated cost exceeds 50% of the assessed value</td>
</tr>
<tr>
<td>MR9 O&amp;M</td>
<td>Required only if stormwater facility installed</td>
</tr>
</tbody>
</table>

¹ Minimum requirements MR5 – MR9 likely require preparation by a professional engineer.

(d) Outside (i) the NPDES Phase II Permit Area, (ii) the Lake Whatcom Watershed Overlay District, and (iii) the Stormwater Special Districts. Development activity outside the NPDES Phase II permit area, Lake Whatcom Watershed Overlay District, and stormwater special districts (as defined by WCC 20.80.635) shall comply with the Stormwater Manual, using the following modified minimum requirements in the table below, the definitions for land use intensity in subsection (e) of this section, and using the Stormwater Manual’s definitions of terms for “stormwater site plan,” “impervious surface,” “hard
Outside the NPDES Phase II Permit Area, the Lake Whatcom Watershed Overlay District, and the Stormwater Special Districts – Modified Thresholds for Stormwater Management Table

<table>
<thead>
<tr>
<th>Minimum Requirement (MR)¹</th>
<th>Land Use Intensity²</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>Low</td>
<td>Medium</td>
<td>High</td>
</tr>
<tr>
<td>MR1 Stormwater Site Plan</td>
<td>≥ 7,000 sq. ft. of new plus replaced hard surface, or ≥ 14,000 sq. ft. land disturbing activity</td>
<td>≥ 4,000 sq. ft. of new plus replaced hard surface, or ≥ 14,000 sq. ft. land disturbing activity</td>
<td>Per manual³</td>
</tr>
<tr>
<td>MR2 Construction SWPPP</td>
<td></td>
<td>Always required</td>
<td></td>
</tr>
<tr>
<td>MR3 Source Control</td>
<td>Not required</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MR4 Preserve Natural Drainage</td>
<td>≥ 7,000 sq. ft. of new plus replaced hard surface, or ≥ 14,000 sq. ft. land disturbing activity</td>
<td>≥ 4,000 sq. ft. of new plus replaced hard surface, or ≥ 14,000 sq. ft. land disturbing activity</td>
<td>Per manual³</td>
</tr>
<tr>
<td>MR5 On-Site Stormwater Management</td>
<td>Not required</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MR6 Treatment</td>
<td>Not required</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MR7 Flow Control</td>
<td>Not required</td>
<td></td>
<td></td>
</tr>
<tr>
<td>MR8 Wetlands</td>
<td>≥ 7,000 sq. ft. of new</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Outside the NPDES Phase II Permit Area, the Lake Whatcom Watershed Overlay District, and the Stormwater Special Districts – Modified Thresholds for Stormwater Management Table

<table>
<thead>
<tr>
<th>Minimum Requirement (MR)¹</th>
<th>Land Use Intensity²</th>
<th>Low</th>
<th>Medium</th>
<th>High</th>
</tr>
</thead>
<tbody>
<tr>
<td>Protection</td>
<td>plus replaced hard surface, or ≥ 14,000 sq. ft. land disturbing activity</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MR9 O&amp;M</td>
<td>Required only if stormwater facility installed</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

¹ Minimum requirements MR5 – MR9 likely require preparation by a professional engineer.

² See subsection (1)(e) of this section to determine land use intensity.

³ Application of the stormwater manual is not required where a County-, state-, or federally-approved farm plan, or equivalent document, demonstrates stormwater is being effectively managed.

(e) The land use intensities in the above table have the following meanings:

**Land Use Intensity for Stormwater Management Table**

Note: Any project that results in new plus replaced hard surface greater than or equal to 10 percent of the gross parcel size or 20,000 sq. ft., whichever is greater, or converts 1.5 acres of vegetation to lawn or five acres of vegetation to pasture, or results in cumulative impervious surface exceeding 35% of the total parcel area (between 10,000 and 45,000 square feet) is subject to the thresholds for "high
"intensity" land uses.

| Low                  | • Single-family residential and accessory uses on lots of record of 25,000 sq. ft. or larger;  
|                     | • Construction of agricultural buildings, including those used in the processing and wholesale of agricultural products, on agricultural land as defined by RCW 84.34.020(2);  
|                     | • Seasonal roadside stands; or  
|                     | • Roads (other than those exempt as pavement maintenance). |
| Medium              | • Single-family residential and accessory uses on lots of record smaller than 25,000 sq. ft.;  
|                     | • Short subdivisions of land into four or fewer lots;  
|                     | • Minor utility developments; or  
|                     | • Trails and trailheads. |
| High                | • All other uses, including all commercial, industrial, institutional, and urban or multifamily residential uses;  
|                     | • Subdivisions of land into more than four lots;  
|                     | • All uses on parcels bisected by the NPDES Phase II permit area boundary; or  
|                     | • Any project that results in new plus replaced hard surface greater than or equal to 10 percent of the gross parcel size or 20,000 sq. ft., whichever is greater, or converts 1.5 acres of vegetation to lawn or five acres of vegetation to pasture; or  
|                     | • In the Rural and Residential Rural districts, any project on a parcel smaller than three acres that results in the parcel having a cumulative impervious surface exceeding 10,000 square feet or 35% of gross parcel size, whichever is greater; or |
In the Rural and Residential Rural districts, any project on a parcel of three acres or larger that results in the parcel having a cumulative impervious surface exceeding 45,000 square feet.

Note: For purposes of determining high intensity land use, the calculation of cumulative impervious surface shall not include roadways or driveways in public rights-of-way or in easements that serve other parcels.

(2) No project permit shall be issued prior to meeting the stormwater requirements of this section and/or the 2012 Washington State Department of Ecology Stormwater Management Manual for Western Washington, as amended. Advisory Note: Certain stormwater discharges to natural receiving waters are subject to state water quality standards and the requirements of the National Pollutant Discharge Elimination System (NPDES). Hydraulic project approval (HPA) may also be required if stormwater is discharged to a water body or stream that provides, or could provide, habitat for fish.

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EXHIBIT B

Whatcom Comprehensive Plan

AMENDMENTS

Chapter Two – Land Use

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Policy 2DD-2: Protect the character of the rural area through the County’s development regulations. In addition to the policies of this plan that provide measures governing rural development, the following County’s key development regulations are incorporated into this plan by reference to assure that the plan contains measures to protect rural character:
C. Measures to protect critical areas and surface and groundwater resources:

1. Protect the functions and values of critical areas (geologically hazardous areas, frequently flooded areas, critical aquifer recharge areas, wetlands, and habitat conservation areas) and the ecological processes that sustain them, through WCC 16.16 Critical Areas provisions, which apply throughout the rural area and are adopted herein by reference.

2. Minimize the adverse effects of discharges from on-site sewage systems on ground and surface waters through WCC 24.05, adopted herein by reference.


4. Protect surface and ground water resources through stormwater management standards established in the County’s Development Standards per WCC 20.80.630 through 20.63.635, WCC 20.51, 20.71, and 20.08.035—20.08 referenced in the following Zoning Code provisions, adopted herein by reference:

   a. 20.32.656 Drainage, Residential-Rural District;
   b. 20.34.659 Drainage, Rural—Residential Island District;
   c. 20.36.656 Drainage, Rural District;
   d. 20.37.655 Drainage, Point Roberts Transitional District;
   e. 20.44.652 Drainage, Recreation and Open Space District;
   f. 20.59.704 Drainage, Rural—General Commercial District;
   g. 20.60.655 Drainage, Neighborhood—Commercial District;
   h. 20.61.704 Drainage, Small—Town—Commercial District;
   i. 20.63.654 Drainage, Tourist Commercial District;
   j. 20.64.655 Drainage, Resort Commercial District;
   k. 20.67.653 Drainage, General—Manufacturing District;
5. Assure that subdivisions meet requirements for critical areas, shoreline management, and stormwater management through the standards in the following Whatcom County Land Division regulations, adopted herein by reference:
   a. WCC 21.04.034 Application Procedures, Short subdivisions.
   b. WCC 21.05.037 Hearing Examiner Notice Hearing and Decision, Preliminary Long Subdivisions.

6. Limit water withdrawals resulting from land division through the standards in the following Whatcom County Land Division regulations, adopted herein by reference:
   a. WCC 21.04.090 Water supply, Short Subdivisions.
   b. WCC 21.05.080 Water supply, Preliminary Long Subdivisions.

7. Regulate groundwater withdrawals by requiring purveyors of public water systems and private water system applicants to comply with Washington State Department of Ecology water right requirements per WCC 24.11.050, adopted herein by reference.

8. Require evidence of an adequate water supply prior to issuance of any building permit, per WCC 24.11.060, adopted herein by reference.

9. Determine adequacy of water supply for building permit applications proposing to use a well, spring, or surface water, per WCC 24.11.090, .100, .110, .120, .130, .160, and .170, adopted herein by reference.

10. Limit phosphorus entering Lake Whatcom through WCC 20.51 Lake Whatcom Watershed Overlay District and Lake Whatcom and Lake Samish due to the application of commercial fertilizers to residential laws and public properties through WCC 16.32, adopted herein by reference.

11. Protect vital drinking water, sensitive habitats, and recreational resources within the Department of
Ecology's designated Western Washington Phase II Municipal Stormwater Permit area and the Lake Whatcom watershed by prohibiting illicit discharges to the county's stormwater collection system through WCC 16.36 Illicit Discharge Detection and Elimination Program, adopted herein by reference.

12. Maintain standards for clearing activity in highly valued water resource areas, environmentally sensitive areas, or areas where natural conditions are so unstable that clearing activity in the area can result in hazardous conditions per WCC 20.80.735 Water Resource Special Management Area, adopted herein by reference.
Whatcom County
Planning & Development Services
Staff Report

Rural Impervious Surface Amendments

I. BACKGROUND INFORMATION

File # PLN2016-00013

File Name: Water Resources Amendments

Applicant: Whatcom County Planning and Development Services (PDS)

Summary of Request: Planning and Development Services proposes amendments to Whatcom County Code (WCC) Title 20 Zoning to:

1. Add maximum limits on impervious surfaces in the Residential Rural (RR) and Rural (R) zones,
2. Update references to stormwater standards in several chapters of the zoning code.

The proposed amendments to the Whatcom County Comprehensive Plan (WCCP) include adding a reference to the impervious surface standards in the zoning code and updating the plan’s references to the stormwater standards.

Location: County-wide.

Staff Recommendation: Approval.

II. BACKGROUND

The purpose of the amendments is to resolve part of an appeal of the WCCP filed with the Growth Management Hearings Board. The amendments are in response to the Washington Supreme Court’s October 6, 2016 Hirst decision affirmed the June 7, 2013 Growth Management Hearings Board order, which found that the WCCP does not contain adequate measures to protect water quantity and water quality (the WCCP does not contain policies regarding protection of water quality that apply throughout the rural area). The County is in the process of addressing the first issue, water quantity, through new regulations requiring proof of adequate legal water supply prior to issuance of development permits (Ordinance 2016-066). The proposed amendment setting standards for impervious surface (attached) is
intended to address the second issue, water quality. Impervious surface regulation is one of the measures suggested by the Growth Management Hearings Board in its 2013 order (Case No 12-2-0013, June 7, 2013 Final Decision and Order, p. 43) and suggested again in Justice Madsen’s opinion concurring with the Hirst decision.

III. AMENDMENT PROVISIONS

The attached code amendment would place limits on impervious surfaces on lots in the Residential Rural (RR) and Rural (R) zoning districts. The proposed square footage limits would include the building footprints permitted under the 2012 lot coverage limits plus additional areas such as driveways, patios, and other impervious surfaces not covered by buildings. Pervious pavement, and driveways in public rights of way or serving other lots, would be excluded from the impervious surface total. The revised stormwater standards adopted in 2016 establish thresholds for individual buildings that would be subject to stormwater management per the 2012 Department of Ecology Stormwater Manual but those standards do not address the cumulative effect on a lot. These proposed amendments provide a cumulative standard for all impervious surfaces on a lot but allow for exceeding that maximum if stormwater is managed through the 2012 manual. This measure would be adopted by reference into the WCCP with the addition of a new Policy 2DD-2.C.10.

PDS proposed impervious surface standards as part of the Rural Element amendments in 2012, at the same time revised lot coverage (maximum building footprint) regulations were proposed. The lot coverage standards were adopted (WCC 20.32.450 and 20.36.450) but the additional impervious surface standards were not. The proposed impervious surface standards would provide a measure to protect water quality in the rural areas, while the existing lot coverage standards would serve more to protect rural character by limiting size of buildings (exempting agricultural buildings).

PDS prepared the attached study of typical impervious surface and lot coverage patterns in the rural areas for discussion in 2012. This study focuses on smaller rural lots (created in 2-acre zoning or nonconforming lots in 5-acre zoning) where impervious surface maximums are likely to be the most challenging. The study indicates that on some of these lots (A, J, N, R, V, W, and X) the the proposed impervious surface coverage is already exceeded. The proposed amendments would allow relief for these lots similar to relief allowed for other nonconforming uses.
Other County actions responding to the water quality aspect of the Hirst decision have been completed or are pending. One finding of the decision is that the policy that adopted by reference the County’s provision for self-inspection of on-site septic systems (OSS), Policy 2DD-2.C.2, does not adequately protect water quality. The County Health Department will soon be proposing amendments to the County’s Health Code that would eliminate the provision for OSS self-inspection. This would amend WCC Chapter 24.05, which is adopted by reference in WCCP Policy 2DD-2.C.2.

On October 11, 2016 the County adopted Ordinance 2016-045 revising the County’s stormwater regulations and integrating low impact development principles and best management practices into the County’s development regulations in order to meet the state’s 2014 NPDES Phase 2 Permit requirements. These regulations apply throughout the County, including all the rural areas. The stormwater standards were consolidated into WCC 20.80.630-635. These proposed amendments would update various code chapters to refer to that section of the code, rather than the County Development Standards document, where the standards had been located prior to Ordinance 2016-045. Proposed amendments to WCCP Policy 2DD-2.C.4 reflect this change.

In addition, the proposed WCCP amendment adds wording to Policy 2DD-2.C.1, clarifying that the County’s Critical Areas Ordinance (WCC Chapter 16.16) applies to the entire rural area.

IV. COMPREHENSIVE PLAN AMENDMENT CRITERIA

This proposal includes WCCP amendments that would update references to the water quality provisions of WCC. Per WCC 2.160.080, in order to approve an initiated comprehensive plan amendment, the planning commission and the county council shall find all of the following:

1. The amendment conforms to the requirements of the Growth Management Act, is internally consistent with the county-wide planning policies and is consistent with any interlocal planning agreements.

   The amendment is intended to conform to the GMA requirement of measures to protect water quality in the rural element of the Comprehensive Plan.

2. Further studies made or accepted by the department of planning and development services indicate changed conditions that show need for the amendment.
The findings of the Growth Management Hearings Board and Supreme Court suggest the need for the amendment.

3. The public interest will be served by approving the amendment. In determining whether the public interest will be served, factors including but not limited to the following shall be considered:
   a. The anticipated effect upon the rate or distribution of population growth, employment growth, development, and conversion of land as envisioned in the comprehensive plan.

   The amendment is intended to lessen the impact of population growth and conversion of land on water quality.

   b. The anticipated effect on the ability of the county and/or other service providers, such as cities, schools, water and/or sewer purveyors, fire districts, and others as applicable, to provide adequate services and public facilities including transportation facilities.

   The amendment is not expected to affect provision of services.

   c. Anticipated impact upon designated agricultural, forest and mineral resource lands.

   The amendment primarily affects rural lands, not resource lands.

4. The amendment does not include or facilitate spot zoning.

   The amendment proposes no change of zoning boundaries.

5. Urban growth area amendments that propose the expansion of an urban growth area boundary shall be required to acquire development rights from a designated TDR sending area.

   The amendment proposes not changes to urban growth area boundaries.

V. PROPOSED FINDINGS OF FACT AND REASONS FOR ACTION

Staff recommends the Planning Commission adopt the following findings of fact and reasons for action:

1. Whatcom County Planning and Development Services has submitted an application for a code amendment to limit impervious surfaces in the Residential Rural (RR) and Rural (R) zones.
2. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on January ____, 2017.

3. Notice of the subject amendment was submitted to the Washington State Department of Commerce on January 5, 2017.


5. The Planning Commission held a public hearing on the proposed amendments on January 26, 2017.

6. The Growth Management Hearings Board and Washington Supreme Court have found Whatcom County’s Comprehensive Plan to be out of compliance with the Growth Management Act in that its rural element lacks measures to protect water quality and availability in rural areas. The Board suggested impervious surface limits as a possible measure the County might adopt to protect water quality.

7. The Whatcom County Comprehensive Plan adopts by reference County Code provisions related to water resources under Policy 2DD-2.C. Revisions to the County Code are therefore also revisions to the Comprehensive Plan. The amendments propose adding Policy 2DD-2.C.10 to adopt by reference the new impervious surface standards proposed in WCC 20.32.500 and 20.36.500.

8. On October 11, 2016 the County adopted Ordinance 2016-045 revising the County’s stormwater regulations and integrating low impact development principles and best management practices into the County’s development regulations in order to meet the state’s 2014 NPDES Phase 2 Permit requirements.

9. The purpose of the amendments is to resolve an appeal of the Comprehensive Plan filed with the Growth Management Hearings Board. Such amendments may be considered outside the annual concurrent review of Comprehensive Plan amendments per WCC 2.160.010D.

10. WCC 2.160.080 provides approval criteria for Comprehensive Plan amendments.

**VI. PROPOSED CONCLUSIONS**

1. The amendment regarding impervious surface limits in rural zoning districts is in the public interest.
2. The amendments are consistent with the Whatcom County Comprehensive Plan.
3. The Comprehensive Plan amendments meet the approval criteria of WCC 2.160.080

VII. RECOMMENDATION

Planning and Development Services recommends the Planning Commission forward the proposed amendments to the County Council with a recommendation of approval.

Attachments:
   Proposed Amendments
   Lot Coverage and Impervious Surface Estimates
Memorandum

TO: The Honorable Planning Commission

FROM: Gary Davis, AICP, Senior Planner

THROUGH: Mark Personius, AICP, Assistant Director

DATE: February 28, 2017

SUBJECT: Impervious Surface – Alternative Draft Amendment

On January 26, 2017 the Planning Commission held a public hearing on Planning and Development Services staff’s proposed addition of an impervious surface limit in the Residential Rural and Rural zoning districts. At that meeting, commissioners asked for a revised proposal with larger limits or more flexibility on storm water treatment of impervious surfaces, and requested additional information on the Growth Management Hearings Board (Board) suggestions for measures to protect water quality contained in their 2013 order, and on water quality science.

Attached is a revised draft of the code amendments. In this draft, impervious surface provisions would be incorporated into the newly-revised stormwater provisions in WCC 20.80.630 rather than as maximum “impervious surface” size limits in Chapters 20.32 and 20.36, which govern Residential Rural and Rural zoning districts. Those latter two chapters would still contain “lot coverage” standards for maximum structure coverage, as well as references to WCC 20.80.630 for drainage/stormwater standards. The revised amendment also raises the impervious surface threshold for stormwater review to a cumulative impervious surface amount of 10,000 square feet or 35% of the parcel size (whichever is greater) for parcels under 3 acres, and any project in which the cumulative total of impervious surface is more than 45,000 square feet on parcels greater than 3 acres. The hard limit on impervious surfaces has been removed.

Below is the paragraph from the Board’s June 7, 2013 order listing the Board’s suggestions:
In sum, the County is left without Rural Element measures to protect rural character by ensuring land use and development patterns are consistent with protection of surface water and groundwater resources throughout its Rural Area. This is especially critical given the water supply limitations and water quality impairment documented in this case and the intensity of rural development allowed under the County’s plan. The record shows that the County has many options for adopting measures to reverse water resource degradation in its Rural Area through land use controls. As is discussed by state agency reports and the County’s own Comprehensive Plan, the County may limit growth in areas where water availability is limited or water quality is jeopardized by stormwater runoff. It may reduce densities or intensities of uses, limit impervious surfaces to maximize stream recharge, impose low impact development standards throughout the Rural Area, require water conservation and reuse, or develop mitigation options. The County may consider measures based on the strategies proposed in the Puget Sound Action Agenda, the WRIA 1 process, WDFW’s Land Use Planning Guide, Ecology’s TMDL or instream-flow assessments, or other ongoing efforts. It may direct growth to urban rather than rural areas.

As staff said on January 26, the County has already addressed several of these suggestions. In October 2016 the County adopted low impact development standards and a revision to its stormwater code in WCC 20.80.630. Reducing densities and directing growth to urban areas had already been accomplished to a great extent during the 2011-12 rural element rezones, and the recent urban growth area review done as part of the 2016 Comprehensive Plan update. Though growth limitations would have an effect on creating less impervious surfaces, these measures are arguably geared more toward water quantity issues than water quality, as are conservation and mitigation options.

The Board’s order (p. 32) also cites science-based policy recommendations from the Washington Department of Fish and Wildlife’s “Planning for Salmon, Steelhead and Trout,” which in turn references the Booth and May studies cited by staff at the January 26 meeting:

"Traditional urban and rural development practices remove forests, vegetation and topsoil, compact soils, and increase impervious surface areas, diminishing the land’s ability to hold and infiltrate rainwater. The remaining water becomes stormwater runoff, rushing off impervious surfaces such as roofs, roads and compacted soils instead of infiltrating the soil column (Booth 2000). Runoff is of particular concern in regions of intense rainfall, such as glacial outwash regions surrounding Puget Sound, or limited vegetation and landscapes with thin soils, such as the arid and semiarid interior east of the Cascade Range (Booth 2000).

Recent research in western Washington has determined that measurable degradation to downstream aquatic habitat occurs where impervious cover exceeds 5-10% and native forest cover is reduced to less than 65% of watershed area (May et al. 1996; Booth 2000). Washington state agencies such as the Puget Sound Partnership and the State of Washington Department of Ecology, as well as the federal Environmental Protection Agency, have determined that stormwater runoff is the leading contributor to water quality pollution of urban waterways in western Washington State.
(http://www.psp.wa.gov/stormwater.php). Therefore, it is imperative that local governments manage stormwater with policies, regulations and incentive programs (e.g. Low Impact Development) to reduce and treat stormwater runoff."

As staff presented on January 26, the May study did not say 5-10% impervious surface level represented a threshold:

Results of the Puget Sound Lowlands study have shown that physical, chemical, and biological characteristics of streams change with increasing urbanization in a continuous rather than threshold fashion. Although the patterns of change differed among the attributes studied and were more strongly evident for some than for others, physical and biological measure generally changed most rapidly during the initial phase of the urbanization process as %TIA above the 5-10% range. As urbanization progressed, the rate of degradation of habitat and biologic integrity usually became more constant.

And the Booth study added:

Almost every increment of cleared land, and of constructed pavement, is likely to result in some degree of resource degradation of loss. The decision of how much is "acceptable" is as thus as much a social decision as a hydrologic one.

Links to the full GMHB order and the Booth and May studies are provided below:

GMBH Case No. 12-2-0013 Final Decision and Order, June 7, 2013

Derek B. Booth, "Forest Cover, Impervious-Surface Area, and the Mitigation of Urbanization Impacts in King County, Washington, 2000
https://www.researchgate.net/publication/251805504_FOREST_COVER_IMPERVERIOUS-SURFACE_AREA_AND_THE MITIGATION_OF_FOREST_COVER_IMPERVERIOUS-SURFACE_AREA_AND_THE MITIGATION_OF_URBANIZATION_IMPACTS_IN_KING_COUNTY_WASHINGTON_URBANIZATION_IMPACTS_IN_KING_COUNTY?_sg=ml80osIB9mgEGcXY6TS1x_490a2SoxoqUvNrIWmKojGdLdeAH8952nfA5cIl_eDPgL7WZNDb7Eiutc038FFw

https://www.researchgate.net/publication/240437080_Effects_of_Urbanization_on_Small_Streams_in_the_Puget_Sound_Lowland_Ecoregion

Attachments:
Revised Draft Amendments
Memorandum

TO: The Honorable Planning Commission

FROM: Gary Davis, AICP, Senior Planner

THROUGH: Mark Personius, AICP, Assistant Director

DATE: April 19, 2017

SUBJECT: Impervious Surface – April 27 Public Hearing

In January 2017 the Planning Commission held a public hearing on Planning and Development Services staff’s proposed addition of an impervious surface limit in the Residential Rural and Rural zoning districts. At that meeting, commissioners asked for a revised proposal with larger limits or more flexibility on storm water treatment of impervious surfaces.

Staff returned with a revised draft for a second public hearing on March 9. Under that proposal, impervious surface provisions would be incorporated into the newly-revised stormwater provisions in WCC 20.80.630 rather than as maximum “impervious surface” size limits in Chapters 20.32 and 20.36, which govern Residential Rural and Rural zoning districts (those latter two chapters would still contain “lot coverage” standards for maximum structure coverage, as well as references to WCC 20.80.630 for drainage/stormwater standards). The revised amendment also raised the impervious surface threshold for stormwater review to a cumulative impervious surface amount of 10,000 square feet or 35% of the parcel size (whichever is greater) for parcels under 3 acres, and any project in which the cumulative total of impervious surface is more than 45,000 square feet on parcels greater than 3 acres. The hard limit on impervious surfaces was removed. Because the threshold would be located in the general “supplementary requirements” chapter of the code, it would be effective countywide, not just in the R and RR zones.

At a third public hearing on March 23, the Planning Commission asked staff to return in April to discuss options for reducing the impact on agricultural uses, as the greater concern for stormwater runoff is on the smaller parcels in the Rural zones, rather than agricultural uses on larger parcels where there is more room for water to be infiltrated.
on the site. At that meeting, four alternatives were discussed, each of which would provide relief for agricultural uses on large parcels:

**Option 1**: Return to original proposal of applying the requirements to the Residential Rural (RR) and Rural (R) zones only.

**Option 2**: Replace the 45,000 square foot threshold for all parcels over three acres with a threshold that increases based on a percentage of the parcel size.

**Option 3**: Exempt uses where stormwater is managed through a farm plan.

**Option 4**: Exempt all parcels over 20 acres.

Option 1 would make the threshold apply to the RR and R zones only, and not the Ag zone. The disadvantage of this option is that agricultural uses in the RR and R zones would be subject to different rules that those in the Ag zone. This option could be accomplished either by placing the threshold in the Zoning Code chapters for the RR and R zones (WCC 20.32 and 20.36, as was originally proposed) or by noting in the stormwater standards of 20.80.630 that the thresholds apply to R and RR zones only (of the two, staff would recommend the latter).

Option 2 would require a new formula for the percentage of the parcel covered by impervious surface (the March 10 draft holds the threshold constant at 45,000 square feet – a little over one acre – for parcels larger than 3 acres). A disadvantage of tying the threshold to parcel size is that an agricultural operation can consist of several tax parcels under the same ownership, and the parcel on which a project is proposed might be a relatively small one and subject to a lower threshold than if the parcel lines were drawn differently.

Option 3 would require PDS staff to ascertain whether a parcel has a farm plan or nutrient management plan that assures retention and infiltration on the parcel. An advantage of this option is that stormwater mitigation measures would not be duplicated; if a farm plan already shows that stormwater is being effectively managed, there would be no need for additional study. A disadvantage of Option 3 is that some agricultural uses (particularly berry operations) might not have a farm plan currently.

Option 4 would exempt parcels larger than 20 acres that have considerable impervious surface and may or may not retain all its stormwater. Also, as in Option 2, tax parcel sizes may vary, making some agricultural operations subject to the thresholds, while others that happen to be on larger parcels are not.

Staff discussed these four options with the Agricultural Advisory Committee (AAC) at its April 12 meeting. Though the committee lacked a quorum and could not make a formal recommendation, consensus of those present was to support Option 3. Staff concurs with the AAC that this is the most equitable and effective option, and
has added it to the draft code amendment (Exhibit A), as a note in 20.80.630, p. 5-6.

Also proposed was a change to the definition of “impervious surface” to WCC 20.97 Definitions, exempting driveways serving other lots from the impervious surface calculation for a parcel. The Department of Ecology submitted a comment letter saying these surfaces would be considered impervious surfaces in the Ecology’s stormwater manual, and this blanket exemption could be inconsistent with the stormwater manual. Staff proposes moving the exemption to the cumulative impervious surfaces standards of 20.80.630, where it is clear the exemption would only apply to determining the threshold for requiring use of the stormwater manual, rather than change the countywide definition of impervious surface.

As discussed in the January staff report, this action also includes proposed amendments to the Comprehensive Plan (Exhibit B) updating Policy 2DD-2.C.4’s references to stormwater standards in WCC, and adding wording to Policy 2DD-2.C.1 clarifying that the County’s Critical Areas Ordinance (WCC Chapter 6.16) applies to the entire rural area.

Proposed findings of fact and reasons for action (revised):

1. Whatcom County Planning and Development Services has submitted an application for amendments to WCC Title 20 Zoning to establish cumulative impervious surfaces.

2. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on January 25, 2017.

3. Notice of the subject amendment was submitted to the Washington State Department of Commerce on January 5, 2017.


5. The Planning Commission held a public hearing on the proposed amendments on January 26, March 9, March 23, and April 27, 2017.

6. The Growth Management Hearings Board and Washington Supreme Court have found Whatcom County’s Comprehensive Plan to be out of compliance with the Growth Management Act in that its rural element lacks measures to protect water quality and availability in rural areas. The Board suggested impervious surface limits as a possible measure the County might adopt to protect water quality.

7. The Whatcom County Comprehensive Plan adopts by reference County Code provisions related to water resources under Policy 2DD-2.C. Revisions to the County Code are therefore also revisions to the Comprehensive Plan. The amendments propose adding Policy 2DD-2.C.10
to adopt by reference the new impervious surface standards proposed in WCC 20.32.500 and 20.36.500.

8. On October 11, 2016 the County adopted Ordinance 2016-045 revising the County’s stormwater regulations and integrating low impact development principles and best management practices into the County’s development regulations in order to meet the state’s 2014 NPDES Phase 2 Permit requirements.

9. The purpose of the proposed Zoning Code and Comprehensive Plan amendments is to resolve an appeal of the Comprehensive Plan filed with the Growth Management Hearings Board. Comprehensive Plan amendments may be considered outside the annual concurrent review of Comprehensive Plan amendments per WCC 2.160.010D.

10. WCC 2.160.080 provides approval criteria for Comprehensive Plan amendments.

11. Whatcom County Comprehensive Plan (WCCP) Policy 10H-8 states: “Strongly incentivize the use of low impact development strategies. Minimize the amount of impervious surface whenever practicable by using natural engineering design methods such as the use of open,草, street swales and rain gardens instead of curbs and gutters. Where feasible, encourage alternate surfacing options and other techniques associated with low impact development.”

12. WCCP Policy 10H-12 states: “Amend subdivision, zoning, and other land use regulations and design standards to encourage that land use activities minimize the amount of impervious surface.”

Proposed Conclusions:

1. The amendment regarding impervious surface limits in rural zoning districts is in the public interest.

2. The amendments are consistent with the Whatcom County Comprehensive Plan.

3. The Comprehensive Plan amendments meet the approval criteria of WCC 2.160.080.

Attachments:

   Exhibit A: Proposed Zoning Code Amendments
   Exhibit B: Proposed Comprehensive Plan Amendments
Call To Order: The meeting was called to order, by Whatcom County Planning Commission Chair, Nicole Oliver, in the Whatcom County Northwest Annex at 6:30 p.m.

Roll Call
Present: Natalie McClendon, Jerry Vekved, Gary Honcoop, Nicole Oliver, Michael Knapp, Kelvin Barton, Andy Rowison, Atul Deshmene
David Hunter in attendance at 6:34

Staff Present: Mark Personius, Ryan Ericson, Gary Davis, Becky Boxx

Department Update

Mark Personius updated the commission on the following:

- Mr. Personius presented Kate Blystone who was chosen to fill the vacancy on the Planning Commission. She will begin serving at the February 9, 2017 meeting.
- Mr. Personius thanked Jerry Vekved and presented him with a plaque for his years of service on the commission.
- The upcoming Planning Commission schedule.
- Updates from County Council.

Open Session for Public Comment

Carole Perry, Whatcom County: Thanked Commissioner Vekved for his work on the commission. She commented on the Planning Commission meeting that had taken place regarding dog kennels. That meeting was a disaster because not all of the commissioners were at the meeting. Because lot of the members were not at the meeting the truth didn’t really come out. She asked if there is some sort of code stating who a Planning Commissioner member should be or who they should represent. She would like to know how they are chosen. (Staff will supply her with the information.)

Commissioner Comments

Commissioner Honcoop thanked Commissioner Vekved for his service on the commission.
Commission Deshmame also thanked Commissioner Vekved.
Commission Hunter also thanked Commissioner Vekved.

File #PLN2016-00013: Proposed amendments to the Whatcom County Code Title 20 Zoning, adding standards for impervious surface coverage in the Residential Rural (RR)
and Rural (R) districts, amending references to stormwater standards, in addition to
amendments to the Whatcom County Comprehensive Plan Policy 2DD-2.C to amend
references to WCC Title 20 Zoning.

Gary Davis presented the staff report.

These amendments would add maximum limits on impervious in the Residential Rural
(RR) and Rural (R) zones. It would also update references to stormwater standards in
several chapters of the zoning code. It would also amend the Comprehensive Plan by
adding a reference to the impervious surface standards that would be added to the
zoning code and updating the plan’s references to the stormwater standards which
were updated and moved last year. The purpose of the amendment is to respond to
the Supreme Court’s October 6, 2016 Hirst Decision which affirmed the 2013 Growth
Management Hearing’s Board (GMHB) order that found that the county’s
Comprehensive Plan does not contain adequate measures to protect water quantity
and quality. The county is in the process of addressing the first issue. Setting
standards for impervious surface is intended to address the second issue which is
water quality. This is one of the measures suggested by the GMHB in its 2013 order.
Back in 2012, when the county was originally responding to the GMHB decision on the
2011 Rural Element amendments, the county adopted new lot coverage requirements,
which were basically 20 percent of the lot area which was capped at 25,000 square
feet. The impervious surface amendments were proposed at the same time but were
not adopted. The lot coverage standard applies to structures only. What is being
proposed now is to, in addition to that, add more room to allow for impervious surfaces
such as driveways, patios, etc. That would create a cap of 25 percent up to 35,000
square feet. Back in 2012 the county did a study looking at some sample parcels from
around the county. They were designed to look at what might be the toughest cases. A
lot of them are on smaller lots. Parcels that have existing impervious surfaces greater
than 25 percent would be considered nonconforming and they would be treated as any
other nonconforming use. In 2012 staff presented some studies that had been
commonly cited in Western Washington regarding impervious surfaces. Is there a good
threshold and hard and fast rule for what percentage improves water quality? What
one of the studies found says that degradation of water quality occurs pretty rapidly,
into the 5 and 10 percent impervious surface range. After that it is a judgement call.
Other studies have shown there is no truly negligible amounts of clearing or watershed
imperviousness. The decision about how much is acceptable is as much a social
decision as a hydrologic one. In October 2016 the county adopted revised stormwater
regulations. The impervious surface proposals do not make any changes to those
regulations but they would update various code chapters that refer to the stormwater
regulations.

Commissioner Oliver asked if there were any other options the county was looking at.

Mr. Davis stated the county has already done low impact development and there were
some rezones done. The Health Department is proposing changes to the on-site septic
inspection system. There are also the recently adopted stormwater changes.
Commissioner Oliver asked if driveways in the public right-of-way are exempt.

Mr. Davis stated driveways in an easement or public right-of-way would be exempt. Also not counted against the property is a driveway that crosses your property and accesses the neighbor. Driveways on your property, only used by you, would be counted.

Commissioner Honcoop stated the site of the residence on a property is typically decided by type of soils, critical areas, etc. Sometimes there is no choice but to put the house at the back of the property and have a long driveway.

The hearing was opened to the public.

Loren VanderYacht, Whatcom County: Mr. VanderYacht distributed photos of his property. He stated he has five acres which he has lived on for 19 years. Clean stormwater is not only a personal priority but also a civic duty. He has 25 years’ experience in the asphalt business. He has built several hundred driveways and parking lots including their stormwater conveyance systems, both pervious and impervious. If this proposal goes through his property will be nonconforming. He currently has about 41,000 square feet of impervious surface. He had been planning on doing a 1,000 square foot addition to his house but he would not be able to if this passes. It will be cost prohibitive to do engineered stormwater. He has built his own driveway which should be a model for stormwater. The stormwater pond doubles as a green swimming pool. It does not use chemicals. All of the stormwater from the buildings is piped into catch basins, goes through a rain garden or infiltrated through sand layers. He would like the cap changed to 45,000 or 50,000 square feet.

Ron Reimer, Whatcom County: He is an excavation contractor. He has taken low impact development classes at Washington State University. Making people get professional stormwater design is going to kill them financially. It does not have to be that way. Top soil can be brought in to mitigate the runoff. That is a simple answer. Why add an arbitrary cap? It should just be left at a percentage. These things can be done very simply. You are not considering all of the impacts to the rural lifestyle and certainly not to farming. Don’t put limits on people. Give them criteria and a reasonable expectation.

Carole Perry, Whatcom County: Most of the people in this room have had training on this issue. You have to in order to understand it. Is there any science that supports what is being done? Last Tuesday the council discussed the septic tank issue. We have been lead to believe that the county is running with sewage all over. Now they want to take away letting a person do their own inspection. The actual numbers show that out of 600 people that did their own inspection only 17 failed. Ordinary citizens can’t understand all of these rules. How do all of these rules affect real people on the ground?

The hearing was closed to the public.
Mr. VanderYacht stated he has taken classes regarding pervious and impervious pavement design. Porous pavement works until it plugs. They all plug. He can treat the water just as good with a conventional pavement system as with he can with porous pavement as long as the soil conditions allow him to do so. The pervious surface limits become very arbitrary.

Commissioner Barton asked what the maintenance cycle is for cleaning of pervious surfaces.

Mr. VanderYacht stated the problem is no one maintains them. The schedule depends on the site. It could be as frequent as monthly. You design them as if they are going to fail which it will if not maintained.

Commissioner Honcoop stated rural areas are not like urban areas. If you look at coverage per acre and look at urban versus rural impervious surfaces your total coverage is urban areas is significantly greater. In rural areas the runoff on the site is typically very limited. Most of the time the water shedding off of the driveway is hitting the grass on each side and that is the end of it. That is the way it should be. The percentages are much too low because it is not allowing the area that would be created by the driveways in a typical rural area. In the rural areas the house is typically not up against the road as in urban areas, for a variety of reasons. Where did these percentages come from? They are just pulled out of the air. Where is the scientific backing?

Commissioner Rowson asked if this proposal is the least onerous, the most or where is it in the range of solutions to solve the lawsuit.

Mr. Davis stated this is the number we are starting with based on proposals from 2012. Is there anything magical about the 35,000 foot cap? No.

Commissioner Rowson asked if there is a magic number.

Mr. Davis stated the studies he summarized earlier indicate the is no magic number. It’s a balancing act.

Commissioner Rowson stated that is an issue for him because there is only one proposal with one option. It would be helpful to have ranges of options. The commission has no idea what the right number would be. Are there other things that can be done besides lot coverage? He had no idea what was in the tool kit.

Mr. Ericson clarified the new rules that were put into effect in October 2016. If a project comes in that is 20,000 square feet of impervious surface, or greater, it triggers review of the stormwater manual. With this impervious surface area proposal this catches the cumulative impacts to the lot.
Commissioner Knapp asked if there were specific violations that triggered the need to do this. What is prohibiting illicit discharge? Other than the state asking the county to bring this into compliance is there any specific thing that triggered it?

Mr. Ericson stated the illicit discharge program is a requirement of our phase II stormwater NPDES permit. The state requires the county to have the program. Commissioner Knapp asked if there is a certain threshold that has been violated that caused the county to need to do this.

Mr. Ericson stated Whatcom County streams are impaired. They don't meet the state water quality standards. That is the driving force of the court case. The illicit discharge is prohibiting the discharge of anything but rainwater into the stormwater system. The impervious surface wouldn't get to that because that is more targeted at oil, phosphates, etc. getting into the system.

Commissioner Hunter stated the thing he was concerned about was the dissatisfaction with the underlying premise that there is a good reason for attempting to establish limits on impervious surfaces. Whether there is some evidence that impervious surfaces create problems for us. What is the science? He was not ready to make any decisions because of his uncertainty about the full understanding of what is happening and why these regulations occur. The public seems to be uneasy about these things. He asked if staff could provide the commission what it is that linked the problems with impaired water systems and impervious surfaces. Is there precise information that provides them with guidance in order to help them? There is the assumption that this is a very hard decision to make on individual property owners in the county and they are wondering why it can't be done more simply. He was open to less onerous ways to resolve the problem of degradation of our waterways. He was not open to ignoring the problem of the degradation of waterways.

Commissioner Honcoop stated there should be some simple things in the toolkit. We should be looking at what is existing and what is new. If the water is not leaving the site it shouldn't be an issue. If it is not discharging to a public body of water it doesn't need to be treated. Someone should be able to demonstrate this and not be limited to the square footage. There should be options.

Commissioner Deshamane agreed that there should be some flexibility. People often buy property with plans of what they want to do with it so they should be able to without having these strict regulations. It would be good to understand how this court decision connects to this particular policy.

Commissioner Barton agreed there needs to be more tools in the toolkit. Applicants should be able to show other alternatives. He also wanted to know the scientific data behind the numbers chosen.

Mr. Davis reviewed the options stated in the GMHB case. It states the County may limit growth in areas where water availability is limited or water quality is jeopardized by stormwater runoff. It may reduce densities or intensities of uses, limit impervious
surfaces to maximize stream recharge, impose low impact development standards
throughout the Rural Area, require water conservation and reuse, or develop mitigation
options. Some of these apply to water quantity, where we are only looking at quality in
these regulations.

Commissioner McClendon wanted conformation on the comments she heard that if the
water is not running off the site none of this matters. Is that true?

Mr. Ericson stated full dispersion is one of the options but the 2012 stormwater manual
almost always jumps to engineering. The option of ignoring runoff is no longer there
because of restrictions from the state.

Commissioner Oliver stated there needs to be more context to get them to why we are
doing this. Saying it is because the court says we have to is not going to fly. What is a
reasonable reaction to the court order? We aren’t doing these things to penalize
individuals we are doing it for the bigger picture reason which is Puget Sound is
polluted. Everyone has to do this. The economy is currently supporting spending large
amounts of money to develop lots that would have never been developed before.

Commissioner Honcoop pointed out examples where it is highly unlikely the water is
running into Puget Sound. Why is a driveway exempt if it is for access for the
neighbor? It has the same amount of runoff. The key to all of this is not concentrating
that water. Driveways, of reasonable width, don’t concentrate the water. Houses,
patios, etc. should be treated differently than driveways.

Commissioner Rowston commented on some comments made. It has been said if the
water does not leave the site than it is good, but is it clean?

Mr. Personius stated the issue there is that it doesn’t flow into a stream and pollute it.
The presumption is that if the water stays on site the filtering occurs as it permeates
the soil.

Commissioner Oliver stated that if you get over a certain amount of impervious surface
you have to hire someone to show that doesn’t leave the site.

Commissioner Honcoop stated the fix through the manual is worse than if you do
nothing.

Commissioner Hunter stated laws can’t be written that address every single issue.
Rules have to be written that cover generalized situations, to some extent. He would
love to see a limit on density in the rural areas but can’t imagine how it can be done. It
can’t be done unless it’s by incentive, certainly not by regulation. He was not willing to
vote no on a proposal just because it may have a negative effect on some people. That
is just the nature of regulations.
Commissioner Oliver stated there needs to be balance when doing regulations. You
need to be able to regulate but also enforce it. You have to figure out how to fit most
things pretty well.

Mr. Davis stated staff will look at other alternatives to present to the commission at a
later date.
The meeting was adjourned at 8:33 p.m.

Minutes prepared by Becky Boxx.

WHATCOM COUNTY PLANNING COMMISSION ATTEST:

Nicole Oliver, Chair

Becky Boxx, Secretary
1 Call To Order: The meeting was called to order, by Whatcom County Planning
2 Commission Chair, Nicole Oliver, in the Whatcom County Northwest Annex at 6:35
3 p.m.

4 Roll Call
5 Present: Nicole Oliver, Gary Honcoop Michael Knapp, David Hunter, Kelvin Barton
6 Natalie McClendon in attendance at 6:38
7 Atul Deshmane in attendance at 6:40
8 Absent: Andy Rowison, Kate Blystone

10 Staff Present: Mark Personius, Ryan Ericson, Gary Davis, Becky Boxx

13 Department Update

15 Mark Personius updated the commission on the following:
16 • The County Council schedule
17 • The Planning Commission schedule

18 Open Session for Public Comment

20 Carole Perry, Whatcom County: Stated there is a need for people to really know their
21 fields. The commission needs to know how their decisions really affect people. The
22 council really needs information from people who really know how it affects lives.
23 People who are experts don’t come to the meetings. She also stated there was a close
24 association with the latest person appointed to the commission and someone on the
25 council. She is not comfortable with that. She is also glad that the commission decided
26 to continue the flag salute.

29 Commissioner Comments

31 Commissioner Knapp presented a book he has been working on regarding the history
32 of the Lake Samish area.

34 Approval of Minutes

36 February 23, 2017: Commissioner Honcoop moved to approve as written.
37 Commissioner Oliver seconded. The motion carried.

39 Public Hearing

41 Gary Davis updated the commission on comments received and changes made since
42 the last meeting on this issue.

44 The lot coverage regulations, in place now, have a 20% lot coverage limit, capping at
45 25,000 square feet. That lot coverage applies to structures only. At the last meeting
46 staff proposed to add to that an additional requirement that would limit impervious
47 surfaces, both structural and non-structural, to 25% and capped at 35,000 square feet
per lot. After the discussion staff is proposing some changes. One being that threshold
would go up to 35%, for lots under 3 acres, and over that would be a 45,000 square
foot threshold. The other change is that limit would not be in the individual chapters
for the Rural and Rural Residential codes along with the lot coverage. It would instead
be applied as a cumulative total in the stormwater section of code. The exception
regarding a neighbor’s driveway crossing your property is not included in this version.
Staff would like to discuss this with the commission to see if they are comfortable with
not having that. It can be a confusing issue.

The hearing was opened to the public.

Loren VanderYacht, Whatcom County: Has experience in the paving industry. He has
read both the Booth and the May studies that the memo references. Both of the
studies are those done on the effects of urbanization on waterways. Here we are
addressing rural, not urban, areas. How can a study done in an urban area be applied
to a rural area? These studies should only apply to properties within current UGA
boundaries. Current rural zoning and the Growth Management Act (GMA) do not allow
growth beyond what is currently allowed in the rural areas. Also, these studies were
done in King County. They describe the glacial soils in King County, which are
predominately made up of glacial till. This is a non-porous soil that does not allow the
water to penetrate. On the other hand, western Whatcom County is primarily made up
of a glacial outwash, which allows free draining. These facts make the studies
arbitrary. There is insufficient test data, or evidence, of poor stormwater quality in the
rural areas. There are about a dozen different agencies working to clean up water
quality in the county, but that water quality is fecal coliform and E.coli which is not
related to rural stormwater. He did not feel there was a need for the proposed rules. It
would not improve water quality because the water permeates well here. There is no
incentive to put your water in the ground on your own property. There should be an
incentive for this in the proposal.

Carole Perry, Whatcom County: Having speakers here who know about the issues is a
good thing. She was troubled by the fact that the commissioners don’t understand
these rules and some of them work in this field. In this county things are so
complicated that the commission and the council don’t have enough information to
make good decisions so the only people that can make the decisions are the people in
the Planning Department. If no one can figure this stuff out why do you think people
are frustrated? It happens over and over.

Max Perry, Whatcom County: How would one know that there was a hearing that
evening? It’s not in any notifications. Because of that there is only one person here.

The hearing was closed to the public.

Commissioner Knapp stated there is a mix of soils in the county.
Mr. Ericson agreed there is a mix of soils but they are predominately well drained soils. The reason these studies were referenced is because all of the subsequent literature done by the agencies, since those studies, all point back to those studies.

Commissioner Knapp asked if there is any literature from the GMHB relating to us upgrading what we are doing and if they had any concerns about the different soil types.

Commissioner Oliver stated the commission had asked for more scientific understanding as to why we are doing this. That is why these studies were provided.

Mr. Davis stated one of the main points staff wanted to make from the studies was that those studies found there is no magic threshold under which there is no impairment and over which there is always impairment. The more impervious surface the more impairment. Impairment starts to appear at levels where you have even 5% to 10% impervious surfaces.

Mr. Ericson stated they look at the impact of impervious surfaces as a whole in the entire watershed not just on a parcel by parcel basis.

Commissioner Honcoop stated the studies are not that applicable to Whatcom County. They address the cumulative effect of urbanization on small streams. They have been completely taken out of context.

Commission Deshmane asked staff to clarify the use of incentives to keep water on site.

Mr. Ericson stated that low impact development (LID) is required first in the stormwater manual. Infiltration is always the first recommendation. There are really no incentives listed. Instead of applying all of the most stringent regulations to every single type of land use we have divided land uses up into three types. Low is residential and accessory uses. We have also included construction of agricultural buildings and seasonal roadside stands. It also includes uses that are larger than ½ acre. Medium intensity would be single residences and their accessory uses on lots smaller than ½ acre and short subdivisions. High would be commercial, industrial or long subdivisions. There is also the provision that states: Any project that results in new plus replaced hard surface greater than or equal to 10 percent of the gross parcel size or 20,000 square feet, whichever is greater immediately bumps you up to a high intensity use for purposes of stormwater. What it didn’t capture was a project that may be 30,000 square feet of impervious surface with and addition of 15,000 square feet it would be under the threshold. Staff felt that they should have to use the manual due to the fact that they are going to have a paved area with just over an acre of impervious surface in total.

Commissioner Honcoop stated staff is interchangeably using the term hard surface and impervious. They are not the same thing. Mixing the definitions creates some confusion.
Mr. Ericson stated they stand by the regulations they have written. The definitions clarify what each means.

Commissioner Hunter stated he was not comfortable with the idea that we don't need to worry about the amount of impervious surface in the rural areas becoming significant. Would the amount of impervious surface likely be below 10% in the rural areas, and therefore not something we should worry about?

Mr. Davis stated he was not sure that blanket statement could be made. That would be reasonable to assume on some of the larger rural residential parcels.

Commissioner Hunter asked if there is any way to know whether other types of development contribute to impervious surface that goes beyond 10%. Industrial lots, etc.

Mr. Personius stated he was not aware of any studies done here that would show that. Staff doesn't think that is a major water quality issue.

Commissioner Oliver stated that for years she has heard there is potential for growth in the county because of all the lots that have been created out there. Is that some of the problem we are dealing with?

Mr. Personius stated that is one of the arguments. The permitted uses in the rural zones are GMA compliant.

Commissioner Hunter stated the proposal allows for more cumulative impervious surface than it did before.

Mr. Personius stated the code never had a cap for impervious surface. This proposal says rather than putting a cap on it says the stormwater manual will mitigate any additional impervious surface over a certain amount.

Commissioner Hunter asked if they were satisfied to have the potential for that much impervious surface.

Commissioner Honcoop stated the stormwater manual is going to apply its own cap which could be at a lower level depending on lot size, coverage, etc. The advantage of the manual is that it creates an enforcement mechanism that wasn't there before. The manual clearly says you have to do certain things. He doesn't like the fact that a developer has to spend a lot of money to go through this and the county doesn't have the staff to deal with it. That in itself will create limits.

Commissioner Knapp asked staff if the recommendations they have made satisfy the GMHB. Are there other options that might better address the issue?

Mr. Davis stated he couldn't predict what the GMHB will say but this is one of the options they suggested to us.
Mr. Personius stated the county had conversations with the appellants and they stated this proposal would satisfy them.

Commissioner Hunter stated that in his opinion there needs to be an exemption for the shared driveway especially when it comes to building new ones. In the case of a subdivision, that serves more than one lot, the stormwater is taken care of when the road is put in. If that is not exempt it is being counted twice. There is a fairness issue for the lots in the front versus the lots in the back. Also, what happens when the Health Department changes their rules? That is a challenge all the time. The exemption that was there previously needs to go back in.

Mr. Ericson stated his recommendation would be to put the exemption in the impervious surface definition due to the fact that the special watershed districts have caps on the amount of impervious surface. Staff processes variances, which cost more money, for people in these situations were staff has to count everything. Under the definition you would state the portion of the shared driveway is not counted towards your lot.

**Commissioner Honcoop moved to add to the definition of Impervious surface, 20.97.187: The following shall not be included in the impervious surface total: roadways or driveways in public rights of way or in easements that serve neighboring properties.**

**Commissioner Knapp seconded.**

Commissioner Hunter stated that he would rather it reflect that once it is figured out how many properties are being served by that driveway that the cumulative effect for the number of properties that are served by that should be the figure that you look at when doing impervious surface calculations, rather than just the lot it is on.

Commissioner Knapp stated that often these properties are developed over time, not all at once so that would not work.

Commissioner Honcoop did not agree with Commissioner Hunter’s comments. There are too many variables. You are going to have to survey every other lot that is served by that driveway. The county is going to require documentation of what the real surface area is.

**The motion carried (ayes-7, nays-0).**

The commission will have another public hearing on this issue March 23, 2017.

The meeting was adjourned at 8:30 p.m.

Minutes prepared by Becky Boxx.
RECORD OF PROCEEDINGS OF THE
WHATCOM COUNTY PLANNING COMMISSION
March 9, 2017

Regular Meeting

1
2 WHATCOM COUNTY PLANNING COMMISSION ATTEST:
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4
5
6
7 Nicole Oliver, Chair ________________________ Becky Boxx, Secretary ________________________
RECORD OF PROCEEDINGS OF THE
WHATCOM COUNTY PLANNING COMMISSION
March 23, 2017

Regular Meeting

Call To Order: The meeting was called to order, by Whatcom County Planning
Commission Chair, Nicole Oliver, in the Whatcom County Northwest Annex at 6:30
p.m.

Roll Call
Present: Natalie McClendon, Gary Honcoop, Nicole Oliver, Michael Knapp, Andy
Rowlson, Kate Blystone
   Atul Deshmane in attendance at 6:33 p.m.
   David Hunter in attendance at 6:48 p.m.
Absent: Kelvin Barton,

Staff Present: Mark Personius, Ryan Ericson, Gary Davis, Becky Boxx

Department Update
Mark Personius updated the commission on the following:
The County Council schedule.

Open Session for Public Comment
Carole Perry, Whatcom County: Stated she was glad to see so many people at the
meeting and that the public hearing was extended. She hoped the people attending
had an understanding of impervious surfaces. There is no subject the commission has
taken up that illustrates more the complexity, that citizens endure trying to understand
the laws and regulations of, than the lahar issue. The council was privileged to have a
three hour presentation from the USGS on lahars. The commission was not privileged
to have that so they struggled with the issue. She received a paper regarding the
presentation and shared a small amount of it.

Commissioner Comments
Commissioner Blystone introduced herself as the new member of the commission.

Public Hearing
File #PLN2016-00013: Proposed amendments to the Whatcom County Code Title 20
Zoning, adding standards for cumulative impervious surface coverage, amending the
definition of impervious surface, and amending references to stormwater standards, in
addition to amendments to the Whatcom County Comprehensive Plan Policy 2DD-2.C
to amend references to WCC Title 20 Zoning.

Gary Davis gave an update of the current proposal. At the last meeting staff brought
forward a proposal that moved the proposed impervious surface standards from the RR
and R zones to a more general location of the supplementary requirements in Chapter
20.80 of the zoning code. At the end of the session there was a motion to add an
amendment to the definition of impervious surface which exempted driveways that
served other parcels, so that would not count against the parcel for total impervious surface.

Mr. Davis reviewed the different land use intensities:

Agricultural buildings, and single family residences on > 25,000 sq.ft. lot, are Low Intensity land uses

Minimum Requirements (MR's) currently required for:

\[ \geq 7,000 \text{ sq.ft. new plus replaced hard surface:} \]

- MR1 Stormwater Site Plan
- MR2 Construction SWPPP
- MR4 Preserve Natural Drainage
- MR8 Wetlands Protection

\[ <7,000 \text{ sq.ft. new plus replaced hard surface:} \]

- None of the MR's are required

Effect of proposed amendment:

\[ >2,000 \text{ sq.ft. new surface} \] where a parcel’s cumulative impervious surface would exceed 45,000 sq.ft. (35% if under 3 acres): Use becomes High Intensity

- All MR's per stormwater manual

- MR1 Stormwater Site Plan
- MR2 Construction SWPPP
- MR3 Source Control
- MR4 Preserve Natural Drainage
- MR5 On-Site Stormwater Management
- MR6 Treatment
- MR7 Flow Control
- MR8 Wetlands Protection

Current and Proposed:

\[ <2,000 \text{ sq.ft. new surface} \] exempt from stormwater manual, even if parcel’s impervious surface would exceed 45,000 sq.ft.

Staff received a comment from the Department of Ecology (DOE) stating they believe the proposed change to the definition of impervious surface would be at odds with the Stormwater Manual. Staff does not agree with this because of the difference between the definition of “hard surface” and “impervious surface”. The staff proposal only changes the definition of impervious surface. Everything in the stormwater section of the code and the Stormwater Manual deal with “hard surface.”
The hearing was opened to the public.

Carole Perry, Whatcom County: Why has this subject come up again? Is it in relation to the Hirst case?

Mr. Davis stated the Hirst decision touched upon both water quality and water quantity. The GMBH found that the county’s rural land use regulations did not protect water resources, either in terms of water quantity, which is the well issue, or water quality which is stormwater and impervious surfaces. In their decision, which was upheld by the Supreme Court, they listed a number of measures that the county could take in order to properly address those things. Placing limits on total impervious surface was one of those things. At the first meeting, regarding this issue, the proposal that staff brought forward was to place limits on impervious surface in the Rural and Residential Rural zones. Originally the proposal stated 25% of your property, under 3 acres or 35,000 square feet if over 3 acres. The Planning Commission asked staff to increase those numbers so they went up to 35% if under 3 acres and 45,000 square feet if over 3 acres. The big change was that instead of being a cap, it was now a cumulative threshold over which you could go but it would mean there would be extra work in terms of making sure that the water stayed on site. There is no way to know if this will pass with the GMBH. Some of the other things they suggested the county has already done.

Loren VanderYacht, Whatcom County: The stormwater degradation is coming off of the roads, it is not coming off of the individual residential properties. The largest single owner of impervious surface, in rural Whatcom County, is Whatcom County. There are not many projects being done by Whatcom County to improve their stormwater quality. The burden is being placed on the private owners, who are not, at this point, contributing to poor stormwater quality. In most cases stormwater is infiltrated on site and in most cases is not running off of the property. The studies the county reference, as to why this needs to be done, were done in King County and urban settings, on glacial till soils, not glacial outwash soils. This is completely different from what we have here. We don’t have any studies or data showing that the stormwater, in rural Whatcom County, is not of good quality. The county is jumping to regulations to potentially satisfy the state. We don’t even know if this will work. Why doesn’t the county go back to them with the things they have implemented to see if that satisfies them before taking this further.

Brad Radder, Whatcom County: Why is this necessary? As a member of the farming community they would like to see the water go back into the soil on the property so they can use it. Why move it to another parcel? Berries are not an easy crop to grow and they feel like they are swimming upstream and fighting a battle they shouldn’t have to be fighting. With these types of regulations it is one thing after another. The farmers are very disappointed that things have come to this. Was any due diligence done to know the cost of this and what it could cost the industry? Did anyone think to notify the people in the county that this might affect? Don’t try to sneak this in.
Wayne Stremler, Whatcom County: The officials in this county have created a culture of almost fighting the public. He is in the construction business and people are constantly asking him if permits are needed for what they are doing. He tells them to do it the right way and get a permit. They get punished for that by the county saying instead of can I help you they get an attitude of the county looking at everything they can to make it difficult for them. You can pass all the rules you want but if you deter everyone around you you will not get what you are trying to get. What happens if the county does nothing to satisfy the court decision?

Marty Maberry, Whatcom County: There is ambiguous language in this ordinance. The way it currently exists is a big problem if they add onto their farm processing. He wanted clarification on the thresholds. (Mr. Ericson clarified for him) Things are changing so fast in this community it makes it a very difficult place to do business, particularly in the north county. Things are coming at the farmers at such rapid speed they can’t deal with things. People need to be notified regarding these things. It seems most of the regulations are coming down on rural Whatcom County. Agriculture needs to be able to move forward or it will go away. When you have hundreds of acres and you have x amount of impervious surface it’s not the same as when you have a couple of acres and you are covered ¾ with impervious surface. They have plenty of room. The roads in their fields should not be considered. The rain rolls off and goes right into the dirt.

Terry Lenssen, Whatcom County: Agrees with the previous speakers. These rules are not what the county needs. He does see what the county is trying to do in satisfying the Hirst case. The county talks a lot about preserving agricultural land and farming but if the farmer is not preserved there will not be anyone here to take care of the farm land and be good stewards of it. They want to take care of land. Decimating the environment makes no sense because they need to make money off of the land. As a dairyman he is already fighting multiple fronts. To be sustainable they need to keep growing. At some point it gets ridiculous to even try anymore because they are being driven out of business. No one in the community was even aware this meeting was taking place. There needs to be better communication so people can get involved.

Landon VanDyke, Whatcom County: Dairy and raspberry farmer. Agrees with the previous speakers. The farmers know how to take care of the ground. The rules don’t make sense, as presented. The farmers are already well regulated and this just adds a huge burden. If the county wants to preserve agriculture don’t put more burden on the farmers.

Andy Enfield, Whatcom County: A Whatcom County farmer. Agrees with the previous speakers. Sustainability is the current buzzword. Agriculture is sustainable if they don’t get run out. The land and water have to be sustainable or they won’t have a crop. They use the same water over and over. They pull it out of the ground to irrigate and it goes back in the ground to be reused. There is no problem with the water. Farmers test their water a lot. These rules will hurt farmers.
Rob Dhaliwal, Whatcom County: Agrees with the previous speakers. There has not been any testing done on where the contamination has come from and what the county wants the farmers to do. The county is just putting the burden on the farmers to put them out of business. The calculations in the proposal don’t make sense. There has to be some type of tradeoff based on the amount of acres. What does the DOE consider pervious surfaces? His understanding is that once rainwater or stormwater hits the ground it becomes property of the state, so for it to be treated does not fall within the guidelines.

Alan Yoder, Whatcom County: He noted there was mention of removing vegetation and replanting pasture, over a certain threshold, in the proposal. Most of the people that run livestock on pasture have fence lines, tree lines, etc. which they occasionally clear and reseed so they can reclaim some of that ground. It seems silly to make a vegetation buffer that is going to filter the rainwater maybe even better than the original vegetation and they are being penalized for that. Agriculture is not given the recognition it deserves for being the stewards of the water that they are. All of the rainwater is filtered through these fields.

Tony Larson, Whatcom County: A lot of people have been impacted by the water quantity part of this issue. His sense from the County Council was that they want to do something to help people but the Supreme Court makes the final decisions. They agreed that the original intent was probably honorable but it is overreaching. Now there are people from the state legislature looking for a fix to the issue. This is probably the only way this mess is going to get fixed. If there are so many people that believe that this is an overreach why, as a county, why don’t we wait and find out if there is a fix to this before we put more problems onto the existing problems?

Harold VanBerkum, Whatcom County: Dairy farmer. It is hard to encourage the next generation to go into farming. The expense and the rules are too much. The small local farmers can’t compete against the large farms if the county keeps tying their hands. These rules will add major costs to doing any improvements.

Carole Perry, Whatcom County: Was happy to see so many people at the hearing. The rules are too complicated.

Max Perry, Whatcom County: A state senator said that if the GMA is not working for a county, which it’s not, then the counties need to get together and let the legislature know that and opt out of it. Maybe that is an option for Whatcom County.

Marty Mayberry, Whatcom County: There was a comment made at a County Council meeting that the Hirst case was good intentioned but it went too far. He took issue with that. He did not believe that case was good intentioned.

Landon VanDyke, Whatcom County: As farmers and business owners they have to get creative. He requested the commission take the same approach in looking at how they meet the requirements but at the same time not hamper the citizens.
Andy Enfield, Whatcom County: Agreed with Mr. Mayberry that the Hirst case did not have good intentions.

The hearing was closed to the public.

**Work Session**

Commissioner Oliver asked staff what happens if the county does not move forward with this proposal.

Mr. Personius stated that the GMHB stated, in the original decision regarding water quality, was pretty specific about pointing out things in particular that the county was not doing a good enough job at. It included the county’s on-site septic self-inspection system. They suggested impervious surface limitations and made some suggestions on how to approach it. Staff decided on the approach to put a cap on the amount of impervious surfaces based on parcel sizes and zones. Through discussions with the commission staff is now proposing to get rid of the cap and do stormwater review at certain levels. The Supreme Court only rules on the water quantity issue, not the quality issue. If the county does not act on the quality issue the threat is that the GMHB will rule the county out of compliance.

Commissioner Hunter asked how do we know if there is a problem with water quality in the county and if there is a problem is it the result of impervious surfaces.

Commissioner Oliver stated they asked for that after their first meeting on this issue. They received the memo that spoke to the King County studies.

Mr. Davis stated those studies were in King County and studied urban areas that may have different soil, but without having done a study in Whatcom County it is hard to know exactly what the situation is. Relatively speaking, if we are concerned it should probably be for the areas that are more heavily populated. There are pockets of these in rural areas of the county. Roads are certainly a concern. They can’t retrofit everything but the new roads do address stormwater.

Mr. Ericson stated that everyone who spoke at the meeting stated their stormwater goes back into the soil which is exactly what the county wants. Most farms are doing what needs to be done through the requirements of other agencies. The county staff can work with farmers to see that they are doing what they need to do.

Commissioner Honcoop stated that some of the federal, state and local regulations are in conflict with the proposal. Dairy farms are required to keep manure on slabs, but the impervious surface rules won’t allow more impervious surface.

Commissioner Deshmune stated he did not know how much the county can avoid the compliance issue. Are there alternatives to the hard cap of 45,000 square feet? Are county roads really the greatest source of stormwater pollution?
Mr. Personius stated that to be clear there is no cap, only a threshold before certain things are triggered. The county has always argued, as part of the court case, that it was not a major contributor to the water quality issue. The Pollution Identification and Correction Program (PIC) has identified issues that are mostly related to fecal coliform. Those mostly don’t come off of roads and impervious surfaces.

Mr. Ericson stated there has been some studies showing a lot of the pollution is coming from roads and catch basins from commercial and industrial areas. Whatcom County does have an unusually high amount of roads per acre in the watershed.

Commission Blystone asked what is a “parcel” as used in the new language under 20.80. Is it the Assessor parcel of the site of the project or the legal lot of record? A lot of these farms have many parcels that make up the farm.

Mr. Ericson stated the county parcel layer is not necessarily accurate. There is the ability to bind parcels for tax purposes. The county needs to determine if it is a legal lot of record or not. Typically, on a permit, the county uses the Assessor parcel number. We don’t usually do more unless the property is being subdivided.

Commissioner Blystone wanted clarification regarding hard packed dirt roads. Are they included in the calculations?

Mr. Ericson stated they would not be included, only the access roads.

Commissioner Rowlson asked if somehow parcels with farm plans can be exempt from the rules.

Commissioner Honcoop stated there is no need to have these rules apply in all the zones in the county just to make it easier for staff.

Mr. Personius stated there are dairy farms in both the Rural and Agricultural zones. If the rules were only applied in the rural zones then there would be two different sets of standards for the guy who is doing the same thing in the agricultural zone. That is what staff is trying to avoid.

Commissioner Honcoop stated the GMHB decision did not mention any zones other than the rural zones so why are we taking it beyond that? The farmers are going to be hitting triggers under other rules. We need to focus on the smaller parcels.

**Commissioner Honcoop moved to recommend the regulations apply only in the Rural and Residential Rural zones.**

**Commissioner Rowlson seconded.**

Mr. Davis stated that rather than going back to the original proposal it may be possible to reword it in the supplementary requirements so it only applies to the rural zones.
Commissioner Oliver stated from what she has heard farm plans deal extensively with water quality. Rather than limit the zoning perhaps exempt those properties that have farm plans. The county did not seem to be in favor of that when brought up before.

Mr. Ericson stated there are a variety of farm plans. Some more complex than others. He had no objection to the idea that properties be exempt if covered by a farm plan.

Commissioner Oliver stated she did not think there has been adequate work done with the farming community. We need to take more time to examine the issue before making a decision.

Commissioner Knapp asked if any research has been done regarding how other counties have dealt with this issue.

Mr. Ericson stated most of the counties simply follow the stormwater manual. They don’t have the thresholds like we have proposed.

Commissioner Hunter stated from what he had heard these regulations will really have no impact on large farming operations. It will have an impact on the smaller farms. He was not uncomfortable with having a consistent plan throughout the county that turns out to be more regulatory with regards to small places. It just needs to be implemented consistently. Before voting on the motion he needed to know for a fact that the rules, if applied countywide, would be a significant burden on the people that are going to be regulated, primarily the large farms.

Mr. Ericson stated he has read farm plans and the majority of them have space to have 50 feet of some sort of vegetative strip. That is all that this requires. If you have winter cover over your field that counts as vegetation.

Commissioner Hunter asked for clarification that the things farmers already do would satisfy the proposal.

Mr. Ericson stated one of the issues would be that the manual does say that it has to be from an engineer to tell staff what we all know to be true. That is the major hang up with the stormwater manual.

Commissioner Hunter asked if having to pay an engineer to do that a significant amount of money.

Commissioner Honcoop said it is significant.

Commissioner Blystone stated she could not support the motion because there should be options. She did not want an option excluded in favor of an old option. She would like to see options side by side.

Commissioner Honcoop asked if there is really a problem that is seeking a solution or are we creating a problem. The farmers take better care of the land than anyone else
does, by far. Their buildings are regulated through a variety of other sources. Why put
this additional burden on them? The farmer needs the ability to farm.

Commissioner McClendon stated she would vote against the motion because she
wanted to see more options. She would like to know if farms covered by a farm plan
can be exempted and what impact that would have. We could also up the threshold of
the acreage that it applies to.

The vote on the motion failed (ayes-3, nays-5).

Commissioner Oliver stated she believed they are overdramatizing the burden that is
being imposed in addition to what is already going to be imposed with the new
stormwater rules.

Commissioner Deshmane thought that the 45,000 threshold may not be necessary.
The public roads issue needs to be addressed. The court did not say anything about it
but it would be good to see a public/private partnership to help the county improve its
problem. There are a lot of private land owners along public roads. Perhaps they could
help the county solve its problem.

Commissioner Blystone stated she was not against the idea of the motion she just
wanted to see more options. She agreed with Commissioner Deshmane regarding the
45,000 threshold. The percentage seems to better reflect what they are trying to get
at.

Commissioner Hunter was not convinced if there was an actual problem or not. Are the
farms the problem or not? He does not want to see additional burden added to those
doing a satisfactory job of addressing the problem of water quality. There are a variety
of ways to address the issue. What is before the commission is a good framework but
does need more work.

Commissioner Blystone would like staff to address the DOE letter at the next meeting.

Mr. Ericson stated staff will present this proposal to the Agricultural Advisory
Committee at their next meeting for their input on the issue.

File #PLN2017-00007: [item omitted from this copy – not related to impervious
surface item]

The meeting was adjourned at 9:20 p.m.

Minutes prepared by Becky Boxx.

WHATCOM COUNTY PLANNING COMMISSION ATTEST:
1
2
3
4 Nicole Oliver, Chair

Becky Boxx, Secretary
RECORD OF PROCEEDINGS OF THE
WHATCOM COUNTY PLANNING COMMISSION
April 27, 2017

Regular Meeting

1 Call To Order: The meeting was called to order, by Whatcom County Planning
Commission Chair, Nicole Oliver, in the Whatcom County Northwest Annex at 6:30
p.m.

4 Roll Call
Present: Natalie McClendon, Gary Honcoop, Nicole Oliver, Michael Knapp, David
Hunter, Kelvin Barton, Andy Rowson, Atul Deshmane
Kate Blystone in attendance at 6:45 p.m.

10 Staff Present: Mark Personius, Ryan Ericson, Gary Davis, Jessie Roberts

12 Department Update

14 Mark Personius updated the commission on the following:

16 • the County Council schedule
17 • the Planning Commission schedule

19 Open Session for Public Comment

21 There was no public comment.

23 Commissioner Comments

25 There were no commissioner comments.

27 Approval of Minutes

29 April 13, 2017: Commissioner Oliver changed page 4, line 23 to read: 14th
meeting of the Point Roberts Community...

32 Commissioner Rowson moved to approve as amended. Commission Deshmane
seconded. The motion carried.

35 Public Hearing

37 File #PLN2016-00013: Proposed amendments to the Whatcom County Code Title 20
Zoning, adding standards for cumulative impervious surface coverage, amending the
definition of impervious surface, and amending references to stormwater standards, in
addition to amendments to the Whatcom County Comprehensive Plan Policy 2DD-2.C
to amend references to WCC Title 20 Zoning.

42 Gary Davis gave an overview of the process to date.

45 At first the proposal from staff was to place a cap on cumulative impervious surfaces
within the Rural and Residential Rural zones. After some discussion the Planning
Commission had considered it be placed in the stormwater code. Staff came back with
the proposal that instead of being a cap it would be a threshold for requiring when the
stormwater manual be used. That would be placed in the stormwater section which
would affect all zones. This raised concerns because it would affect the agricultural
zone also. At the last meeting there was some discussion regarding several options
that could give some relief to the agricultural uses. Option 1 would be to return to the
original proposal of applying the requirement to the Residential Rural and Rural zones
only. Option 2 would replace the 45,000 square foot threshold for all parcels over three
acres with a threshold that increases based on a percentage of the parcel size. Option
3 would exempt uses where stormwater is managed through a farm plan. Option 4
would exempt all parcels over 20 acres. Options 2 and 4 tie the standard to the parcel
size which could make it difficult if parcels got created that were much smaller even
though they may be tied to a much larger agricultural use. The actual impervious
surface might be on the smaller parcel, which could be restrictive. Option 1 could be
accomplished as stated. Option 3 was the one preferred by the members of the
Agricultural Advisory Committee (AAC) who were present at their April 12 meeting.
Staff also recommends adding the text: For purposes of determining high intensity
land use, the calculation of cumulative impervious surface shall not include roadways
or driveways in public rights-of-way or in easements that serve other parcels to the
stormwater regulations rather than the countywide definition of impervious surface. It
would only apply to the high intensity calculations. Staff believes this would satisfy the
comment received from the Department of Ecology (DOE).

The hearing was opened to the public.

Greg Ebe, Whatcom County: A farmer and stormwater engineer. Having structures and
impervious surfaces are a necessary part of farming. The product needs to be stored
and equipment needs to be maintained. If they find they need to build they take it
very seriously. They try to minimize any impact to productive land. The proposal
contains many disincentives. In their farming activities they will probably exceed some
of the thresholds. It implies that more impervious surface means more adverse
impacts which is not always the case. They have a very clean operation. The size of
parcels can be manipulated with boundary line adjustments to be exempt. Options 2
and 4 don’t make sense.

Commissioner Rowson asked Mr. Ebe if he had a farm plan.

Mr. Ebe stated no. Generally crop farmers do not have farm plans. Most farm plans
apply to dairies. Crop farmers are regulated by 8 to 10 different agencies already.
They also rotate crops.

Loren VanderYacht, Whatcom County: He stated he understood this issue was a result
of the Hirst decision and the Growth Management Hearings Board (GMHB). He stated
he had a solution to satisfy this. He suggested applying the limits to the UGAs. This is
where urban growth is designated and we know, as a result of the studies, that the
urban areas are where the stormwater pollution is generated. He also suggested going
to the GMHB to educate them on the efforts that are already being taken, in Whatcom
County, to clean up the stormwater. There are many groups that are working
collaboratively with the farm and agricultural community. All of the cities and UGAs are now bound by the NPDES Phase II permit which is a much more stringent stormwater permit. All new commercial development, regardless of where is takes place in the county, is bound by the 2012 stormwater manual. He has had numerous conversations with Eric Hirst, in the past month. Mr. Hirst reached out to him to speak to the North County Rotary. He did not feel the rotary was the proper platform to have the discussion so he has not facilitated that yet. Mr. Hirst sent him a copy of the program that he wanted to present which is called Whatcom County Water. Why You Should be Concerned. This was written in March 2017. It states that the nitrates and fecal coliform are the issues to be concerned with. These are not generated by impervious surfaces. If the GMHB knew of the efforts underway he felt that it would satisfy them. The USGS has some new testing equipment they are using to test for fecal coliform.

Roger Hawley, Whatcom County: Farmer in the county. Crop farmers have a lot of rules they need to abide by. They are not polluting. The impervious surfaces help keep the water clean.

Commissioner Rowlson asked Mr. Hawley if he had a farm plan and if his property was zoned agricultural.

Mr. Hawley stated yes.

Marty Mayberry, Whatcom County: Berry farmer in Whatcom County. He has been working on water issues for about 25 years. The rules are getting to be too much. The cumulative effect has become too much. He supports Option 1. There is no nexus between impervious surfaces and a farm plan. This proposal is just a way to get crop farmers to have a farm plan. Farm plans are like all other regulations they deal with. Farm plans can sound innocuous at first then over time they become an unworkable situation. People are pushing certain agendas that do not work. You should go back to the original intent of just the rural areas. The water gets infiltrated back into the ground in agricultural areas. We all know the stormwater pollution comes from the cities, not agricultural impervious surfaces. Regarding the Hirst decision, we keep getting told we have to comply. There seems to be selective compliance. If we agree with it we comply. Many people in the community would be willing to defy federal law on issues like immigration. Another is marijuana laws. Why aren’t we complying with the federal law on that? When it comes to water we don’t push it because we don’t want to. Nobody is saying this water issue is wrong and it’s hurting people.

Commissioner Rowlson asked if he had a farm plan and his property is zoned agricultural.

Mr. Mayberry stated he had a farm plan and most of his property is zoned agricultural.

Paul Sangha, Whatcom County: Agreed with the previous speakers. They have a lot of good points.
Rob Dhalwal, Whatcom County: Stated he has not seen any data showing this is an issue. This is just another burden on the farmers. He supported Option 1. Staff stated, at a previous meeting, that it is the small parcels that are causing the issues. He does not have a farm plan. He is a berry grower. There is no purpose for a farm plan for a crop grower. They are managed by other agencies. Pesticides, fertilizers, etc. are not cheap and farmers do not waste them just to contaminate the fields. The data he has seen shows that the water quality is getting better. The Drayton Harbor shellfish beds were reopened because of good management practices. The farmers do not want to destroy the land because they want to be able to continue to farm and for their kids to be able to farm.

Fred Likkel, Whatcom County: Executive Director of Whatcom Family Farmers. There needs to be more discussion with the ag community regarding this issue. What is the economic impact to this? That is a big concern to the farmers. He is in favor of Option 1. There needs to be an analysis of how many farms are in the rural zones versus the agricultural zones. If there is only a small amount of farming in the rural zones then Option 1 could very easily be the best option or perhaps a combination of Options 1 and 3. At a recent Drayton Harbor Shellfish meeting he was asked to examine all of the regulations that are negatively affecting agriculture that are keeping people from farming the way they need to and keeping people from reporting things that they don’t dare say anything about because they are afraid of what will happen to them. He would hate to see these proposed regulations put on that list.

Brad Rader, Whatcom County: Was disappointed the staff did not do the due diligence he had suggested. The farmers are more organized than they ever have been. They have agencies in which the county can make one phone call to and get the farmers together to talk. That is what the county should do to find out the costs of this. When someone calls a staff person at the county please call them back. Follow up is important. He does not have a farm plan. He supported Option 1. Crop farmers do not need farm plans. Tell the farmers if you are not going to listen to them, don’t just push through.

(Name not stated) One of the things that needs to be considered, regardless of what option you go with, is exempting switching from one type of impervious to another. That shouldn’t trigger anything. If the type of service pushes you into having to spend one half a million dollars it won’t happen. Having impervious surface can be vital to your ability to continue to farm.

Carole Perry, Whatcom County: The commission was presented with where the data came from. It was done in King County which is not Whatcom County. Many of the commissioners come from a planning background so that is your focus. You represent districts and the people in those districts. Regardless of your training it is more important that you listen to the people. It was disappointing to here that county government isn’t listening to the people. The farmers have taken about all they can take. Please listen to them.
Todd Beld, Whatcom County: 30 years ago there was over 600 dairies in Whatcom County. Today there is under 100. Most of the reason is because it’s hard to compete in the market there in and the regulations are so much pressure on people that they are fed up. They don’t want to face what it takes to run a dairy and be in agriculture. It is the hardest job there is. Now you are trying to put regulations on the rest of the agricultural community. This is the most ridiculous thing he has ever heard of. He was affected by the Hirst decision. Who is thinking this stuff up and putting it in front of the county? None of the farmers are in favor of this nonsense. The commission should listen to them. How can we have instream flow when the sediment is constantly filling the river because it can’t be dredged because it kills the fish? We have an unattainable amount of rules.

Max Perry, Whatcom County: Planners like paperwork. He attended the last Agricultural Advisory Committee meeting. There was not a quorum and only one farmer in the group. These committees don’t represent most people.

Kevin Price, Whatcom County: Does not agree with any of the proposals. This just adds more paperwork. His farm has a nutrient plan which is already a lot of work. There needs to be more education so people can see what is being done already.

Dave Onkels, Whatcom County: Stated those in the room need to be aware of what is happening when their backs are turned. This process is about the petitioners in the Hirst case. They were careful to build a case about the effects of impervious surface on stormwater quality. The GMHB is not cautious about what is put in the record. The appeals that occur afterword have to be based on that record. The county is reacting to what is in that record and what the petitioners, in the eyes of the GMHB, established during that hearing. He does not agree with more restrictive stormwater regulations but they have to reflect what is in that record. It is important to pay attention all the time because the petitioners don’t have the farmers interests in mind or the interests of the citizens of Whatcom County.

Tony Larsen, Whatcom County: Representing the Whatcom Business Alliance (WBA). The GMA was passed in 1990. When it was passed they had 13 goals in mind. Later they added another. In those goals they did not ask municipalities and counties to weight one over the other. One of the goals is environmental protection which everyone understands is vitally important. Also economic development is another piece of the GMA. The reason there is pushback on this proposal is because many people believe this is a threat. People have talked over and over about the cumulative effect of these rules. When you are making a decision there needs to be data. There is always a balance to these things. One of the things missing from this is the data on the economic impact. What impact is there when we start harming our farmers? The WBA is working with Western Washington University on an economic impact study of the farming industry in Whatcom County. Something that is never mentioned is that when farming is discussed it’s not about farmers and tractors; it’s also about logistics such as transportation, storage, manufacturing, etc. There is no reason to rush this. Slow down and make sure you have all of the information.
The hearing was closed.

Commissioner Honcoop moved to return to the original proposal (Option 1) of applying the requirements to the Residential Rural and Rural zone only and incorporate Option 3 which states the parcel is exempt when stormwater is managed through a farm plan and by noting in the stormwater standard of 20.80.630 that the threshold applies to the R and RR zones only.

Commissioner Barton seconded.

Commissioner Blystone asked how many farmers were in attendance at the Agricultural Advisory Committee meeting when they made their recommendation.

Mr. Davis stated he did not make record of that. The four options were presented to them, they discussed it and gave their input.

Commissioner Blystone stated her concerns about who was in attendance at the meeting and the general recommendation they made which may not accurately reflect the farming community.

Mr. Davis stated there was not a quorum so they could not take official action but those in attendance came to that consensus.

Commissioner Blystone asked what the consequences are of defying the Hirst decision.

Mr. Davis stated there were two issues involved in the Hirst decision. One was the water availability issue which is the exempt well issue. The other is the water quality issue. The decision stated the county did not have what is required, by GMA, in terms of having adequate measures to provide water quality. They issued a series of suggestions based on what was in the record. The county has done some things already. The stormwater manual was put into effect in October 2016 among a few other things. A cumulative impervious surface code was one of the suggestions. As far as consequences go, if the county goes without being in compliance for a long time and the GMHB thinks we aren't making progress they could find invalidity which means the state says this particular part of your regulations are invalid and we could not enforce those. That puts things into limbo. At the extreme level there are sanctions. He did not believe that has ever been carried through on a county in the state. Sanctions could include things such as withholding tax revenues, etc. Being out of compliance does have some consequences because there are some state grants that we may not be eligible for.

Commissioner Knapp asked if there is any combination that would get the county into compliance.

Mr. Davis stated we don't know what the exact combination is. We don't always know what the GMHB is going to find in compliance and what they aren't.
Commissioner Knapp asked if it would be in their best interest to try to figure out what pieces of this would get us closest to compliance.

Mr. Davis stated it is hard to do.

Commissioner Honcoop stated the damage done to the economy by this can far exceed the grants that may not have been obtained while not in compliance. Policy should be balancing the needs of regulators and the citizens. The new stormwater regulations require agricultural projects, over 20,000 square feet, to meet the DOE stormwater manual. Most of the agricultural industry has not experienced this yet. There seems to be a perception that the farmers have very little stormwater regulations the way it is right now. That is not the case. There is another regulation under consideration by the council right now and will pass in some fashion is the Critical Areas Ordinance. What left the Planning Commission had larger buffers, stricter runoff requirements, expansion limitations, etc. The dairy farmers are under the new CAFO rules, which are significantly stricter than what they had before and they have been appealed as not strict enough. The CAFO rules are in many ways going to conflict with the DOE stormwater manual. The Planning Commission needs to stop and look at these current regulations and give them a chance to work. Don’t burden them with another one. The cumulative square foot area is going to have tremendous impact on farms. There is the perception that the farmers and that stormwater are not regulated but they are.

Commissioner Deshmune stated he heard several comments that stormwater in the agricultural zone is not an issue of concern because it is being handled through other programs. It was stated stormwater runoff is not an issue. How does staff see that?

Mr. Davis stated that it is correct that the smaller parcels have more of an impact. The pattern of high density in an area is the concern. Sometimes parcels have been divided down to very small sizes even in the agricultural areas.

Commissioner Rowlson stated he was surprised to see Option 3 recommended because he had heard in previous meetings that farm plans aren’t used that often. It would solve the problem for only a few people. What the Agricultural Advisory Committee thought does not match what we have learned over the course of time.

Mr. Ericson stated farm plans mean different things to different types of farming.

Commissioner Rowlson asked what type of plan Option 3 refers to.

Mr. Ericson stated it refers to any local, state and federal program that manages runoff of stormwater in some capacity.

Commissioner Rowlson liked parts of each option but he would like it get back into the box that it was originally in.

Commissioner Hunter stated it is unfortunate that people mistakenly perceive the purpose of the Planning Commission. There is no conspiracy to impose more and more
regulations on farmers. Part of the reason the commission looked at trying to change
this was there was concern that people were already doing things and that by what
was being proposed at the time it would impose more regulations on top of what they
were already doing. It was an attempt to step back from that. This issue has been
going on for two months. There has been ample opportunity for people to come and
present what they perceive as their actual financial consequences for this. It’s not that
we aren’t willing to listen to that, it’s that the public has never brought that to them.
He perceived that the farming community feels there is going to be significant financial
consequences, which he was not disinterested in, but has no way of knowing if that is
ture. It is not simply petitioners in the Hirst matter because respondents also present
evidence. It was not clear to him if these regulations are necessary or not. He was not
sure if the regulations are hitting the points that need to be hit. It is all guess work on
our part as to how much and what we need to do. We need to do what we can in order
to make a difference in water quality in the county. He was not convinced this proposal
will do that.

Commissioner Blystone asked how stormwater is dealt with in the UGAs.

Mr. Ericson stated the stormwater manual is automatically applied in the UGAs.

Commissioner Blystone stated her concern with Option 3 is that she does not
understand how they deal with impervious surface. She asked for more clarification.

Mr. Ericson stated farm plans do deal with impervious surfaces and effective
monitoring is happening through the Whatcom Conservation District.

Commissioner Blystone stated she was frustrated with the proposals in front of the
commission. She agreed with Commissioner Hunter’s comments. She felt Option 1 was
the best choice. She did not see how Option 3 fits with Option 1. The areas of concern
are the rural areas and the UGAs. She also was not in favor of Option 2 because the
45,000 square foot threshold seems like a blunt instrument.

Commissioner Deshane stated he was concerned about the complexity of regulations.
We need to be able to support the smaller size farms that are in Whatcom County.
They are beneficial to the county in many ways. He was concerned with Option 3
because there is not clear language regarding farm plans.

Commissioner Honcoop stated the way Option 3 is written provides a choice for the
farmers. It is not something that is being forced on them. If they don’t want to have a
farm plan they can simply follow the stormwater manual.

Mr. Davis clarified how Options 1 and 3 would work together. They could be done
simultaneously. In the agricultural zone the cumulative threshold would not be in
effect. It would only be the stormwater code as it is now and farms in the Rural and
Residential Rural zones are the ones that would be affected.
Commissioner Rowson asked if it would make sense to add some version of Option 4
to the mix.

Mr. Davis stated the smaller parcels are the ones they are most concerned about, not
the large parcels.

Commissioner Rowson asked if the farms in the rural zones are typically large or
small.

Mr. Davis stated there are some large farms in the rural areas.

**Commissioner Blystone moved to amend the motion to add: Application of the
stormwater manual is not required where a county, state or federally
approved farm plan, or equivalent document demonstrates stormwater
is already being effectively managed to the standards equivalent to an NPDES
Phase II permit.**

Mr. Ericson suggested it read: NPDES “area” instead of “permit”. He also suggested it
read: equivalent to the standards in the stormwater manual.

Commissioner Blystone agreed with the second part of Mr. Ericson’s suggestion. The
language was too vague as it was originally written.

**The motion failed for lack of a second.**

**Roll Call Vote on the main motion: Ayes-Barton, Blystone, Deshmane,
Honcoop, Hunter, Knapp, McClendon, Oliver, Rowson; Nays-0; Abstain-0;
Absent-0. The motion carried.**

**Unfinished Business**

Commissioner Rowson stated Boarding of Horses can be removed from the Pending
Business Items as it has been taken care of.

The meeting was adjourned at 8:46 p.m.

Minutes prepared by Becky Boxx.

**WHATCOM COUNTY PLANNING COMMISSION ATTEST:**

Nicole Oliver, Chair

Becky Boxx, Secretary
WHATCOM COUNTY
PLANNING COMMISSION

Impervious Surface Amendments

FINDINGS OF FACT AND REASONS FOR ACTION

1. Whatcom County Planning and Development Services has submitted an application for amendments to WCC Title 20 Zoning to establish cumulative impervious surfaces.

2. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on January 25, 2017.

3. Notice of the subject amendment was submitted to the Washington State Department of Commerce on January 5, 2017.


5. The Planning Commission held a public hearing on the proposed amendments on January 26, March 9, March 23, and April 27, 2017.

6. The Growth Management Hearings Board and Washington Supreme Court have found Whatcom County’s Comprehensive Plan to be out of compliance with the Growth Management Act in that its rural element lacks measures to protect water quality and availability in rural areas. The Board suggested impervious surface limits as a possible measure the County might adopt to protect water quality.

7. The Whatcom County Comprehensive Plan adopts by reference County Code provisions related to water resources under Policy 2DD-2.C. Revisions to the County Code are therefore also revisions to the Comprehensive Plan. The amendments propose adding Policy 2DD-2.C.10 to adopt by reference the new impervious surface standards proposed in WCC 20.32.500 and 20.36.500.

8. On October 11, 2016 the County adopted Ordinance 2016-045 revising the County’s stormwater regulations and integrating low impact development principles and best management practices into
the County’s development regulations in order to meet the state’s 2014 NPDES Phase 2 Permit requirements.

9. The purpose of the proposed Zoning Code and Comprehensive Plan amendments is to resolve an appeal of the Comprehensive Plan filed with the Growth Management Hearings Board. Comprehensive Plan amendments may be considered outside the annual concurrent review of Comprehensive Plan amendments per WCC 2.160.010D.

10. WCC 2.160.080 provides approval criteria for Comprehensive Plan amendments.

11. Whatcom County Comprehensive Plan (WCCP) Policy 10H-8 states: “Strongly incentivize the use of low impact development strategies. Minimize the amount of impervious surface whenever practicable by using natural engineering design methods such as the use of open, grassed, street swales and rain gardens instead of curbs and gutters. Where feasible, encourage alternate surfacing options and other techniques associated with low impact development.”

12. WCCP Policy 10H-12 states: “Amend subdivision, zoning, and other land use regulations and design standards to encourage that land use activities minimize the amount of impervious surface.”

CONCLUSIONS

1. The amendment regarding impervious surface limits in rural zoning districts is in the public interest.

2. The amendments are consistent with the Whatcom County Comprehensive Plan.

3. The Comprehensive Plan amendments meet the approval criteria of WCC 2.160.080.

RECOMMENDATION

Based upon the above findings and conclusion, the Whatcom County Planning Commission recommends approval of the proposed amendments as shown on Exhibits A and B.
WHATCOM COUNTY PLANNING COMMISSION

Nicole Oliver, Chair

Becky Boxx, Secretary

Date 5/12/17  Date 5/10/17

Commissioners present at the April 27, 2017 meeting when the vote was taken: Kelvin Barton, Kate Blystone, Atul Deshmane, Gary Honcoop, David Hunter, Michael Knapp, Natalie McClendon, Nicole Oliver, and Andy Rowlson.

Vote:  Ayes: 9, Nays: 0, Abstain: 0, Absent: 0. Motion carried to adopt the above amendment.
I have reviewed the new impervious surface rules intended to achieve compliance with the Hirst case. I assume this is not the county's complete response to its obligation to achieve GMA compliance as it does not address the county's obligation to determine water availability under prior appropriation rules. Will there be an attempt to craft a water budget, following up on the groundwater work and studies done in 2012 and 2013?

Given the state of Whatcom County waters, in terms of quality and quantity, more stringent standards are necessary to comply with the Hirst case and most importantly to protect public health and safety. Doing too little too late, under a court compliance order, while giving in to the tremendous pressure exerted by special interest lobbyists groups for agriculture and development community is what helped create our water problems. We need to do more than we have been doing and we need to give the staff the ability to more readily say "no" to special interests.

More Specifically:

I vehemently oppose any attempt to relax application of impervious or storm water rules when a farm plan is in place:

- Farm plan secrecy will prevent the release of information to the public. As a member of the public, I have an inherent right to know that regulations in place for health and safety are adequate and are enforced. That is why is it crucial to have farmers waive farm plan secrecy as precondition of the privilege of having a farm plan. Any thing that becomes part of a farm plan loses its transparency and accountability, while the county has enforcement problems that are well known. This is not a good combination. (And if staff tells you they can not waive farm plan secrecy, that is inaccurate. It specifically is allowed under RCW 42.56.270.

- Farm plans and farm management of stormwater runoff is not adequate or protective of our surface and ground waters and this has been known for over 30 years. Of the 12 Washington State Puget Sound Districts, Whatcom County has the greatest concentration of dairy cows, with 53% of the total, or over 45,562 animals (USDA, 2012), within its boundaries. Due to land use changes and population pressures, the Lower Nooksack Sub-basin has a heavily impacted floodplain, high nitrates in groundwater, elevated fecal coliform levels in surface waters, and poor riparian conditions throughout the Nooksack River and most of its tributaries. Department of Ecology's (Ecology) current (2012) 303(d) list of impaired waters shows that there are 34 stream and river segments in the watershed that are above acceptable limits for, among other things, fecal coliform. The Ecology Nooksack River Watershed TMDL (Hood,
2002) plan lists the improper application of manure to agricultural fields as a potential, significant source of fecal coliform to the watershed. The discharge of fecal coliform into local harbors and bays has led to a significant history of shellfish bed closures and reopenings, which has had a detrimental effect to Tribes and commercial harvesters.

- By the end of 2015, approximately 80% of the freshwater sampling sites in Whatcom County were not meeting the standards for fecal coliform bacteria. A review of the testing sites indicates the problems are connected to watersheds with agricultural activity, the most prominent one being Drayton Harbor. While Drayton Harbor is claimed as a "success story" because it was subject to partial reopening of shellfish beds, while its primary tributaries, California Creek and Dakota Creek reflect some of the highest E. coli contamination levels in the county. [http://www.whatcomcounty.us/2170/Water-Quality-Monitoring-Results; http://www.whatcomcounty.us/DocumentCenter/View/2767]

- The activities conducted on farms, creating ditches and culverts and tiling, prevent groundwater recharge and promote storm water runoff that carries manure, herbicides and toxic chemicals indicating a need for the most stringent of regulations.

There is no justification and no science that supports different threshold standards for large lots and small lots that I am aware of. Is this something that staff can provide? The issue is not one of size, but one of use and activity. An undeveloped, fully forested lot should be treated differently than a cleared and graded lot that has modified the natural hydrology and infiltration capacity of the land. We should be focused on the whether the land is ecologically functional. That is the true test of how well we will be protecting our waters.

Minimum Requirements For Wetlands Do Not Reflect Application of Best Available Science and Fail to Protect Against A Net Loss in the Functions and Values of the Critical Area and The Ecosystem In Which It Is Located. DOE rules begin on page 121 here: [http://www.ecy.wa.gov/programs/wq/stormwater/2012to2014SWMWWRedlines.pdf]

What criteria and standards will the county use to establish it is protecting county waters? How will this be quantified and monitored? Why are we only currently testing water for fecal coliform? How about nitrates and pesticides, herbicides, fertilizer, and farm chemicals? Has anyone considered the impacts that all of the fire and smoke in the rural county have on water quality? This would also be something appropriate for testing. Why aren’t we testing for temperature and oxygen levels for the survival of anadromous fish? These nuts and bolts questions are what makes or breaks a good regulation.

I also oppose the attempt to get around the DOE requirements to include driveways as impervious surfaces by moving this provision to a different section.
Again, it was these kinds of tactics that caused such grave harm to county waters. It is time to stop trying to game the system and get serious about protecting and restoring our watershed ecosystems, particularly things like wetlands and critical aquifer recharge areas that play such an important role in protecting functions and values, and promoting ecosystem benefits.

The comp. plan language is rather weak and subjective and does not create any mandatory standards. It is possible it will have little actual impact. It might be a more effective approach to strengthen the comp. plan language and also include specific, mandatory regulations in the critical area ordinance undergoing current council review.

I think the new rules should more specifically refer to the "2012 Stormwater Management Manual for Western Washington, as Amended in December 2014" (The 2014 SWMWW) for clarity and to avoid confusion. There is also reference to a comment letter from DOE that I did not see listed in the comments. Could this please be posted for public review?

In conclusion, best available science indicates that degradation and sometimes irreparable harm happens once the cumulative impervious surface of a watershed ecosystem exceeds 10%. The standards in this proposal do not reflect BAS. They start out with 10%, but quickly digress into numerous mutations. Why not just stay at 10% and keep it simple and effective? This is a good start, but it needs to go further in protecting our criticals areas, ecosystems and surface and ground water from continuing degradation. To date, none of our efforts have achieved this, so let's try it straight, without any loopholes.

Sincerely,
Wendy Harris
TITLE OF DOCUMENT: A Resolution Approving the Sale of a Conservation Easement

ATTACHMENTS: 1. Cover Memo
2. Resolution
3. Conservation Easement
4. Map of Site

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.)

Randy Doucet and Elizabeth Doucet, owners of property adjacent to a Whatcom County-owned former gravel pit known as Clark Pit, have requested a conservation easement over the County-owned property to provide a greenbelt along the west boundary of their property. Whatcom County Public Works recommends selling the conservation easement to them.

COMMITTEE ACTION:

COUNCIL ACTION:
5/30/2017: Introduced 7-0

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

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.
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: May 16, 2017

Re: A Resolution Approving the Sale of a Conservation Easement

Enclosed is a resolution requesting the approval of the sale conservation easement over Whatcom County property.

Requested Action
Public Works respectfully requests that the Whatcom County Council hold a public hearing and take action on the proposed resolution to approve a conservation easement over Whatcom County property.

Background and Purpose
Randy Doucet and Elizabeth Doucet own property adjacent to a Whatcom County-owned former gravel pit known as “Clark Pit”. They have requested a conservation easement over the County-owned property to provide a greenbelt along the west boundary of their property. Public Works has no plans to develop or mine that portion of the property. Public Works is supportive of granting the conservation easement to them.

Funding Amount and Source
The property owners are responsible for paying all costs associated with the conservation easement including compensating Whatcom County $15,000.00 for the conservation easement as valued by Public Works. No County funds have been expended to secure this easement.

Please contact me at extension 6216 if you have any questions or concerns regarding this resolution.

Encl.
RESOLUTION NO. __________

APPROVING THE SALE OF A CONSERVATION EASEMENT

WHEREAS, Whatcom County owns a former gravel pit known as “Clark Pit”, tax parcel number 400102 156300 0000; and

WHEREAS, Randy A. Doucet and Elizabeth B. Doucet (“Grantees”), own property identified as tax parcel number 400102 306202 0000, that is adjacent to “Clark Pit”; and

WHEREAS, the Grantees wish to have an undeveloped greenbelt adjacent to the west boundary of their property; and

WHEREAS, while the County Code does not specifically address the procedure for conveying a limited interest in County property, this matter has been reviewed by the Property Management Committee; and

WHEREAS, Public Works is supportive of granting a Conservation Easement to the Grantees to provide them with a greenbelt along the west boundary of their property; and

WHEREAS, as compensation for the Conservation Easement the Grantees will be required to pay Whatcom County $15,000.00 as valued by Public Works; and

NOW, THEREFORE, BE IT RESOLVED by the Whatcom County Council that the Executive is authorized to conclude the sale of the Conservation Easement as set forth in Exhibit A to the Grantees subject to full payment and to the terms and conditions of the Conservation Easement.

APPROVED this _____ day of ____________, 2017

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

__________________________
Dana Brown-Davis, County Clerk

__________________________
Barry Buchanan, Council Chair

APPROVED AS TO FORM:

__________________________
Chief Civil Deputy Prosecutor
After recording return document to:

Whatcom County Public Works
322 N. Commercial, Suite 210
Bellingham, WA 98225

Document Title: CONSERVATION EASEMENT
Reference Number of Related Documents: None
Grantor: Whatcom County
Grantee: Randy A. Doucet and Elizabeth B. Doucet
Legal Description: PTN SW NW, SE NW, NE SW, Sec. 11, TWN 39N, R1E, W.M.
Additional Legal Description is on Pages 6-9 of Document.
Assessor’s Tax Parcel Numbers: 400102 156300 0000 and 400102 306202 0000

CONSERVATION EASEMENT

This grant of a Conservation Easement is made by and between WHATCOM COUNTY, A WASHINGTON MUNICIPAL CORPORATION, referred to hereafter as “Grantor,” and RANDY A. DOUCET AND ELIZABETH B. DOUCET, HUSBAND AND WIFE, referred to hereafter as “Grantees.” The Grantor owns real property in Whatcom County, the legal description of which is attached hereto as Exhibit A (hereinafter the “Property”). The intent of the Grantor and Grantees, through this Conservation Easement, is to preserve, protect, maintain and limit use of a portion of Grantor’s undeveloped Property for the benefit of the Grantees’ real property, the legal description of which is attached hereto as Exhibit B.

Grantor hereby convey to Grantees and their successors, heirs, and assigns, an easement for conservation purposes. The Conservation Easement is depicted as “Conservation Easement” on Exhibit C and is described on Exhibit D attached hereto (hereinafter the “Conservation Easement”).

This Conservation Easement consists of mutual rights and obligations and is subject to the reservation of rights set forth below.

1. Rights, Obligations and Reservations. All benefits, burdens, rights, obligations and reservations in this Conservation Easement shall operate as covenants running
CONSERVATION EASEMENT

with the land on title to both the Property and Grantees’ real property.

2. **Permitted Uses and Rights Reserved by Grantor.** Grantor reserves the following rights:

   a. To include the acreage of the Conservation Easement within any development permit application or any project proposal that may be located on the Property for the purposes of calculating residential density or designating required open space;
   b. To maintain fish and wildlife habitat;
   c. Upon written agreement of the Grantee(s) and recommendation of a certified arborist or certified forester, selectively remove hazard trees to reduce safety hazards; however, this reservation of rights creates no additional duty to engage in such tree removal. In the event of an emergency, if prior written consent is not feasible, Grantor shall be subject to the provisions of WCC 16.16.235A;
   d. Enhance or restore degraded fish or wildlife habitat, wetlands or wild land forest characteristics on an ecologically managed basis; and
   e. Construction of unpaved foot trails which do not alter, damage, or compromise the intent of this Conservation Easement.

3. **Restrictions on Use.** Except as provided above, and as may be necessary to carry out those rights reserved, the Grantor shall not conduct the following activities within the Conservation Easement area:

   a. Remove trees or native vegetation.
   b. Permit grazing of livestock.
   c. Excavate, dredge, fill, dike or otherwise alter the landscape or topography.
   d. Store derelict vehicles, hazardous substances, or waste of any kind.
   e. Explore for or extract minerals, hydrocarbons, soils, gravel or other materials.
   f. Construct, erect or place any buildings, structures, or improvements, either of a temporary or permanent nature.
   g. Grant or allow road or utility construction and easements.
   h. Alter the surface or subsurface hydrology entering or exiting the Conservation Easement area.
   i. Otherwise use the Conservation Easement area in a manner that is inconsistent with the reservation of rights and the purposes of this Conservation Easement.
CONSERVATION EASEMENT


   a. Any forbearance by Grantees to exercise any rights under this Conservation Easement, in the event of a breach by Grantor, shall not be deemed to be a waiver of Grantees' rights under this Conservation Easement.

   b. Access by Grantees to the Conservation Easement, without any further permission from Grantor, for the limited purpose of monitoring this Conservation Easement, shall be and is hereby authorized by Grantor. Access for any other reason to the Conservation Easement shall require permission from Grantor, which permission may be requested in writing from Andrew Hester at 360-778-6200, during normal operating hours.

5. General Conditions.

   a. This Conservation Easement does not grant or permit public access to any portion of the Conservation Easement.

   b. This Conservation Easement shall run with the Property and shall be binding on successors, assigns, and heirs of Grantor and Grantees.

   c. In the event that any of the provisions contained in this Conservation Easement are declared invalid or unenforceable in the future, all remaining provisions shall remain in effect.

   It is understood and agreed that delivery of this Conservation Easement is hereby tendered and that the terms and obligations hereof shall not become binding upon Whatcom County unless and until accepted and approved hereon in writing for the County, by the County Executive.
CONSERVATION EASEMENT

Grantor: WHATCOM COUNTY

_____________________________ Date: ________________
Jack Louws, County Executive

Approved as to form:
Prosecuting Attorney’s Office

_____________________________ Date: 05/19/17
Daniel L. Gibson, Chief Civil Deputy Prosecutor

Grantees:

_____________________________ Date: ________________
Randy A. Doucet

_____________________________ Date: ________________
Elizabeth B. Doucet
CONSERVATION EASEMENT

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, a municipal corporation that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of Whatcom County, for the uses and purposes herein mentioned, and on oath stated that he was authorized to execute said instrument on behalf of Whatcom County.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

__________________________
Notary Public in and for the State of Washington

Residing at _______________________

My commission expires ____________________
CONSERVATION EASEMENT

STATE OF WASHINGTON

County of ___________________ )

: ss

On this ___________________ day of ___________________ 2017, before me personally appeared Randy A. Doucet and Elizabeth B. Doucet, to me known to be the individuals described herein and who executed the foregoing instrument, and acknowledged that they signed the same as their free and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN under my hand and official seal the day and year last above written.

Printed Name: ___________________

Notary Public in and for the State of Washington, residing at ___________________
My commission expires ___________________
CONSERVATION EASEMENT

EXHIBIT A

Grantor's Property

The Southwest Quarter of the Northwest Quarter; the Southeast Quarter of the Northwest Quarter; and the Northeast Quarter of the Southwest Quarter, excepting therefrom the Southwest Quarter of the Northeast Quarter of the Southwest Quarter

All in Section 2, Township 40 North, Range 1 East, W.M., Whatcom County, Washington.
CONSERVATION EASEMENT

EXHIBIT B

Grantees’ Property

The West half of the West half of the North half of the Southeast Quarter of Section 2, Township 40 North, Range 1 East of W.M.

Situate in County of Whatcom, State of Washington.
EXHIBIT C

BASIS OF CALCULATIONS:
A.F.N. 2110500711

PARCEL NO.
400102 156300

AREA:
5.00 ACRES

Conservation Easement
BLAINE WASHINGTON
Within the NE 1/4, SW 1/4, Sec. 2,
 Twp. 40 N., Rge. 1 E., W.M.
EXHIBIT D

LEGAL DESCRIPTION—CONSERVATION EASEMENT

AFFECTING TAX PARCEL ID NO. 400102 156300

AN EASEMENT, OVER AND ACROSS A PORTION OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 2, TOWNSHIP 40 NORTH, RANGE 1 EAST, W.M., SAID EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE REBAR AND CAP MONUMENT MARKING THE CENTER QUARTER-CORNER OF THE AFOREMENTIONED SECTION 2, PER THE "RECORD OF SURVEY FOR WHATCOM COUNTY PUBLIC WORKS", PER THE MAP THEREOF, RECORDED UNDER WHATCOM COUNTY AUDITOR’S FILE NO. 2110500711, SAID MONUMENT BEING THE TRUE POINT OF BEGINNING OF THIS DESCRIBED EASEMENT;

THENCE SOUTH 00° 58’ 45” WEST, ALONG THE NORTH-SOUTH CENTERLINE OF SAID SECTION, 1325.03 FEET, TO THE CONCRETE MONUMENT MARKING THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION;

THENCE NORTH 87° 51’ 26” WEST, ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, 164.43 FEET, MORE OR LESS, TO A POINT AT THE INTERSECTION OF SAME WITH AN OFFSET LINE PARALLEL WITH, AND NOMINALLY 164.40 FEET WEST OF THE AFOREMENTIONED NORTH-SOUTH SECTION CENTERLINE, SAID OFFSET LINE BEING COINCIDENT WITH THE WEST MARGIN OF THE EAST 5.00 ACRES OF SAID QUARTER-QUARTER SECTION;

THENCE NORTH 00° 58’ 45” EAST, ALONG SAID OFFSET LINE AND WEST MARGIN, 1324.64 FEET, TO A POINT AT THE INTERSECTION OF SAME WITH THE EAST-WEST CENTERLINE OF THE AFOREMENTIONED SECTION 2;

THENCE SOUTH 87° 59’ 29” EAST, ALONG SAID CENTERLINE, 164.42 FEET, MORE OR LESS, TO THE AFOREMENTIONED REBAR AND CAP MONUMENT MARKING THE CENTER OF SAID SECTION 2, SAID MONUMENT BEING THE TRUE POINT OF BEGINNING AND TERMINUS OF THIS DESCRIBED EASEMENT.

THIS DESCRIBED EASEMENT IS INTENDED TO CONTAIN 5.00 ACRES, EXACTLY.

SITUATE IN WHATCOM COUNTY, WASHINGTON.
WHATCOM COUNTY COUNCIL AGENDA BILL

CLEARANCES

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TITLE OF DOCUMENT:
An Ordinance Regarding Establishment of Speed Limits on portions of Marine Drive

ATTACHMENTS:
1. Memo to County Executive and County Council
2. Speed Limit Ordinance
3. Vicinity Map

SEPA review required? ( ) Yes ( X ) NO  Should Clerk schedule a hearing? ( X ) Yes ( ) NO
SEPA review completed? ( ) Yes ( X ) NO  Requested Date: 6/13/2017

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.)

To comply with RCW 46.61.415, at the direction of the County Council, it is found necessary and expedient to modify speed limits on portions of Marine Drive

COMMITTEE ACTION:  

COUNCIL ACTION:
5/30/2017: Introduced 7-0

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

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

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

Through: Jon Hutchings, Director

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

Date: May, 2017

Re: Ordinance Regarding Change of Speed Limits for Marine Drive

**Requested Action:**
Adoption of an ordinance to lower the speed limit on portions of Marine Drive in the Marietta Area.

**Background and Purpose:**
Marietta area residents have submitted a petition to lower the speed limit on Marine Drive between Bancroft Road and Hoff Road from the existing 40MPH to 30MPH (see attached).

The Public Works Department supports this proposed speed limit reduction and would like to discuss with the Council the potential of changing speed limits on all roads in the Marietta area north of Marine Drive and South of County Lane to 30MPH in order to have more consistent speed limits in this area. This would alter the speed limit on Bayon Rd, Hoff Rd, Jones Rd and Griffith Rd North of Marine Drive. The Public Works also recommends that the 25MPH section of Marine Drive from Hoff Road to Country Lane remain unchanged.
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<tr>
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<td>Deoine Ling</td>
<td>3410 Griffith</td>
<td>35</td>
</tr>
<tr>
<td>Traci Ling</td>
<td>3910 Griffith</td>
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</table>
ORDINANCE NO.
TO ESTABLISH SPEED LIMITS ON CERTAIN COUNTY ROADS

WHEREAS, the Whatcom County Council is authorized under RCW 46.61.415 to establish speed limits on certain County roads; and

WHEREAS, it is found possible to reduce the speed limit on Marine Drive; and

NOW, THEREFORE, BE IT ORDAINED that speed limits be established as follows:

30 MPH on Marine Drive from Bancroft Road west to Hoff Road

BE IT FURTHER ORDAINED that the County Engineer is hereby directed to post the appropriate signs and that the Whatcom County Sheriff and the Washington State Patrol be notified by a copy of this ordinance.

Provisions of this ordinance are hereby added to Whatcom County Code, Section 10.04.030.

ADOPTED this _____ day of _____, 2017.

ATTEST:  WHATCOM COUNTY COUNCIL

Dana Brown-Davis, Council Clerk  WHATCOM COUNTY, WASHINGTON

Barry Buchanan, Chair of the Council

APPROVED AS TO FORM:  ( ) Approved  ( ) Denied

Daniel L. Gibson

Civil Deputy Prosecutor  Jack Louws, Executive
WHATCOM COUNTY COUNCIL AGENDA BILL

CLEARANCES | Initial | Date | Date Received in Council Office | Agenda Date | Assigned to:
---|---|---|---|---|---
Originator: | JPR | 5/17/17 | | 5/30/2017 | Council - Introduction
Division Head: | JPR | 5/17/17 | | 6/13/2017 | Council – Hearing
Dept. Head: | | 5/3/17 | | |
Prosecutor: | | 5/19/17 | | |
Purchasing/Budget: | 5.23.17 | | |
Executive: | | | | |

TITLE OF DOCUMENT:
An Ordinance Regarding Establishment of Speed Limits on portions of Slater Road

ATTACHMENTS:
1. Memo to County Executive and County Council
2. Speed Limit Ordinance
3. Vicinity Map

SEPA review required? ( ) Yes ( X ) NO
SEPA review completed? ( ) Yes ( X ) NO
Should Clerk schedule a hearing? ( X ) Yes ( ) NO
Requested Date: 6/13/2017

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.)

To comply with RCW 46.61.415, at the direction of the County Council, it is found necessary and expedient to modify speed limits on a portion of Slater Road

COMMITTEE ACTION: 

COUNCIL ACTION:
5/30/2017: Introduced 7-0

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

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

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

Through:  Jon Hutchings, Director

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

Date:  May 17, 2017

Re:  Ordinance Regarding Change of Speed Limits for Slater Road

Requested Action:
Adoption of an ordinance to lower the speed limit on a portion of Slater Road.

The Public Works Department requests a reduction of the speed limit on Slater Road from 700 feet east of Beach Way to the end to 25MPH.

Background and Purpose:
The curve at the intersection of Slater Road and Beach Way has had an increase in run off the road collisions. This request is to lower the speed limit on Slater Road from 45 mph to 25mph for 700 feet prior to the curve for westbound vehicles.
ORDINANCE NO.
AN ORDINANCE REGARDING ESTABLISHMENT OF SPEED LIMIT ON A PORTION OF SLATER ROAD

WHEREAS, the Whatcom County Council is authorized under RCW 46.61.415 to establish speed limits on certain County roads; and

WHEREAS, an increase in the number of collisions at the corner of Slater Road and Beach Way caused by high speeds; and

WHEREAS, the County Road Engineer has agreed that it is necessary to formally reduce the speed limit prior to the curve; and

NOW, THEREFORE, BE IT ORDAINED that a speed limit be set and posted at 25 miles per hour at the following locations:

On Slater Road from 700 feet east of Beach Way to west end.

BE IT FURTHER ORDAINED that the County Engineer is hereby directed to post the appropriate signs and that the Whatcom County Sheriff and the Washington State Patrol be notified by a copy of this ordinance.

Provisions of this ordinance are hereby added to Whatcom County Code, Section 10.04. ADOPTED this ____ day of _____, 2017.

ATTEST: WHATCOM COUNTY COUNCIL

Dana Brown-Davis, Council Clerk WHATCOM COUNTY, WASHINGTON

Barry Buchanan, Council Chair

APPROVED AS TO FORM: Jack Louws, Executive

( ) Approved ( ) Denied

Date:

Daniel L. Gibson, Civil Deputy Prosecutor
TITLE OF DOCUMENT:
Public Hearing on sizing of proposed new jail

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 Hearing to gather comments on the sizing of a proposed new Whatcom County jail. Hearing scheduled per Council Resolution 2017-034

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: www.co.whatcom.wa.us/council.
RESOLUTION 2017- 034

SETTING A PUBLIC HEARING DATE TO GATHER COMMENTS ON THE SIZING OF A PROPOSED NEW WHATCOM COUNTY JAIL

WHEREAS, the Whatcom County Council wishes to hear from the public on sizing of a proposed new Whatcom County jail; and

WHEREAS, Whatcom County’s administration, City of Bellingham’s administration, and Lynden Mayor Scott Korthuis, representing members of the Small Cities Caucus, have estimated necessary bed capacity for a new jail to be somewhere between 463-489 beds, inclusive of behavioral health and medical facilities; and

WHEREAS, this proposed capacity is less than the 521 beds proposed in 2015 and more than the current capacity of 362; and

WHEREAS, Whatcom County’s present jail capacity includes 212 beds in the main jail and 150 at the work center; and

WHEREAS, the main jail is currently operating at capacity and booking restrictions or limitations on jail use by the cities are in place; and

WHEREAS, determining a size for a new jail has three basic components:

• Base capacity – how many beds are needed for inmates at any given time.
• Behavioral health and medical capacity – the current proposal includes 22 beds for behavioral health and 14 for medical capacity.
• Accepted best practices required for operation at 85% capacity, provision of adequate empty beds to allow for the needed separation of inmate classifications, handling of temporary surges in occupancy, and provision of temporary housing for large arrest events.
• Decision of whether Division Street will remain as a low-security facility.

NOW, THEREFORE, BE IT RESOLVED that the Whatcom County Council will hold a hearing on June 13, 2017, to gather comments from the public on the sizing of a proposed new Whatcom County jail.

ADOPTED this 30th day of May, 2017.

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Barry Buchanan,
Council Chair

APPROVED AS TO FORM:

Daniel L. Gibbons
Chief Civil Deputy Prosecutor
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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**Division Head:**

**Dept. Head:**

**Prosecutor:**

**Purchasing/Budget:**

**Executive:**

**TITLE OF DOCUMENT:**

Petition to create Lummi Island Park & Recreation District

**ATTACHMENTS:**

Resolution accepting petition

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

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

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

**Requested Date:** 7/11/2017

**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.)

Resolution to accept a petition proposing to create the Lummi Island Park and Recreation District. A public hearing on the proposal will be held July 11, 2017. It is anticipated that the Council will adopt an ordinance on July 25, 2017, naming the proposed district, setting the district boundaries, and forwarding the proposal to the County Auditor for inclusion on the November General Election ballot.

**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).
RESOLUTION NO. ______

ACCEPTING A PETITION TO CREATE
THE LUMMI ISLAND PARK AND RECREATION DISTRICT AND
SET A DATE FOR PUBLIC HEARING ON THE PROPOSAL

WHEREAS, on June 5, 2017, a petition proposing the creation of a park and recreation
district on Lummi Island was delivered to the Whatcom County Council Office by a
representative from the County Auditor’s Office; and

WHEREAS, included with the petition was a Certificate of Sufficiency from the County
Auditor verifying that the petition contains a sufficient number of qualified signatures; and

WHEREAS, the petition meets the requirements of RCW 36.69.020; and

WHEREAS, the County Council’s current role in the petition process is to accept the
petition and schedule a public hearing on the proposal; and

WHEREAS, the Council’s future role, following public hearing, will be to establish the
boundaries of the proposed park and recreation district, establish its name, and call for an
election of the property owners residing within the proposed district boundaries to determine
whether the district shall be formed.

NOW, THEREFORE, BE IT RESOLVED that the Whatcom County Council hereby
accepts the petition proposing to create the Lummi Island Park and Recreation District.

BE IT FURTHER RESOLVED that a public hearing on the proposal will be scheduled
for the Council’s regular evening meeting at 7 p.m. on July 11, 2017.

BE IT FURTHER RESOLVED on July 25, 2017, it is anticipated that the Council will
adopt an ordinance naming the proposed district, setting the district boundaries, and
forwarding the proposal to the County Auditor for inclusion on the November General Election
ballot.

BE IT FINALLY RESOLVED that the name and boundaries of the proposed park and
recreation district, as submitted by the petitioners, are outlined in Exhibit A to this resolution.

APPROVED this _____ day of ________, 2016

ATTEST:

Dana Brown-Davis, Council Clerk

Barry Buchanan, Council Chair

APPROVED as to form:

Civil Deputy Pros. Atty,
EXHIBIT A
(RE SOLUTION ACCEPTING PROPOSED LUMMI ISLAND PARK AND RE CREATION DISTRICT PETITION)

PROPOSED NAME:
Lummi Island Park and Recreation District

PROPOSED DISTRICT BOUNDARIES:
The district boundaries generally will include all of Lummi Island located in Whatcom County, being parts of Township 36 North, Range 2 East; Township 37 North, Ranges 1 and 2 East, and part of Township 38 North, Range 1 East, W.M., and all tidelands abutting said island.
RCW 36.69.020

Formation of district by petition—Procedure.

The formation of a park and recreation district shall be initiated by a petition designating the boundaries thereof by metes and bounds, or by describing the land to be included therein by townships, ranges and legal subdivisions. Such petition shall set forth the object of the district and state that it will be conducive to the public welfare and convenience, and that it will be a benefit to the area therein. Such petition shall be signed by not less than fifteen percent of the registered voters residing within the area so described. The name of a person who has signed the petition may not be withdrawn from the petition after the petition has been filed.

The petition shall be filed with the auditor of the county within which the proposed district is located, accompanied by an obligation signed by two or more petitioners, agreeing to pay the cost of the publication of the notice provided for in RCW 36.69.040. The county auditor shall, within thirty days from the date of filing the petition, examine the signatures and certify to the sufficiency or insufficiency thereof.

If the petition is found to contain a sufficient number of signatures of qualified persons, the auditor shall transmit it, together with a certificate of sufficiency attached thereto, to the county legislative authority, which shall by resolution entered upon its minutes receive it and fix a day and hour when the legislative authority will publicly hear the petition, as provided in RCW 36.69.040.

[ 1994 c 223 § 42; 1969 c 26 § 2; 1967 c 63 § 2; 1963 c 4 § 36.69.020. Prior: 1961 c 272 § 2; 1959 c 304 § 2; 1957 c 58 § 2.]
Obligation to Pay Receipt

Date Received:       June 5, 2017

Petition Name:       Petition to Create Lummi Island Park & Recreation District
                     Petition No. P-2017-1

Received From:       Nancy Moore, Auditor's Office

The Office of the County Council acknowledges receipt of the above-named
Obligation to Pay.

Name and Title
May 30, 2017

Debbie Adelstein
Whatcom County Auditor
311 Grand Ave
Suite 103
Bellingham, WA 98225

RE: Petition # 2007-1, Petition for Lummi Island Parks & Recreation District

Dear Ms. Adelstein,

I am pleased to submit signatures on the above referenced petitions for approval. We are hopeful that you can confirm sufficient signatures have been collected for this petition to be forwarded to the County Council for placement on the November general election ballot.

Two individuals who have signed the petition have signed this letter below certifying their responsibility for paying the necessary costs of publication for this petition to be placed on a future agenda of the Whatcom County Council.

I look forward to hearing from you as we are excited to continue to move forward on this project. If you have any questions please don't hesitate to contact me at 360-758-2559 or janiceholmes@runbox.com.

Again, many thanks,

[Signature]

Janice Holmes

I certify that I have signed the above referenced petition and will be responsible for the costs of publication for public notice to be issued.

[Signature]
Janice E. Holmes

[Signature]
Randy Smith
To: Dana Brown-Davis  
Clerk of County Council  

From: Debbie Adelstein  
County Auditor  

Re: Certificate of Sufficiency  
Lummi Island Park and Recreation District  

Date: June 6, 2017  

Enclosed is the Certificate of Sufficiency for the creation of the Lummi Island Park and Recreation District and the Petition Results Breakdown.  

We are also enclosing the 11 petition pages submitted to us by the proponents of the district which are to be retained by the Council Office.  

If you have any questions, please contact me at 778-5105.  

cc: Janice E. Holmes
CERTIFICATE OF SUFFICIENCY

I hereby certify that I and members of my Election Division staff have reviewed the petition entitled Creation of Lummi Island Park and Recreation District submitted to this office by Janice Holmes.

The formula utilized in determining the number of signatures necessary as outlined in RCW 36.69.020 is “signed by not less than fifteen percent of the registered voters residing within the area so described.” In this case, 115 registered voters’ signatures were needed to warrant sufficiency.

We verified 166 signatures, therefore, a sufficiency of signatures is established.

Debbie Adelstein
County Auditor

Date: June 6, 2017
## Petition Result Breakdown

### 2017 May - LIP&R Creation

#### 2017 Creation of the Lummi Island Park & Recreation District

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Min Required (95%): 109.3
Min Required to pass Based on Sample (110%): 126.5
PETITION TO CREATE THE LUMMI ISLAND PARK AND RECREATION DISTRICT

Petition No. P-2017-1

Proposed Ballot Measures

This measure concerns the formation of the Lummi Island Park and Recreation District.

This measure would create the Lummi Island Park and Recreation District, to be governed by five elected Park Commissioners.

Should this measure be enacted into law?
Yes ___
No ___

This measure would authorize the district to impose a property tax levy of $.50 (50 cents) per thousand dollars of assessed valuation for six (6) years to fund recreational facilities.

Should this measure be enacted into law?
Yes ___
No ___

WARNING

Every person who signs this petition with any other than his or her true name, knowingly signs more than one of these petitions, signs this petition when he or she is not a legal voter, or makes any false statement on this petition may be punished by fine, imprisonment or both.

To Debbie Adelstein, Auditor of Whatcom County:

We, the undersigned citizens and legal voters of the proposed Lummi Island Park and Recreation District, respectfully direct that the proposed measure known as the Lummi Island Park and Recreation District, a true and correct copy of which is printed on the reverse side, shall be submitted to the legal voters of the proposed park district.

<table>
<thead>
<tr>
<th>Signature (In pen)</th>
<th>Printed Name</th>
<th>Residential Address</th>
<th>Zip</th>
<th>Date</th>
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<td>Erna Gregory</td>
<td>1851 Second Ave.</td>
<td>98262</td>
<td>3/28/17</td>
<td><a href="mailto:Lumi@comcast.net">Lumi@comcast.net</a></td>
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<td>Kathleen Buford</td>
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<td>2909 Cedar Ave.</td>
<td>98262</td>
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<td>98262</td>
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<td>carol.mckinney@</td>
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<td>1851 Second Ave.</td>
<td>98262</td>
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<td>1440 N. Nugget Ave.</td>
<td>98262</td>
<td>4/17/17</td>
<td><a href="mailto:SAND@comcast.net">SAND@comcast.net</a></td>
</tr>
<tr>
<td>Barry Hembrough</td>
<td>Barry Hembrough</td>
<td>2147 Tuttle</td>
<td>98262</td>
<td>4/17/17</td>
<td><a href="mailto:gahembrough@gmail.com">gahembrough@gmail.com</a></td>
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<tr>
<td>Wanda L. Teepen</td>
<td>Wanda L. Teepen</td>
<td>8850 W. Nugget Ave.</td>
<td>98262</td>
<td>4/17/17</td>
<td><a href="mailto:HembroughR35@comcast.net">HembroughR35@comcast.net</a></td>
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<tr>
<td>Mary假Schmoker</td>
<td>Mary假Schmoker</td>
<td>2117 Tuttle Ave.</td>
<td>98262</td>
<td>4/17/17</td>
<td><a href="mailto:HembroughR35@comcast.net">HembroughR35@comcast.net</a></td>
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<tr>
<td>Hilary S. Hamilton</td>
<td>Hilary S. Hamilton</td>
<td>2147 Tuttle</td>
<td>98262</td>
<td>4/17/17</td>
<td><a href="mailto:HILARYSHAMILTON@comcast.net">HILARYSHAMILTON@comcast.net</a></td>
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<tr>
<td>Catherine A. Thompson</td>
<td>Catherine A. Thompson</td>
<td>509 Leyden</td>
<td>98262</td>
<td>4/17/17</td>
<td><a href="mailto:CATHERINA@comcast.net">CATHERINA@comcast.net</a></td>
</tr>
<tr>
<td>Russell C. Thompson</td>
<td>Russell C. Thompson</td>
<td>505 Leyden</td>
<td>98262</td>
<td>4/17/17</td>
<td><a href="mailto:RussellCThomson@comcast.net">RussellCThomson@comcast.net</a></td>
</tr>
</tbody>
</table>
Full text of petition proposal:

Whereas Lummi Island is a community of families and individuals who seek to benefit from dedicated outdoor space and recreational facilities as described in RCW 36.69.010 to serve to enrich community recreation opportunities, children and adult physical well-being, nurture neighborly connection; and

Whereas the Lummi Island Subarea Plan provides for the creation of a park and recreation district; and

Whereas RCW 36.69.020 provides for creation of a park and recreation district by petition and for boundaries of the district as set forth in the petition; and

Whereas RCW 36.69.090, provides that five elected commissioner volunteer positions may be designated in the formation of a park district; and

Whereas a general tax on all property located in said Park and Recreation District shall not exceed sixty cents per thousand of assessed value each year as outlined in chapter 36.69.145 of Washington State Code, unless otherwise authorize by law; and,

Whereas RCW 36.69.065 allows for initial capital or operational costs to be submitted to voters with the petition initiating the formation of the proposed park and recreation district.

NOW, THEREFORE

1. The Lummi Island Park and Recreation District should be hereby created. The district boundaries generally would include all of Lummi Island located in Whatcom County, being parts of Township 36 North, Range 2 East; Township 37 North, Ranges 1 and 2 East, and part of Township 38 North, Range 1 East, W.M., and all tidelands abutting said Island.

2. Pursuant to RCW 36.69.090, the Park and Recreation District’s board of commissioners shall be composed as follows: five elected Volunteer Park and Recreation Commissioners.

3. The petitioners encourage the County Auditor to place these measures on the general election (November 7, 2017) ballot. The following ballot measures should be presented to the voters:

   Ballot Title: This measure concerns the formation of the Lummi Island Park and Recreation District. This measure would create the Lummi Island Park and Recreation District, to be governed by five elected Park Commissioners. Should this measure be enacted into law?
   Yes
   No

   Ballot Title: This measure would authorize the district to impose a property tax levy of $.60 (60 cents) per thousand dollars of assessed valuation for six (6) years to fund recreational facilities. Should this measure be enacted into Law?
   Yes
   No

Circulator’s Certificate:

I, [signature], swear or affirm under penalty of law that I circulated this sheet of the foregoing petition, and that, to the best of my knowledge, every person who signed this sheet of the foregoing petition knowingly and without compensation or promise of compensation willingly signed his or her true name and that the information provided therewith is true and correct. I further acknowledge that under chapter 29A.84 RCW, forgery of signatures on this petition constitutes a class C felony, and the offering any consideration or gratuity to any person to induce them to sign a petition is a gross misdemeanor, such violations being punishable by fine or imprisonment or both.

Circulator Signature | printed name | street address | city | date
--- | --- | --- | --- | ---
[K.M. Smith] | Randolph Smith | 2620 N. Nugent | Lummi Island | 4-2-17
PETITION TO CREATE THE LUMMI ISLAND PARK AND RECREATION DISTRICT  
Petition No. P-2017-1

Proposed Ballot Measures

This measure concerns the formation of the Lummi Island Park and Recreation District.

This measure would create the Lummi Island Park and Recreation District, to be governed by five elected Park Commissioners.

Should this measure be enacted into law?
Yes ___  
No ___

This measure would authorize the district to impose a property tax levy of $.60 (60 cents) per thousand dollars of assessed valuation for six (6) years to fund recreational facilities.

Should this measure be enacted into law?
Yes ___  
No ___

WARNING

Every person who signs this petition with any other than his or her true name, knowingly signs more than one of these petitions, signs this petition when he or she is not a legal voter, or makes any false statement on this petition may be punished by fine, imprisonment or both.

To Debbie Adelstein, Auditor of Whatcom County:
We, the undersigned citizens and legal voters of the proposed Lummi Island Park and Recreation District, respectfully direct that the proposed measure known as the Lummi Island Park and Recreation District, a true and correct copy of which is printed on the reverse side, shall be submitted to the legal voters of the proposed park district.

<table>
<thead>
<tr>
<th>Signature (In pen)</th>
<th>Printed Name</th>
<th>Residential Address</th>
<th>Zip</th>
<th>Date</th>
<th>Email (if available)</th>
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<td>1</td>
<td>Grace Bailey</td>
<td>2451 Tulip St</td>
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<td>Robert Smith</td>
<td>2270 M. N. Hunter</td>
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<td>Paul Davis</td>
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<td>Isaac Colgan</td>
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<td>Charles Pasch</td>
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<tr>
<td>16</td>
<td>Nancy Bing</td>
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<td>Mary R. Smith</td>
<td>2385 Tuttle Dr</td>
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<td>18</td>
<td>Donna Richmond</td>
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<td>19</td>
<td>Jonathan H. Clark</td>
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<td>98262</td>
<td>3/24/17</td>
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<tr>
<td>20</td>
<td>Carol Cranmer</td>
<td>1345 S. California</td>
<td>98262</td>
<td>3/24/17</td>
<td></td>
</tr>
</tbody>
</table>
Full text of petition proposal:

Whereas Lummi Island is a community of families and individuals who seek to benefit from dedicated outdoor space and recreational facilities as described in RCW 36.69.010 to serve to enrich community recreation opportunities, children and adult physical well-being, nurture neighborly connection; and

Whereas the Lummi Island Subarea Plan provides for the creation of a park and recreation district; and

Whereas RCW 36.69.020 provides for creation of a park and recreation district by petition and for boundaries of the district as set forth in the petition; and

Whereas RCW 36.69.090, provides that five elected commissioner volunteer positions may be designated in the formation of a park district; and

Whereas a general tax on all property located in said Park and Recreation District shall not exceed sixty cents per thousand of assessed value each year as outlined in chapter 36.69.145 of Washington State Code, unless otherwise authorize by law; and,

Whereas RCW 36.69.065 allows for initial capital or operational costs to be submitted to voters with the petition initiating the formation of the proposed park and recreation district.

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Yes ___  No ___

Ballot Title: This measure would authorize the district to impose a property tax levy of $60 (60 cents) per thousand dollars of assessed valuation for six (6) years to fund recreational facilities. Should this measure be enacted into Law?

Yes ___  No ___

Circulator's Certificate:

I, Janice C. Holmes, swear or affirm under penalty of law that I circulated this sheet of the foregoing petition, and that, to the best of my knowledge, everyone who signed this sheet of the foregoing petition knowingly and without compensation or promise of compensation willingly signed his or her true name and that the information provided therewith is true and correct. I further acknowledge that under chapter 39A.84 RCW, forgery of signatures on this petition constitutes a class C felony, and the offering any consideration or gratuity to any person to induce them to sign a petition is a gross misdemeanor, such violations being punishable by fine or imprisonment or both.

Circulator Signature  printed name  street address  city date

Janice C. Holmes  722 West Shore  Lummi 3  with March 20, 2017
PETITION TO CREATE THE LUMMI ISLAND PARK AND RECREATION DISTRICT

Proposed Ballot Measures

This measure concerns the formation of the Lummi Island Park and Recreation District.

This measure would create the Lummi Island Park and Recreation District, to be governed by five elected Park Commissioners.

Should this measure be enacted into law?
Yes ___
No ___

This measure would authorize the district to impose a property tax levy of $6.00 (60 cents) per thousand dollars of assessed valuation for six (6) years to fund recreational facilities.

Should this measure be enacted into law?
Yes ___
No ___

WARNING

Every person who signs this petition with any other than his or her true name, knowingly signs more than one of these petitions, signs this petition when he or she is not a legal voter, or makes any false statement on this petition may be punished by fine, imprisonment or both.

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<th>Date</th>
<th>Email (if available)</th>
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<tr>
<td>1</td>
<td>T.M. Thorn</td>
<td>2722 WEST SHORE Dr.</td>
<td>98262</td>
<td>5/18/17</td>
<td><a href="mailto:lummialandlaw@comcast.com">lummialandlaw@comcast.com</a></td>
</tr>
<tr>
<td>2</td>
<td>Janice E. Holmes</td>
<td>2720 WEST SHORE Dr</td>
<td>98262</td>
<td>5/18/17</td>
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<td>3</td>
<td>Barbara Suekeith</td>
<td>2554 ISLAND View Ln</td>
<td>98262</td>
<td>3/26/17</td>
<td><a href="mailto:suekeith@comcast.com">suekeith@comcast.com</a></td>
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<tr>
<td>4</td>
<td>Elizabeth Walke</td>
<td>2554 ISLAND View Ln</td>
<td>98262</td>
<td>3/26/17</td>
<td><a href="mailto:walkeisland@gmail.com">walkeisland@gmail.com</a></td>
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<td>5</td>
<td>Raymond Lewis</td>
<td>2554 ISLAND View Ln</td>
<td>98262</td>
<td>3/26/17</td>
<td><a href="mailto:rlewis459@gmail.com">rlewis459@gmail.com</a></td>
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<td>6</td>
<td>Joan R. Moore</td>
<td>152 ISLAND Dr.</td>
<td>98262</td>
<td>3/26/17</td>
<td><a href="mailto:jmoore@islandstate.net">jmoore@islandstate.net</a></td>
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<tr>
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<td>Lisa J. Addington</td>
<td>3231 HARBOUR View</td>
<td>98262</td>
<td>3/26/17</td>
<td><a href="mailto:johna@island.com">johna@island.com</a></td>
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<tr>
<td>8</td>
<td>Connie Berry</td>
<td>1661 S. AUGUST</td>
<td>98262</td>
<td>3/26/17</td>
<td><a href="mailto:herryconnie@comcast.com">herryconnie@comcast.com</a></td>
</tr>
<tr>
<td>9</td>
<td>John W. Border</td>
<td>3080 N. AUGUST</td>
<td>98262</td>
<td>3/26/17</td>
<td><a href="mailto:d41826@gmail.com">d41826@gmail.com</a></td>
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<td>10</td>
<td>Dorothy J. Hynson</td>
<td>2556 ISLAND View Rd</td>
<td>98262</td>
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<td><a href="mailto:nhynson98@gmail.com">nhynson98@gmail.com</a></td>
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<tr>
<td>11</td>
<td>Nancy W. Wang</td>
<td>123 ISLAND View Rd</td>
<td>98262</td>
<td>3/26/17</td>
<td><a href="mailto:nwang362@gmail.com">nwang362@gmail.com</a></td>
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<td>Pamela Miller</td>
<td>2302 WEST SHORE Ln</td>
<td>98262</td>
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<td><a href="mailto:pmiller48@gmail.com">pmiller48@gmail.com</a></td>
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<td>13</td>
<td>Karen E. &amp; David A. Saavedra</td>
<td>2552 ISLAND VIEW</td>
<td>98262</td>
<td>3/26/17</td>
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<td>Kathleen G. Neece</td>
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<td>15</td>
<td>Robin Richardson</td>
<td>3080 ISLAND View Rd</td>
<td>98262</td>
<td>3/26/17</td>
<td><a href="mailto:richardson@gmail.com">richardson@gmail.com</a></td>
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<tr>
<td>16</td>
<td>Thiru Clark</td>
<td>2353 N. AUGUST</td>
<td>98262</td>
<td>3/26/17</td>
<td>Thiru.IslandGuard.com</td>
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<tr>
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<td>Phyllis Murray-Handley</td>
<td>2554 ISLAND View Ln</td>
<td>98262</td>
<td>3/26/17</td>
<td><a href="mailto:phyllis.Handley@gmail.com">phyllis.Handley@gmail.com</a></td>
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<tr>
<td>18</td>
<td>Debra Paulak</td>
<td>108 ISLAND View</td>
<td>98262</td>
<td>3/26/17</td>
<td><a href="mailto:DebraPaulak@gmail.com">DebraPaulak@gmail.com</a></td>
</tr>
<tr>
<td>19</td>
<td>Tom Wetherby</td>
<td>2756 AUGUST</td>
<td>98262</td>
<td>3/26/17</td>
<td><a href="mailto:tjwetherby@gmail.com">tjwetherby@gmail.com</a></td>
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<tr>
<td>20</td>
<td>Susan Aslund</td>
<td>2320 CEDAR</td>
<td>98262</td>
<td>3/26/17</td>
<td><a href="mailto:saslund@comcast.net">saslund@comcast.net</a></td>
</tr>
</tbody>
</table>
Full text of petition proposal:

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Whereas RCW 36.69.020 provides for creation of a park and recreation district by petition and for boundaries of the district as set forth in the petition; and

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   Yes ____________
   No ____________

   Ballot Title: This measure would authorize the district to impose a property tax levy of $.60 (60 cents) per thousand dollars of assessed valuation for six (6) years to fund recreational facilities. Should this measure be enacted into Law?
   
   Yes ____________
   No ____________

Circulator's Certificate:

I, Julie G. Holmes, swear or affirm under penalty of law that I circulated this sheet of the foregoing petition, and that to the best of my knowledge, every person who signed this sheet of the foregoing petition knowingly and without compensation or promise of compensation willingly signed his or her true name and that the information provided therewith is true and correct. I further acknowledge that under chapter 29A.84 RCW, forgery of signatures on this petition constitutes a class C felony, and the offering any consideration or gratuity to any person to induce them to sign a petition is a gross misdemeanor, such violations being punishable by fine or imprisonment or both.

Circulator Signature: Julie G. Holmes
Printed Name: Julie G. Holmes
Street Address: 2200 West Shore Rd, Lummi, WA
City: Lummi
State: WA
Zip: 98277
Date: 3/26/17
**PETITION TO CREATE THE LUMMI ISLAND PARK AND RECREATION DISTRICT**

**Proposed Ballot Measures**

This measure concerns the formation of the Lummi Island Park and Recreation District.

This measure would create the Lummi Island Park and Recreation District, to be governed by five elected Park Commissioners.

Should this measure be enacted into law?
Yes ___
No ___

This measure would authorize the district to impose a property tax levy of $.60 (60 cents) per thousand dollars of assessed valuation for six (6) years to fund recreational facilities.

Should this measure be enacted into law?
Yes ___
No ___

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To Debbie Adelstein, Auditor of Whatcom County:

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<table>
<thead>
<tr>
<th>Signature (in pen)</th>
<th>Printed Name</th>
<th>Residential Address</th>
<th>Zip</th>
<th>Date</th>
<th>Email (If available)</th>
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<td>Donald McCarron</td>
<td>2907 Rosewood Ave</td>
<td>98242</td>
<td>3-24-17</td>
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<td>Michael W. Meyer</td>
<td>3537 N. Pacific Ave</td>
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<td>Brenda M. Hessel</td>
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<td>Cheryl Hood</td>
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<td>3-26-17</td>
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<td>Shari L. Marshall</td>
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<td>Albert W. Marshall</td>
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<td>9</td>
<td>Linda J. Shook</td>
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<td>98262</td>
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<td>admin@11.17</td>
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<td>lummiislandpark.com</td>
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<td><a href="mailto:baileychase@gmail.com">baileychase@gmail.com</a></td>
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<td>Martha J. Shepherd</td>
<td>3540 Madison Ave</td>
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<td>marchislawfirm.com</td>
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<td>17</td>
<td>Jack Bowman</td>
<td>3103 Aqua Vista</td>
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</tbody>
</table>
Full text of petition proposal:

Whereas Lummi Island is a community of families and individuals who seek to benefit from dedicated outdoor space and recreational facilities as described in RCW 36.69.010 to serve to enrich community recreation opportunities, children and adult physical well-being, nurture neighborly connection; and

Whereas the Lummi Island Subarea Plan provides for the creation of a park and recreation district; and

Whereas RCW 36.69.020 provides for creation of a park and recreation district by petition and for boundaries of the district as set forth in the petition; and

Whereas RCW 36.69.090, provides that five elected commissioner volunteer positions may be designated in the formation of a park district; and

Whereas a general tax on all property located in said Park and Recreation District shall not exceed sixty cents per thousand of assessed value each year as outlined in chapter 36.69.145 of Washington State Code, unless otherwise authorize by law; and.

Whereas RCW 36.69.065 allows for initial capital or operational costs to be submitted to voters with the petition initiating the formation of the proposed park and recreation district.

NOW, THEREFORE

1. The Lummi Island Park and Recreation District shall be hereby created. The district boundaries generally would include all of Lummi Island located in Whatcom County, being parts of Township 36 North, Range 2 East; Township 37 North, Ranges 1 and 2 East, and part of Township 38 North, Range 1 East, W.M., and all tidelands abutting said island.

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3. The petitioners encourage the County Auditor to place these measures on the general election (November 7, 2017) ballot. The following ballot measures should be presented to the voters:

Ballot Title: This measure concerns the formation of the Lummi Island Park and Recreation District. This measure would create the Lummi Island Park and Recreation District, to be governed by five elected Park Commissioners. Should this measure be enacted into law?

Yes ___
No ___

Ballot Title: This measure would authorize the district to impose a property tax levy of $.60 (60 cents) per thousand dollars of assessed valuation for six (6) years to fund recreational facilities. Should this measure be enacted into Law?

Yes ___
No ___

Circulator’s Certificate:

I, [Name], swear or affirm under penalty of law that I circulated this sheet of the foregoing petition, and that, to the best of my knowledge, every person who signed this sheet of the foregoing petition knowingly and without compensation or promise of compensation willingly signed his or her true name and that the information provided therewith is true and correct. I further acknowledge that under chapter 29A.24 RCW, forgery of signatures on this petition constitutes a class C felony, and the offering any consideration or gratuity to any person to induce them to sign a petition is a gross misdemeanor, such violations being punishable by fine or imprisonment or both.

Circulator Signature printed name street address city date

[Signature] [Name] [Address] [City], WA [Date]
PETITION TO CREATE THE LUMMI ISLAND PARK AND RECREATION DISTRICT
Petition No. P-2017-1

Proposed Ballot Measures

This measure concerns the formation of the Lummi Island Park and Recreation District.

This measure would create the Lummi Island Park and Recreation District, to be governed by five elected Park Commissioners.

Should this measure be enacted into law?
Yes __
No ___

This measure would authorize the district to impose a property tax levy of $.60 (60 cents) per thousand dollars of assessed valuation for six (6) years to fund recreational facilities.

Should this measure be enacted into Law?
Yes __
No ___

WARNING

Every person who signs this petition with any other than his or her true name, knowingly signs more than one of these petitions, signs this petition when he or she is not a legal voter, or makes any false statement on this petition may be punished by fine, imprisonment or both.

To Debbie Adelstein, Auditor of Whatcom County:
We, the undersigned citizens and legal voters of the proposed Lummi Island Park and Recreation District, respectfully direct that the proposed measure known as the Lummi Island Park and Recreation District, a true and correct copy of which is printed on the reverse side, shall be submitted to the legal voters of the proposed park district.

<table>
<thead>
<tr>
<th>Signature (in pen)</th>
<th>Printed Name</th>
<th>Residential Address</th>
<th>Zip</th>
<th>Date</th>
<th>Email (if available)</th>
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<tr>
<td>1</td>
<td>Lucinda Marjorie</td>
<td>1828 Secret Mill Blvd</td>
<td>98242</td>
<td>4/16/18</td>
<td><a href="mailto:cma@gmail.com">cma@gmail.com</a></td>
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<tr>
<td>2</td>
<td>Karen Myers Becker</td>
<td>3280 Taft Ave, Lummi Island</td>
<td>98262</td>
<td>4/10/17</td>
<td><a href="mailto:kmbeecker@gmail.com">kmbeecker@gmail.com</a></td>
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<tr>
<td>3</td>
<td>Kristi Arildi</td>
<td>1838 2nd Street, Lummi Island</td>
<td>98262</td>
<td>4/14/17</td>
<td><a href="mailto:kristi_arildi@adelphia.com">kristi_arildi@adelphia.com</a></td>
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<tr>
<td>4</td>
<td>Joanna Powell Collett</td>
<td>2143 Tulip Lane</td>
<td>98262</td>
<td>4/15/17</td>
<td><a href="mailto:joannacollett@gmail.com">joannacollett@gmail.com</a></td>
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<tr>
<td>5</td>
<td>Kristi Anderson</td>
<td>2045 North Haven Lane</td>
<td>98262</td>
<td>4/15/17</td>
<td><a href="mailto:kristi_anderson@adelphia.com">kristi_anderson@adelphia.com</a></td>
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<tr>
<td>6</td>
<td>E C L</td>
<td>4327 Melcher Ave</td>
<td>98262</td>
<td>4/9/17</td>
<td><a href="mailto:rjkinkade@adelphia.com">rjkinkade@adelphia.com</a></td>
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<td>7</td>
<td>Arria Merrill</td>
<td>4855 Grandview Dr</td>
<td>98262</td>
<td>4/15/17</td>
<td><a href="mailto:arriamerrill@adelphia.com">arriamerrill@adelphia.com</a></td>
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<tr>
<td>8</td>
<td>Annie Franzmann</td>
<td>1506 W 12th St, Lummi Island</td>
<td>98262</td>
<td>4/15/17</td>
<td><a href="mailto:anniefranzmann@adelphia.com">anniefranzmann@adelphia.com</a></td>
</tr>
<tr>
<td>9</td>
<td>Jane Phillips</td>
<td>1506 W 12th St, Lummi Island</td>
<td>98262</td>
<td>4/15/17</td>
<td><a href="mailto:jane_phillips@adelphia.com">jane_phillips@adelphia.com</a></td>
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<tr>
<td>10</td>
<td>Robin Kinkade</td>
<td>4855 Grandview Dr, Lummi Island</td>
<td>98262</td>
<td>4/9/17</td>
<td><a href="mailto:rjkinkade@adelphia.com">rjkinkade@adelphia.com</a></td>
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<tr>
<td>11</td>
<td>Anne Gilbert</td>
<td>5881 M 3</td>
<td>98262</td>
<td>5/27/17</td>
<td><a href="mailto:agilbert69@gmail.com">agilbert69@gmail.com</a></td>
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<tr>
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<td>Susan Kiefer</td>
<td>5881 M 3</td>
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<td>Kathleen Gallagher</td>
<td>5881 M 3</td>
<td>98262</td>
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<td><a href="mailto:kgallagher69@gmail.com">kgallagher69@gmail.com</a></td>
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<tr>
<td>14</td>
<td>Alice Clayton</td>
<td>2008 Granville Ave</td>
<td>98262</td>
<td>5/27/17</td>
<td><a href="mailto:alice_clayton@adelphia.com">alice_clayton@adelphia.com</a></td>
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<tr>
<td>15</td>
<td>Gerald McRorie</td>
<td>1284 Bayview Ave</td>
<td>98262</td>
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<td><a href="mailto:gmcrovie27@gmail.com">gmcrovie27@gmail.com</a></td>
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<tr>
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<td>Rebecca McRorie</td>
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<td>98262</td>
<td>5/27/17</td>
<td><a href="mailto:rebecca_mcrorie@adelphia.com">rebecca_mcrorie@adelphia.com</a></td>
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<td>98262</td>
<td>5/27/17</td>
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<td>Janet P. Birkhame</td>
<td>98262</td>
<td>5/27/17</td>
<td><a href="mailto:janetb@gmail.com">janetb@gmail.com</a></td>
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<tr>
<td>20</td>
<td>Debra Birkhame</td>
<td>98262</td>
<td>5/27/17</td>
<td><a href="mailto:debak@gmail.com">debak@gmail.com</a></td>
<td></td>
</tr>
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</table>
Full text of petition proposal:

Whereas Lummi Island is a community of families and individuals who seek to benefit from dedicated outdoor space and recreational facilities as described in RCW 36.69.010 to serve to enrich community recreation opportunities, children and adult physical well-being, nurture neighborly connection; and

Whereas the Lummi Island Subarea Plan provides for the creation of a park and recreation district; and

Whereas RCW 36.69.020 provides for creation of a park and recreation district by petition and for boundaries of the district as set forth in the petition; and

Whereas RCW 36.69.090, provides that five elected commissioner volunteer positions may be designated in the formation of a park district; and

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   a. Ballot Title: This measure concerns the formation of the Lummi Island Park and Recreation District. This measure would create the Lummi Island Park and Recreation District, to be governed by five elected Park Commissioners. Should this measure be enacted into law?
      Yes
      No

   b. Ballot Title: This measure would authorize the district to impose a property tax levy of $.60 (60 cents) per thousand dollars of assessed valuation for six (6) years to fund recreational facilities. Should this measure be enacted into Law?
      Yes
      No

Circulator's Certificate:

I, Janice Holmes, swear or affirm under penalty of law that I circulated this sheet of the foregoing petition, and that, to the best of my knowledge, every person who signed this sheet of the foregoing petition knowingly and without compensation or promise of compensation willingly signed his or her true name and that the information provided therewith is true and correct. I further acknowledge that under chapter 29A.84 RCW, forgery of signatures on this petition constitutes a class C felony, and the offering any consideration or gratuity to any person to induce them to sign a petition is a gross misdemeanor, such violations being punishable by fine or imprisonment or both.

Circulator Signature: Janice Holmes
Printed Name: Janice Holmes
Street Address: 7760 Northshore, Lummi, 98260
City: Lummi
Date: May 30, 2017
PETITION TO CREATE THE LUMMI ISLAND PARK AND RECREATION DISTRICT
Petition No. P-2017-1

Proposed Ballot Measures
This measure concerns the formation of the Lummi Island Park and Recreation District.

This measure would create the Lummi Island Park and Recreation District, to be
governed by five elected Park Commissioners.

Should this measure be enacted into law?
Yes ___
No ___

This measure would authorize the district to impose a property tax levy of $.60 (60
cents) per thousand dollars of assessed valuation for six (6) years to fund recreational
facilities.

Should this measure be enacted into Law?
Yes ___
No ___

WARNING
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these petitions, signs this petition when he or she is not a legal voter, or makes any false statement on this
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To Debbie Adelstein, Auditor of Whatcom County:
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which is printed on the reverse side, shall be submitted to the legal voters of the proposed park district.

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<td>SIERRA J. MONTONA</td>
<td>3792 HARMONY LANE</td>
<td>98262</td>
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<td><a href="mailto:sjm.1000@gmail.com">sjm.1000@gmail.com</a></td>
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<td>2</td>
<td>RILEY D. STARKS</td>
<td>2300 MATA VISTA AVE</td>
<td>98262</td>
<td>4/1/17</td>
<td><a href="mailto:jocelyn@msn.com">jocelyn@msn.com</a></td>
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<td>JON SMITH</td>
<td>2711 SOUTH BAY ST</td>
<td>98262</td>
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<td>KARI SOUTHWORTH</td>
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<td>4/25/17</td>
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<td>2998 CEDAR LN</td>
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<td>PETE SHUMER</td>
<td>3722 SALISHA</td>
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</table>
Full text of petition proposal:

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Whereas RCW 36.69.020 provides for creation of a park and recreation district by petition and for boundaries of the district as set forth in the petition; and

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   Yes  ____  No  ____

   Ballot Title: This measure would authorize the district to impose a property tax levy of $.80 (50 cents) per thousand dollars of assessed valuation for six (6) years to fund recreational facilities. Should this measure be enacted into Law?

   Yes  ____  No  ____

Circulator's Certificate:

I,  [Name], swear or affirm under penalty of law that I circulated this sheet of the foregoing petition, and that, to the best of my knowledge, every person who signed this sheet of the foregoing petition knowingly and without compensation or promise of compensation willingly signed his or her true name and that the information provided therewith is true and correct. I further acknowledge that under chapter 29A.84 RCW, forgery of signatures on this petition constitutes a class C felony, and the offering any consideration or gratuity to any person to induce them to sign a petition is a gross misdemeanor, such violations being punishable by fine or imprisonment or both.

Circulator Signature  printed name  street address  city  date

[Signature]  TAU KISSONI  3732 HAMMUN DR  LUMI  TACOMA  5/36/17
**PETITION TO CREATE THE LUMMI ISLAND PARK AND RECREATION DISTRICT**

**Proposed Ballot Measures**

This measure concerns the formation of the Lummi Island Park and Recreation District.

This measure would create the Lummi Island Park and Recreation District, to be governed by five elected Park Commissioners.

Should this measure be enacted into law?

Yes __
No ___

This measure would authorize the district to impose a property tax levy of $.60 (60 cents) per thousand dollars of assessed valuation for six (6) years to fund recreational facilities.

Should this measure be enacted into Law?

Yes __
No ___

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<tbody>
<tr>
<td>1</td>
<td>Peter Earle</td>
<td>2466 W. Wyld Rd, Lummi, WA</td>
<td>98262</td>
<td>3/26/17</td>
<td>peterCark-lc.com</td>
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<td>William E. Liz</td>
<td>21140 Tulalip Rd, Lummi, WA</td>
<td>98262</td>
<td>3/26/17</td>
<td><a href="mailto:wmelee@comcast.net">wmelee@comcast.net</a></td>
</tr>
<tr>
<td>3</td>
<td>Jonnie D. Dukes</td>
<td>5417 Lummi Rd, Lummi, WA</td>
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<td>3/26/17</td>
<td><a href="mailto:jdchs@gmail.com">jdchs@gmail.com</a></td>
</tr>
<tr>
<td>4</td>
<td>Helen Stecker</td>
<td>1254 S. Maple St, Lummi, WA</td>
<td>98262</td>
<td>3/26/17</td>
<td><a href="mailto:lhsmile@comcast.net">lhsmile@comcast.net</a></td>
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<tr>
<td>5</td>
<td>Marga Ramos</td>
<td>2574 Maupin Rd, Lummi, WA</td>
<td>98262</td>
<td>3/26/17</td>
<td><a href="mailto:mgaramos@gmail.com">mgaramos@gmail.com</a></td>
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<tr>
<td>6</td>
<td>Judy Olson</td>
<td>1459 Lummi Rd, Lummi, WA</td>
<td>98262</td>
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<td><a href="mailto:judyraolin1@gmail.com">judyraolin1@gmail.com</a></td>
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<tr>
<td>7</td>
<td>Carolyn R. Kimiecik</td>
<td>4574 Island View Ln, Lummi, WA</td>
<td>98262</td>
<td>3/26/17</td>
<td><a href="mailto:capricekimiecik@gmail.com">capricekimiecik@gmail.com</a></td>
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<td>Michael H. Kniecik</td>
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<td><a href="mailto:mhosgood@gmail.com">mhosgood@gmail.com</a></td>
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<td><a href="mailto:mso0065@comcast.net">mso0065@comcast.net</a></td>
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<td>Steven C. Jolly</td>
<td>5667 Lepee Bay Rd, Lummi, WA</td>
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<td><a href="mailto:stevenjolly7@gmail.com">stevenjolly7@gmail.com</a></td>
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<td>11</td>
<td>Beverly A. Derrick</td>
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<td><a href="mailto:beverleyd@comcast.net">beverleyd@comcast.net</a></td>
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<tr>
<td>12</td>
<td>Judith D. Weatherly</td>
<td>9415 NE Beauregard Rd, Lummi, WA</td>
<td>98262</td>
<td>3/26/17</td>
<td><a href="mailto:jweatherly2@gmail.com">jweatherly2@gmail.com</a></td>
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<tr>
<td>13</td>
<td>Leslie Dengsen</td>
<td>100 Beach Ave, Lummi, WA</td>
<td>98262</td>
<td>3/26/17</td>
<td><a href="mailto:leisdengsen@gmail.com">leisdengsen@gmail.com</a></td>
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<tr>
<td>14</td>
<td>Nancy J. Janssen</td>
<td>7220 Lepee Rd, Lummi, WA</td>
<td>98262</td>
<td>3/26/17</td>
<td><a href="mailto:nancyjanse@gmail.com">nancyjanse@gmail.com</a></td>
</tr>
<tr>
<td>15</td>
<td>Robert Sorensen</td>
<td>2025 South Beach Ave, Lummi, WA</td>
<td>98262</td>
<td>3/26/17</td>
<td><a href="mailto:robertsorensen@gmail.com">robertsorensen@gmail.com</a></td>
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<td>N.</td>
<td>Lummi, WA</td>
<td>98262</td>
<td>4-4-17</td>
<td><a href="mailto:njad4@gmail.com">njad4@gmail.com</a></td>
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</table>
Full text of petition proposal:

Whereas Lummi Island is a community of families and individuals who seek to benefit from dedicated outdoor space and recreational facilities as described in RCW 36.69.010 to serve to enrich community recreation opportunities, children and adult physical well-being, nurture neighborhood connection; and

Whereas the Lummi Island Subarea Plan provides for the creation of a park and recreation district; and

Whereas RCW 36.69.020 provides for creation of a park and recreation district by petition and for boundaries of the district as set forth in the petition; and

Whereas RCW 36.69.090, provides that five elected commissioner volunteer positions may be designated in the formation of a park district; and

Whereas a general tax on all property located in said Park and Recreation District shall not exceed sixty cents per thousand of assessed value each year as outlined in chapter 36.69.145 of Washington State Code, unless otherwise authorized by law; and,

Whereas RCW 36.69.065 allows for initial capital or operational costs to be submitted to voters with the petition initiating the formation of the proposed park and recreation district.

NOW, THEREFORE

1. The Lummi Island Park and Recreation District should be hereby created. The district boundaries generally would include all of Lummi Island located in Whatcom County, being parts of Township 36 North, Range 2 East; Township 37 North, Ranges 1 and 2 East, and part of Township 38 North, Range 1 East, W.M., and all tidelands abutting said island.

2. Pursuant to RCW 36.69.090, the Park and Recreation District's board of commissioners shall be composed as follows: five elected Volunteer Park and Recreation Commissioners.

3. The petitioners encourage the County Auditor to place these measures on the general election [November 7, 2017] ballot. The following ballot measures should be presented to the voters:

   ballots:
   - Ballot Title: This measure concerns the formation of the Lummi Island Park and Recreation District. This measure would create the Lummi Island Park and Recreation District, to be governed by five elected Park Commissioners.
     Should this measure be enacted into law?
     Yes ___
     No ___

   Ballot Title: This measure would authorize the district to impose a property tax levy of $.60 (60 cents) per thousand dollars of assessed valuation for six (6) years to fund recreational facilities. Should this measure be enacted into Law?
   Yes ___
   No ___

Circulator's Certificate:
I, [Signature], swear or affirm under penalty of law that I circulated this sheet of the foregoing petition, and if, to the best of my knowledge, every person who signed this sheet of the foregoing petition knowingly and without compensation or promise of compensation willingly signed his or her true name and that the information provided therewith is true and correct. I further acknowledge that under chapter 29A.84 RCW, forgery of signatures on this petition constitutes a class C felony, and the offering any consideration or gratuity to any person to induce them to sign a petition is a gross misdemeanor, such violations being punishable by fine or imprisonment or both.

Circulator Signature [Signature]
Printed Name [Printed Name]
Street Address 2170 N. Dungeness Lummi Island
City Lummi Island
Date 5/30/17
PETITION TO CREATE THE LUMMI ISLAND PARK AND RECREATION DISTRICT
Petition No. P-2017-1

Proposed Ballot Measures

This measure concerns the formation of the Lummi Island Park and Recreation District.

This measure would create the Lummi Island Park and Recreation District, to be governed by five elected Park Commissioners.

Should this measure be enacted into law?
Yes __
No __

This measure would authorize the district to impose a property tax levy of $0.60 (60 cents) per thousand dollars of assessed valuation for six (6) years to fund recreational facilities.

Should this measure be enacted into Law?
Yes __
No __

WARNING

Every person who signs this petition with any other than his or her true name, knowingly signs more than one of these petitions, signs this petition when he or she is not a legal voter, or makes any false statement on this petition may be punished by fine, imprisonment or both.

To Debbie Adelstein, Auditor of Whatcom County:
We, the undersigned citizens and legal voters of the proposed Lummi Island Park and Recreation District, respectfully direct that the proposed measure known as the Lummi Island Park and Recreation District, a true and correct copy of which is printed on the reverse side, shall be submitted to the legal voters of the proposed park district.

<table>
<thead>
<tr>
<th>Signature (in pen)</th>
<th>Printed Name</th>
<th>Residential Address</th>
<th>Zip</th>
<th>Date</th>
<th>Email (if available)</th>
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<tr>
<td>1</td>
<td>Zack Sheldon</td>
<td>1120 6th Ave</td>
<td>98262</td>
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<tr>
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<td>Josh Thomason</td>
<td>1201 Scenic Ave</td>
<td>98262</td>
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<td>3</td>
<td>Alicia Potter</td>
<td>1201 Scenic Ave</td>
<td>98262</td>
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<td>Christopher Nanda</td>
<td>3247 Sunrise Cvt, Lummi</td>
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<td>98262</td>
<td>5/21</td>
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</table>
Full text of petition proposal:

**Whereas** Lummi Island is a community of families and individuals who seek to benefit from dedicated outdoor space and recreational facilities as described in RCW 36.69.010 to serve to enrich community recreation opportunities, children and adult physical well-being, nurture neighborly connection; and

**Whereas** the Lummi Island Subarea Plan provides for the creation of a park and recreation district; and

**Whereas** RCW 36.69.020 provides for creation of a park and recreation district by petition and for boundaries of the district as set forth in the petition; and

**Whereas** RCW 36.69.090, provides that five elected commissioner volunteer positions may be designated in the formation of a park district; and

**Whereas** a general tax on all property located in said Park and Recreation District shall not exceed sixty cents per thousand of assessed value each year as outlined in chapter 36.69.145 of Washington State Code, unless otherwise authorize by law; and,

**Whereas** RCW 36.69.065 allows for initial capital or operational costs to be submitted to voters with the petition initiating the formation of the proposed park and recreation district.

**NOW, THEREFORE**

1. The Lummi Island Park and Recreation District should be hereby created. The district boundaries generally would include all of Lummi Island located in Whatcom County, being parts of Township 36 North, Range 2 East; Township 37 North, Ranges 1 and 2 East, and part of Township 38 North, Range 1 East, W.M., and all tidelands abutting said Island.

2. Pursuant to RCW 36.69.090, the Park and Recreation District's board of commissioners shall be composed as follows: five elected Volunteer Park and Recreation Commissioners.

3. The petitioners encourage the County Auditor to place these measures on the general election (November 7, 2017) ballot. The following ballot measures should be presented to the voters:

   **Ballot Title:** This measure concerns the formation of the Lummi Island Park and Recreation District. This measure would create the Lummi Island Park and Recreation District, to be governed by five elected Park Commissioners.

   Should this measure be enacted into law?

   Yes ______

   No ______

   **Ballot Title:** This measure would authorize the district to impose a property tax levy of $.60 (60 cents) per thousand dollars of assessed valuation for six (6) years to fund recreational facilities.

   Should this measure be enacted into Law?

   Yes ______

   No ______

Circulator's Certificate:

I, [Signature], swear or affirm under penalty of law that I circulated this sheet of the foregoing petition, and that, to the best of my knowledge, every person who signed this sheet of the foregoing petition knowingly and without compensation or promise of compensation willingly signed his or her true name and that the information provided therewith is true and correct. I further acknowledge that under chapter 29A.84 RCW, forgery of signatures on this petition constitutes a class C felony, and the offering any consideration or gratuity to any person to induce them to sign a petition is a gross misdemeanor, such violations being punishable by fine or imprisonment or both.

Circulator Signature: [Signature]

Printed name: [Name]

Street address: [Address]

City: [City]

Date: [Date]
PETITION TO CREATE THE LUMMI ISLAND PARK AND RECREATION DISTRICT
Petition No. P-2017-1

Proposed Ballot Measures

This measure concerns the formation of the Lummi Island Park and Recreation District.

This measure would create the Lummi Island Park and Recreation District, to be
governed by five elected Park Commissioners.

Should this measure be enacted into law?
Yes ___
No ___

This measure would authorize the district to impose a property tax levy of $0.80 (60
cents) per thousand dollars of assessed valuation for six (6) years to fund recreational
facilities.

Should this measure be enacted into law?
Yes ___
No ___

WARNING

Every person who signs this petition with any other than his or her true name, knowingly signs more than one of
these petitions, signs this petition when he or she is not a legal voter, or makes any false statement on this
petition may be punished by fine, imprisonment or both.

To Debbie Adelstein, Auditor of Whatcom County:
We, the undersigned citizens and legal voters of the proposed Lummi Island Park and Recreation District, respectfully
direct that the proposed measure known as the Lummi Island Park and Recreation District, a true and correct copy
of which is printed on the reverse side, shall be submitted to the legal voters of the proposed park district.

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<td><a href="mailto:kcrissyk@northwestern.com">kcrissyk@northwestern.com</a></td>
</tr>
</tbody>
</table>

240
Full text of petition proposal:

Whereas Lummi Island is a community of families and individuals who seek to benefit from dedicated outdoor space and recreational facilities as described in RCW 36.69.010 to serve to enrich community recreation opportunities, children and adult physical well-being, nurture neighborhood connection; and

Whereas the Lummi Island Subarea Plan provides for the creation of a park and recreation district; and

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Whereas a general tax on all property located in said Park and Recreation District shall not exceed sixty cents per thousand of assessed value each year as outlined in chapter 36.69.145 of Washington State Code, unless otherwise authorize by law; and,

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1. The Lummi Island Park and Recreation District should be hereby created. The district boundaries generally would include all of Lummi Island located in Whatcom County, being parts of Township 36 North, Range 2 East; Township 37 North, Ranges 1 and 2 East, and part of Township 38 North, Range 1 East, W.M., and all tidelands abutting said Island.

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Ballot Title: This measure concerns the formation of the Lummi Island Park and Recreation District. This measure would create the Lummi Island Park and Recreation District, to be governed by five elected Park Commissioners. Should this measure be enacted into law?

   Yes       No

Ballot Title: This measure would authorize the district to impose a property tax levy of $.60 (60 cents) per thousand dollars of assessed valuation for six (6) years to fund recreational facilities. Should this measure be enacted into Law?

   Yes       No

Circulator’s Certificate:

I, James E. Holm, swear and affirm under penalty of law that I circulated this sheet of the foregoing petition, and that, to the best of my knowledge, every person who signed this sheet of the foregoing petition knowingly and without compensation or promise of compensation willingly signed his or her true name and that the information provided therewith is true and correct. I further acknowledge that under chapter 29A.84 RCW, forgery of signatures on this petition constitutes a class C felony, and the offering any consideration or gratuity to any person to induce them to sign a petition is a gross misdemeanor, such violations being punishable by fine or imprisonment or both.

Circulator Signature  printed name  street address  city  date

James E. Holm  2729 D Street  Lummi, Wa  May 30, 2017
PETITION TO CREATE THE LUMMI ISLAND PARK AND RECREATION DISTRICT
Petition No. P-2017-1

Proposed Ballot Measures

This measure concerns the formation of the Lummi Island Park and Recreation District.
This measure would create the Lummi Island Park and Recreation District, to be
governed by five elected Park Commissioners:

Should this measure be enacted into law?
Yes _____
No _____

This measure would authorize the district to impose a property tax levy of $.60 (60
cents) per thousand dollars of assessed valuation for six (6) years to fund recreational
facilities.

Should this measure be enacted into Law?
Yes _____
No _____

WARNING
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these petitions, signs this petition when he or she is not a legal voter, or makes any false statement on this
petition may be punished by fine, imprisonment or both.

To Debbie Adateis, Auditor of Whatcom County:
We, the undersigned citizens and legal voters of the proposed Lummi Island Park and Recreation District, respectfully
direct that the proposed measure known as the Lummi Island Park and Recreation District, a true and correct copy of
which is printed on the reverse side, shall be submitted to the legal voters of the proposed park district.

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<th>Date</th>
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<td>1</td>
<td>Vanessa Roth</td>
<td>3735 Cedar Lane</td>
<td>98262</td>
<td>4/1</td>
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<tr>
<td>2</td>
<td>William Johnson</td>
<td>3806 Lummi Dr</td>
<td>98262</td>
<td>4/1</td>
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<tr>
<td>3</td>
<td>Sandra Austin</td>
<td>9323 Sernich ln</td>
<td>98262</td>
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<td>4</td>
<td>David Austin</td>
<td>4823 Sernich ln</td>
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<td>5</td>
<td>Colleen O'Connell</td>
<td>Lummi Is</td>
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<tr>
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<td>Colleen O'Connell</td>
<td>Lummi Is</td>
<td>98262</td>
<td>4/1</td>
<td></td>
</tr>
</tbody>
</table>
Full text of petition proposal:

Whereas Lummi Island is a community of families and individuals who seek to benefit from dedicated outdoor space and recreational facilities as described in RCW 36.69.010 to serve to enrich community recreation opportunities, children and adult physical well-being, nurture neighborly connection; and
Whereas the Lummi Island Subarea Plan provides for the creation of a park and recreation district; and
Whereas RCW 36.69.020 provides for creation of a park and recreation district by petition and for boundaries of the district as set forth in the petition; and
Whereas RCW 36.69.090, provides that five elected commissioner volunteer positions may be designated in the formation of a park district; and
Whereas a general tax on all property located in said Park and Recreation District shall not exceed sixty cents per thousand of assessed value each year as outlined in chapter 36.69.145 of Washington State Code, unless otherwise authorize by law; and,
Whereas RCW 36.69.065 allows for initial capital or operational costs to be submitted to voters with the petition initiating the formation of the proposed park and recreation district.

NOW, THEREFORE

1. The Lummi Island Park and Recreation District should be hereby created. The district boundaries generally would include all of Lummi Island located in Whatcom County, being parts of Township 36 North, Range 2 East, Township 37 North, Ranges 1 and 2 East, and part of Township 38 North, Range 1 East, W.M., and all tidelands abutting said island.

2. Pursuant to RCW 36.69.090, the Park and Recreation District’s board of commissioners shall be composed as follows: five elected Volunteer Park and Recreation Commissioners.

3. The petitioners encourage the County Auditor to place these measures on the general election (November 7, 2017) ballot. The following ballot measures should be presented to the voters:

Ballot Title: This measure concerns the formation of the Lummi Island Park and Recreation District. This measure would create the Lummi Island Park and Recreation District, to be governed by five elected Park Commissioners. Should this measure be enacted into law?

   Yes __
   No __

Ballot Title: This measure would authorize the district to impose a property tax levy of $.60 (60 cents) per thousand dollars of assessed valuation for six (6) years to fund recreational facilities. Should this measure be enacted into Law?

   Yes __
   No __

Circulator’s Certificate:

I, Theria Sorensen, swear or affirm under penalty of law that I circulated this sheet of the foregoing petition, and that, to the best of my knowledge, every person who signed this sheet of the foregoing petition knowingly and without compensation or promise of compensation willingly signed his or her true name and that the information provided therewith is true and correct. I further acknowledge that under chapter 29A.84 RCW, forgery of signatures on this petition constitutes a class C felony, and the offering any consideration or gratuity to any person to induce them to sign a petition is a gross misdemeanor, such violations being punishable by fine or imprisonment or both.

Circulator Signature: [Signature]
Printed Name: Theria Sorensen
Street Address: 2785 Cowan View Lane Lummi Island, WA
City: Lummi Island, WA
Date: 8-11-17
**PETITION TO CREATE THE LUMMI ISLAND PARK AND RECREATION DISTRICT**

**Proposed Ballot Measures**

This measure concerns the formation of the Lummi Island Park and Recreation District.

This measure would create the Lummi Island Park and Recreation District, to be governed by five elected Park Commissioners.

Should this measure be enacted into law?

Yes ___

No ___

This measure would authorize the district to impose a property tax levy of $0.00 (00 cents) per thousand dollars of assessed valuation for six (6) years to fund recreational facilities.

Should this measure be enacted into Law?

Yes ___

No ___

**WARNING**

Every person who signs this petition with any other than his or her true name, knowingly signs more than one of these petitions, signs this petition when he or she is not a legal voter, or makes any false statement on this petition may be punished by fine, imprisonment or both.

To Debbie Adelstein, Auditor of Whatcom County:

We, the undersigned citizens and legal voters of the proposed Lummi Island Park and Recreation District, respectfully direct that the proposed measure known as the Lummi Island Park and Recreation District, a true and correct copy of which is printed on the reverse side, shall be submitted to the legal voters of the proposed park district.

<table>
<thead>
<tr>
<th>Signature (in pen)</th>
<th>Printed Name</th>
<th>Residential Address</th>
<th>Zip</th>
<th>Date</th>
<th>Email if available</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Paul Bowman</td>
<td>3103 Mt. vernon Dr, Lummi Island</td>
<td>98262</td>
<td>3-3-17</td>
<td>Lummi; Bowman @gmail.com</td>
</tr>
<tr>
<td>2</td>
<td>Linda L. Bowman</td>
<td>3103 Mt. vernon Dr, Lummi Island</td>
<td>98262</td>
<td>3-3-17</td>
<td>Llummiisland @gmail.com</td>
</tr>
<tr>
<td>3</td>
<td>Patricia Hayes</td>
<td>2772 Orange Way, Lummi Island</td>
<td>98262</td>
<td>3-3-17</td>
<td><a href="mailto:pe_hayas@hotmail.com">pe_hayas@hotmail.com</a></td>
</tr>
<tr>
<td>4</td>
<td>David J. Kemn</td>
<td>1476 Swain Dr, Lummi Island</td>
<td>98262</td>
<td>3-3-17</td>
<td>Cunningham @gmail.com</td>
</tr>
<tr>
<td>5</td>
<td>Cheryl D. Bloom</td>
<td>1476 Swain Dr, Lummi Island</td>
<td>98262</td>
<td>3-3-17</td>
<td><a href="mailto:Cheryl@Bloom.com">Cheryl@Bloom.com</a></td>
</tr>
<tr>
<td>6</td>
<td>Richard E. Feree</td>
<td>2025 Casa Blanca, Lummi Island</td>
<td>98262</td>
<td>3-3-17</td>
<td><a href="mailto:rich@Ferre.com">rich@Ferre.com</a></td>
</tr>
<tr>
<td>7</td>
<td>Zoe Wykes</td>
<td>2077 N. Nugget Mkt, Lummi Island</td>
<td>98262</td>
<td>3-3-17</td>
<td><a href="mailto:Zoe_wykes@comcast.com">Zoe_wykes@comcast.com</a></td>
</tr>
<tr>
<td>8</td>
<td>Diane Harper</td>
<td>2440 Oakview Way, Lummi Island</td>
<td>98262</td>
<td>3-3-17</td>
<td><a href="mailto:Zadora@Harper.com">Zadora@Harper.com</a></td>
</tr>
<tr>
<td>9</td>
<td>Cheryl Benkovic</td>
<td>1476 Keller Dr, Lummi Island</td>
<td>98262</td>
<td>3-3-17</td>
<td>Cheryl @gmail.com</td>
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</table>
**Full text of petition proposal:**

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Whereas RCW 36.69.020 provides for creation of a park and recreation district by petition and for boundaries of the district as set forth in the petition; and

Whereas RCW 36.69.090, provides that five elected commissioner volunteer positions may be designated in the formation of a park district; and

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3. The petitioners encourage the County Auditor to place those measures on the general election (November 7, 2017) ballot. The following ballot measures should be presented to the voters:
   - **Ballot Title:** This measure concerns the formation of the Lummi Island Park and Recreation District. This measure would create the Lummi Island Park and Recreation District, to be governed by five elected Park Commissioners. Should this measure be enacted into law?
     Yes __
     No __
   - **Ballot Title:** This measure would authorize the district to impose a property tax levy of $60 (60 cents) per thousand dollars of assessed valuation for six (6) years to fund recreational facilities. Should this measure be enacted into Law?
     Yes __
     No __

**Circulator's Certificate**

I, [Signature], swear or affirm under penalty of law that I circulated this sheet of the foregoing petition, and that, to the best of my knowledge, every person who signed this sheet of the foregoing petition knowingly and without compensation or promise of compensation willingly signed his or her true name and that the information provided therewith is true and correct. I further acknowledge that under chapter 29A.84 RCW, forgery of signatures on this petition constitutes a class C felony, and the offering any consideration or gratuity to any person to induce them to sign a petition is a gross misdemeanor, such violations being punishable by fine or imprisonment or both.

Circulator's Signature: [Signature]
Printed Name: [Name]
Street Address: [Address]
City: Lummi Island, WA
Date: 4-12-17
**TITLE OF DOCUMENT:**
Appointment to Noxious Weed Control Board - Applicant: Alexander Vondrell

**ATTACHMENTS:**
Application

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

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

This Board promotes education of the public concerning management of noxious weeds such as tansy ragwort, knapweed, purple loosestrife, knotweed and their impacts on natural resources. Alexander Vondrell was nominated to represent the Whatcom County Noxious weed Board, District 4

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

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

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

Step 1

Application for Appointment to Whatcom County Boards and Commissions

Public Statement
THIS IS A PUBLIC DOCUMENT: As a candidate for a public board or commission, the information provided will be available to the County Council, County Executive, and the public. All board and commission members are expected to be fair, impartial, and respectful of the public, County staff, and each other. Failure to abide by these expectations may result in revocation of appointment and removal from the appointive position.

First Name Alexander

Last Name Vondrell

Date 10/14/1971

Street Address 2302 Lisa Lane

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 360-961-4798

Secondary Telephone Field not completed.

Email Address ajvondrell@hotmail.com

Step 2

1. Name of Board or Committee Noxious Weed Control Board

Noxious Weed Control Board District 4
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 declared candidacy (as defined by RCW 42.17A.055) for a paid elected office in any jurisdiction within the county?

No

7. Have you ever been a member of this Board/Commission?

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?

No

You may attach a resume or detailed summary of experience, qualifications, & interest in response to the following questions

10. Please describe why you're interested in serving on this board or commission

I'm interested in being more active in my community with Noxious Weed Control and Education.

References (please include daytime telephone number):


Signature of applicant:

Alexander Vondrell

Place Signed / Submitted:

Bellingham, WA
DATE: 5/30/17

APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSION

WHATCOM COUNTY NOXIOUS WEED BOARD

1. Alexander Vondrell, seek the nomination of District 4 for the term of four years to the WHATCOM COUNTY NOXIOUS WEED BOARD.

THE UNDERSIGNED NOMINATE Alexander Vondrell TO REPRESENT THE WHATCOM COUNTY NOXIOUS WEED BOARD, DISTRICT 4, FOR THE TERM OF FOUR YEARS.

<table>
<thead>
<tr>
<th>NAME</th>
<th>ADDRESS</th>
<th>CITY</th>
<th>STATE</th>
<th>ZIP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Adam Porter</td>
<td>8 Topper Dr</td>
<td>Bellingham, WA</td>
<td>98226</td>
<td></td>
</tr>
<tr>
<td>Tim Morse</td>
<td>4086 Cedar Brook ct</td>
<td>Bellingham, WA</td>
<td>98229</td>
<td></td>
</tr>
<tr>
<td>Andrew Fletcher-Love</td>
<td>1338 Grant St</td>
<td>Bham, WA</td>
<td>98225</td>
<td></td>
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<tr>
<td>Robyn Arbogast</td>
<td>3614 Ruslay Ct</td>
<td>Bham, WA</td>
<td>98225</td>
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<tr>
<td>Nikolas Alexander</td>
<td>3785 Magnolia Rd</td>
<td>Bham, WA</td>
<td>98226</td>
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<tr>
<td>Eli Mackiewicz</td>
<td>1574 J St.</td>
<td>Bellingham, WA</td>
<td>98225</td>
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<tr>
<td>Kenny Eastwood</td>
<td>2417 Ellis St</td>
<td>Bellingham, WA</td>
<td>98225</td>
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<tr>
<td>Doug Stank</td>
<td>2813 Birchwood St</td>
<td>Bham, WA</td>
<td>98225</td>
<td></td>
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<tr>
<td>Rebecca L Fager</td>
<td>422 Sudden Vi Dr</td>
<td>Bham, WA</td>
<td>98229</td>
<td></td>
</tr>
<tr>
<td>Mike Brown</td>
<td>2001 Alaskan Ave</td>
<td>Bellingham, WA</td>
<td>98225</td>
<td></td>
</tr>
</tbody>
</table>
WHATCOM COUNTY COUNCIL AGENDA BILL

CLEARANCES | Initial | Date | Date Received in Council Office | Agenda Date | Assigned to:
--- | --- | --- | --- | --- | ---
Division Head: |  |  |  |  | 
Dept. Head: |  |  |  |  | 
Prosecutor: |  |  |  |  | 
Purchasing/Budget: |  |  |  |  | 
Executive: |  |  |  |  | 

TITLE OF DOCUMENT: Appointments to the Whatcom County Public Defense Advisory Committee

ATTACHMENTS: Memorandum regarding appointments; Application for Reappointment

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

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

County Executive Jack Louws requests confirmation of his reappointment of Raymond Baribeau, and confirmation of the designation of Kristin Hanna as Bar Association representative for a first term, to the Whatcom County Public Defense Advisory Committee.

COMMITTEE ACTION:

COUNCIL ACTION:

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

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

To: Jack Louws, County Executive
   Whatcom County Councilmembers
From: Suzanne Mildner, Administrative Secretary
Subject: Public Defense Advisory Committee – Appointments
Date: May 31, 2017

Whatcom County Code Chapter 2.09.090 established the Whatcom County Public Defense Advisory Committee. Subsection C requires that there be "one appointee [to the committee] by the Whatcom County Bar Association from its membership, not connected with the office of the prosecuting attorney, the office of the public defender, or with any conflict of interest cases from the assigned counsel office of Whatcom County;" This position has a two-year term commitment, with a limit of two consecutive full terms.

I have been in contact with the current President of the Whatcom County Bar Association, Mr. David Brown, and he has confirmed by email that the Bar Association decided on appointing Ms. Kristin Hanna, Attorney, as their representative.

Following Council confirmation of this new representative as well as your reappointment of Mr. Ray Baribeau, the slate of members for the Public Defense Advisory Committee will be as follows:

<table>
<thead>
<tr>
<th>Position</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>County Council Representative</td>
<td>Barbara Brenner</td>
</tr>
<tr>
<td>District Court Appointee</td>
<td>Judge Matt Elich</td>
</tr>
<tr>
<td>Superior Court Appointee</td>
<td>Judge Ira Uhrig</td>
</tr>
<tr>
<td>Bar Association Representative</td>
<td>Kristin Hanna, Attorney</td>
</tr>
<tr>
<td>County Executive Appointee</td>
<td>Ray Baribeau</td>
</tr>
</tbody>
</table>

/sm
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: RAYMOND D. BARI BEAU
Street Address: 4511 GLEN MEADOWS PL.
City: BELLINGHAM, WA
Mailing Address (if different from street address): 
Day Telephone: 360-752-1712 Evening Telephone: same
Cell Phone: 360-722-1606
E-mail address: ray-bari-beau@q.com

1. Name of board or committee—please see reverse: PUBLIC DEFENSE ADVISORY CHT.
   County Executive appointee.
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: 1 FEB 2015 to 31 JAN 2017
8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County? ☑️ yes ( ) no
   If yes, please explain:
9. Have you declared candidacy (as defined by RCW 42.17A.055, see instructions) for a paid elected office in any jurisdiction within the county? ☑️ yes ☑️ no
   You may attach a résumé or detailed summary of experience, qualifications, & interest in response to the following questions.
10. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education. see prior application
11. Please describe why you’re interested in serving on this board or commission: As requested by Executive Jack Louws

References (please include daytime telephone number): see prior application

Signature of applicant: R.D. Baribeau

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: Raymond D. Baribeau  Date: 4 Mar 2015
Street Address: 4511 Glen Meadows Pkwy
City: Bellingham, WA  Zip Code: 98226
Mailing Address (if different from street address): ________________________________
Day Telephone: 360-752-1712  Evening Telephone: same  Cell Phone: 360-722-1606
E-mail address: ray_baribeau@q.com

1. Name of board or committee—please see reverse: ________________________________
   Public Defense Advisory Committee

2. You must specify which position you are applying for. Please refer to vacancy list.
   Public Defense Advisory Committee, Member

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.
   Retired: Field Sales Engineer; Hewlett Packard; then Agilent Technologies.
   13 Year Volunteer with Whatcom County Jail Ministries.
   BSEE Purdue University

10. Please describe why you're interested in serving on this board or commission: ______
    With my awareness of the W.C. criminal justice system and the need for and
    value of the Public Defender's Office, I feel I can make a contribution to this committee.

References (please include daytime telephone number): Sheriff Bill Elfo, 360-410-0466
   Jail Chief Wendy Jones, 676-6848 # 50470

Signature of applicant: __________________________________________________________

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available to the County Council, County Executive, and the public. All board and commission members are
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expectations may result in revocation of appointment and removal from the appointive position.
<table>
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<tr>
<th>CLEARANCES</th>
<th>Initial</th>
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<td>06/13/17</td>
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<td>Purchasing/Budget</td>
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</table>

**TITLE OF DOCUMENT:** Ordinance authorizing a ballot proposition to authorize a sales and use tax for jail facilities

**ATTACHMENTS:**
- Memo
- Ordinance

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

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

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

An Ordinance providing for submission to the qualified voters of the county a proposition authorizing a local sales and use tax of two tenths of one percent for the purpose of providing funds for costs associated with construction, maintenance, and operation of jail facilities, including adult correctional, medical and behavioral health facilities and programs, and for other public safety purposes, all pursuant to RCW 82.14.450

**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).
MEMO:

TO: Whatcom County Council  
DATE: June 6, 2017  
FROM: Jack Louws, County Executive  
RE: Ordinance to Submit to the Voters a Ballot Proposition Authorizing a Sales and Use Tax for a New Jail.

Background and Purpose:

Over the last couple of years, we have made strides to find consensus on a new jail use agreement. At the last Council meeting, the Whatcom County Council took another major step in this process and approved and authorized my signature on the Jail Facility Finance and Use Agreement (JFFUA) and authorized distribution to the Cities for their consideration.

I have asked the Cities to present to their respective Councils and seek approval of the JFFUA. As of the date of this memo, Ferndale and Lynden have ratified the agreement and Bellingham postponed action until after the June 13th Whatcom County Council public hearing. I expect that all of the cities will be take action on the JFFUA prior to June 30th, 2017.

Enclosed is the ordinance to place the ballot measure on the November General Election for your consideration.

Requested Action:

June 13th, 2017: Introduction of ordinance

June 27th, 2017: Authorize the ballot proposition for a two-tenths of one percent sales and use tax for the construction, maintenance, and operation of jail facilities, including adult correctional, medical and behavioral health facilities and programs, and for other public safety purposes, all pursuant to RCW 82.14.450.

I thank you in advance for your consideration of this important work to establish funding for the new countywide jail.
ORDINANCE NO. 2017-___

AN ORDINANCE OF THE COUNTY COUNCIL OF WHATCOM COUNTY, WASHINGTON, PROVIDING FOR SUBMISSION TO THE QUALIFIED VOTERS OF THE COUNTY A PROPOSITION AUTHORIZING A LOCAL SALES AND USE TAX OF TWO TENTHS OF ONE PERCENT FOR THE PURPOSE OF PROVIDING FUNDS FOR COSTS ASSOCIATED WITH FINANCING, CONSTRUCTION, MAINTENANCE, AND OPERATION OF JAIL FACILITIES, AND FOR ADULT CORRECTIONS PROGRAMS INCLUDING MEDICAL AND BEHAVIORAL HEALTH FACILITIES AND PROGRAMS, AND FOR OTHER PUBLIC SAFETY PURPOSES, ALL PURSUANT TO RCW 82.14.450

WHEREAS, ensuring the protection and safety of the residents of Whatcom County is an essential priority; and

WHEREAS, the Whatcom County Council has determined that the present county-wide jail facilities on Prospect Street and an interim jail on Division Street in Bellingham, which are owned, operated and maintained by Whatcom County, do not meet existing and future County and cities' inmate incarceration needs; and

WHEREAS, the health, welfare and safety of the residents and businesses of Whatcom County necessitate that the County provide replacement jail facilities; and

WHEREAS, the health and safety of jail inmates and the safety of the County jail staff necessitate that the County provide new jail facilities that are consolidated; and

WHEREAS, the Whatcom County Jail Planning Task Force has recognized the need and recommended to replace the existing County Jail, the Whatcom County Jail Stakeholders Workgroup unanimously recommended to the Whatcom County Council the financial agreement needed to develop the funding mechanism and cost-sharing allocation to build a new jail, and the County Sheriff and the County Executive have collectively submitted a recommended plan for the building and operation of a new County jail located on LaBounty Road in Ferndale; and

WHEREAS, the new jail will include jail housing, booking and administration facilities, expanded medical and behavioral health facilities and jail alternative programming space to serve the needs of the community for the foreseeable future; and
WHEREAS, in order to provide funding for costs associated with financing, construction, maintenance, and operation of jail facilities, and for adult corrections programs, including medical and behavioral health facilities and programs, it is deemed necessary and advisable for Whatcom County to submit a ballot proposition to the voters for authorization to impose an additional local sales and use tax of two tenths of one percent \((0.002 -- 20\text{ cents for every } $100)\), as authorized by RCW 82.14.450; and

WHEREAS, the Whatcom County Council, pursuant to the passage of Resolution 2017- 031, has authorized and approved the Whatcom County Executive to enter into long-term agreements in the form of the Jail Facility Financing and Use Agreement (JFFUA), with the Whatcom County cities to share in the costs of the construction and ongoing operating costs of a new jail and jail-related facilities that serve the future needs of their city and county inmates with the proceeds of a sales and use tax; and

WHEREAS, following passage of a voter-approved proposition for a sales and use tax and signing of the JFFUA, the County will issue general obligation bonds for the construction costs of the new jail and the Whatcom County cities will pay capital payments commensurate with those outlined in the JFFUA; and

WHEREAS, as soon as practical after December 31, 2048, or when the total capital cost of the new jail has been paid for by all the Cities and County, whichever occurs earlier, the Cities and County have agreed that collection of one half of the two tenths of one percent \((0.001)\) of the sales and use tax shall expire;

NOW, THEREFORE, BE IT ORDAINED that:

Section 1. a ballot proposition shall be submitted to the qualified voters of the County pursuant to RCW 82.14.450 to authorize the County Council to fix and impose a local sales and use tax of two tenths of one percent \((0.002 -- 20\text{ cents for every } $100)\) to provide funding for costs associated with construction, maintenance, and operation of jail facilities, and for adult corrections programs including medical and behavioral health facilities and programs, and for other public safety purposes; and

Section 2. that the County Executive is hereby authorized and requested to initiate the appropriate action necessary to ensure that a proposition in substantially the following form be submitted to the voters of Whatcom County:
WHATCOM COUNTY, WASHINGTON

PROPOSITION NUMBER 2017-_______

NEW JAIL FACILITIES SALES AND USE TAX

The Whatcom County Council passed Ordinance 2017-_______ concerning a proposition to authorize a sales and use tax for jail facilities. This proposition would authorize a sales and use tax of two tenths of one percent (0.002) for costs associated with construction, maintenance, and operation of jail facilities, including adult correctional, medical and behavioral health facilities and programs, and for other public safety purposes, as authorized by RCW 82.14.450. Half of this tax (0.001) will expire upon repayment of the total capital cost of jail facilities, or December 31, 2048, whichever occurs first. Should this proposition be:

______ Approved

______ Rejected

Section 3, that the County Auditor shall cause notice of the proposed proposition to be published in accordance with the state constitution and general law, and shall place the proposed proposition upon the ballot of the county-wide general election to be held on November 7, 2017.

ADOPTED this ______ day of ______________, 2017.

ATTEST:

WHATCOM COUNTY COUNCIL

WHATCOM COUNTY, WASHINGTON

______________________________
Dana Brown-Davis, Clerk of the Council

______________________________
Barry Buchanan, Council Chair

APPROVED AS TO FORM:

______________________________
Jack Louws, County Executive

Date ( ) Approved ( ) Denied
WHATCOM COUNTY COUNCIL AGENDA BILL

CLEARANCES

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TITLE OF DOCUMENT:
An Ordinance Regarding Establishment of Speed Limits on portions of North Shore Road

ATTACHMENTS:
1. Memo to County Executive and County Council
2. Vicinity Map
3. Petition to Reduce Speed
4. Speed Limit Ordinance

SEPA review required? ( ) Yes ( X ) NO
SEPA review completed? ( ) Yes ( X ) NO
Should Clerk schedule a hearing? ( X ) Yes ( ) NO
Requested Date: 6/13/2017

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.)

To comply with RCW 46.61.415, at the direction of the County Council, it is found necessary and expedient to modify speed limits on portions of North Shore Road

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, County Executive, and
Honorable Members of the Whatcom County Council

Through: Jon Hutchings, Director

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

Date: May 31, 2017

Re: Ordinance Regarding Change of Speed Limits for North Shore Road

Requested Action:
Adoption of an ordinance to lower the speed limit on portion of North Shore Road from 40 mph to 35 mph.

Background and Purpose:
North Shore area residents have submitted a petition to lower the speed limit on a portion of North Shore Road east of Y Road from the existing 40MPH to 30MPH (see attached).

The Public Works Department supports a speed limit reduction and would like to keep the speed limits consistent in the area. The speed limit on North Shore Road from the Bellingham City limits to Y Road is 35MPH. To be consistent we recommend the speed limit be changed to 35MPH from Y Road to the east end of North Shore Road.
May 2, 2017

Joe Rutan
County Engineer/Assistant Director
Whatcom County Public Works
322 N Commercial Street, Ste 210
Bellingham, WA 98225

Re: Northshore Road speed limit reduction

Dear Mr. Rutan,

As a concerned resident of Northshore Road I respectfully submit the attached petition for your consideration. The petition, signed by local residents and Lake Whatcom trail-goers, seeks to reduce the speed limit on Northshore Road from 40 mph to 30 mph from the Y Road intersection to the end of Northshore Road due to safety concerns (please see attachment).

This 2.6 mile portion of Northshore Road has approximately 135 homes and is the only section of the road that is posted at 40 mph. From the 2700 block to the end of Northshore Road, almost half of these residents (61) must cross the road to access the waterfront. Recognizing that varying speed limits on the same roadway may cause confusion, this petition seeks to reduce the speed limit for the final portion of a dead-end road and would therefore not create that issue.

Lake Whatcom and the Ken Hertz Trail are beautiful and unique resources that should be available and enjoyed by all citizens. It is neither my intention, nor the neighbors’, nor the trail-goers who signed the petition to limit access or stifle the development of the park in any way.

However, it is our intention seek a permanent decrease in the speed limit to better handle the current and steadily increasing traffic flow to ensure reasonable safety for all residents and users of Northshore Road and to avoid potential accidents.

I appreciate your time and look forwarding to hearing from you. Thank you for your consideration.

Sincerely,

Julie Elsbree
2970 Northshore Road
360-319-5683

Attachments
Northshore Road safety concerns – list
Signed petition (2 pages)
Northshore Road safety concerns
Attachment to petition to reduce speed limit

- Residents must cross Northshore Road in order to access the waterfront
- Numerous users; runners, walkers, bicyclists, pets, wildlife and Ken Hertz park-goers compete for space on a road with minimal or no shoulders
- Vehicles pulling out onto Northshore Road, experience in some cases, very limited site distance requiring entry into fast-moving traffic
- Use of Lake Whatcom and the Ken Hertz Trail continues to grow (2014 >44,000 visitors annually; 2015>54,000 visitors)*
- Whatcom Park Recreation Trail Plan increased Lake Whatcom Park by 4,593 acres; visitor use at full build-out is projected to be 100,000 annually*
- Use of the park, and thus traffic, is anticipated to continue to grow regardless of trail development due to a local shortage of publically accessible freshwater shoreline*

* Source - Whatcom County Parks & Recreation/Trail Plan-Lookout Mountain Forest Preserve and Lake Whatcom Park Recreational Trail Plan, June 2016
We, the undersigned, petition Whatcom County to reduce the speed limit from 40 mph to 30 mph on Northshore Road from the Y Road intersection to the end of Northshore Road because of safety concerns described as follows:

1) The numerous users of Northshore Road; runners, walkers, bicyclists, pets, wildlife and Lake Whatcom Park-goers with watercraft and/or bicycles compete for space on a road with minimal shoulders and in some cases, no shoulder at all.

2) Almost half of the ~135 residents from the Y Road intersection to the end of Northshore Road have parcels that are split by Northshore Road requiring pedestrian crossing of Northshore Road to access waterfronts. Unfortunately, this the only portion of Northshore Road that is 40 mph.

3) Vehicle entry onto Northshore Road is sometimes challenging because of limited sight distance and the need to merge with vehicles traveling at a higher rate of speed.

4) Use of Lake Whatcom Park and the easily accessible Hertz Trail continues to grow (2014 >44,000 visitors annually; 2015 > 54,000 visitors).*

5) Whatcom County’s approval of the Lake Whatcom Park Recreational Trail Plan increased Lake Whatcom Park by 4,593 acres; originally ~200 acres. Visitor use at full build-out is projected to be 100,000 annually.*

6) Use of Lake Whatcom Park is anticipated to continue to grow regardless of trail development due to a local shortage of publically accessible freshwater shoreline.*

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<tr>
<th>Name (please print):</th>
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<tbody>
<tr>
<td>Randy Elsbree</td>
<td></td>
<td>2970 Northshore Rd, Bham 98226</td>
</tr>
<tr>
<td>Julie Elsbree</td>
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<td>2970 Northshore Rd, Bham 98226</td>
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<tr>
<td>Dwight Ottewaller</td>
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<td>2000 3rd Ave, 98204</td>
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<tr>
<td>Casey Hensley</td>
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<td>2330 King St. 98225</td>
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<td>Kayla Peter</td>
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<td>410 E Magnolia St, 98225</td>
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<tr>
<td>Kevin McCraney</td>
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<td>Richard Vanderweyden</td>
<td></td>
<td>22 Magnolia Dr, Unit 1, Bellingham 98229</td>
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<tr>
<td>Jane Vanderweyden</td>
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<td>Molly Denis</td>
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<td>Mark Daniels</td>
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<td>Hardy VanGoeller</td>
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<td>Nichan VanGoeller</td>
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<tr>
<td>Jessica Liott</td>
<td></td>
<td>830 Kenwood Way, Lynnwood, WA 98260</td>
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<tr>
<td>Jeffery Johnson</td>
<td></td>
<td>431 31st St Bellingham</td>
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<tr>
<td>Patrick Arndville</td>
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<td>3412 Indigo Ct, Bellingham</td>
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* Whatcom County Parks & Recreation/Trail Plan - Lookout Mountain Forest Preserve and Lake Whatcom Park Recreational Trail Plan, June 2016
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5) Use of Lake Whatcom County's approval of the Lake Whatcom Park Recreational Trail Plan increased Lake Whatcom Park by 4,593 acres; originally ~200 acres. Visitor use at full build-out is projected to be 100,000 annually.*

6) Use of Lake Whatcom Park is anticipated to continue to grow regardless of trail development due to a local shortage of publically accessible freshwater shoreline.*

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<tr>
<td>16 Mia Prevelink</td>
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<tr>
<td>17 Kyle Dett</td>
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<td>31 Little Strawberry St, Bellingham, WA 98229</td>
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<td>18 Stacia Dahl</td>
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<td>19 Katelynn Manz</td>
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<td>21 Michelle Bower</td>
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<td>27 Audrey Halverson</td>
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<td>28 Erica Duxbury</td>
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* Source-Whatcom County Parks & Recreation/Trail Plan - Lookout Mountain Forest Preserve and Lake Whatcom Park Recreational Trail Plan, June 2016
ORDINANCE NO.
AN ORDINANCE REGARDING ESTABLISHMENT OF SPEED LIMIT
ON A PORTION OF NORTH SHORE ROAD

WHEREAS, the Whatcom County Council is authorized under RCW 46.61.415 to establish speed limits on certain County roads; and

WHEREAS, a request to lower the speed limit on North Shore Road by local residents; and

WHEREAS, the County Road Engineer has agreed that it is necessary to formally establish a new speed limit on Marine Drive; and

NOW, THEREFORE, BE IT ORDAINED that a speed limit be set and posted at 35 miles per hour at the following locations:

On North Shore Road, from the intersections of Y Road to the east end of the road.

BE IT FURTHER ORDAINED that the County Engineer is hereby directed to post the appropriate signs and that the Whatcom County Sheriff and the Washington State Patrol be notified by a copy of this ordinance.

Provisions of this ordinance are hereby added to Whatcom County Code, Section 10.04. ADOPTED this ___ day of ___, 2017.

ATTEST:
WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk
Barry Buchanan, Council Chair

APPROVED AS TO FORM:
( ) Approved ( ) Denied

Daniel L. Gilson
Civil Deputy Prosecutor
Jack Louws, Executive

Date:
## WHATCOM COUNTY COUNCIL AGENDA BILL

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**TITLE OF DOCUMENT:** 2017 Supplemental Budget Request #6

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

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

Supplemental #6 requests funding from the General Fund:

1. To move $1,026,223 out of Non-Departmental wage and benefit reserves and distribute to all General Fund departments in accordance with 2017 wage settlements and benefit adjustments.
2. To appropriate $70,000 in Non-Departmental to fund E911 Equipment from pass through grant proceeds.
3. To appropriate $14,475 in Health to fund HPV project activities from donation proceeds.
4. To appropriate $176,000 in Health to fund regional youth marijuana prevention and education activities from grant proceeds.
   From the Whatcom County Jail Fund:
5. To appropriate $140,319 to fund wage and benefit settlement.
   From the Behavioral Health Fund:
6. To appropriate $1,333 in Drug Court to fund wage and benefit settlement.
   From the Whatcom County Convention Center Fund:
7. To appropriate $18,600 to fund Tourism Wayfinding Project.
   From the Auditor’s O&M Fund:
8. To appropriate $76,838 to fund additional staff support for historical records indexing project.
   From the Emergency Management Fund:
9. To appropriate $55,524 in the Division of Emergency Management to fund Whatcom Unified Emergency Coordination Center enhancements from donation proceeds.
10. To appropriate $6,000 in the Division of Emergency Management to fund additional Community Response Team classes from fee revenues
    From the Ferry Fund:
11. To appropriate $13,427 to fund wage and benefit settlement.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

---

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

268
ORDINANCE NO.
AMENDMENT NO. 6 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:

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<td>(32,026)</td>
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<td>-</td>
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<td>(354,025)</td>
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In Addition, Exhibit C Authorized Positions in the 2017-2018 Budget Ordinance should be amended to provide for the following FTE change:

- Add 1 FTE Program Specialist in Health

**ADOPTED** this ____ day of __________________, 2017.

**ATTEST:**

Dana Brown-Davis, Council Clerk  
Barry Buchanan, Chair of the Council

**APPROVED AS TO FORM:**

( ) Approved  ( ) Denied

Civil Deputy Prosecutor  
Jack Louws, County Executive

Date: ___________________________
## Summary of the 2017 Supplemental Budget Ordinance No. 6

<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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<td>(1,026,223)</td>
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<td>-</td>
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<td>Prosecuting Attorney</td>
<td>To fund 2017 wage and benefit settlement.</td>
<td>50,026</td>
<td>-</td>
<td>50,026</td>
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<td>Public Defender</td>
<td>To fund 2017 wage and benefit settlement.</td>
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<tr>
<td>Sheriff</td>
<td>To fund 2017 wage and benefit settlement.</td>
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<td>-</td>
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<tr>
<td>Superior Court - Clerk</td>
<td>To fund 2017 wage and benefit settlement.</td>
<td>27,775</td>
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<td>Superior Court - Administration</td>
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<td>-</td>
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<tr>
<td><strong>Total General Fund</strong></td>
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<td>260,475</td>
<td>(292,501)</td>
<td>(32,026)</td>
</tr>
<tr>
<td>Whatcom County Jail Fund</td>
<td>To fund 2017 wage and benefit settlement.</td>
<td>140,319</td>
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<td>Behavioral Health Fund - Drug Court</td>
<td>To fund 2017 wage and benefit settlement.</td>
<td>1,333</td>
<td>-</td>
<td>1,333</td>
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<td>Whatcom County Convention Center Fund</td>
<td>To fund Tourism Wayfinding Project.</td>
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<td>Emergency Management Fund</td>
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<td>Division of Emergency Management</td>
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<tr>
<td>Ferry Fund</td>
<td>To fund 2017 wage and benefit settlement.</td>
<td>13,427</td>
<td>-</td>
<td>13,427</td>
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<tr>
<td><strong>Total Supplemental</strong></td>
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<td>572,516</td>
<td>(354,025)</td>
<td>218,491</td>
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Supplemental Budget Request

Non-Departmental

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<th>Originator</th>
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<td>M Caldwell</td>
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Expenditure Type: One-Time  Year: 2017  Add'l FTE: No  Add'l Space: No  Priority: 1

Name of Request: Distribute General Fund wage reserve

X

Department Head Signature (Required on Hard Copy Submission)

Date: 6/16/17

Costs:

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<th>Object</th>
<th>Object Description</th>
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<td>6110</td>
<td>Regular Salaries &amp; Wages</td>
<td>($1,026,223)</td>
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Request Total: ($1,026,223)

1a. Description of request:
Distribute 2017 General Fund wage settlements for Unreps, Teamsters, Local 17 and WSNA to all General Fund departments from Non Departmental wage settlement reserve.

1b. Primary customers:

2. Problem to be solved:

3a. Options / Advantages:

3b. Cost savings:

4a. Outcomes:

4b. Measures:

5a. Other Departments/Agencies:

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

6. Funding Source:
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<th>6245</th>
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MEMORANDUM

To: Whatcom County Executive Jack Louws and
Whatcom County Council Members

From: Suzanne Mildner, Grant Coordinator

Subject: Supplemental Budget Request for E911 funding (Pass through Grant to What-Comm)

Date: May 23, 2017

The County is in the process of entering into a subrecipient agreement with the City of Bellingham to facilitate a pass-through grant from The Washington State Military Department. The grant funding is for FY2016-17 Emergency 911 equipment expenses for What-Comm Communications.

The State Military Department recently identified some funding for partial reimbursement of the new CPE (911 phone) system, which was installed last year at What-Comm Communications. The grant contract period is July 2015 through August 2017, for a total of $70,000. The execution of the Subrecipient Agreement will be contingent upon your approval of this budget authority. Accordingly, we are requesting approval for supplemental funding in the amount of $70,000 to support 911 operations at What-Comm Communications.
Supplemental Budget Request

Executive

SuppID # 2308  Fund 1  Cost Center 4282  Originator: Suzanne Mildner

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

Name of Request: What-Comm E911 Equipment Grant FY2016-17

Department Head Signature (Required on Hard Copy Submission)

X

Date 5.24.17

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1a. Description of request:
This is a state-funded pass through grant from the Washington State Military Department to partially reimburse the What-Comm Communications Center for the cost of capital equipment purchase (a new 911 phone system).

1b. Primary customers:
What-Comm Communications Center, City of Bellingham, Whatcom County

2. Problem to be solved:
A new CPE (911 phone system) was purchased and installed by What-Comm in 2016, and at that time there was no state funding available to assist with payment. Just recently the State identified available funding to reimburse part of the CPE cost. What-Comm can access this funding through the local county government.

3a. Options / Advantages:
This intergovernmental grant agreement is a vehicle for accessing this fund source. The acceptance of these grant funds ultimately reduces the cost to the community for 911 services.

3b. Cost savings:
N/A

4a. Outcomes:
911 services cost reductions for our community due to state subsidies

4b. Measures:
The project is already complete with new and improved 911 service equipment.

5a. Other Departments/Agencies:
What-Comm Communications Center, City of Bellingham

5b. Name the person in charge of implementation and what they are responsible for:
Greg Erickson, E911 Coordinator

6. Funding Source:
Washington State Military Department
**Supplemental Budget Request**

**Status:** Pending

**Assessor**

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

**Name of Request:** Record Assessor 2017 wage & benefit settlement

---

**Department Head Signature (Required on Hard Copy Submission)**

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**Costs:**

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**Request Total**  

$60,897

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1a. **Description of request:**

1b. **Primary customers:**

2. **Problem to be solved:**

3a. **Options / Advantages:**

3b. **Cost savings:**

4a. **Outcomes:**

4b. **Measures:**

5a. **Other Departments/Agencies:**

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

6. **Funding Source:**
**Supplemental Budget Request**

**Auditor**

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**Name of Request:** Record Auditor 2017 wage & benefit settlement

**Department Head Signature (Required on Hard Copy Submission)**

**Costs:**

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**Request Total**

$25,609

1a. Description of request:

1b. Primary customers:

2. Problem to be solved:

3a. Options / Advantages:

3b. Cost savings:

4a. Outcomes:

4b. Measures:

5a. Other Departments/Agencies:

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

6. Funding Source:
Supplemental Budget Request

Status: Pending

Council

Suppl ID # 2279 | Fund 1 | Cost Center 1100 | Originator: M Caldwell

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

Name of Request: Record Council 2017 wage & benefit settlement

X

Department Head Signature (Required on Hard Copy Submission) | Date

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Request Total | $40,732

1a. Description of request:

1b. Primary customers:

2. Problem to be solved:

3a. Options / Advantages:

3b. Cost savings:

4a. Outcomes:

4b. Measures:

5a. Other Departments/ Agencies:

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

6. Funding Source:
Supplemental Budget Request

District Court

Suppl ID # 2280  Fund 1  Cost Center 1300  Originator: M Caldwell

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

Name of Request: Record District Ct 2017 wage & benefit settlement

X

Department Head Signature (Required on Hard Copy Submission)  Date

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Request Total  $35,206

1a. Description of request:

1b. Primary customers:

2. Problem to be solved:

3a. Options / Advantages:

3b. Cost savings:

4a. Outcomes:

4b. Measures:

5a. Other Departments/Agencies:

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

6. Funding Source:
Supplemental Budget Request

District Court Probation

SuppID # 2281  Fund 1  Cost Center 1310  Originator: M Caldwell

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

Name of Request: Record Probation 2017 wage & benefit settlement

X

Department Head Signature (Required on Hard Copy Submission)  Date

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Request Total  $59,072

1a. Description of request:

1b. Primary customers:

2. Problem to be solved:

3a. Options / Advantages:

3b. Cost savings:

4a. Outcomes:

4b. Measures:

5a. Other Departments/Agencies:

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

6. Funding Source:
Supplemental Budget Request

Executive

Suppl ID # 2282  Fund 1  Cost Center 1200  Originator: M Caldwell

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

Name of Request: Record Executive 2017 wage & benefit settlement

X

Department Head Signature (Required on Hard Copy Submission)  Date

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1a. Description of request:

1b. Primary customers:

2. Problem to be solved:

3a. Options / Advantages:

3b. Cost savings:

4a. Outcomes:

4b. Measures:

5a. Other Departments/Agencies:

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

6. Funding Source:
Supplemental Budget Request

WSU Extension

Suppl ID # 2283 Fund 1 Cost Center 2000 Originator: M Caldwell

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

Name of Request: Record Extension 2017 wage & benefit settlement

X

Department Head Signature (Required on Hard Copy Submission) Date

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Request Total $4,479

1a. Description of request:

1b. Primary customers:

2. Problem to be solved:

3a. Options / Advantages:

3b. Cost savings:

4a. Outcomes:

4b. Measures:

5a. Other Departments/Agencies:

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

6. Funding Source:

Friday, May 12, 2017
Supplemental Budget Request

Health

Fund 1  Cost Center  Originator: M Caldwell

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

Name of Request: Record Health 2017 wage & benefit settlement

X

Department Head Signature (Required on Hard Copy Submission)

Date

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1a. Description of request:

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2. Problem to be solved:

3a. Options / Advantages:

3b. Cost savings:

4a. Outcomes:

4b. Measures:

5a. Other Departments/Agencies:

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

6. Funding Source:

Monday, June 05, 2017

Rpt: Rpt Suppl Regular
Supplemental Budget Request

Status: Pending

Health

Communicable Disease & Epidemiology

Suppl ID # 2304 | 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: Group Health HPV Grant

✓ Rega □

Department Head Signature (Required on Hard Copy Submission) Date: 5/30/17

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Request Total ($2,880)

1a. Description of request:

This is the balance remaining on the $45,000 award from Group Health Foundation for the HPV project. The project was started in 2016 but did not complete by the end of 2016. This is the remaining portion after 2016 expenses.

The HPV 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 health care 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.
Supplemental Budget Request

Status: Pending

<table>
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<tr>
<td>Suppl ID # 2304</td>
<td>Fund 1</td>
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"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 active men and women will get HPV at some point in their lives. Almost 50% of new infections occur in women ages 15-24. There are more than 150 strains of HPV, and while most cases of HPV infection usually resolve on their own, there are more than 40 strains that can cause cancer. In particular, HPV is related to almost 100% of cervical cancer cases, with two strains (16 and 18) related to approximately 70% of cervical cancer cases. While cervical cancer is the main concern with HPV, the infection affects both women and men and is also known to cause oral, anal, vulvar, vaginal and penile cancers, as well as genital warts. "http://kff.org/womens-health-policy/fact-sheet/the-hpv-vaccine-access-and-use-in/

3b. Cost savings:

Financial issues can play an important role in whether or not women are screened for cervical cancer. Women with lower incomes and those without health insurance are less likely to be screened. Prevention of cervical cancer is possible through vaccination for HPV. To date, no study has reported on the cost of treating cervical cancer among Medicaid beneficiaries younger than 65 years of age. Administrative data from the North Carolina Medicaid program linked with cancer registry data were used to analyze total Medicaid costs for these patients and the incremental costs of cervical cancer care at 6 and 12 months from diagnosis. Total Medicaid costs at 6 months after diagnosis were $3,807, $23,187, $35,853, and $45,028 for in situ, local, regional, and distant cancers, respectively. The incremental cost of cancer treatment for local and regional cancers was $13,935 and $26,174 and by 12 months increased to $15,868 and $30,917, respectively." http://kff.org/womens-healthpolicy/ fact-sheet/the-hpv-vaccine-access-and-use-in/

4a. Outcomes:

1. Improve HPV immunization rates for qualified Whatcom County residents.
2. Utilize the following evidence based practice methods:
   * Education for clinic staff regarding HPV, WAIIS, and adolescent targeted motivational interviewing.
   * Employ electronic education methods, (i.e. electronic tablets) for adolescents/parents, clinic staff, school nurses and other partners.
   * Recall/reminder program as per WAIIS system
3. Reach out to adolescents and parents at back to school nights.
4. Utilize community partnerships to leverage resources and expertise to maximize the grant award in meeting mutual adolescent immunization goals, and create an infrastructure for future use in the Local Health Jurisdiction.

4b. Measures:

Data source: Washington State Immunization Information System
Comprehensive Clinic Assessment Software Application: CoCASA

5a. Other Departments/Agencies:

Within Reach
Immunity Community
School Nurses
Local Healthcare providers and clinic staff
Area nursing programs (BTC, WCC, WWU)

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

6. Funding Source:

Group Health Foundation grant
**Supplemental Budget Request**

**Health**

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**Community Health**

**Fund 1**

**Expenditure Type:** One-Time

**Year 1**

**Add'l FTE:** ✔

**Add'l Space:** ☐

**Priority:** 1

**Name of Request:** DOH DMJ Regional

**Department Head Signature:** [Signature]

**Date:** 5/30/17

**Costs:**

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**Request Total:** ($29,146)

1a. **Description of request:**

Tax revenue from the sale of cannabis and cannabis products will be utilized for the implementation of youth marijuana prevention and education efforts in Whatcom County and the North Sound ACH Region. Whatcom County will assume administrative responsibility for the regional efforts. The grant requires a full time equivalent regional coordinator to support the programming. Funding for the Coordinator is included in the grant. Programming will be developed and implemented utilizing promising and best practices that target the reduction and prevention of youth marijuana use.

1b. **Primary customers:**

Whatcom County youth and adults, and other Local Health Jurisdictions in the North Sound Region.

2. **Problem to be solved:**

The 2016 Healthy Youth Survey shows that about one in four 12th grade students in Washington reported using marijuana in the past month. About one in five 8th graders, one in three 10th graders, and nearly half of 12th graders surveyed perceived no/slight risk of regular use of marijuana. Services will be delivered to educate youth about the harms of marijuana, increase their perceived risk from use, and to decrease their potential use. Research indicates that youth marijuana use can negatively impact brain health and development.

3a. **Options / Advantages:**

This new funding will be used in the development, implementation, and evaluation of youth marijuana prevention and education activities. These resources can be aligned with other prevention funds to reach more individuals and maximize the benefits.

3b. **Cost savings:**
3b. **Cost savings:**
   Undetermined

4a. **Outcomes:**
   Increased community awareness about the impact marijuana use can have on youth.

4b. **Measures:**
   2018 Healthy Youth Survey data will provide comparative data on youth use of marijuana, as well as perception of harmfulness.

5a. **Other Departments/Agencies:**
   The Health Department will contract with other Local Health Jurisdictions in the region.

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

6. **Funding Source:**
   Washington State Department of Health - Consolidated Contract - Dedicated Marijuana Account Funds
Supplemental Budget Request

Hearing Examiner

Status: Pending

Suppl ID #: 2298
Fund: 1  Cost Center: 1600  Originator: M Caldwell

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

Name of Request: Record Hearing Ex. 2017 wage & benefit settlement

X

Department Head Signature (Required on Hard Copy Submission)  Date

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1a. Description of request:

1b. Primary customers:

2. Problem to be solved:

3a. Options / Advantages:

3b. Cost savings:

4a. Outcomes:

4b. Measures:

5a. Other Departments/Agencies:

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

6. Funding Source:
Supplemental Budget Request

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

Name of Request: Record Juvenile 2017 wage & benefit settlement

X

Department Head Signature (Required on Hard Copy Submission)

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1a. Description of request:

1b. Primary customers:

2. Problem to be solved:

3a. Options / Advantages:

3b. Cost savings:

4a. Outcomes:

4b. Measures:

5a. Other Departments/Agencies:

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

6. Funding Source:
# Supplemental Budget Request

**Parks & Recreation**

*Suppl ID # 2287*  
*Fund 1*  
*Cost Center*  
*Originator: M Caldwell*

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

**Name of Request:** Record Parks 2017 wage & benefit settlement

![Signature]

**Department Head Signature (Required on Hard Copy Submission)**  
**Date**

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**Request Total:** $71,750

1a. **Description of request:**

1b. **Primary customers:**

2. **Problem to be solved:**

3a. **Options / Advantages:**

3b. **Cost savings:**

4a. **Outcomes:**

4b. **Measures:**

5a. **Other Departments/Agencies:**

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

6. **Funding Source:**
Supplemental Budget Request

Status: Pending

Planning & Development Services  Administration

Suppl ID # 2288  Fund 1  Cost Center  Originator: M Caldwell

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

Name of Request: Record PDS 2017 wage & benefit settlement

X

Department Head Signature (Required on Hard Copy Submission)  Date

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Request Total  $116,351

1a. Description of request:

1b. Primary customers:

2. Problem to be solved:

3a. Options / Advantages:

3b. Cost savings:

4a. Outcomes:

4b. Measures:

5a. Other Departments/Agencies:

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

6. Funding Source:

Friday, May 12, 2017

Rpt: Rpt Suppl Regular
Supplemental Budget Request

Prosecuting Attorney

Supp'l ID #: 2289   Fund: 1   Cost Center:   Originator: M Caldwell

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

Name of Request: Record Pros Attny 2017 wage & benefit settlement

Department Head Signature (Required on Hard Copy Submission)

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Request Total: $50,026

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1b. Primary customers:

2. Problem to be solved:

3a. Options / Advantages:

3b. Cost savings:

4a. Outcomes:

4b. Measures:

5a. Other Departments/Agencies:

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

6. Funding Source:
Supplemental Budget Request

Status: Pending

Public Defender

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

**Name of Request:** Record Public Def. 2017 wage & benefit settlement

X

Department Head Signature (Required on Hard Copy Submission)  Date

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Request Total: $92,106

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1b. Primary customers:

2. Problem to be solved:

3a. Options / Advantages:

3b. Cost savings:

4a. Outcomes:

4b. Measures:

5a. Other Departments/Agencies:

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

6. Funding Source:

Friday, May 12, 2017  Rpt: Rpt Suppl Regular
Supplemental Budget Request

Sheriff Administration

Suppl' ID #: 2291 Fund 1 Cost Center Originator: M Caldwell

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

Name of Request: Record Sheriff 2017 wage & benefit settlement

X

Department Head Signature (Required on Hard Copy Submission) Date

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1a. Description of request:

1b. Primary customers:

2. Problem to be solved:

3a. Options / Advantages:

3b. Cost savings:

4a. Outcomes:

4b. Measures:

5a. Other Departments/Agencies:

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

6. Funding Source:

Monday, June 05, 2017
# Supplemental Budget Request

**Status:** Pending

**County Clerk**

<table>
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<th>Supp' ID #</th>
<th>Fund</th>
<th>Cost Center</th>
<th>Originator:</th>
<th>M Caldwell</th>
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**Expenditure Type:** One-Time  
**Year:** 2017  
**Add'l FTE:**  
**Add'l Space:**  
**Priority:** 1

**Name of Request:** Record Clerk 2017 wage & benefit settlement

**Department Head Signature (Required on Hard Copy Submission)**

---

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<th>Amount Requested</th>
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**Request Total:** $27,775

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1a. **Description of request:**

1b. **Primary customers:**

2. **Problem to be solved:**

3a. **Options / Advantages:**

3b. **Cost savings:**

4a. **Outcomes:**

4b. **Measures:**

5a. **Other Departments/Agencies:**

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

6. **Funding Source:**

---

*Friday, May 12, 2017*  
*Rpt: Rpt Suppl Regular*
Supplemental Budget Request  

Superior Court  

Suppl ID # 2293 | Fund 1 | Cost Center | Originator: M Caldwell  

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

Name of Request: Record Superior Ct 2017 wage & benefit settlement  

X  

Department Head Signature (Required on Hard Copy Submission)  
Date  

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2. Problem to be solved:  

3a. Options / Advantages:  

3b. Cost savings:  

4a. Outcomes:  

4b. Measures:  

5a. Other Departments/Agencies:  

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

6. Funding Source:  

Friday, May 12, 2017

Rpt: Rpt Suppl Regular

297
Supplemental Budget Request

Treasurer

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

Name of Request: Record Treasurer 2017 wage & benefit settlement

X

Department Head Signature (Required on Hard Copy Submission)  Date

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Request Total $20,297

1a. Description of request:

1b. Primary customers:

2. Problem to be solved:

3a. Options / Advantages:

3b. Cost savings:

4a. Outcomes:

4b. Measures:

5a. Other Departments/Agencies:

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

6. Funding Source:

Friday, May 12, 2017  Rpt: Rpt Suppl Regular
Supplemental Budget Request

Jail

Expenditure Type: One-Time

Name of Request: Increase for 2017 wage & benefit settlement

X

Department Head Signature (Required on Hard Copy Submission)

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1a. Description of request:

The original wage and benefit reserve adopted during the biennial budget process was $212,260. The actual wage and benefit settlement requires $352,579. Another $140,319 of budget authority is needed to adequately cover wage and medical insurance increases.

1b. Primary customers:

Jail staff

2. Problem to be solved:

3a. Options / Advantages:

3b. Cost savings:

4a. Outcomes:

4b. Measures:

5a. Other Departments/Agencies:

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

6. Funding Source:

Jail Fund balance
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<th>SocSec</th>
<th>MedIns</th>
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<th>SocSec</th>
<th>MedIns</th>
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| JAIL Total |       | 189,124  | 10,019 | 13,900 | 141,826 | (2,437) | 146  | 352,579 |

- Includes $300 clothing allowance for all deputies/officers
- Includes one-time $650 medical premium reimbursement payment for deputies.
Supplemental Budget Request

Supreme Court

Suppl ID # 2297  
Fund 124  
Cost Center 124200  
Originator: M Caldwell

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

Name of Request: Incr Drug Ct for 2017 wage & benefit settlement

X

Department Head Signature (Required on Hard Copy Submission)  

Costs:  

<table>
<thead>
<tr>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
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<td>Regular Salaries &amp; Wages</td>
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<td>$1,333</td>
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1a. Description of request:
Increase Drug Court cost center wage accounts to cover the difference between the already budgeted reserve amount and the actual 2017 wage and benefit settlements.

1b. Primary customers:

2. Problem to be solved:

3a. Options / Advantages:

3b. Cost savings:

4a. Outcomes:

4b. Measures:

5a. Other Departments/Agencies:

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

6. Funding Source:
Behavioral Health Fund
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<th>C.C. #</th>
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<td>4,283</td>
<td>(88)</td>
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</table>

Reserve    9,111
Shortfall  (1,333)
MEMORANDUM

TO: Jack Louws, Whatcom County Executive
   Whatcom County Council

FROM: Tawni Helms, Administrative Coordinator

DATE: May 9, 2017

SUBJECT: Tourism Wayfinding Project

Requested Action:
We are requesting Council consideration and approval of the attached 2017 budget supplemental to increase the Lodging Tax Fund expenditure authority in the amount of $18,600.

Background and Purpose:
On May 11, 2017, the Lodging Tax Advisory Committee unanimously recommended the Tourism Wayfinding Project funding application submitted by the Bellingham Whatcom County Tourism Bureau in the amount of $50,000. This project follows up on the 2015 Roger Brooks Visitor Assessment recommending the development of an improved countywide wayfinding system.

Part of the County Council approved 2017 Lodging Tax budget includes a 5% contingency in the amount of $31,400 to be used for mid-year Lodging Tax Advisory Committee approved Lodging Tax funding applications. This budget supplemental affords the additional $18,600 necessary to fulfill the $50,000 request. Both the County and Bellingham are contributing $50,000 in Lodging Tax Funds to the project.

Funding Amount and Source:
We are asking for an increase in 2017 expenditure authority in the amount of $18,600 from the Lodging Tax Fund.

Please contact Tawni Helms at extension 5208, if you have any questions or concerns regarding the terms of this agreement.
Supplemental Budget Request

Non-Departmental

Suppl ID # 2274  Fund 141  Cost Center  Originator: Tawni Helms

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

Name of Request: Tourism Wayfinding Project

Department Head Signature (Required on Hard Copy Submission)  Date

<table>
<thead>
<tr>
<th>Costs:</th>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
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<tbody>
<tr>
<td></td>
<td>6810</td>
<td>Contractual Services</td>
<td>$18,600</td>
</tr>
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</table>

1a. Description of request:
On May 11, 2017 the Whatcom County Lodging Tax Advisory Committee approved funding for the Wayfinding project proposal by the Bellingham Whatcom County Tourism Bureau. This project will follow up on the 2015 Roger Brooks Visitor Assessment that recommended the development of an improved countywide wayfinding system. "A good wayfinding system will educate residents and visitors about the assets Bellingham and Whatcom County have. It will increase local spending, overnight stays, and tourism revenues. When people can find their way to attractions, activities, amenities, and businesses, they will spend more money." ~Roger Brooks

1b. Primary customers:
Residents of and visitors to Whatcom County.

2. Problem to be solved:
The Roger Brooks Assessment identified several key areas where proper wayfinding and signage were needed. Adequate and robust signage helps to connect visitors to resources and amenities while creating a functional pathway for travelers. Wayfinding also provides support for tourism activities with clear signage that directs people to events and destinations.

3a. Options / Advantages:
The Lodging Tax account is a dedicated fund source to be used for tourism activities. Improved signage will help visitors and residents navigate the county more efficiently which improves the visitor and resident's experience.

3b. Cost savings:
N/A

4a. Outcomes:
Funding will provide for the development and coordination of a countywide wayfinding plan that includes gateways and entries into communities; attractions and activities; amenities like parking, restrooms, visitor information.

4b. Measures:
Improved signage will enhance visitor experience encouraging longer stays.

5a. Other Departments/Agencies:

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

6. Funding Source:
Lodging Tax Fund

Monday, May 15, 2017

Rpt: Rpt Suppl Regular
MEMORANDUM

To: Jack Louws, County Executive
   Members of County Council

From: Debbie Adelstein, Deputy Auditor

Date: May 17, 2017

Re: Budget Supplemental Request

Attached is a Budget Supplemental Request for 2017 to provide additional funding to the Historical Records Project being funded out of the Auditor’s O&M Fund. We had originally provided a lesser amount to utilize a couple of part-time extra help. But after additional consideration of the encouragement received from council members to go ahead with the project at a more rapid pace, we are requesting funding for two full-time “Temp with Benefits” as well as providing funding for existing staff in other divisions who have made time available to work on this project as well. The time they have spent outside their division on this project will be covered by these O&M funds.

I hereby request approval for these funds to be allocated accordingly.
Supplemental Budget Request

Status: Pending

Auditor

Suppl ID # 2276  Fund 166  Cost Center 16600  Originator: Debbie Adelstein

Expenditure Type: Ongoing  Year 1 2017  Add'l FTE ✓  Add'l Space ☐  Priority 1

Name of Request: Historical Records Project - Indexing

X

Department Head Signature (Required on Hard Copy Submission)  Date

Costs:

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<thead>
<tr>
<th>Object</th>
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<td>Worker's Comp-Interfund</td>
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<td>6269</td>
<td>Unemployment-Interfund</td>
<td>$55</td>
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</table>

Request Total: $76,838

1a. Description of request:
Providing staff support to index and research additional historical records to be brought online to the Auditor's recorded documents, including funding for cross-sharing of existing Auditor's staff members and temporary workers.

1b. Primary customers:
Whatcom County citizens, title companies and other researchers of Auditor's Property Records.

2. Problem to be solved:
In following suggestions by council members to speed up the process of making historical records available, we are requesting hiring two additional "temporary employees with benefits" who will be able to work full-time on records rather than part-time employees that have been utilized in the past. We will be able to import and deploy an increased number of documents. We also will cover cost of existing staff in other divisions of the Auditor's Office who will assist on the project when time allows.

3a. Options / Advantages:
We have been hiring two part-time workers but would like to consider having two full-time employees that can double the amount of work time on this project. Other department staff are being utilized to work on this project through cross-training as well. We are also covering the cost of employees in other divisions who are utilizing time from their current position to assist on this project.

3b. Cost savings:
There are no cost savings. It will enable us to get the project done.

4a. Outcomes:
Substantially more records being brought online each year.

4b. Measures:
Quantity of documents deployed. Metrics will be tracked by supervisor.

5a. Other Departments/Agencies:

Wednesday, May 17, 2017
Supplemental Budget Request

Auditor

<table>
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<tr>
<td>2276</td>
<td>166</td>
<td>16600</td>
<td>Debbie Adelstein</td>
</tr>
</tbody>
</table>

No.

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

None.

6. Funding Source:

166 - Auditor's O&M Fund
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 # 2307  
Whatcom Unified Emergency Coordination Center (WUECC) Projects  
Date: May 26, 2017

The attached Supplemental Budget Request seeks expenditure authority to proceed with various projects to enhance the capabilities of the Whatcom Unified Emergency Coordination Center (WUECC) to be funded by donations from WUECC’s private industry partners.

- 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. As the WUECC is used and after each exercise and disaster activation, WUECC partners discuss projects that could enhance and improve the WUECC infrastructure and operational capabilities.

WUECC partners have discussed and prioritized projects that will enhance the functionality of the WUECC. Projects include electrical, IT networking, and plumbing improvements, maintenance/repair/replacement of office equipment (printers, plotters, etc.), and general operational readiness equipment and supplies. This funding will also be used to cover the installation and configuration costs of a Situational Assessment Management System, the purchase of which was funded by a separate grant from Phillips 66.

- Funding Amount and Source  
$55,524, with donations from WUECC’s private industry partners.

Please contact John Gargett (778-7161, jgargett@co.whatcom.wa.us) or Frances Burkhart (778-7161, fburkhar@co.whatcom.wa.us) if you have any questions.
**Supplemental Budget Request**

**Sheriff**

**Emergency Management**

<table>
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<td>Frances Burkhart</td>
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**Expenditure Type:** One-Time  **Year:** 2017  **Add'l FTE** □  **Add'l Space** □  **Priority** 1

**Name of Request:** WUECC Projects

**Department Head Signature (Required on Hard Copy Submission)**

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<td>Tools &amp; Equip</td>
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<td>Contractual Services</td>
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<td>7410</td>
<td>Equipment-Capital Outlay</td>
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**Request Total:** $0

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1a. Description of request:

The Whatcom Unified Emergency Coordination Center (WUECC) is operated as a partnership between the City of Bellingham, the Port of Bellingham, and Whatcom County. In addition, members of the Whatcom County Emergency Management Council, first responder agencies, and private industry partners utilize the facility, enhancing interagency cooperation and coordination. The facility provides office space for the day-to-day running of both the Bellingham and Whatcom County emergency management programs, rooms for meetings and trainings with an emergency management nexus, equipment bays for response vehicles, and an Emergency Coordination Center for use during exercises and disasters. After each exercise and disaster response, partners discuss projects that could enhance and improve the WUECC infrastructure and capabilities.

1b. Primary customers:

Whatcom Unified Emergency Coordination Center partners.

2. Problem to be solved:

Whatcom County Sheriff's Office Division of Emergency Management requires expenditure authority to move ahead with WUECC projects.

3a. Options / Advantages:

WUECC partners have discussed and prioritized projects that will enhance the functionality of the WUECC. Projects include electrical, IT networking, and plumbing improvements, maintenance/repair/replacement of office equipment (printers, plotters, etc), and general operational readiness equipment and supplies. This funding will also be used to cover the installation and configuration costs of a Situational Assessment Management System, the purchase of which was funded by a separate grant from Phillips 66.

3b. Cost savings:

$55,524 - These projects are funded by donations from WUECC industry partners.

4a. Outcomes:

WUECC projects (installation of the Situational Assessment Management Systems, etc) will be completed, enhancing the overall capabilities of the facility.
Supplemental Budget Request

Sheriff

Emergency Management

Status: Pending

<table>
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<tr>
<th>Supp' ID #</th>
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<tr>
<td>2307</td>
<td>167</td>
<td>16786</td>
<td>Frances Burkhart</td>
</tr>
</tbody>
</table>

4b. Measures:
Projects will be monitored for progress and completion.

5a. Other Departments/Agencies:
All WUECC partners will benefit from the enhanced capabilities of the facility.
Whatcom County Facilities will assist in the coordination of and contracting for any projects involving electrical, plumbing, carpentry work, etc.
City of Bellingham Information Technology will assist in the coordination of any IT projects.

5b. Name the person in charge of implementation and what they are responsible for:
- Whatcom County Facilities - Mike Russell.
- City of Bellingham Information Technology - Ian Stewart and Patrick Lord.

6. Funding Source:
Donations from industry partners (BP, Kinder Morgan, Phillips 66, Shell Oil, etc).
MEMO

To: Jack Louws, County Executive

From: Sheriff Bill Elfo, Director
John Gargett, Deputy Director,
Whatcom County Sheriff’s Office Division of Emergency Management

Subject: Supplemental Budget Request ID # 2301
Community Emergency Response Team (CERT) Program

Date: May 22, 2017

The attached Supplemental Budget Request seeks to increase the Community Emergency Response Team (CERT) Program budget by an additional $6,000 to be funded by CERT Program class fees.

- Background and Purpose
Whatcom County Sheriff’s Office Division of Emergency Management’s Community Emergency Response Team (CERT) Program trains individuals to be better prepared to respond to and recover from emergencies and disasters. CERT volunteers provide critical support to the community response effort in a variety of ways, including giving immediate assistance to victims, providing damage assessment information, organizing other volunteers, and staffing filed command posts and emergency operations/coordination centers.

The CERT Program is expanding more rapidly than originally anticipated when the 2017 budget was developed in the Summer 2016. The originally scheduled four courses will be completed by June 2017 and the demand is large enough to fill another five classes by December 2017. This increase in the number of classes creates a corresponding increase in overall program costs. Funding is used for class supplies and for the CERT kits provided to the participants. Budget authority is required to proceed with these additional classes.

- Funding Amount and Source
$6,000 from CERT Program Class Fees (Unified Fee Schedule #2586).

Please contact John Gargett (778-7160) or Frances Burkhart (778-7161) if you have any questions.
Supplemental Budget Request

Sheriff

Emergency Management

Supp'l ID # 2301       Fund  167       Cost Center  16720       Originator: Frances Burkhart

Expenditure Type: One-Time       Year 1 2017       Add'l FTE       Add'l Space       Priority 2

Name of Request: CERT Program

X

Department Head Signature (Required on Hard Copy Submission)       Date

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<td>$0</td>
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1a. Description of request:

Increase expenditure authority to support the Whatcom County Sheriff's Office Division of Emergency Management's Community Emergency Response Team (CERT) Program.

1b. Primary customers:

Citizens of Whatcom County.

2. Problem to be solved:

Under new leadership, the Community Emergency Response Team (CERT) Program is expanding more quickly than originally anticipated when the 2017 budget was developed in Summer 2016. The originally budgeted four courses will be completed in June 2017 and the demand is large enough to fill another five courses by December 2017. This increase in number of courses creates a corresponding increase in overall program costs. Budget authority is required to proceed with these additional courses.

3a. Options / Advantages:

Another option would be to limit the number of additional courses. However, that would reduce the momentum the CERT Program has been building and delay the expansion of CERT-trained individuals in our community. CERT trains residents to be better prepared to respond to and recover from disasters. CERT volunteers provide critical support to the community response effort in a variety of ways, including giving immediate assistance to victims, providing damage assessment information, organizing other volunteers, and staffing field command posts and emergency operations/coordination centers.

3b. Cost savings:

CERT course fees cover the course costs.

4a. Outcomes:

Five additional CERT courses will be held by December 2017.

4b. Measures:

The CERT Program maintains a database of CERT courses and individual participants.

5a. Other Departments/Agencies:

N/A

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

N/A

6. Funding Source:

Community Emergency Response Team (CERT) Program Class Fees (Unified Fee Schedule #2586).
Supplemental Budget Request

Public Works

Ferry & Docks

Suppl ID # 2313

Fund 444  Cost Center 444200  Originator: M Caldwell

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

Name of Request: Increase for 2017 wage & benefit settlement

X

Department Head Signature (Required on Hard Copy Submission)

Date

Costs:

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1a. Description of request:
The original wage and benefit reserve adopted during the biennial budget process was $30,787. The actual wage and benefit settlement requires an additional $13,428 to adequately cover wage and medical insurance increases.

1b. Primary customers:

2. Problem to be solved:

3a. Options / Advantages:

3b. Cost savings:

4a. Outcomes:

4b. Measures:

5a. Other Departments/Agencies:

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

6. Funding Source:
Ferry Fund Balance
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<td>2,318</td>
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</table>

444200 New PCS
Original PCS

|               | 772,217 | 750,828 | 21,389 |      |      | 1,105,678 |
| GrossPay      | 92,203  | 90,250  | 1,953  |      |      | 1,062,761 |
| Retire        | 59,074  | 57,438  | 1,636  |      |      | 42,917    |
| SocSec        | 167,591 | 148,752 | 18,839 |      |      |            |
| MedIns        | 13,590  | 14,517  | (927)  |      |      |            |
| Total         | 1,003   | 976     | 27     |      |      |            |
| UE            | 1003    | 976     | 27     |      |      |            |
| Total         | 1,105,678 | 1,062,761 | 42,917 |      |      |            |

Total Difference

|               | 22,682 | 2,061  | 1,735  | 19,685 | (956) | 45,235     |
| Current Reserve| 30,787 |        |        |        |       |            |
| WComp not needed| 1,021 |        |        |        |       |            |
| Supplemental Needed|(13,427)|        |        |        |       |            |
**TITLE OF DOCUMENT:** Ordinance Closing the 2015 Central Plaza Improvement Fund 360

**ATTACHMENTS:** Ordinance

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

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

Request closes the 2015 Central Plaza Improvement Fund and transfers remaining funding back to the Real Estate Excise Tax I Fund.
ORDINANCE NO. ________

CLOSING 2015 CENTRAL PLAZA IMPROVEMENT FUND 360

WHEREAS, on November 25, 2014 Ordinance 2014-076 created the 2015 Central Plaza Improvement Fund and established a project based budget for this capital project, and

WHEREAS, the Real Estate Excise Tax Fund I (REET I) contributed $160,000 towards the endeavor, and

WHEREAS, the roof replacement and sidewalk/asphalt repairs and tree removal have now been completed, and

WHEREAS, the project fund is no longer needed, and

WHEREAS, remaining cash in the fund should be returned to the REET I Fund, and

WHEREAS, the current cash balance in the fund is $13,149.52,

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the 2015 Central Plaza Improvement Fund be dissolved and its remaining cash balance returned to the REET I Fund.

ADOPTED this ____ day of ____________________, 2017.

ATTEST:

Dana Brown-Davis, Council Clerk

Barry Buchanan, Chair of the Council

APPROVED AS TO FORM:

Civil Deputy Prosecutor

( ) Approved    ( ) Denied

Jack Louws, County Executive

Date: ____________________
**WHATCOM COUNTY COUNCIL AGENDA BILL**

<table>
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<th>CLEARANCES</th>
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<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
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<td>6/27/17</td>
<td>Finance Comm.;</td>
</tr>
<tr>
<td>Dept. Head:</td>
<td></td>
<td></td>
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<td>Board of Supervisors</td>
</tr>
<tr>
<td>Prosecutor:</td>
<td>☑️</td>
<td>6-5-17</td>
<td></td>
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<td>Purchasing/Budget:</td>
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<td>6/2/17</td>
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<td>Executive:</td>
<td>☑️</td>
<td>6/6/17</td>
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</table>

**TITLE OF DOCUMENT:** Flood Control Zone District and Subzones 2017 Supplemental Budget Request #3

**ATTACHMENTS:** Resolution, Memoranda and 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>
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<tbody>
<tr>
<td>SEPA review completed?</td>
<td>Yes</td>
<td>NO</td>
<td>Requested Date:</td>
<td></td>
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</tbody>
</table>

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

**Supplemental #3 requests funding from the Flood Control Zone District Fund:**

1. To appropriate $15,000 in Natural Resources to fund legal support services in response to Hirst decision.

**COMMITTEE ACTION:**

**BOARD OF SUPERVISORS 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).
RESOLUTION NO.  
(A resolution of the Whatcom County Flood Control Zone District Board of Supervisors)

AMENDMENT NO. 3 OF THE 2017 BUDGET

WHEREAS, the 2017 budget for the Whatcom County Flood Control Zone District and Subzones was adopted November 22, 2016; and,

WHEREAS, changing circumstances require modifications to the approved 2017 budget; and,

WHEREAS, the modifications to the budget have been assembled here for deliberation by the Board of Supervisors,

NOW, THEREFORE, BE IT RESOLVED by the Whatcom County Flood Control Zone District Board of Supervisors that the 2017 budget as approved in Resolution 2016-046 is hereby amended by adding the following additional amounts to the budgets included therein:

<table>
<thead>
<tr>
<th></th>
<th>Expenditures</th>
<th>Revenues</th>
<th>Net Effect</th>
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</thead>
<tbody>
<tr>
<td>Flood Control Zone District Fund - Natural Resources</td>
<td>15,000</td>
<td></td>
<td>15,000</td>
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<tr>
<td>Total Supplemental</td>
<td>15,000</td>
<td></td>
<td>15,000</td>
</tr>
</tbody>
</table>

ADOPTED this ___ day of ______________________, 2017

WHATCOM COUNTY FCZD
BOARD OF SUPERVISORS
WHATCOM COUNTY, WASHINGTON

ATTEST:
Dana Brown-Davis, Council Clerk

Barry Buchanan, Chair of the Board of Supervisors

APPROVED AS TO FORM:
Civil Deputy Prosecutor
<table>
<thead>
<tr>
<th>Flood Control Zone District and Subzones</th>
<th>Budgets Amendment #3</th>
<th>Expenditures</th>
<th>Revenues</th>
<th>Fund Balance</th>
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</thead>
<tbody>
<tr>
<td>Flood Control Zone District Fund - Natural Resources</td>
<td>To fund legal support services in response to Hirst decision.</td>
<td>15,000</td>
<td>-</td>
<td>15,000</td>
</tr>
<tr>
<td>Total Supplemental</td>
<td></td>
<td>15,000</td>
<td>-</td>
<td>15,000</td>
</tr>
</tbody>
</table>
MEMORANDUM

TO: Jack Louws, County Executive for the Flood Control Zone District

THROUGH: Jon Hutchings, Public Works Director

FROM: Gary Stoyka, Natural Resources Manager

DATE: May 4, 2017

RE: Supplemental Budget Request

Requested Action

The Public Works Natural Resources Division is requesting supplemental budget authority for FY 2017 for legal support services for the County’s response to the Washington Supreme Court’s Hirst decision.

The Washington State Supreme Court issued a ruling in October 2016 in Whatcom County v. Western Washington Growth Management Hearings Board (WWGMHB)(“Hirst”) that places severe limits on the use of private domestic wells by development permit applicants as a potable water source. The case has been remanded back to the WWGMHB. Whatcom County is in the process of responding to the court’s decision and needs specialized legal advice to do that. Whatcom County will make necessary changes to its comprehensive plan and development regulations that comply with the court’s decision and any legislative changes to the applicable law. It is anticipated that these changes will be made by summer 2017. This supplemental budget request provides $15,000 in funding for outside legal counsel.

This request is for funding is from the Flood Control Zone District fund balance.

Please contact Gary Stoyka at extension 6218, if you have any questions or concerns regarding this request.

Attachment
Supplemental Budget Request

Public Works

<table>
<thead>
<tr>
<th>Supp #</th>
<th>Fund</th>
<th>Cost Center</th>
<th>Originator</th>
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<tbody>
<tr>
<td>2275</td>
<td>169</td>
<td>169121</td>
<td>Gary Stoyka</td>
</tr>
</tbody>
</table>

Natural Resources

Expenditure Type: One-Time

Year 1 2017

Add'l FTE □ Add'l Space □ Priority 1

Name of Request: Hirst Legal Support

Department Head Signature (Required on Hard Copy Submission)

Date: 6/4/17

<table>
<thead>
<tr>
<th>Costs:</th>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>6630</td>
<td>Professional Services</td>
<td>$15,000</td>
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</tbody>
</table>

Request Total: $15,000

1a. Description of request:
Legal support services to the Prosecuting Attorney’s office for County response to the Hirst Supreme Court Ruling.

1b. Primary customers:
Citizens of rural Whatcom County

2. Problem to be solved:
The Washington State Supreme Court issued a ruling in October 2016 in Whatcom County v. Western Washington Growth Management Hearings Board (WWGMHB)(Hirst) that places severe limits on the use of private domestic wells by development permit applicants as a potable water source. The case has been remanded back to the WWGMHB. Whatcom County is in the process of responding to the court’s decision and needs specialized legal advice to do that.

3a. Options / Advantages:
In-house counsel was considered; however, this specialized expertise is not available in-house.

3b. Cost savings:

4a. Outcomes:
Whatcom County will make necessary changes to its comprehensive plan and development regulations that comply with the court’s decision and any legislative changes to the applicable law. It is anticipated that these changes will be made by summer 2017.

4b. Measures:
The new development regulations will be accepted by the WWGMHB.

5a. Other Departments/Agencies:
The Prosecuting Attorney’s office will manage the outside legal council.

5b. Name the person in charge of implementation and what they are responsible for:
Karen Frakes, PA Office will manage the contract with the law firm.

6. Funding Source:
Flood Control Zone District fund balance.