## WHATCOM COUNTY COUNCIL AGENDA BILL

### CLEARANCES

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### TITLE OF DOCUMENT:

2015 Reorganization of Whatcom County Approved Council

### ATTACHMENTS:

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

### SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

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

2014 Reorganization of Whatcom County Approved Council

### COMMITTEE ACTION:

- 1/13/2015: Council reorganized
- 1/27/2015: Committee Chairs selected

### COUNCIL ACTION:

- 2/10/2015: Appointed: Rud Browne to Natural Resources Committee and Ken Mann to Finance and Administrative Services Committee

### 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: Amendments to the mineral resources portion of the comprehensive plan and zoning code

ATTACHMENTS:
1) Staff Memo to Council
2) Proposed Ordinance
3) Exhibit A – Natural Resources Committee
4) Option 2 - Surface Mining Advisory Committee and Planning Commission Proposed Amendments
5) Staff report to Planning Commission - PC Findings and Recommendation
6) Surface Mining Advisory Committee proposal for Conditional Use rather than Administrative Approval
7) Comprehensive Plan Map and Zoning Map Amendment - MRL Designation process comparison
8) Permitting process comparison for mineral extraction

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.)

Proposed amendments to the Mineral Resources portion of the Comprehensive Plan and Zoning Code. The proposed Comprehensive Plan amendments include changes to general mineral extraction policies that implement Goal 8K (adverse impacts), Goal 8Q (MRL designation), and MRL Designation Criteria. Proposed amendments to the zoning code include altering the permitting process from administrative approval use to a conditional use permit, changing the distance from rural or residential districts that surface mining activities associated with forest practices within the forestry zones trigger a discretionary permit, changing the notification distance for discretionary permits associated with surface mining, requiring noxious weeds to not be established in buffers of surface mining operations, limiting the area of active mineral extraction, and requiring compliance with regulations and permits for neighboring mines of common beneficial ownership. County Planning Department staff and Washington State Department of Natural Resources staff will be available to discuss mineral resource extraction processes in Washington State.

COMMITTEE ACTION: 

COUNCIL ACTION: 

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

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

TO: Whatcom County Council
FROM: Joshua Fleischmann, Planner
THROUGH: Mark Personius, Long Range Planning Manager
DATE: March 16, 2015
SUBJECT: Comprehensive Plan and Zoning text amendments for Mineral Resource Lands and surface mining; PLN2013-00008

At the January 13 Natural Resources Committee meeting, an exhibit was forwarded to the County Council that evening for introduction for a public hearing to be held on January 27th.

At the January 27th public hearing significant changes were made to the exhibit, requiring that the revised exhibit be re-introduced for a future public hearing.

The attached amended Exhibit A includes the changes made at the January 27th meeting. The amendment also includes changes made subsequent to the January 27th meeting at the request from Council to review DNR and County reclamation requirements.

Whatcom County Planning and Development Services staff, Washington State Department of Natural Resources staff, and Whatcom County Surface Mining Advisory Committee members will be available at the March 31st Whatcom County Council Natural Resources Committee meeting to answer questions and provide feedback on issues related to surface mining.
ORDINANCE NO. 2015-
AMENDING WHATCOM COUNTY CODE TITLE 20 AND THE COMPREHENSIVE
PLAN REGARDING SURFACE MINE PERMITTING, THE MINERAL RESOURCE
LANDS DESIGNATION PROCESS AND MINERAL RESOURCE LANDS
DESIGNATION CRITERIA.

WHEREAS, an application has been submitted to amend the Rural (R),
Agriculture (AG), Rural Forestry (RF), Commercial Forestry (CF) and Mineral
Resource Land (MRL) Special zoning districts to require a conditional use permit for
surface mining subject to Washington State's Surface Mining Act; and

WHEREAS, the proposed amendment has been reviewed under the State
Environmental Policy Act (SEPA); and

WHEREAS, in accordance with RCW 36.70A.106 Whatcom County Planning
and Development Services notified the Department of Commerce of the proposed
zoning text and comprehensive plan amendments; and

WHEREAS, notice of the Whatcom County Planning Commission hearing on
the proposed amendment was published in the Bellingham Herald; and

WHEREAS, the Whatcom County Planning Commission held a work session
on the proposed amendment; and

WHEREAS, the Whatcom County Planning Commission held a public hearing
on the proposed amendment and considered all testimony; and

WHEREAS, the Whatcom County Planning Commission forwarded its findings
and reasons for action to the County Council; and

WHEREAS, the Whatcom County Council has reviewed the Planning
Commission recommendation; and

WHEREAS, the Whatcom County Council held 2 work session in the Natural
Resources Committee; and

WHEREAS, the Whatcom County Council held a public hearing on the
proposed amendment and considered all testimony; and
WHEREAS, the Whatcom County Council hereby adopts the following findings of fact and conclusions:

FINDINGS
1. An application for Comprehensive Plan and related zoning amendments was received by Whatcom County on December 21, 2012.

2. A revised application for Comprehensive Plan and related zoning amendments was received by Whatcom County on January 23, 2013.

3. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on July 5, 2013. The associated comment period ended July 19, 2013 and the appeal period concluded July 29, 2013.

4. The Surface Mining Advisory Committee held work sessions with Whatcom County PDS Staff on March 26, 2014; April 23, 2014; May 28, 2014, June 25, 2014; and July 23, 2014.

5. A press release of the Planning Commission briefing was published in the Bellingham Herald on 09/08/2014.

6. The Planning Commission held a work session on September 11, 2014.

7. The Planning Commission held a public hearing on October 23, 2014.

8. Notice of the proposed amendment was sent to the Department of Commerce on 8/15/2014.

9. On 08/20/2014 the Department of Commerce acknowledged receipt of the notice, and that a copy of the notice had been forwarded to other state agencies.

10. The Growth Management Act (GMA) includes multiple planning goals that are relevant to the proposed comprehensive plan amendments.
11. **GMA Planning Goal #7:** Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.

Through previous MRL designation proposals, it has been affirmed that MRL designation is not a "right-to-mine", insomuch as upon receiving MRL designation, a permit is still required for the act of mineral extraction.

The proposed amendments to Policy 8K-2 clarify that maintenance and upgrade of public roads take place before approving mineral extraction. This would ensure that any necessary maintenance or upgrades are in direct relationship to an impact from a specific mineral extraction permit. This policy also clarifies that all traffic, not just truck traffic, on county roads is addressed in a fair and equitable fashion.

12. **GMA Planning Goal #11:** Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts

The proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal.

Proposed language as part of the zoning code WCC 20.90.045(2)(d) amends the notification requirements involving rezoning property to a Mineral Resource Land designation to 2,000 feet of the external boundaries of the subject property. The present requirement is 1,000 feet. The amendment will result in more citizens receiving notices and having the opportunity to be involved in the planning process.

13. **Whatcom County’s County-Wide Planning Policy A-3 states:** Citizens shall be notified in a timely manner of opportunities to have input and key decision points in the planning process. This should include actions such as use of telephone hotlines, notification to interest groups, pre-development
meetings, early incorporation of public comments and broader notification of property owners and residents during a planning process as well as working more extensively with community and neighborhood groups. The cities shall also develop a public participation process to solicit and incorporate comments from residents outside city limits but within proposed Urban Growth Areas.

The proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal.

Proposed language as part of the zoning code WCC 20.90.045(2)(d) amends the notification requirements involving rezoning property to a Mineral Resource Land designation to 2,000 feet of the external boundaries of the subject property. The present requirement is 1,000 feet. The amendment will result in more citizens receiving notices and having the opportunity to be involved in the planning process.

14. There are no interlocal agreements affecting the proposed amendments.

15. Whatcom County Comprehensive Plan contains goals and policies that are applicable to the proposal.

16. Proposed Policy 8K-2: Consider the maintenance and upgrade of public roads before approving mineral extraction. Address all truck traffic on county roads in a fair and equitable fashion.

The underline and strikethrough represent changed conditions from the present policy. Within the past few years, applications for MRL designation have resulted in a public process where citizens have requested that impacts from mineral extraction be considered as part of MRL designation. Proponents of MRL designation note that the purpose of designation is to protect the resource from incompatible uses, and that designation is not a
right-to-mine. Twice since 2006, a Comprehensive Plan map and zoning map amendment application for the expansion of a MRL designation has reached the County Council, and both times the amendment was not approved by Council. Consideration of maintenance and upgrade of public roads may not be possible without a mineral extraction plan, which is not presently required as part of the MRL designation process. Mineral extraction permits are presently reviewed by Public Works – Engineering for potential impacts to public roads, and necessary maintenance and upgrading of the roads may be required for approval.

The proposed amendments alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). Through the SEPA process, impacts to public roads are considered through Checklist Item #14 – Transportation as part of the permitting process. Exhibit A proposes that all traffic, not just truck traffic, on county roads be addressed in a fair and equitable fashion.

17. Proposed Policy 8K-7: Designate site-specific mineral resource lands only after mineral extraction impacts have been anticipated and evaluated, and potential adverse environmental impacts have been addressed through appropriate mitigation and/or reasonable alternatives.

Within the past few years, applications for MRL designation have resulted in a public process where citizens have requested that impacts from mineral extraction be considered as part of MRL designation. Proponents of MRL designation note that the purpose of designation is to protect the resource from incompatible uses, and that designation is not a right-to-mine. Twice since 2006, a Comprehensive Plan map and zoning map amendment application for the expansion of a MRL designation has reached the County Council, and both times the amendment was not approved by Council. Anticipation and evaluation of potential adverse environmental impacts associated with mineral extraction, and mitigation and/or reasonable alternatives may not be possible without a mineral extraction plan, which is not presently required as part of the MRL designation process.

18. Proposed Policy 8K-8: Expansion of MRL designations to parcels contiguous to, and held by more than 1% common beneficial ownership or beneficial interest with, an existing mine, shall require that the existing mine is substantially in compliance with all operating permits and regulations before
expansion of the designation will be approved and must be in complete compliance before extraction of the additional area may commence.

In December 2010, Whatcom County PDS received an application for a Comprehensive Plan map and zoning map amendment to expand an existing MRL designation. The mine associated with the MRL designation has received stop work orders and been assessed penalties as part of a notice of violation. The operation within this MRL is now going through receivership. No work has been done on the Comprehensive Plan MRL expansion amendment for over 2 years, and there is presently no mining activity occurring. The proposed policy in attempts to clarify that non-compliance by a mineral extraction operator would not impact the ability of another landowner to expand an MRL designation.

19. Proposed Policy 8Q-4: Allow mining within designated MRLs through an administrative approval conditional use permit process requiring:
   (1) On-site environmental review, with county as lead agency, and
   (2) application of appropriate site specific conditions, and
   (3) notification to neighboring property owners within 2,000 feet to insure opportunity for written and oral input and/or appeal, and
   (4) access to de-novo review by the Hearing Examiner if administrative approval is denied or appealed.

The underlines and strikethroughs represent changed conditions from the present policy. The proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Criterion #4 of Policy 8Q-4 would be unnecessary through the conditional use process, since conditional use approval is made by the Hearing Examiner. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal. However, it is worth noting that, according to former PDS geologist, Doug Goldthorp:

"Since the inception of the surface mining administrative approval use permit requirement in 1997, 24 surface mining administrative approval use applications (ADMs), and the 3 amendment applications to those
ADMs have been conditionally approved. There was either a DNS, MDNS, and one DS SEPA determination in each case. Of the 27 combined ADMs, ADM amendments and associated SEPA determinations, 3 appeals (11%) have been filed and adjudicated by the WC Hearing Examiner. In all 3 cases, the Hearing Examiner has upheld the staff determination. In a few cases, the Hearing Examiner determination has been upheld by the WC Council, and in one case, upheld by the WA Superior Court.”

This information indicates that, while the sample size is relatively small, the Technical Administrator’s determinations have been upheld as appropriate, when challenged. However, the purpose of the amendment is to ensure a public process that is presently absent, and this amendment would provide an avenue for a public process.

Proposed language as part of the zoning code WCC 20.90.045(2)(d) amends the notification requirements involving rezoning property to a Mineral Resource Land designation to 2,000 feet of the external boundaries of the subject property. The present requirement is 1,000 feet. The amendment will result in more citizens receiving notices and having the opportunity to be involved in the planning process.

20. There is no anticipated effect upon the rate or distribution of population growth, employment growth or development of land as envisioned in the Comprehensive Plan, as a result of the proposed Comprehensive Plan amendments.

21. The proposed comprehensive plan amendments may affect the ability of the county and/or other service providers to provide adequate services and public facilities including transportation facilities.

22. The rate of conversion to mineral resource lands from agriculture and forestry may slow, positively impacting the protection of agriculture and forestry lands.

23. The proposed amendment does not change the zoning of any area therefore the amendment does not include nor facilitate illegal spot zoning.

24. Goal 2G: Encourage citizen participation in the decision-making process
The proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal.

Proposed language as part of the zoning code WCC 20.90.045(2)(d) amends the notification requirements involving rezoning property to a Mineral Resource Land designation to 2,000 feet of the external boundaries of the subject property. The present requirement is 1,000 feet. The amendment will result in more citizens receiving notices and having the opportunity to be involved in the planning process.

25. Policy 2D-3: Streamline development regulations to eliminate unnecessary time delays.

Surface mining can be controversial, with neighbors of mines sometimes opposed due to possible impacts of mining activities. This opposition may take the form of appealing administrative decisions made by PDS staff to the Hearing Examiner. By changing the review process to conditional use, the Hearing Examiner would make an initial determination based on a staff report, potentially resulting in one less step between an application and a final outcome.

26. Policy 7D-7: Streamline and coordinate the permit process and sustain a supportive customer service approach towards permitting.

Surface mining can be controversial, with neighbors of mines sometimes opposed due to possible impacts of mining activities. This opposition may take the form of appealing administrative decisions made by PDS staff to the Hearing Examiner. By changing the review process to conditional use, the Hearing Examiner would make an initial determination based on a staff report, potentially resulting in one less step between an application and a final outcome.
27. Policy 8K-1: Avoid significant mineral extraction impacts on adjacent or nearby land uses, public health and safety, or natural resources.

The proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal. In addition to SEPA review and a public hearing before the Hearing Examiner, the Hearing Examiner has the authority to condition permits in order to minimize or avoid significant impacts to neighboring lands, health and safety, and natural resources.

28. Policy 8N-2: Allow rock crushing, washing and sorting in the forest zones when appropriate as long as conflicts with other land uses can be mitigated.

Rock crushing, washing and sorting are presently, and will continue to be, allowed uses within the forest zones, when within a MRL. Proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). Through the conditional use process, there is a public hearing before the Hearing Examiner. In addition to SEPA review and a public hearing before the Hearing Examiner, the Hearing Examiner has the authority to condition permits in order to minimize or avoid significant impacts to neighboring lands, health and safety, and natural resources.

29. Policy 8N-3: Allow commercial surface mining operations in the forest zones when appropriate as long as conflicts with other land use zones can be mitigated.

Commercial surface mining operations are presently, and will continue to be, allowed uses within the forest zones, when within a MRL. Proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and
conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). Through the conditional use process, there is a public hearing before the Hearing Examiner. In addition to SEPA review and a public hearing before the Hearing Examiner, the Hearing Examiner has the authority to condition permits in order to minimize or avoid significant impacts to neighboring lands, health and safety, and natural resources.

30. Goal 10J: Minimize conflicts between different land uses.

The proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal. In addition to SEPA review and a public hearing before the Hearing Examiner, the Hearing Examiner has the authority to condition permits in order to minimize or avoid significant impacts to neighboring lands, health and safety, and natural resources.

31. Policy 11B-5: Process the environmental review of building and development applications within an established time-frame that is predictable and expeditious.

The proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). Whatcom County Code (WCC) 2.33 – Permit Review Procedures states that unless otherwise exempted in WCC 2.33.020 or 2.33.090(C), the county shall issue a notice of final decision on an administrative approval use or conditional use within 90 days of the date of completeness if the project is exempt from SEPA review. If the project is subject to SEPA review, the county shall issue a notice of final decision within 120 days.
32. The Aggregate Resource Inventory 2014 Study Update Whatcom County, Washington (December 22, 2014) estimates that aggregate reserves within existing MRLs will be depleted in 2042 and bedrock reserves will be depleted in 2079, based on estimated reserves and per capita consumption.

33. MRL designation does not determine all usable aggregate within Whatcom County.

CONCLUSIONS
1. The subject Comprehensive Plan amendments are consistent with the approval criteria of WCC 2.160.080. The subject zoning text amendments were processed in accordance with WCC 20.90.050

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the Whatcom County Zoning Code is hereby amended as shown in Exhibit A.

BE IT FURTHER ORDAINED that if any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional; such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have passed this code and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

ADOPTED this _____ day of __________, 2015.

ATTEST:

Dana Brown-Davis, Clerk of the Council

Carl Weimer, Council Chair

APPROVED AS TO FORM:

Royce Buckingham

Civil Deputy Prosecutor

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON

Jack Louws, County Executive

( ) Approved  ( ) Denied

Date Signed: ___________________
Exhibit A

Title 20 Zoning Amendments

Chapter 20.36
RURAL (R) DISTRICT

20.36.130 Administrative approval uses
.133 Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW), and accessory washing and sorting, when within a Mineral Resource Land Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations.

20.36.150 Conditional uses.
.197 Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW), and accessory washing and sorting, when within a Mineral Resource Land Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations.

Chapter 20.40
AGRICULTURE (AG) DISTRICT

20.40.130 Administrative approval uses
.136 Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW), and accessory washing and sorting, when within a Mineral Resource Land Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations. Site reclamation must be to agricultural use within any MRLs adopted after May 1, 2001. No off-site dust shall be generated from the operation.

20.40.150 Conditional uses.
.197 Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW), and accessory washing and sorting, when within a Mineral Resource Land Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations. Site reclamation must be to agricultural use within any MRLs adopted after May 1, 2001. No off-site dust shall be generated from the operation.

Chapter 20.42
RURAL FORESTRY (RF) DISTRICT
20.42.050 Permitted uses.
.058 Surface mining, rock crushing, washing and sorting subject to the Forest Practices Act (Chapter 76.09 RCW); provided, that administrative approval a conditional use permit is required for accessory rock crushing activities located within 12,000 feet from a rural or residential district.

20.42.130 Administrative approval uses.
.133 Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW), and accessory washing, sorting, and rock crushing, when within a Mineral Resource Land Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations.

20.42.150 Conditional uses.
.197 Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW), and accessory washing, sorting, and rock crushing, when within a Mineral Resource Land Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations.

Chapter 20.43
COMMERCIAL FORESTRY (CF) DISTRICT

20.43.050 Permitted uses.
.055 Surface mining, rock crushing, washing and sorting subject to the Forest Practices Act (Chapter 76.09 RCW); provided, that administrative approval a conditional use permit is required for accessory rock crushing activities located within 12,000 feet from a rural or residential district.

20.43.130 Administrative approval uses.
.133 Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW), and accessory washing, sorting, and rock crushing when within a Mineral Resource Land Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations.

20.43.150 Conditional uses.
.189 Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW), and accessory washing, sorting, and rock crushing when within a Mineral Resource Land Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations.

Chapter 20.73
MINERAL RESOURCE LANDS SPECIAL DISTRICT (MRL)
20.73.130 Administrative approval uses.
The following uses are permitted subject to administrative approval pursuant to WCC 20.84.235.

:131 Surface-mining subject to Washington State's Surface Mining Act (Chapter 78.44 RCW) and accessory washing and sorting, provided that:

(1) The notification requirements of WCC 20.84.235 shall be expanded to all property owners within 1,000 feet of the external boundaries of the subject property.

(2) At minimum, the activity adheres to the development and performance standards of WCC 20.73.650 and 20.73.700. In addition, no excavation shall occur within the five-year zone of contribution for designated well head protection areas. Excavations may occur within the 10-year zone of contribution outside of the five-year zone of contribution if they are not within 10 vertical feet of the seasonal high water table. If a fixed radii method is used to delineate a well head protection area, the surface mining applicant may elect to more precisely delineate the well head protection boundary using an analytical model; provided, that the delineated boundary proposed by the surface mining applicant is prepared by a professional hydrogeologist; and further provided, that the delineated boundary has been reviewed and approved by the Washington State Department of Health. The hydrogeologist shall be selected by mutual agreement of the county, water purveyor, and applicant; provided, if agreement cannot be reached the applicant shall select a consultant from a list of no less than three qualified consultants supplied by the county and water purveyor.

(3) Buffers are established of sufficient size and with sufficient vegetation or berming to ensure that noise, dust, and other impacts to surrounding property owners are within applicable regulations and performance standards. When completing a reclamation segment, buffer may be reduced for a three-month period to establish the final reclaimed topography.

(4) The applicant provides insurance policies or a similar type of protection as appropriate to cover potential liabilities associated with the proposed activity, renewals of bonds or insurance be submitted upon expiration of previous bonds or insurance. The bonding agent shall notify the county on any change of status in the bond.
(5) Application of additional site-specific conditions may be required to mitigate potential impacts that are not otherwise regulated through WCC 20.73.650 and 20.73.700 or through federal, state, or local regulations.

(6) Notice of the decision shall be mailed to all property owners within 1,000 feet of the external boundaries of the subject property within two days of issuance of the decision. The applicant shall provide typed, self-adhering mailing labels with the names and addresses of all property owners within 1,000 feet of the subject property with the application to facilitate the notice.

(7) Appeal to the hearing examiner under WCC 20.84.235 of an administrative permit shall be made by de novo review.

.132 Rock crushing within Commercial and Rural Forestry Districts when located further than 2,000 feet from a rural or residential district.

20.73.150 Conditional uses.
.152 Mineral processing facilities including rock crushing, asphalt and concrete batch plants and accessory washing and sorting.

.153 Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW); provided that:

(1) The notification requirements of WCC 2.33.060.D.2.b shall be expanded to all property owners within 2,000 feet of the external boundaries of the subject property.

(2) At minimum, the activity adheres to the development and performance standards of WCC 20.73.650 and 20.73.700. In addition, no excavation shall occur within the five-year zone of contribution for designated well head protection areas. Excavations may occur within the 10-year zone of contribution outside of the five-year zone of contribution if they are not within 10 vertical feet of the seasonal high water table. If a fixed radii method is used to delineate a well head protection area, the surface mining applicant may elect to more precisely delineate the well head protection boundary using an analytical model; provided, that the delineated boundary proposed by the surface mining applicant is prepared by a professional hydrogeologist; and further provided, that the delineated boundary has been reviewed and approved by the Washington State Department of Health. The hydrogeologist shall be selected by mutual agreement of the county, water purveyor, and applicant; provided, if agreement cannot be reached the applicant shall select a consultant from a list of no less than three qualified consultants supplied by the county and water purveyor.
(3) Buffers are established of sufficient size and with sufficient vegetation or berming to ensure that noise, dust, noxious weeds and other impacts to surrounding property owners are within applicable regulations and performance standards. When completing a reclamation segment, buffer may be reduced for a three-month period to establish the final reclaimed topography.

(4) The applicant provides insurance policies or a similar type of protection as appropriate to cover potential liabilities associated with the proposed activity, renewals of bonds or insurance be submitted upon expiration of previous bonds or insurance. The bonding agent shall notify the county on any change of status in the bond.

(5) Application of additional site specific conditions may be required to mitigate potential impacts that are not otherwise regulated through WCC 20.73.650 and 20.73.700 or through federal, state, or local regulations.

(6) Notice of the decision shall be mailed to all property owners within 2,000 feet of the external boundaries of the subject property within two days of issuance of the decision. The applicant shall provide typed, self-adhering mailing labels with the names and addresses of all property owners within 2,000 feet of the subject property with the application to facilitate the notice.

(7) Where the underlying zoning is Rural Forestry or Commercial Forestry, any mineral extraction permit shall include the condition that no greater than 20 acres can be mined within the permitted area at any one time. Additional acreage may only be added after an equal amount of previously mined land has been returned to sustainable productive forest resource condition upon reclamation criteria as identified on an approved Department of Natural Resources Surface Mining Reclamation Permit, less the area of any roads constructed in previously-mined area, to access a newly permitted area.

(8) When mineral extraction is proposed on a parcel that was not designated Mineral Resource Lands prior to January 1, 2015, all existing mines on parcels contiguous to, and held by more than 1% common beneficial ownership or beneficial interest with the proposed mine shall be in complete compliance with all operating permits and regulations before extraction of the proposed mine may commence.

(9) If a permit(s) is granted for mineral extraction and title to the property is later transferred to a new owner then:
(a) the new owner may continue with the mineral extraction provided that the new owners assumes:
(i) responsibility to undertake the reclamation, remediation and mitigation of all impacts related to any operations that may occur during their ownership.

(ii) joint and several responsibility with the prior owner(s) to undertake the reclamation, remediation and mitigation of all impacts related to any operations prior to their acquisition of the property.

(b) the prior owner assumes joint and several responsibility with the new owner(s) to undertake the reclamation, remediation and mitigation of all impacts related to any operations prior to the sale of the property.

Chapter 20.90

AMENDMENTS

20.90.045 Notice for quasi-judicial rezones.

(2) Notice shall be mailed to property owners as follows:

(d) For zoning map amendments that involve rezoning property to a Mineral Resource Land designation: At least 10 days prior to the scheduled hearing date, hearing notice shall be mailed to all property owners within 2,000 feet of the external boundaries of the subject property as shown by the records of the county assessor. The applicant shall submit a stamped envelope with a typed address for each of the above referenced property owners.
Comprehensive Plan Amendments

MINERAL RESOURCES – ISSUES, GOALS, AND POLICIES

General Issues

GOAL 8K: Ensure that mineral extraction industries do not adversely affect the quality of life in Whatcom County, by establishing appropriate and beneficial designation and resource conservation policies, while recognizing the rights of all property owners.

Policy 8K-2: Consider the maintenance and upgrade of public roads before approving mineral extraction. Address all truck traffic on county roads in a fair and equitable fashion.

Policy 8K-3: Avoid adversely impacting water quality. The protection of aquifers and recharge zones should have precedence over surface mining in the event it is determined by the county that adverse impacts cannot be avoided through the standard use of best management practices. Avoid contamination of aquifers by using uncontaminated and inert materials for reclamation or onsite storage.

Policy 8K-7: Designate site-specific mineral resource lands only after mineral extraction impacts have been anticipated and evaluated, and potential adverse environmental impacts have been addressed through appropriate mitigation and/or reasonable alternatives.

Policy 8K-8: Expansion of MRL designations to parcels contiguous to, and held by more than 1% common beneficial ownership or beneficial interest with, an existing mine, shall require that the existing mine is substantially in compliance with all operating permits and regulations before expansion of the designation will be approved and must be in complete compliance before extraction of the additional area may commence.

Goal 8Q: Designate Mineral Resource Lands (MRLs) containing commercially significant deposits throughout the county in proximity to markets in order to minimize-avoid construction aggregate shortages, higher transport costs, future land use conflicts and environmental degradation. Balance MRL designations with other competing land uses and resources.

Policy 8Q-4: Allow mining within designated MRLs through an administrative approval conditional use permit process requiring:
(1) on-site environmental review, with county as lead agency, and
(2) application of appropriate site specific conditions, and
(3) notification to neighboring property owners within 2,000 feet to insure opportunity for written and oral input.-and/or appeal, and
(4) access to de novo review by the Hearing Examiner if administrative approval is denial is appealed.

MINERAL RESOURCE LANDS (MRL) – DESIGNATION
CRITERIA I. Non-Metallic Mineral Deposits
General Criteria
10. Site-specific MRL Designations shall only be approved after mineral extraction impacts have been anticipated and evaluated, and potential adverse environmental impacts have been addressed through appropriate mitigation and/or reasonable alternatives.

11. MRL Designations must be reviewed for internal consistency with other parts of the comprehensive plan so that the MRL designation does not preclude achievement of other parts of the comprehensive plan.

12. Expansion of MRL designations to parcels contiguous to, and held by more than 1% common beneficial ownership or beneficial interest with an existing mine, shall require that the existing mine is substantially in compliance with all operating permits and regulations before expansion of the designation will be approved.

Additional Criteria for Designated Urban and Rural Areas
103. Abutting parcel size density must not exceed one unit per nominal five acres for more than 25% of the perimeter of the site unless project specific mitigation is created.

Additional Criteria for Designated Forestry Areas
114. Must demonstrate higher value as mineral resource than forestry resource based upon:
   • soil conditions.
   • accessibility to market.
   • quality of mineral resource.
   • sustainable productivity of forest resource.

Additional Criteria for Designated Agricultural Areas

River and Stream Gravel
136. MRL Designation status applies to river gravel bards possessing necessary permits and containing significant quality reserves.

147. MRL Designation status may apply to those upland sites located in proximity to river gravel sources and used primarily for handling and processing significant amounts of river gravel.

Metallic and Industrial Mineral Deposits
158. For metallic and rare minerals, mineral designation status extends to all patented mining claims.
1720. All other non-patented mineral deposits must meet the non-metallic MRL Designation criteria, numbers 6 through 12, as applicable.
Option 2

Title 20 Zoning Amendments

Chapter 20.36
RURAL (R) DISTRICT

20.36.130 Administrative approval uses
.133 Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW), and accessory washing and sorting, when within a Mineral Resource Land Special-District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations.

20.36.150 Conditional uses.
.197 Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW), and accessory washing and sorting, when within a Mineral Resource Land Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations.

Chapter 20.40
AGRICULTURE (AG) DISTRICT

20.40.130 Administrative approval uses
.136 Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW), and accessory washing and sorting, when within a Mineral Resource Land Special-District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations. Site reclamation must be to agricultural use within any MRLs adopted after May 1, 2001. No off-site dust shall be generated from the operation.

20.40.150 Conditional uses.
.197 Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW), and accessory washing and sorting, when within a Mineral Resource Land Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations. Site reclamation must be to agricultural use within any MRLs adopted after May 1, 2001. No off-site dust shall be generated from the operation.

Chapter 20.42
RURAL FORESTRY (RF) DISTRICT
20.42.050 Permitted uses.
.058 Surface mining, rock crushing, washing and sorting subject to the Forest Practices Act (Chapter 76.09 RCW); provided, that administrative approval a conditional use permit is required for accessory rock crushing activities located within 1,000 feet from a rural or residential district.

20.42.130 Administrative approval uses.
.133 Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW), and accessory washing, sorting, and rock crushing, when within a Mineral Resource Land Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations.

20.42.150 Conditional uses.
.197 Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW), and accessory washing, sorting, and rock crushing, when within a Mineral Resource Land Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations.

Chapter 20.43
COMMERCIAL FORESTRY (CF) DISTRICT

20.43.050 Permitted uses.
.055 Surface mining, rock crushing, washing and sorting subject to the Forest Practices Act (Chapter 76.09 RCW); provided, that administrative approval a conditional use permit is required for accessory rock crushing activities located within 1,000 feet from a rural or residential district.

20.43.130 Administrative approval uses.
.133 Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW), and accessory washing, sorting, and rock crushing, when within a Mineral Resource Land Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations.

20.43.150 Conditional uses.
.189 Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW), and accessory washing, sorting, and rock crushing when within a Mineral Resource Land Special District subject to the requirements of Chapter 20.73 WCC and all other applicable regulations.

Chapter 20.73
MINERAL RESOURCE LANDS SPECIAL DISTRICT (MRL)
20.73.130 Administrative approval uses.
The following uses are permitted subject to administrative approval pursuant to WCC 20.84.235.

(1) The notification requirements of WCC 20.84.235 shall be expanded to all property owners within 1,000 feet of the external boundaries of the subject property.

(2) At minimum, the activity adheres to the development and performance standards of WCC 20.73.650 and 20.73.700. In addition, no excavation shall occur within the five-year zone of contribution for designated well head protection areas. Excavations may occur within the 10-year zone of contribution outside of the five-year zone of contribution if they are not within 10 vertical feet of the seasonal high water table. If a fixed radii method is used to delineate a well head protection area, the surface mining applicant may elect to more precisely delineate the well head protection boundary using an analytical model; provided, that the delineated boundary proposed by the surface mining applicant is prepared by a professional hydrogeologist; and further provided, that the delineated boundary has been reviewed and approved by the Washington State Department of Health. The hydrogeologist shall be selected by mutual agreement of the county, water purveyor, and applicant; provided, if agreement cannot be reached the applicant shall select a consultant from a list of no-less than three qualified consultants supplied by the county and water purveyor.

(3) Buffers are established of sufficient size and with sufficient vegetation or berms to ensure that noise, dust, and other impacts to surrounding property owners are within applicable regulations and performance standards. When completing a reclamation segment, buffer may be reduced for a three-month period to establish the final reclaimed topography.

(4) The applicant provides insurance policies or a similar type of protection as appropriate to cover potential liabilities associated with the proposed activity; renewals of bonds or insurance be submitted upon expiration of previous bonds or insurance. The bonding agent shall notify the county on any change of status in the bond.
(5) Application of additional site-specific conditions may be required to mitigate potential impacts that are not otherwise regulated through WCC 20.73.650 and 20.73.700 or through federal, state, or local regulations.

(6) Notice of the decision shall be mailed to all property owners within 1,000 feet of the external boundaries of the subject property within two days of issuance of the decision. The applicant shall provide typed, self-adhering mailing labels with the names and addresses of all property owners within 1,000 feet of the subject property with the application to facilitate the notice.

(7) Appeal to the hearing examiner under WCC 20.84.235 of an administrative permit shall be made by de novo review.

.132 Rock crushing within Commercial and Rural Forestry Districts when located further than 1,000 feet from a rural or residential district.

20.73.150 Conditional uses.
.152 Mineral processing facilities including rock crushing, asphalt and concrete batch plants and accessory washing and sorting.

.153 Surface mining subject to Washington State’s Surface Mining Act (Chapter 78.44 RCW); provided that:

(1) The notification requirements of WCC 2.33.060.D.2.b shall be expanded to all property owners within 1,000 feet of the external boundaries of the subject property.

(2) At minimum, the activity adheres to the development and performance standards of WCC 20.73.650 and 20.73.700. In addition, no excavation shall occur within the five-year zone of contribution for designated well head protection areas. Excavations may occur within the 10-year zone of contribution outside of the five-year zone of contribution if they are not within 10 vertical feet of the seasonal high water table. If a fixed radii method is used to delineate a well head protection area, the surface mining applicant may elect to more precisely delineate the well head protection boundary using an analytical model; provided, that the delineated boundary proposed by the surface mining applicant is prepared by a professional hydrogeologist; and further provided, that the delineated boundary has been reviewed and approved by the Washington State Department of Health. The hydrogeologist shall be selected by mutual agreement of the county, water purveyor, and applicant; provided, if agreement cannot be reached the applicant shall select a consultant from a list of no less than three qualified consultants supplied by the county and water purveyor.
(3) Buffers are established of sufficient size and with sufficient vegetation or berming to ensure that noise, dust, noxious weeds and other impacts to surrounding property owners are within applicable regulations and performance standards. When completing a reclamation segment, buffer may be reduced for a three-month period to establish the final reclaimed topography.

(4) The applicant provides insurance policies or a similar type of protection as appropriate to cover potential liabilities associated with the proposed activity, renewals of bonds or insurance be submitted upon expiration of previous bonds or insurance. The bonding agent shall notify the county on any change of status in the bond.

(5) Application of additional site specific conditions may be required to mitigate potential impacts that are not otherwise regulated through WCC 20.73.650 and 20.73.700 or through federal, state, or local regulations.

(6) Notice of the decision shall be mailed to all property owners within 1,000 feet of the external boundaries of the subject property within two days of issuance of the decision. The applicant shall provide typed, self-adhering mailing labels with the names and addresses of all property owners within 1,000 feet of the subject property with the application to facilitate the notice.

(7) Where the underlying zoning is Rural Forestry or Commercial Forestry, prior to moving on to a new phase, previously mined areas shall meet reclamation criteria as identified on an approved Department of Natural Resources Surface Mining Reclamation Permit.
Comprehensive Plan Amendments

MINERAL RESOURCES – ISSUES, GOALS, AND POLICIES

General Issues

GOAL 8K: Ensure that mineral extraction industries do not adversely affect the quality of life in Whatcom County, by establishing appropriate and beneficial designation and resource conservation policies, while recognizing the rights of all property owners.

Policy 8K-2: Consider the maintenance and upgrade of public roads before approving mineral extraction. Address all truck traffic on county roads in a fair and equitable fashion.

Policy 8K-3: Avoid adversely impacting water quality. The protection of aquifers and recharge zones should have precedence over surface mining in the event it is determined by the county that adverse impacts cannot be avoided through the standard use of best management practices. Avoid contamination of aquifers by using uncontaminated and inert materials for reclamation or onsite storage.

Policy 8K-7 Expansion of MRL designations to parcels contiguous to, and in common ownership with, an existing mine, may require that the existing mine is in compliance with all operating permits and regulations.

Goal 8Q: Designate Mineral Resource Lands (MRLs) containing commercially significant deposits throughout the county in proximity to markets in order to minimize avoid construction aggregate shortages, higher transport costs, future land use conflicts and environmental degradation. Balance MRL designations with other competing land uses and resources.

Policy 8Q-4: Allow mining within designated MRLs through an administrative approval conditional use permit process requiring:
(1) on-site environmental review, with county as lead agency, and
(2) application of appropriate site specific conditions, and
(3) notification to neighboring property owners within 1,000 feet to insure opportunity for written and oral input—and/or appeal; and
(4) access to de novo review by the Hearing Examiner if administrative approval is denial is appealed.

MINERAL RESOURCE LANDS (MRL) – DESIGNATION CRITERIA I. Non-Metallic Mineral Deposits
General Criteria
10. MRL Designations must be reviewed for internal consistency with other parts of the comprehensive plan so that the MRL designation does not preclude achievement of other parts of the comprehensive plan.

11. Expansion of MRL designations to parcels contiguous to, and in common ownership with, an existing mine, may require that the existing mine is in compliance with all operating permits and regulations.

Additional Criteria for Designated Urban and Rural Areas

1210. Abutting parcel size density must not exceed one unit per nominal five acres for more than 25% of the perimeter of the site unless project specific mitigation is created.

Additional Criteria for Designated Forestry Areas

1311. Must demonstrate higher value as mineral resource than forestry resource based upon:
   • soil conditions.
   • accessibility to market.
   • quality of mineral resource.
   • sustainable productivity of forest resource.

Additional Criteria for Designated Agricultural Areas


River and Stream Gravel

1513. MRL Designation status applies to river gravel bards possessing necessary permits and containing significant quality reserves.

1614. MRL Designation status may apply to those upland sites located in proximity to river gravel sources and used primarily for handling and processing significant amounts of river gravel.

Metallic and Industrial Mineral Deposits

1715. For metallic and rare minerals, mineral designation status extends to all patented mining claims.


1917. All other non-patented mineral deposits must meet the non-metallic MRL Designation criteria, numbers 6 through 12 14, as applicable.
WHATCOM COUNTY
PLANNING & DEVELOPMENT SERVICES
STAFF REPORT

I. OVERVIEW

File # PLN2013-00008

File Name: MRL – Application Process

Applicant: Barbara Brenner and Carl Weimer

Summary of Request: In December 2012, an application was submitted proposing changes to the comprehensive plan and zoning code regarding mineral resource land.

There are 2 exhibits associated with this staff report. Exhibit A represents the proposed changes as provided in the application, while Exhibit B represents the proposed changes as recommended by the Surface Mining Advisory Committee (SMAC)

The proposed Comprehensive Plan amendments include changes to general mineral extraction policies that implement Goal 8K (adverse impacts), Goal 8Q (MRL designation), and MRL Designation Criteria.

Both exhibits propose designation criteria requiring internal consistency with other parts of the comprehensive plan. Both exhibits also include policies supporting their respective proposed MRL designation process, changing the permitting process from administrative approval use to conditional use and considering maintenance and upgrade of public roads before mineral extraction.

Exhibit A proposes new MRL designation criteria that provide the public and decision-makers with environmental information prior to MRL lands being designated, require that adjoining mine activities are compliant with permits and regulations prior to MRL expansion, and limit forestry zones within MRLs. Exhibit A also includes policies considering maintenance and upgrading roads prior to designation.

Exhibit B proposes new MRL designation criteria providing discretion whether existing mines must be compliant with permits and regulations prior to adjacent MRL expansion.
Both Exhibit A and Exhibit B propose amendments to the zoning code altering the permitting process from an administrative approval use (staff decision with no public hearing) to a conditional use permit (Hearing Examiner decision with a public hearing). Both exhibits also propose additional changes to include requiring noxious weeds to not be established in buffers of surface mining operations.

Exhibit A proposes changing the distance from rural or residential districts for rock crushing activities that would require a conditional use permit from 1,000 feet to 2,000 ft. Exhibit A proposes the notification requirements for surface mining be expanded to 2,000 from the external boundaries of the subject property and requires conditional use permits for mining and processing activities within forest resource zones when within 2,000 feet of a rural or Residential district.

Exhibit B proposes an additional review criterion that, within forestry zones, prior to moving on to a new phase of mining, previously mined areas shall meet reclamation criteria as approved by DNR.

The specific Comprehensive Plan and zoning code amendments are included with this report as exhibits A and B. Exhibit A shows the amendments as provided by the applicant. Exhibit B shows amendments proposed the SMAC.

Location: The proposed zoning text amendments affect portions of the Rural, Agriculture, Rural Forestry and Commercial Forestry zones, and the Mineral Resource Lands overlay.

II. BACKGROUND

One of the goals of the Growth Management Act (GMA) is to maintain and enhance resource based industries, including the aggregate and mineral resource industries, with the purpose of assuring the long-term conservation of resource lands for future use. In addition, the Act mandates that each county shall classify mineral resource lands and then designate and conserve appropriate areas that are not already characterized by urban growth and that have long-term commercial significance.

To address the mandates of the GMA, Whatcom County formed a Surface Mining Citizens’ Advisory Committee (SMAC) in the 1990s to produce the issues, goals, and policies found in the Whatcom County Comprehensive Plan. The County Council adopted the original mineral resource provisions in the 1997 Comprehensive Plan. These provisions were updated in 2004-2005 after reviewing the GMA, SMAC recommendations, and new information.

In 2004, there were 24 Mineral Resource Land (MRL) designations throughout the County, covering 4,204 acres. For planning purposes, the SMAC recommended using an annual demand for sand and gravel of 12.2 cubic yards per capita and annual demand for bedrock of 1.3 cubic yards per capita in the 2004-05 Comprehensive Plan update, consistent with the rates in the 1997 Comprehensive Plan.
While urbanization creates demand for sand and gravel resources, it may also encroach upon or build over those same resources, rendering them inaccessible. Strong community opposition to mining near residential, agricultural, or sensitive environmental areas may also limit extractive opportunities. Adequate resource protection could help to assure the long-term conservation of resource lands for future use. It may also help to ensure a competitive market and to guard against inflated land prices by allowing the supply of minerals to respond to the demand of a free market. Helping the aggregate industry and the associated businesses, trades and export markets create jobs and stimulate the economy, to the benefit of the county.

Potential conflicts with other land uses, however, may include increased noise, dust, visual blight, traffic, road wear, and neighboring property devaluation. Unreclaimed mines may affect property values while at the same time nearby residents may use the area for other activities. Controlling trespassing to surface mining may be a significant safety issue for mine operators. Property rights issues range from the right to mine and use the value of mineral resource land to the right to live in an area with a high quality of life and retain home values. Citizens may be generally unaware of the county zoning of surrounding property and the mining uses that area allowed. These and other factors may contribute to a climate of distrust and hostility between aggregate industry and adjacent property owners.

Environmental issues associated with surface mining may include groundwater contamination and disruption of fish and wildlife habitat. Surface mines may have the potential, however, to create wetlands and fish and wildlife habitat, possible productive agricultural land for a limited number of crops, and provide land for parks, housing, industrial and other uses, through mine reclamation.

Associated mining activities such as rock crushing on-site may increase the “industrial atmosphere” experience by nearby property owners. This activity, however, helps to keep material transportation costs down. In addition, accessory uses are a necessary part of most operations, and to carry them out on site is cost-effective.

In October 2006, PDS staff provided a staff report to the Planning Commission for a proposed MRL designation expansion east of the City of Nooksack, off of Breckenridge Road. The staff report recommended approval, subject to conditions, based on designation criteria within the Comprehensive Plan and review criteria within Whatcom County Code. The Planning Commission forwarded their findings for approval to the County Council. The Council Natural Resource committee recommended approval of the proposal to the County Council. At the County Council meeting, partially due to public opposition, the proposal was not adopted.

In December 2008, an application was filed to amend the Comprehensive Plan map and zoning map to expand an MRL designation off of Bowman and Doran roads, south of Acme. The SEPA threshold determination of Mitigated Determination of Non-Significance was appealed by some of the local community and the applicant.
The Hearing Examiner upheld the applicant appeal. The Hearing Examiner decision was appealed to the County Council, which upheld the Hearing Examiner's decision. In May 2011, PDS staff provided a staff report to the Planning Commission for the proposed MRL designation amendment. The staff report recommended approval based on the designation criteria within the Comprehensive Plan and review criteria within Whatcom County Code. The Planning Commission forwarded their findings for approval to the County Council. On July 26, 2011, the County Council moved to refer the proposal to committee for a work session. At the August 9, 2011 Planning and Development Committee meeting, the Committee was unable to recommend approval for the proposal. That evening, the County Council forwarded the proposal to concurrent review. On February 14, 2012, the County Council motion to adopt the proposed ordinance failed, partially due to public concerns about potential environmental impacts of future mining.

The purpose of the present proposal is to address some of the concerns that have been raised in previous years. As stated in the application for this proposal:

- "The current MRL process fails to provide sufficient information to evaluate the potential impacts of MRL designation proposal. Recent decisions of the hearing Examiner have concluded that the current process limits the initial MRL designation mainly to the value and location of mineral deposits while leaving the determination of the impacts and approval of operations to the administrative approval process that requires appeals in order to gain a public hearing. As noted by the Hearing Examiner, Whatcom County could have chosen a different process with designation criteria that included environmental review of mining impacts at the beginning of the process."

"This amendment does propose a different process – a process that provides the public and decision-makers with environmental information prior to MRL lands being designated, and then requires a public hearing on surface mining permit applications rather than having such decisions made by staff that must be appealed in order to gain a hearing."

III. ANALYSIS OF THE PROPOSED AMENDMENT

The proposed amendments include both Comprehensive Plan text amendments, as well as zoning text amendments.

In order to approve the proposed Comprehensive Plan amendments, pursuant to Whatcom County Code (WCC) 2.160, the planning commission and county council must find:

- 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.
- Further studies made or accepted by the department of planning and development services indicate changed conditions that show need for the amendment.
- The public interest will be served by approving the amendment.
A. That 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.

Growth Management Act

The Growth Management Act (GMA) includes multiple planning goals that are relevant to the proposed comprehensive plan amendments.

GMA planning goal #7 states: “Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability” (RCW 36.70A.020(7)).

Staff Comment: Through previous MRL designation proposals, it has been affirmed that MRL designation is not a “right-to-mine” (unlike agricultural and forest lands of long-term commercial significance), insomuch as upon receiving MRL designation, a permit is still required for the act of mineral extraction. Neither Exhibit A nor B proposes to change that.

However, Exhibit A would require that a site specific environmental analysis, as well as consideration of the maintenance and upgrade of public roads, be conducted on a site prior to MRL designation. If, in keeping with recent decisions, MRL designation does not include a “right-to-mine”, subject to the results of the environmental analysis, then a mineral extraction permit applicant would have no assurances that the results of their site specific environmental analysis would result in an approved MRL designation or permit. Further, if designation is predicated on an operating plan, if a mineral extraction company goes out of business or is sold, or if the property is sold, it is unclear if the new owner would be bound to the operating plan, need to complete a new environmental analysis, or risk losing MRL designation based on the lack of an environmental analysis.

Exhibit B includes proposed amendments to Policy 8K-2 that clarify that maintenance and upgrade of public roads take place before approving mineral extraction. This would ensure that any necessary maintenance or upgrades are in direct relationship to an impact from a specific mineral extraction permit. This policy also clarifies that all traffic, not just truck traffic, on county roads is addressed in a fair and equitable fashion.

GMA planning goal #11 states: “Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts” (RCW 36.70A.020(11)).

Staff Comment: In both Exhibit A and Exhibit B, the proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use
processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal.

County-Wide Planning Policies

County-Wide Planning Policy A-3 states that:

Citizens shall be notified in a timely manner of opportunities to have input and key decision points in the planning process. This should include actions such as use of telephone hotlines, notification to interest groups, pre-development meetings, early incorporation of public comments and broader notification of property owners and residents during a planning process as well as working more extensively with community and neighborhood groups. The cities shall also develop a public participation process to solicit and incorporate comments from residents outside city limits but within proposed Urban Growth Areas.

Staff Comment: In both Exhibit A and Exhibit B, the proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal.

Interlocal Agreement

Staff Comment: Staff is not aware of any interlocal agreements affecting the proposed amendments.

B. That further studies made or accepted by the department of planning and development services indicate changed conditions that show the need for the amendment.

There have been no studies made or accepted by the PDS that indicate changed conditions that show the need for the amendments. However, in recent history
there have been instances documented that may support some of the amendments.

- **Exhibit A – Proposed Policy 8K-2:** Consider the maintenance and upgrade of public roads **before designating MRLs and approving mineral extraction.** Address all truck traffic on county roads in a fair and equitable fashion.

- **Exhibit B – Proposed Policy 8K-2:** Consider the maintenance and upgrade of public roads **before approving mineral extraction.** Address all truck traffic on county roads in a fair and equitable fashion.

**Staff Comment:** The underline represents changed conditions from the present policy. Within the past few years, applications for MRL designation have resulted in a public process where citizens have requested that impacts from mineral extraction be considered as part of MRL designation. Proponents of MRL designation note that the purpose of designation is to protect the resource from incompatible uses, and that designation is not a right-to-mine. Twice since 2006, a Comprehensive Plan map and zoning map amendment application for the expansion of a MRL designation has reached the County Council, and both times the amendment was not approved by Council. Consideration of maintenance and upgrade of public roads may not be possible without a mineral extraction plan, which is not presently required as part of the MRL designation process. Mineral extraction permits are presently reviewed by Public Works – Engineering for potential impacts to public roads, and necessary maintenance and upgrading of the roads may be required for approval.

- **Exhibit A – Proposed Policy 8K-7:** Designate site-specific mineral resource lands only after mineral extraction impacts have been anticipated and evaluated, and potential adverse environmental impacts have been addressed through appropriate mitigation and/or reasonable alternatives.

- **Exhibit B – Proposed Policy 8K-7:** The surface Mining Advisory Committee did not recommend approval of this proposed policy.

**Staff Comment:** Within the past few years, applications for MRL designation have resulted in a public process where citizens have requested that impacts from mineral extraction be considered as part of MRL designation. Proponents of MRL designation note that the purpose of designation is to protect the resource from incompatible uses, and that designation is not a right-to-mine. Twice since 2006, a Comprehensive Plan map and zoning map amendment application for the expansion of a MRL designation has reached the County Council, and both times the amendment was not approved by Council. Anticipation and evaluation of potential adverse environmental impacts associated with mineral extraction, and mitigation and/or reasonable alternatives may not be possible without a mineral extraction plan, which is not presently required as part of the MRL designation process.
• **Exhibit A – Proposed Policy 8K-8:** Expansion of existing MRL designations for a mine site will require that the existing mine is in full compliance with all permits and regulations.

• **Exhibit B – Proposed Policy 8K-8:** Expansion of MRL designations to parcels contiguous to, and in common ownership with, an existing mine, may require that the existing mine is in compliance with all operating permits and regulations.

**Staff Comment:** In December 2010, Whatcom County PDS received an application for a Comprehensive Plan map and zoning map amendment to expand an existing MRL designation. The mine associated with the MRL designation has received stop work orders and been assessed penalties as part of a notice of violation. The operation within this MRL is now going through receivership. No work has been done on the Comprehensive Plan MRL expansion amendment for over 2 years, and there is presently no mining activity occurring. The proposed policy in Exhibit B attempts to clarify that non-compliance by a mineral extraction operator would not impact the ability of another landowner to expand an MRL designation.

• **Exhibit A and Exhibit B – Proposed Policy 8Q-4:** Allow mining within designated MRLs through an administrative approval conditional use permit process requiring:
  1. on-site environmental review, with county as lead agency, and
  2. application of appropriate site specific conditions, and
  3. notification to neighboring property owners within 1,000 feet to insure opportunity for written and oral input and/or appeal, and
  4. access to de novo review by the Hearing Examiner if administrative approval is denied or appealed.

**Staff Comment:** The underlines and strikethroughs represent changed conditions from the present policy. In both Exhibit A and Exhibit B, the proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal. However, it is worth noting that, according to former PDS geologist, Doug Goldthorp:
"Since the inception of the surface mining administrative approval use permit requirement in 1997, 24 surface mining administrative approval use applications (ADMs), and the 3 amendment applications to those ADMs have been conditionally approved. There was either a DNS, MDNS, and one DS SEPA determination in each case. Of the 27 combined ADMs, ADM amendments and associated SEPA determinations, 3 appeals (11%) have been filed and adjudicated by the WC Hearing Examiner. In all 3 cases, the Hearing Examiner has upheld the staff determination. In a few cases, the Hearing Examiner determination has been upheld by the WC Council, and in one case, upheld by the WA Superior Court.”

This information indicates that, while the sample size is relatively small, the Technical Administrator’s determinations have been upheld as appropriate, when challenged. However, the purpose of the amendment is to ensure a public process that is presently absent, and this amendment would provide an avenue for a public process.

C. That the public interest will be served by approving the amendment. In determining whether the public interest will be served, factors including but not limited to the following shall be considered:

1. The anticipated effect upon the rate or distribution of population growth, employment growth, development, and conversion of land as envisioned in the Comprehensive Plan.

Staff Comment: There is no anticipated effect upon the rate or distribution of population growth, employment growth or development of land as envisioned in the Comprehensive Plan, as a result of the proposed Comprehensive Plan amendments under Exhibit B. However, under Exhibit A, lands that have a proven resource may become converted to a use incompatible with surface mining if mineral resource extraction companies don’t pursue designation as a result of increased costs and lack certainty in the designation process.

2. The anticipated effect upon 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.

Staff Comment: Under Exhibit A, the proposed Comprehensive Plan amendments may affect the ability of the County and/or other service providers to provide adequate services and public facilities including transportation facilities, though not necessarily through an increased demand for services. Recent efforts to designate lands for mineral extraction have failed. Mining companies may be hesitant to apply for designation, due to the costs associated with studies to determine potential impacts/mitigation/alternatives, if there are no reassurances that they could recoup the costs through designation and subsequent mineral extraction.
Additionally, by limiting MRL designations in forest lands to 20 acres at a time, large areas of potential resources may not be efficiently extracted. This situation may result in increased costs for the resource. If mining companies decide to not apply for new designations in Whatcom County, the costs of mineral resources would likely climb as the local supply diminishes and more costly imports become a primary source of material. If the costs of capital facilities increase, there may be less money throughout the rest of the provider’s budget.

Staff does not anticipate Exhibit B will affect the ability of the County or other service providers to provide adequate services and public facilities.

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

**Staff Comment:** Under Exhibit A, the proposed amendments may discourage mining companies from applying for designation, due to the costs associated with studies to determine potential impacts/mitigation/alternatives, if there are no reassurances that they could recoup the costs through designation and subsequent mineral extraction. If true, the rate of conversion to mineral resource lands from agriculture and forestry would likely slow, positively impacting the protection of agriculture and forestry lands. However, the proposed amendments would then, necessarily, negatively impact the availability of mineral resource lands.

Staff does not anticipate Exhibit B will impact designated agricultural, forest or mineral resource lands.

**D. That the amendment does not include nor facilitate illegal spot zoning.**

According to the Official Whatcom County Zoning Ordinance:

“Illegal spot zoning” means a zoning action by which a smaller area is singled out of a larger area or district and specially zoned for a use classification totally different from, and inconsistent with, the classification of surrounding land and not in accordance with the Comprehensive Plan. Spot zoning is zoning for private gain designed to favor or benefit a particular individual or group and not the welfare of the community as a whole (WCC 20.97.186).

**Staff Comment:** The proposed amendments within Exhibit A and Exhibit B do not change the zoning of any area; therefore, the amendment does not include nor facilitate illegal spot zoning.

For zoning text amendments, Planning and Development Services shall conduct environmental review under SEPA and prepare a staff report including recommendations and/or options for the initiated amendment. The report and
result of environmental review to the appropriate hearing body, in this case the Planning Commission. The Planning Commission shall evaluate the merits of each amendment in relationship to the goals, policies and objectives of the Comprehensive Plan and make a recommendation as to whether the amendment should be approved, approved with modifications or denied. The following goals and policies of the Comprehensive Plan apply to the subject zoning text amendments.

**Goal 26:** Encourage citizen participation in the decision-making process

**Staff Comment:** In both Exhibit A and Exhibit B, the proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal.

**Policy 2D-3:** Streamline development regulations to eliminate unnecessary time delays.

**Staff Comment:** Surface mining can be controversial, with neighbors of mines sometimes opposed due to possible impacts of mining activities. This opposition may take the form of appealing administrative decisions made by PDS staff to the Hearing Examiner. In both Exhibit A and Exhibit B, by changing the review process to conditional use, the Hearing Examiner would make an initial determination based on a staff report, potentially resulting in one less step between an application and a final outcome.

**Policy 7D-7:** Streamline and coordinate the permit process and sustain a supportive customer service approach towards permitting.

**Staff Comment:** Surface mining can be controversial, with neighbors of mines sometimes opposed due to possible impacts of mining activities. This opposition may take the form of appealing administrative decisions made by PDS staff to the Hearing Examiner. In both Exhibit A and Exhibit B, by changing the review process to conditional use, the Hearing Examiner would make an initial determination based on a staff report, potentially resulting in one less step between an application and a final outcome.

**Policy 8K-1:** Avoid significant mineral extraction impacts on adjacent or nearby land uses, public health and safety, or natural resources.

**Staff Comment:** In both Exhibit A and Exhibit B, the proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case
of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal. In addition to SEPA review and a public hearing before the Hearing Examiner, the Hearing Examiner has the authority to condition permits in order to minimize or avoid significant impacts to neighboring lands, health and safety, and natural resources.

**Exhibit A – Proposed Policy 8K-2:** Consider the maintenance and upgrade of public roads before designating MRLs and approving mineral extraction. Address all truck traffic on county roads in a fair and equitable fashion.

**Exhibit B – Proposed Policy 8K-2:** Consider the maintenance and upgrade of public roads before approving mineral extraction. Address all truck traffic on county roads in a fair and equitable fashion.

**Staff Comment:** In both Exhibit A and Exhibit B, the proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). Through the SEPA process, impacts to public roads are considered through Checklist Item #14 – Transportation as part of the permitting process. Exhibit B proposes that all traffic, not just truck traffic, on county roads be addressed in a fair and equitable fashion.

**Policy 8N-2:** Allow rock crushing, washing and sorting in the forest zones when appropriate as long as conflicts with other land uses can be mitigated.

**Staff Comment:** Rock crushing, washing and sorting are presently, and will continue to be, allowed uses within the forest zones, when within a MRL. Both exhibits propose amendments to Policy 8Q-4 that alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). Through the conditional use process, there is a public hearing before the Hearing Examiner. In addition to SEPA review and a public hearing before the Hearing Examiner, the Hearing Examiner has the authority to condition permits in order to minimize or avoid significant impacts to neighboring lands, health and safety, and natural resources.
Policy 8N-3: Allow commercial surface mining operations in the forest zones when appropriate as long as conflicts with other land use zones can be mitigated.

Staff Comment: Commercial surface mining operations are presently, and will continue to be, allowed uses within the forest zones, when within a MRL. Both exhibits propose amendments to Policy 8Q-4 that alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). Through the conditional use process, there is a public hearing before the Hearing Examiner. In addition to SEPA review and a public hearing before the Hearing Examiner, the Hearing Examiner has the authority to condition permits in order to minimize or avoid significant impacts to neighboring lands, health and safety, and natural resources.

Policy 8Q-4: Allow mining within designated MRLs through an administrative approval conditional use permit process requiring:
(1) on-site environmental review, with county as lead agency, and
(2) application of appropriate site specific conditions, and
(3) notification to neighboring property owners within 1,000 feet to insure opportunity for written and oral input and/or appeal, and
(4) access to de novo review by the Hearing Examiner if administrative approval or denial is appealed.

Staff Comment: In both Exhibit A and Exhibit B, the proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Criterion #4 of Policy 8Q-4 would be unnecessary through the conditional use process, since conditional use approval is made by the Hearing Examiner. Since conditional use permits undergo a public hearing before the Hearing Examiner, the conditional use permitting process allows for oral input, as opposed to the administrative approval process which has no associated public hearing.

Goal 10J: Minimize conflicts between different land uses.
Staff Comment: In both Exhibit A and Exhibit B, the proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal. In addition to SEPA review and a public hearing
Policy 11B-5: Process the environmental review of building and development applications within an established time-frame that is predictable and expeditious.

Staff Comment: In both Exhibit A and Exhibit B, the proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). Whatcom County Code (WCC) 2.33 – Permit Review Procedures states that unless otherwise exempted in WCC 2.33.020 or 2.33.090(C), the county shall issue a notice of final decision on an administrative approval use or conditional use within 90 days of the date of completeness if the project is exempt from SEPA review. If the project is subject to SEPA review, the county shall issue a notice of final decision within 120 days.

Lack of Goals or Policy: The following are proposed amendments to the zoning code that are neither supported, nor opposed, by the goals and policies within the comprehensive plan. The present zoning code language is presented first, followed by the proposed amendments within Exhibits A and B.

WCC 20.42.058 and 20.43.055 – Permitted uses within Rural and Commercial Forestry: Surface mining, rock crushing, washing and sorting subject to the Forest Practices Act (Chapter 76.09 RCW); provided that administrative approval is required for accessory rock crushing activities located within 1,000 feet from a rural or residential district.

- **Exhibit A:** Proposes changing the permitting process from administrative approval use to conditional use and extending the locational criteria to 2,000 ft.
- **Exhibit B:** Proposes changing the permitting process from administrative approval use to conditional use, but leaving the locational criteria at 1,000 ft.

WCC 20.73.132 – Administrative Approval uses in the Mineral Resource Lands overlay: Rock crushing within Commercial and Rural Forestry Districts.

- **Exhibit A:** Proposes adding the following language to the end of the code: “when located further than 2,000 feet from a rural or residential district.”
- **Exhibit B:** Proposes adding the following language to the end of the code: “when located further than 1,000 feet from a rural or residential district.”

Proposed WCC 20.73.153(1) – Conditional uses in the Mineral Resource Lands Overlay (note: this language would replace administrative approval use language, if the permitting process is changed from administrative approval use to conditional use): The notification requirements of WCC
2.33.060.D.2.b shall be expanded to all property owners within 1,000 ft. of the external boundaries of the subject property.

- **Exhibit A:** Proposes expanding the notification area to 2,000 ft.
- **Exhibit B:** Proposes leaving the notification area at 1,000 ft.

**Proposed WCC 20.73.153(6) – Conditional uses in the Mineral Resource Lands overlay (note: this language would replace administrative approval use language, if the permitting process is changed from administrative approval use to conditional use):** Notice of the decision shall be mailed to all property owners within 1,000 feet of the external boundaries of the subject property within two days of issuance of the decision. The applicant shall provide typed, self-adhering mailing labels with the names and addresses of all property owners within 1,000 feet of the subject property with the application to facilitate the notice.

- **Exhibit A:** Proposes expanding the notification area to 2,000 ft.
- **Exhibit B:** Proposes leaving the notification area at 1,000 ft.

**Exhibit B - Proposed WCC 20.73.153(7) – Conditional uses in the Mineral Resources Lands overlay (note: this language is new and is not proposed in Exhibit A):** Where the underlying zoning is Rural Forestry or Commercial Forestry, prior to moving on to a new phase, previously mined areas shall meet reclamation criteria as identified on an approved Department of Natural Resources Surface Mining Reclamation Permit.

**State Environmental Policy Act**

**Staff Comment:** A SEPA Determination of Nonsignificance was issued on July 5, 2013. The associated comment period ended on July 19th, 2013 and the appeal period concluded July 29th, 2013.

**IV. PROPOSED FINDINGS OF FACT AND REASONS FOR ACTION**

1. An application for Comprehensive Plan and related zoning amendments was received by Whatcom County on December 21, 2012.

2. A revised application for Comprehensive Plan and related zoning amendments was received by Whatcom County on January 23, 2013.

3. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on July 5, 2013. The associated comment period ended July 19, 2013 and the appeal period concluded July 29, 2013.

4. The Surface Mining Advisory Committee held work sessions with Whatcom County PDS Staff on March 26, 2014; April 23, 2014; May 28, 2014, June 25, 2014; and July 23, 2014.

5. A press release of the Planning Commission briefing was published in the Bellingham Herald on 09/08/2014
6. The Planning Commission held a work session on September 11, 2014.

7. The Planning Commission held a public hearing on October 23, 2014.

8. Notice of the proposed amendment was sent to the Department of Commerce on 8/15/2014.

9. On 08/20/2014 the Department of Commerce acknowledged receipt of the notice, and that a copy of the notice had been forwarded to other state agencies.

10. The Growth Management Act (GMA) includes multiple planning goals that are relevant to the proposed comprehensive plan amendments.

11. GMA Planning Goal #7: Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.

Through previous MRL designation proposals, it has been affirmed that MRL designation is not a “right-to-mine”, insomuch as upon receiving MRL designation, a permit is still required for the act of mineral extraction.

Exhibit B includes proposed amendments to Policy 8K-2 that clarify that maintenance and upgrade of public roads take place before approving mineral extraction. This would ensure that any necessary maintenance or upgrades are in direct relationship to an impact from a specific mineral extraction permit. This policy also clarifies that all traffic, not just truck traffic, on county roads is addressed in a fair and equitable fashion.

12. GMA Planning Goal #11: Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts

Exhibit B proposes amendments to Policy 8Q-4 altering the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal.
Whatcom County’s County-Wide Planning Policy A-3 states: Policy 7D-7: Citizens shall be notified in a timely manner of opportunities to have input and key decision points in the planning process. This should include actions such as use of telephone hotlines, notification to interest groups, pre-development meetings, early incorporation of public comments and broader notification of property owners and residents during a planning process as well as working more extensively with community and neighborhood groups. The cities shall also develop a public participation process to solicit and incorporate comments from residents outside city limits but within proposed Urban Growth Areas.

Exhibit B proposes amendments to Policy 8Q-4 altering the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal.

There are no interlocal agreements affecting the proposed amendments.

Whatcom County Comprehensive Plan contains goals and policies that are applicable to the proposal.

Proposed Policy 8K-2: Consider the maintenance and upgrade of public roads before approving mineral extraction. Address all truck traffic on county roads in a fair and equitable fashion.

The underline represents changed conditions from the present policy. Within the past few years, applications for MRL designation have resulted in a public process where citizens have requested that impacts from mineral extraction be considered as part of MRL designation. Proponents of MRL designation note that the purpose of designation is to protect the resource from incompatible uses, and that designation is not a right-to-mine. Twice since 2006, a Comprehensive Plan map and zoning map amendment application for the expansion of a MRL designation has reached the County Council, and both times the amendment was not approved by Council. Consideration of maintenance and upgrade of public roads may not be possible without a mineral extraction plan, which is not presently required as part of the MRL designation process. Mineral extraction permits are presently reviewed by Public Works – Engineering for potential impacts to public roads, and necessary maintenance and upgrading of the roads may be required for approval.
Exhibit B proposes amendments altering the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). Through the SEPA process, impacts to public roads are considered through Checklist Item #14 – Transportation as part of the permitting process. Exhibit B proposes that all traffic, not just truck traffic, on county roads be addressed in a fair and equitable fashion.

17. Proposed Policy 8K-8: Expansion of MRL designations to parcels contiguous to, and in common ownership with, an existing mine, may require that the existing mine is in compliance with all operating permits and regulations. In December 2010, Whatcom County PDS received an application for a Comprehensive Plan map and zoning map amendment to expand an existing MRL designation. The mine associated with the MRL designation has received stop work orders and been assessed penalties as part of a notice of violation. The operation within this MRL is now going through receivership. No work has been done on the Comprehensive Plan MRL expansion amendment for over 2 years, and there is presently no mining activity occurring. The proposed policy in Exhibit B attempts to clarify that non-compliance by a mineral extraction operator would not impact the ability of another landowner to expand an MRL designation.

18. Proposed Policy 8Q-4: Allow mining within designated MRLs through an administrative approval conditional use permit process requiring:

1. On-site environmental review, with county as lead agency, and
2. Application of appropriate site specific conditions, and
3. Notification to neighboring property owners within 1,000 feet to insure opportunity for written and oral input and/or appeal, and
4. Access to de novo review by the Hearing Examiner if administrative approval is denied or appealed.

The underlines and strikethroughs represent changed conditions from the present policy. The proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Criterion #4 of Policy 8Q-4 would be unnecessary through the conditional use process, since conditional use approval is made by the Hearing Examiner. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed
amendment would result in a public hearing process that is presently absent without the need for an appeal. However, it is worth noting that, according to former PDS geologist, Doug Goldthorp:

"Since the inception of the surface mining administrative approval use permit requirement in 1997, 24 surface mining administrative approval use applications (ADMs), and the 3 amendment applications to those ADMs have been conditionally approved. There was either a DNS, MDNS, and one DS SEPA determination in each case. Of the 27 combined ADMs, ADM amendments and associated SEPA determinations, 3 appeals (11%) have been filed and adjudicated by the WC Hearing Examiner. In all 3 cases, the Hearing Examiner has upheld the staff determination. In a few cases, the Hearing Examiner determination has been upheld by the WC Council, and in one case, upheld by the WA Superior Court."

This information indicates that, while the sample size is relatively small, the Technical Administrator’s determinations have been upheld as appropriate, when challenged. However, the purpose of the amendment is to ensure a public process that is presently absent, and this amendment would provide an avenue for a public process.

19. There is no anticipated effect upon the rate or distribution of population growth, employment growth or development of land as envisioned in the Comprehensive Plan, as a result of the proposed Comprehensive Plan amendments under Exhibit B.

20. Staff does not anticipate Exhibit B will affect the ability of the County or other service providers to provide adequate services and public facilities.

21. Staff does not anticipate Exhibit B will impact designated agricultural, forest or mineral resource lands.

22. Goal 2G: Encourage citizen participation in the decision-making process

The proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal.
23. Policy 2D-3: Streamline development regulations to eliminate unnecessary time delays.

Surface mining can be controversial, with neighbors of mines sometimes opposed due to possible impacts of mining activities. This opposition may take the form of appealing administrative decisions made by PDS staff to the Hearing Examiner. By changing the review process to conditional use, the Hearing Examiner would make an initial determination based on a staff report, potentially resulting in one less step between an application and a final outcome.

24. Policy 7D-7: Streamline and coordinate the permit process and sustain a supportive customer service approach towards permitting.

Surface mining can be controversial, with neighbors of mines sometimes opposed due to possible impacts of mining activities. This opposition may take the form of appealing administrative decisions made by PDS staff to the Hearing Examiner. By changing the review process to conditional use, the Hearing Examiner would make an initial determination based on a staff report, potentially resulting in one less step between an application and a final outcome.

25. Policy 8K-1: Avoid significant mineral extraction impacts on adjacent or nearby land uses, public health and safety, or natural resources.

The proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal. In addition to SEPA review and a public hearing before the Hearing Examiner, the Hearing Examiner has the authority to condition permits in order to minimize or avoid significant impacts to neighboring lands, health and safety, and natural resources.

26. Policy 8N-2: Allow rock crushing, washing and sorting in the forest zones when appropriate as long as conflicts with other land uses can be mitigated.

Rock crushing, washing and sorting are presently, and will continue to be, allowed uses within the forest zones, when within a MRL. Proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be).
Through the conditional use process, there is a public hearing before the Hearing Examiner. In addition to SEPA review and a public hearing before the Hearing Examiner, the Hearing Examiner has the authority to condition permits in order to minimize or avoid significant impacts to neighboring lands, health and safety, and natural resources.

27. Policy 8N-3: Allow commercial surface mining operations in the forest zones when appropriate as long as conflicts with other land use zones can be mitigated.

Commercial surface mining operations are presently, and will continue to be, allowed uses within the forest zones, when within a MRL. Proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). Through the conditional use process, there is a public hearing before the Hearing Examiner. In addition to SEPA review and a public hearing before the Hearing Examiner, the Hearing Examiner has the authority to condition permits in order to minimize or avoid significant impacts to neighboring lands, health and safety, and natural resources.

28. Goal 10J: Minimize conflicts between different land uses.

The proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if certain thresholds are met (which in the case of commercial mineral extraction they would be). The administrative approval use process does not include a public hearing unless a Planning and Development Services (PDS) staff decision is appealed. Presently, the fee to appeal an administrative approval is $500. Through the conditional use process, there is a public hearing before the Hearing Examiner. The proposed amendment would result in a public hearing process that is presently absent without the need for an appeal. In addition to SEPA review and a public hearing before the Hearing Examiner, the Hearing Examiner has the authority to condition permits in order to minimize or avoid significant impacts to neighboring lands, health and safety, and natural resources.

29. Policy 11B-5: Process the environmental review of building and development applications within an established time-frame that is predictable and expeditious.

The proposed amendments to Policy 8Q-4 alter the permitting process from administrative approval to conditional use. Through the administrative approval use and conditional use processes, State Environmental Policy Act (SEPA) review (and associated public comment period) is only required if
certain thresholds are met (which in the case of commercial mineral extraction they would be). Whatcom County Code (WCC) 2.33 – Permit Review Procedures states that unless otherwise exempted in WCC 2.33.020 or 2.33.090(C), the county shall issue a notice of final decision on an administrative approval use or conditional use within 90 days of the date of completeness if the project is exempt from SEPA review. If the project is subject to SEPA review, the county shall issue a notice of final decision within 120 days.

30. The Washington State Department of Natural Resources completed a study entitled *Reconnaissance Investigation of Sand, Gravel, and Quarried Bedrock Resources in the Bellingham 1:100,000 Quadrangle, Washington* (Jan. 2001). This study indicates that the working lifetime of most of the significant pits in the county is 10 to 20 years (p. 5).

31. The *Whatcom County Surface Mining Advisory Committee Final Report and Recommendations* (October 20, 2004) states:

   ... Theoretically, there is enough total supply in existing MRLs to satisfy demand over the first 20 years of the planning period. However, there is an imbalance in the demand and supply of sand and gravel. There is a greater need for gravel resources than sand and, as we approach the end of the 20-year planning period, we can anticipate a shortage of gravel. Additionally, shortly after the 20-year planning period, we will run out of sand and gravel resources if existing MRLs are not expanded. ... (p. 7).

V. PROPOSED CONCLUSION

The subject Comprehensive Plan amendments are consistent with the approval criteria of WCC 2.160.080. The subject zoning text amendments were processed in accordance with WCC 20.90.050.

VI. RECOMMENDATION

Based upon the above findings and conclusions, the Whatcom County Planning Commission recommends approval of the proposed amendments as shown in Exhibit B. The Whatcom County Planning Commission also strongly recommends that Whatcom County take a lead role in designating mineral resource lands of long-term commercial significance in order to protect the resource from incompatible uses, as opposed to the present process of landowner initiated amendments.
PROPOSAL BY THE WHATCOM COUNTY SURFACE MINING COMMITTEE
TO USE CONDITIONAL USE RATHER THAN ADMINISTRATIVE REVIEW AS
THE PROCESS FOR MINE PERMITTING

Proposal

The Whatcom County Surface Mining Advisory Committee (SMAC) is proposing use of
the conditional use rather than the administrative approval review process for mine
permitting. The Committee is making this recommendation because the majority of
Committee members believe that this will result in a more open, efficient and timely
process.

Introduction

The Whatcom County Planning Commission questioned the Whatcom County Surface
Mining Advisory Committee’s recommendation for using conditional use permits.
Administrative review based on a staff decision without a public hearing is the current
procedure for mine permitting in Whatcom County. The SMAC decision is based on a
review of Comprehensive Plan amendments proposed by Whatcom County Councilman
Carl Weimer and Councilwoman Barbara Brenner, and Whatcom County Planning and
Development Services staff recommendations. Both sets of recommendations are
intended to, “ensure that mineral extraction industries do not adversely affect the quality
of life in Whatcom County...” 1 address the Mineral Resource Land (MRL) approval
process 2 and identify criteria for designating MRLs 3. Membership of the SMAC includes
a citizen who lives close to an existing mine, two representatives from the mining
industry, two geologists, a geotechnical engineer, an ecologist, a forester, and a
representative from the Whatcom Conservation District.

Discussion

A majority of the SMAC believe, as is the current practice, that public hearings should
occur before an MRL designation is made by the County Council, with the understanding
that an MRL designation does not constitute a right to mine nor should the impact of
mining be addressed prior to an MRL designation. Because of the cost, as well as
uncertainty in designation, mining impacts should be addressed in the State
Environmental Policy Act (SEPA) review for a site-specific mining permit. The
estimated costs for an Environmental Impact Statement through SEPA review range from
$50K to $200K. In addition to the SEPA review, site-specific comments by affected
citizens and any site-specific conditions should be considered by a Hearing Examiner
before a decision is made to permit mining.

1 Whatcom County Comprehensive Plan, Chapter 8 Resource Lands, Section 8K Adverse Impacts
2 Whatcom County Comprehensive Plan, Chapter 8 Resource Lands, Section 8P MRL Approval Process
3 Whatcom County Comprehensive Plan, Chapter 8 Mineral Resource Lands (MRL) – Designation Criteria,
Non-Metallic Deposits.
The rationale for changing from an administrative review to a conditional use mine permitting process includes the following:

- Uncertainties and inconsistencies in the approach the Whatcom County Planning and Development Services staff may take when reviewing permit applications,
- Citizens should be encouraged to engage early in the decision making process,
- Citizen participation will provide applicants for mining permits with early identification of perceived as well as real pitfalls, safety concerns and impacts of mining thus enabling applicants to address mitigation before concerns spiral out of control,
- Citizen involvement will result in recognition of conflicts between competing land uses, and
- Early citizen participation in the decision making process may reduce the number of challenges through appeals, thus minimizing time delays during the mine permitting process.

Conclusion

The Whatcom County Surface Mining Advisory Committee recommends the conditional use rather than the administrative approval review process because the Committee believes the conditional use process promotes open decision making, allows citizens to consider and understand alternatives and voice their concerns before any decision is made. Open decision making and early discussion may also shorten the time between application and issuance of a permit to mine. Criteria to be used by a Hearing Officer should be clearly identified when deciding whether a mine should be permitted during the conditional use review process. It is essential that all interested parties have an early understanding of issues influencing a decision so that these can be discussed and understood before a decision is made to assure maximum efficiency.
Comprehensive Plan Map and Zoning Map Amendment - MRL Designation process

Present/SMAC Recommendation

1. MRL Comprehensive Plan Map and Zoning Map amendment application
2. SEPA (Non-Project Action, Historically DNS)
   - Legal notice published in newspaper
3. Staff Report
   - Zoning Review
   - Comp Plan Review
   - GMA Review
4. Planning Commission
   - (Public Hearing)
   - At least 10 days prior to hearing: Legal notice published in newspaper; notification to neighbors within 1,000 ft; Notice posted on-site
5. County Council
   - (Public Hearing)
   - Notification in Herald 10 days prior to hearing
6. County Council - Concurrent Review
   - (Public Hearing)**
   - Decision
   - Notification in Herald 10 days prior to hearing

Applicant Proposal

1. MRL Comprehensive Plan Map and Zoning Map amendment application

2. SEPA (Project Specific Action; may require EIS if EIS is issued)
   - Legal notice published in newspaper
   - Review extraction impacts and address potential adverse
3. Staff Report
   - Zoning Review
   - Comp Plan Review
   - GMA Review
4. Planning Commission
   - (Public Hearing)
   - At least 10 days prior to hearing: Legal notice published in newspaper; notification to neighbors within 1,000 ft; Notice posted on-site
5. County Council
   - (Public Hearing)
   - Notification in Herald 10 days
6. County Council - Concurrent Review
   - (Public Hearing)**
   - Decision
   - Notification in Herald 10 days prior to hearing

** County Council may deny amendment regardless of whether the application meets designation criteria
Permitting process for mineral extraction

<table>
<thead>
<tr>
<th>PRESENT</th>
<th>SMAC RECOMMENDATION</th>
<th>APPLICATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administrative Approval Use</td>
<td>Conditional Use</td>
<td>Conditional Use</td>
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<tr>
<td>- Notification to neighbors within 1,000 ft.</td>
<td>- Notification to neighbors within 1,000 ft</td>
<td>- Notification to neighbors within 2,000 ft</td>
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<tr>
<td>- SEPA (project specific action) if over 500 cu yds</td>
<td>- SEPA (project specific action) if over 500 cu yds</td>
<td>- SEPA (project specific action) if over 500 cu yds (completed as part of designation)</td>
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<tr>
<td>- Staff Decision</td>
<td>- Staff Recommendation</td>
<td>- Staff Recommendation</td>
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<tr>
<td>- Notice posted on-site</td>
<td>- Public Hearing</td>
<td>- Public Hearing</td>
</tr>
<tr>
<td></td>
<td>- Hearing Examiner Decision</td>
<td>- Hearing Examiner Decision</td>
</tr>
</tbody>
</table>
**TITLE OF DOCUMENT:**
Discussion regarding mental health services and the impact on criminal justice

**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 mental health services in Whatcom County and the impact on criminal justice

**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).
TITLE OF DOCUMENT: 2015 Supplemental Budget Request #3

ATTACHMENTS: Ordinance, Memoranda & Budget Modification Requests

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

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

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

Supplemental #3 requests funding from the General Fund:
1. To appropriate $4,650 in Parks to fund Hovander Park flagpole from donation proceeds.
2. To appropriate $10,798 in the Sheriff’s Office to fund traffic safety equipment from grant proceeds.
3. To appropriate $11,784 in the Sheriff’s Office to fund vehicle auto body repair.
4. To appropriate $97,268 in the Sheriff’s Office to fund Operation Stonegarden overtime patrols from grant proceeds.

Public Utilities Improvement Fund:
5. To appropriate $180,000 to fund additional Nooksack Water Treatment Plant upgrade request.

COMMITTEE ACTION: [Blank]

COUNCIL ACTION:
3/17/2015: introduced 6-0

Related County Contract #: [Blank]
Related File Numbers: [Blank]
Ordinance or Resolution Number: [Blank]
ORDINANCE NO.
AMENDMENT NO. 3 OF THE 2015 BUDGET

WHEREAS, the 2015-2016 budget was adopted November 25, 2014; and, WHEREAS, changing circumstances require modifications to the approved 2015-2016 budget; and, WHEREAS, the modifications to the budget have been assembled here for deliberation by the Whatcom County Council.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the 2015-2016 Whatcom County Budget Ordinance #2014-065 is hereby amended by adding the following additional amounts to the 2015 budget included therein:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Expenditures</th>
<th>Revenues</th>
<th>Net Effect</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parks</td>
<td>4,650</td>
<td>(4,650)</td>
<td>-</td>
</tr>
<tr>
<td>Sheriff</td>
<td>119,850</td>
<td>(108,066)</td>
<td>11,784</td>
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<tr>
<td>Total General Fund</td>
<td>124,500</td>
<td>(112,716)</td>
<td>11,784</td>
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<tr>
<td>Public Utilities Improvement Fund</td>
<td>180,000</td>
<td>-</td>
<td>180,000</td>
</tr>
<tr>
<td>Total Supplemental</td>
<td>304,500</td>
<td>(112,716)</td>
<td>191,784</td>
</tr>
</tbody>
</table>

ADOPTED this ____ day of ____________________, 2015.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

______________________________
Dana Brown-Davis, Council Clerk

______________________________
Carl Weimer, Chair of the Council

APPROVED AS TO FORM:

______________________________
Civil Deputy Prosecutor

( ) Approved   ( ) Denied

______________________________
Jack Louws, County Executive

Date: _________________________
## Summary of the 2015 Supplemental Budget Ordinance No. 3

<table>
<thead>
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<th>Department/Fund</th>
<th>Description</th>
<th>Increased (Decreased) Expenditure</th>
<th>(Increased) Decreased Revenue</th>
<th>Net Effect to Fund Balance (Increase) Decrease</th>
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<tr>
<td>General Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Parks</td>
<td>To fund Hovander Park flagpole from donation proceeds.</td>
<td>4,650</td>
<td>(4,650)</td>
<td>-</td>
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<tr>
<td>Sheriff</td>
<td>To fund traffic safety equipment from grant proceeds.</td>
<td>10,798</td>
<td>(10,798)</td>
<td>-</td>
</tr>
<tr>
<td>Sheriff</td>
<td>To fund vehicle auto body repair</td>
<td>11,784</td>
<td>-</td>
<td>11,784</td>
</tr>
<tr>
<td>Sheriff</td>
<td>To fund Operation Stonegarden overtime patrols from grant proceeds.</td>
<td>97,268</td>
<td>(97,268)</td>
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<tr>
<td>Total General Fund</td>
<td></td>
<td>124,500</td>
<td>(112,716)</td>
<td>11,784</td>
</tr>
<tr>
<td>Public Utilities Improvement Fund</td>
<td>To fund additional Nooksack Water Treatment Plant upgrade request.</td>
<td>180,000</td>
<td>-</td>
<td>180,000</td>
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<tr>
<td>Total Supplemental</td>
<td></td>
<td>304,500</td>
<td>(112,716)</td>
<td>191,784</td>
</tr>
</tbody>
</table>
Supplemental Budget Request

Parks & Recreation

Status: Pending

Expenditure Type: One-Time
Year 1 2015
Add'l FTE □ Add'l Space □ Priority 1

Name of Request: Hovander Park Flagpole

X

Date: 2-25-15

Department Head Signature (Required on Hard Copy Submission)

<table>
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<tr>
<th>Object</th>
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<td>4367.1000</td>
<td>Donations</td>
<td>($4,650)</td>
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<tr>
<td>6320</td>
<td>Office &amp; Op Supplies</td>
<td>$4,650</td>
</tr>
</tbody>
</table>

Request Total $0

1a. Description of request:
The Department has received donations to purchase and erect a 35 foot flagpole at Hovander Homestead Park. This project includes illumination and will recognize County Veterans.

1b. Primary customers:
The park is used by a number of community service organizations such as scouts and veterans who will use the flagpole for ceremonies and remembrances. The flag will also compliment the parks existing facilities and landscaping.

2. Problem to be solved:
This project is being funded through donations. Over the years a number of visitors and user groups have expressed a desire for the park to fly an American flag. Some groups have brought their own poles and flags to the park for ceremonial purposes. A permanent pole will help facilitate use by these groups.

3a. Options / Advantages:
N/A

3b. Cost savings:
The $4,650 required for this project is being funded entirely through donations from the Whatcom Allied Veterans Council and funds being held by the Whatcom Parks & Recreation Foundation.

4a. Outcomes:
The flagpole is planned to be installed prior to the 2015 Memorial Day weekend.

4b. Measures:
N/A

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:
A donation of $2,500 from the Whatcom Allied Veterans Council and $2,150 from the donation fund balance held by the Whatcom Parks & Recreation Foundation will be used to fund this project.
Memorandum

TO: Jack Louws, County Executive
FROM: Sheriff Bill Elfo
DATE: February 26, 2015
SUBJECT: Supplemental Budget ID# 1951
WASPC Traffic Safety Equipment Grant 2015

The attached Supplemental Budget requests budget authority to purchase traffic safety equipment with grant funds from Washington Association of Sheriffs & Police Chiefs.

Background and Purpose
The Washington Association of Sheriffs & Police Chiefs (WASPC) approved a Traffic Safety Equipment Grant of $10,798 to purchase traffic safety equipment: $6,000 for 6 moving radars, $3,200 for 8 rear antennas, and $1,598 for 2 handheld radars, Whatcom County Contract No. 201502009.

Equipment purchased will be used to support statewide traffic safety initiatives and will allow patrol units to increase their ability to enforce traffic violations.

Funding Amount and Source
Total estimated cost for purchase of this equipment is $11,590.

Washington Association of Sheriffs & Police Chiefs will provide federal Traffic Safety Equipment Grant funds of $10,798 originating from U.S. Department of Transportation, State and Community Highway Safety Program, CFDA# 20.600.

Additional funds of $792 required for this purchase will come from existing Sheriff’s Office budget.

Please contact Undersheriff Jeff Parks at extension 50418 if you have any questions.

Thank you.
Supplemental Budget Request

Name of Request: WASPC Equipment Grant 2015

Department Head Signature (Required on Hard Copy Submission)

Date: 2/27/15

<table>
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<tr>
<th>Costs</th>
<th>Object</th>
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<tr>
<td></td>
<td>4333.2062</td>
<td>Traffic Safety</td>
<td>($10,798)</td>
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<tr>
<td></td>
<td>6510</td>
<td>Tools &amp; Equip</td>
<td>$10,798</td>
</tr>
<tr>
<td>Request Total</td>
<td></td>
<td></td>
<td>$0</td>
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</tbody>
</table>

1a. Description of request:
The Washington Association of Sheriffs & Police Chiefs (WASPC) approved a Traffic Safety Equipment Grant in the amount of $10,798 to purchase traffic safety equipment: $6,000 for moving radars, $3,200 for rear antennas, and $1,598 for handheld radars.

1b. Primary customers:
The Sheriff's Office and citizens of Whatcom County

2. Problem to be solved:
Budget authority is needed to purchase traffic safety equipment authorized by WASPC and funded by Traffic Safety Equipment Grant.

3a. Options / Advantages:
Grant funds were awarded to purchase radars and rear antennas, equipment that would otherwise have to be purchased with local funds.

3b. Cost savings:
Cost savings of $10,798.00

4a. Outcomes:
Equipment received as a result of this grant will be used as part of the traffic safety program and will be distributed as part of the agency's commitment to traffic safety and active traffic enforcement. Purchase of this equipment will allow patrol units to increase their ability to enforce traffic violations.

4b. Measures:
Reports describing the use of the equipment and related enforcement activities will be submitted to WASPC by October 15, 2015.

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:
Federal funds of $10,798.00 will be provided by Washington Association of Sheriff's & Police Chiefs Traffic Safety Equipment Grant. Funds originate from the U.S. Department of Transportation, State and Community Highway Safety Program, CFDA# 20.600.

Thursday, February 26, 2015

Rpt: Rpt Suppl Regular
February 19, 2015

Sheriff Bill Elfo
Whatcom County Sheriff's Office
311 Grand Avenue
Bellingham, WA 98225

Sheriff Elfo,

Thank you for applying for a WASPC Traffic Safety Equipment Grant. We are pleased to inform you that your agency has been approved to receive $10,798.00 to purchase the following equipment: (6) Radars $1,000 ea.; (8) Rear antenna $400 ea.; and (2) Handheld radars $799 ea.

The Federal Identification number for this grant is CFDA# 20.600. Invoices must be submitted to WASPC no later than May 1, 2015. Any invoices not received by the deadline will not be reimbursed and the award money will be forfeited. Please note: WASPC is responsible for the amount of your grant award only. Any expense in excess of the grant award must be paid by your agency.

A report is required for the Traffic Safety Equipment Grant funds awarded to your department. The 2014-2015 Traffic Safety Equipment Grant reports are due by October 15, 2015. Failure to report will result in denial of 2015 – 2016 grant funds. WASPC now has an online report form. It can be found at www.waspc.org/traffic-safety. Your agency is responsible for subscribing to the following commitments:

- Support statewide/national traffic safety initiatives, projects, and programs
- Report grant results to WASPC in a timely manner
- Subscribe and commit to aggressive traffic enforcement

Thank you for your dedication to traffic safety in the State of Washington. If you have any questions please contact Nancy Morris at (360) 486-2387. If you would like more information regarding state or federal traffic safety grant funding, please contact the Washington Traffic Safety Commission at (360) 725-9896.

Sincerely,

Mitch Barker
Executive Director

<table>
<thead>
<tr>
<th>President</th>
<th>President Elect</th>
<th>Vice President</th>
<th>Past President</th>
<th>Treasurer</th>
</tr>
</thead>
<tbody>
<tr>
<td>ERIC OLSEN</td>
<td>CASEY SALISBURY</td>
<td>KEN ROBBINS</td>
<td>OZZIE KNEZOVICH</td>
<td>KEN THOMAS</td>
</tr>
<tr>
<td>Chief - King County</td>
<td>Sheriff - Mason County</td>
<td>Chief - Kittitas County</td>
<td>Sheriff - Spokane County</td>
<td>Chief - Kitsap County</td>
</tr>
<tr>
<td>TOM ROBBINS</td>
<td>BONNIE BOWERS</td>
<td>STEVE STRACHAN</td>
<td>MARK NELSON</td>
<td>JOHN SNAZA</td>
</tr>
<tr>
<td>Chief - Wallowa County</td>
<td>Chief - Asotin County</td>
<td>Chief - Benton County</td>
<td>Sheriff - Cowlitz County</td>
<td>Sheriff - Thurston County</td>
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<tr>
<td>BRIAN BURNETT</td>
<td>MARK COEY</td>
<td>JOHN BATISTE</td>
<td>FRANK MONTOYA, JR</td>
<td>MITCH BARKER</td>
</tr>
<tr>
<td>Sheriff - Chelan County</td>
<td>Director—OIC</td>
<td>Chief – WA State Patrol</td>
<td>SAC – FBI, Seattle</td>
<td>Executive Director</td>
</tr>
</tbody>
</table>
Memorandum

TO: Jack Louws, County Executive
FROM: Sheriff Bill Elfo
DATE: March 2, 2015
SUBJECT: Supplemental Budget ID# 1950
ER&R Fleet Vehicle #6226 Auto Body Repair

The attached Supplemental Budget requests appropriation authority for repair of Equipment Rental & Revolving (ER&R) Fund fleet vehicle #6226.

Background and Purpose
On November 7, 2014, an uninsured impaired driver collided with a Sheriff’s Office patrol vehicle causing substantial damage. Although the patrol vehicle is an ER&R fleet vehicle, the ER&R Fund will not pay for the extraordinary damage resulting from the accident. In addition, this is a new vehicle with no equity built up in the account. Additional appropriation authority is needed to pay for the auto body repair from the Sheriff’s Office patrol budget.

Funding Amount and Source
Total cost of the repairs in the amount of $11,784 will come from the General Fund.

Please contact Undersheriff Jeff Parks at extension 50418 if you have any questions.

Thank you.
Supplemental Budget Request

Sheriff Operations

Supp ID #: 1950  Fund: 1  Cost Center: 2920  Originator: Jeff Parks

Expenditure Type: One-Time  Year: 2015  Add'l FTE  Add'l Space  Priority: 1

Name of Request: ER&R Fleet Vehicle #6226 Auto Body Repair

X Parks  3/2/15

Department Head Signature (Required on Hard Copy Submission)  Date

Costs:

<table>
<thead>
<tr>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>7069</td>
<td>Repairs &amp; Maint-Interfun</td>
<td>$11,784</td>
</tr>
</tbody>
</table>

Request Total $11,784

1a. Description of request:
A Sheriff's Office patrol vehicle was stuck by an impaired driver and extensively damaged on November 7th, 2014. The vehicle was repaired in December as we are short on available fleet replacements. The vehicle was brand new with only 2349 miles on it. The uninsured driver of the vehicle who struck the patrol vehicle has been charged with vehicular assault and the case is still pending. The Equipment Rental and Revolving (ER&R) Fund will not pay for extraordinary damages of this sort. W.C. Administrative Services - Finance advised that a supplemental budget request be submitted as there is no budget category for extra ordinary vehicle repairs or replacements within the existing Sheriff's Office budget. We will be tracking the case through Whatcom County Prosecutor's Office to attempt restitution for damages. WCSO driver was not at fault and received injuries from the crash. He was examined and released from hospital that night.

1b. Primary customers:
Sheriff's Office - Patrol Division and citizens of Whatcom County.

2. Problem to be solved:
Equipment Rental and Repair account will not cover extra-ordinary repairs by policy. In addition this is a new vehicle and no equity is built up at this point. No budgeted funds available for this purpose within Sheriff's Office budget.

3a. Options / Advantages:
None, other than establish a budget within Sheriff's Office for these types of repairs.

3b. Cost savings:
None - will attempt to recover costs via restitution.

4a. Outcomes:
Vehicle has been repaired. Possible recovery of costs through court case.

4b. Measures:
When case is adjudicated - currently set for April 2015.

5a. Other Departments/Agencies:
N/A

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

6. Funding Source:
General Fund.

Monday, March 02, 2015

Rpt: Rpt Suppl Regular
# INTERFUND TRANSFER

## WHATCOM COUNTY
Administrative Services Department

### TRANSACTION DESCRIPTION
Auto Body #6226

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<thead>
<tr>
<th>Billing Department</th>
<th>ER&amp;R</th>
<th>FUND</th>
<th>TRANSFER IN (CREDIT)</th>
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**TOTAL**: 11,784.11

Prepared By: Kellie  
Data Prepared: 2/11/2015

### TRANSFER OUT (DEBIT)

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<th>Sheriff</th>
<th>FUND</th>
<th>TRANSFER OUT (DEBIT)</th>
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</thead>
<tbody>
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<tr>
<th>COST CENTER. ACCT.SUB.</th>
<th>AMOUNT</th>
<th>DESCRIPTION</th>
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<tbody>
<tr>
<td>2920.7069</td>
<td>11,784.11</td>
<td>VEH 6226 AUTO BODY REPAIR</td>
</tr>
</tbody>
</table>

**TOTAL**: 11,784.11  
Prepared By: DMP  
Date Prepared: 2-11-15

---

STATE OF WASHINGTON, COUNTY OF WHATCOM

I hereby certify that the materials have been furnished, the services rendered, or the labor performed as described herein, and that the claim is a just, due, and unpaid obligation against Whatcom County, and that I am authorized to authenticate and certify to said claim.

Signed  
Department Head

Pete Kremen, Whatcom County Executive

Claims become null and void if not presented by January 20 of the following year.
**WHATCOM COUNTY PUBLIC WORKS**

**WORK ORDER**

**CUSTOMER:** 00001 1

WHATCOM COUNTY
901 W. SMITH RD
BELLINGHAM WA 98226

| 360, 676-6759 |

**SHOP:** 00001 001

WHATCOM COUNTY PUBLIC WRK
901 WEST SMITH ROAD
BELLINGHAM, WA 98226

| 360-676-6759 |

**Vehicle:** 00001-6226

Make: FORD

**Odom:** 2829.0

Yr-Model: 2014-PVU-AWD

**CO #:**

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Plate Num: AD096C

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**Priority:** 1

**OUT:** 02/09/2015 09:27

**Reason:** 1 BREAKDOWN

**PO #:**

**Shop ID:** All

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**NOTES:** CC: ERIC SCHLEHUBER

KELLIE EISWALD

BILLIE SUE RINN

TERRI ZEMEL

FILE

---

**AUTHORIZED BY**

**SIGNATURE**

**DATE**

---

**LABOR HRS:** 0.00

**LABOR:** $0.00

**PARTS:** $0.00

**TIRES:** $0.00

**WRNTY:** $0.00

**OUTSIDE:** $11,784.11

**SHOP:** $0.00

**TAX:** $0.00

**MISC:** $0.00

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**TOTAL:** $11,784.11

---

68
Memorandum

TO: Jack Louws, County Executive
FROM: Sheriff Bill Elfo
DATE: February 20, 2015
SUBJECT: Supplemental Budget ID #1949
Department of Homeland Security
Operation Stonegarden Program (OPSG) FFY2013 Grant #E14-251

The attached Supplemental Budget requests budget authority for unspent grant funds of $97,268 to complete FY2013 Operation Stonegarden Program in 2015.

Background and Purpose
The U.S. Department of Homeland Security (DHS) Homeland Security Grant Program (HSGP) awarded FY2013 Operation Stonegarden Program (OPSG) funds of $447,391 to Whatcom County to enhance law enforcement’s preparedness and operational readiness along the international borders of the United States. Of this award, the Sheriff’s Office allocation was $147,800 and the allocation for sub-recipient was $299,591.

The Sheriff’s Office spent $50,532 of its allocation in 2014 and requests budget authority for the remaining $97,268 for operational overtime and related mileage to complete the FY2013 OPSG Program in 2015.

Sub-recipient spent $136,599 of their allocation in 2014 and will spend the remaining $162,992 in 2015. The remaining allocation for sub-recipient was included in the 2015 budget through approved continuing appropriations.

Funding Amount and Source

Please contact Undersheriff Jeff Parks at extension 50418 if you have any questions.

Thank you.
Supplemental Budget Request

Sheriff Operations

Suppl ID # 1949 Fund 1 Cost Center 1003514003 Originator: Dawn Pierce

Expenditure Type: One-Time Year 1 2015 Add'l FTE ☐ Add'l Space ☐ Priority 1

Name of Request: 2015 Operation Stonegarden FFY2013

X

Department Head Signature (Required on Hard Copy Submission) Date

2/20/15

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1a. Description of request:
The U.S. Department of Homeland Security (DHS) Homeland Security Grant Program (HSGP) awarded FY2013 Operation Stonegarden Program (OPSG) funds of $447,391 to Whatcom County for enhanced cooperation and coordination among local, tribal, territorial, state, and federal law enforcement agencies in a joint mission to secure the borders of the United States (Whatcom County Contract No. 201406037). Of this award, the Sheriff's Office allocation was $147,800 and the allocation for sub-recipients was $299,591.
The Sheriff's Office spent $50,532 of its allocation in 2014 and requests budget authority for the remaining $97,268 for operational overtime and related mileage to complete the FY2013 OPSG Program in 2015.

1b. Primary customers:
Area law enforcement agencies and citizens of Whatcom County.

2. Problem to be solved:
Budget authority is required to complete the work as contracted in this federal grant.

3a. Options / Advantages:
OPSG funds are awarded specifically for projects that will enhance law enforcement's preparedness and operational readiness along international borders of the United States, projects that would otherwise have to be funded with local monies or eliminated.

3b. Cost savings:
Cost savings of $97,268 to Whatcom County Sheriff's Office in 2015.

4a. Outcomes:
Enhanced patrols will be completed and Daily Activity Reports will be sent to Border Patrol.

4b. Measures:
Whatcom County Sheriff's Office will schedule patrols per contract specifications and timelines and will monitor outcomes using daily activity logs.

5a. Other Departments/Agencies:
Agencies participating in FY2013 Operation Stonegarden in Whatcom County are: Whatcom County Sheriff's Office.

5b. Name the person in charge of implementation and what they are responsible for:
Undersheriff Jeff Parks will coordinate the project with other participating agencies.

6. Funding Source:
MEMORANDUM

To: Whatcom County Council Members
From: Jack Louws, Whatcom County Executive
Subject: Supplemental Budget Request for EDI Program funding
Date: March 4, 2015

On February 10th, 2015, the County Council approved the EDI Board’s recommendation for additional EDI funding (grant and loan from the EDI Program) for the City of Nooksack’s Water Treatment Plant upgrade. The Interlocal Agreement was amended to include the additional funding.

This request is for Council authorization to appropriate the additional funding, which was for $180,000. This additional appropriation will result in an agreement with a grant totaling $320,000 and a loan totaling $640,000.

The funding source is the Public Utilities Improvement Fund.

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

/Attachment
Supplemental Budget Request

Executive

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Expenditure Type: One-Time | Year 1 | 2015 | Add'l FTE | Add'l Space | Priority | 1 |

Name of Request: Nooksack Water Treatment Upgrade Additional Req EDI

X

Department Head Signature (Required on Hard Copy Submission) Date

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1a. Description of request:

Budget authority for an additional request for EDI funding on an EDI Program Loan and Grant agreement with the City of Nooksack for their Waste Water Treatment Plant Upgrade project. On February 10, 2015, County Council approved the EDI Board's recommendation for an additional allocation of $180,000 for the project.

1b. Primary customers:

Residents of the Cities of Nooksack and Everson

2. Problem to be solved:

Cost overruns due to delays and state and local regulatory requirements resulted in the City of Nooksack increasing the project budget. The city is assuming a large proportion of the increased costs, and are also asking for additional EDI loan and grant funding on their contract.

3a. Options / Advantages:

N/A

3b. Cost savings:

N/A

4a. Outcomes:

Increased capacity for the Wastewater Treatment Plant. Completion of the project is expected in 2015.

4b. Measures:

City of Nooksack report on completion.

5a. Other Departments/Agencies:

None

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

6. Funding Source:

Public Utilities Improvement Fund

Wednesday, March 04, 2015
**TITLE OF DOCUMENT:** Resolution approving the 2015 Whatcom County Economic Development Strategy (CEDS) and Amended Appendix.

**ATTACHMENTS:** Memorandum; Resolution; Revised CEDS document; revised Appendix (Project List)

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

The Whatcom County Economic Development Strategy (CEDS) document is dated from 2002, and recently the Whatcom Council of Governments, through an interlocal agreement with the county, completed the work to update the document. The new 2015 draft document, along with an updated Appendix (Project List), is ready for submission to the U.S. Economic Development Administration. County Council approval of the attached Resolution is requested in order to formally approve this new document for submission.

**COMMITTEE ACTION:**

**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: Whatcom County Council Members
FROM: Whatcom County Executive Jack Louws
DATE: March 19, 2015
SUBJECT: Submission of updated 2015 Comprehensive Economic Strategy (CEDS) Document and Appendix (Project List)

BACKGROUND

The existing Comprehensive Economic Strategy (CEDS) document was originally prepared by the Port of Bellingham and adopted by the Whatcom County Council in 2002. Other than periodic updates to the project list, this document was not updated within five years of its adoption nor since, rendering it invalid by the U.S. Economic Development Administration (EDA). An EDA-approved CEDS is required for local governments to be eligible to receive certain funding for public works projects. Also, the county’s EDI Program has as one of its requirements that fund applicants ensure their project is listed on the CEDS.

In 2013, the county entered into an Interlocal Agreement with the Whatcom Council of Governments, who were charged with the task of updating and maintaining this document (and project list).

NEXT STEPS

The Whatcom Council of Governments has completed the task of updating the CEDS document as well as the attached Appendix, which is the Project List. In order to submit this document to the EDA, a Resolution must be approved by the County Council indicating its acceptance of the document and approval for submission. The Resolution is included here for your consideration and approval.

The Whatcom Council of Governments is responsible for maintaining this document for Whatcom County for a period of four years following its acceptance by the EDA.

If you have any questions, please contact me or Suzanne Mildner at 676-6717, ext. 50118.
RESOLUTION NO. ________

ACCEPTING THE 2015 WHATCOM COUNTY COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY (CEDS) AND AMENDED APPENDIX AND APPROVING SUBMITTAL OF THE DRAFT TO THE UNITED STATES DEPARTMENT OF COMMERCE ECONOMIC DEVELOPMENT ADMINISTRATION

WHEREAS, the Economic Development Reform Act of 1998 identifies a Comprehensive Economic Development Strategy (CEDS) as a requirement to apply for assistance under the Economic Development Administration’s (EDA) economic adjustment and public works programs; and

WHEREAS, Public Law 105-393, implemented in 1999, amends the Public Works and Economic Development Act of 1965 and re-authorizes Economic Development Administration Programs for five years; and

WHEREAS certain areas of Whatcom County suffer from lack of infrastructure which continues to impede business retention and expansion and requires EDA assistance; and

WHEREAS, the Economic Development Administration requires that Whatcom County approve a resolution accepting the draft 2015 Whatcom County Comprehensive Economic Development Strategy (CEDS) and approving submittal of the draft to the United States Department of Commerce Economic Development Administration, and

WHEREAS, RCW 82.14.370 requires that projects utilizing rural sales tax revenue must be contained in the County’s overall economic development plan.

NOW, THEREFORE, BE IT RESOLVED that the Whatcom County Council hereby accepts the 2015 Whatcom County Comprehensive Economic Development Strategy (CEDS) for submission to the United States Department of Commerce Economic Development Administration.
BE IT FURTHER RESOLVED, that the Whatcom County Council officially adopts the 2015 Whatcom County Comprehensive Economic Development Strategy (CEDS) as the County’s interim overall economic development plan.

APPROVED this ____ day of __________, 2015.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

__________________________
Dana Brown-Davis, Clerk of the Council

__________________________
Carl Weimer, Council Chair

APPROVED AS TO FORM:

__________________________
Dan Gibson, Civil Deputy Prosecutor
Whatcom County

COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY

February 2015
Whatcom County

COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY

Jack Louws, Whatcom County Executive

Prepared for Whatcom County, Washington
by the Whatcom Council of Governments

Robert B. Bromley, Chairman, Whatcom Council of Governments
Robert H. Wilson, AICP, Executive Director
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78 Section 7: Metrics
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RESOLUTION NO. 2002-037

ACCEPTING THE 2002 GREATER WHATCOM COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY (CEDS) AND APPROVING SUBMITTAL OF THE DRAFT TO THE UNITED STATES DEPARTMENT OF COMMERCE ECONOMIC DEVELOPMENT ADMINISTRATION

WHEREAS, the Economic Development Reform Act of 1998 identifies a Comprehensive Economic Development Strategy (CEDS) as a requirement to apply for assistance under the Economic Development Administration's (EDA) economic adjustment and public works programs; and

WHEREAS, Public Law 105-393, implemented in 1999, amends the Public Works and Economic Development Act of 1965 and re-authorizes Economic Development Administration Programs for five years; and

WHEREAS, certain areas of Whatcom County suffer from lack of infrastructure which continues to impede business retention and expansion and requires EDA assistance; and

WHEREAS, the Economic Development Administration requires that Whatcom County approve a resolution accepting the draft 2002 Greater Whatcom Comprehensive Economic Development Strategy (CEDS) and approving submittal of the draft to the United States Department of Commerce Economic Development Administration, and

WHEREAS, RCW 82.14.370 requires that projects utilizing rural sales tax revenue must be contained in the County's overall economic development plan.

NOW, THEREFORE, BE IT RESOLVED that the Whatcom County Council hereby accepts the 2002 Greater Whatcom Comprehensive Economic Development Strategy (CEDS) for submission to the United States Department of Commerce Economic Development Administration.

BE IT FURTHER RESOLVED, that the Whatcom County Council officially adopts the 2002 Greater Whatcom Comprehensive Economic Development Strategy (CEDS) as the County's interim overall economic development plan.
APPROVED this 13 day of August, 2002.

ATTEST:
Dana Brown-Davis, Clerk of the Council

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

L. Ward Nelson, Council Chair

APPROVED AS TO FORM:

[REPLACE WITH NEW RESOLUTION]

Civil Deputy Prosecutor
Acknowledgements

The Whatcom Council of Governments wishes to recognize and thank the following for their contributions in the development of this Comprehensive Economic Development Strategy (CEDS).

- The members of the CEDS Steering Committee for their guidance and encouragement: Jeff Callender, Gay Dubigk, Rob Fix, Bill Gorman, Kathy Hiyane-Brown, Hart Hodges, Joe Hudspeth, Gary Jones, Tom Kenney, Jeff Kochman and Pinky Vargas.
- The Northwest Economic Council, for convening the CEDS Steering Committee.
- Whatcom County Executive Jack Louws and Mayors Kelli Linville (Bellingham), Harry Robinson (Blaine), John Perry (Everson), Gary Jensen (Ferndale), Scott Korthuis (Lynden), Jim Ackerman (Nooksack) and Bob Bromley (Sumas).
- All the economic development service providers in Whatcom County that provided guidance on the regional economic development system and information on their organizations.
- Sylvia Goodwin, Dodd Snodgrass and John Michener of the Port of Bellingham.
- Matt Aamot of the Whatcom County Department of Planning and Development Services.
- James McCafferty of Western Washington University’s Center for Economic and Business Research and student interns Kaylee Guette, Anna Magidson, Karley Thurston and Jonathan Van Dyken.

This draft document was prepared by staff of the Whatcom Council of Governments (WCOG) at the request of, and under contract to, Whatcom County Government. The statements, conclusions and recommendations contained herein do not necessarily reflect those of the Board of WCOG, the individual members thereof or the jurisdictions and agencies constituting WCOG’s membership. This draft document is intended to serve as a starting point for Whatcom County Government in its internal process of adopting a comprehensive economic development strategy for the County and is subject to revision prior to its adoption by the County Council.

Questions regarding the preparation of this draft document may be directed to:

Whatcom Council of Governments
Attn: Robert H. Wilson, Executive Director
314 East Champion Street
Bellingham, WA 98225
(360) 676-6974
Bob@wco.org
INTRODUCTION

A. Overview

As financial resources for economic development from all levels of government have become scarcer, the need for inter-local collaboration, coordination among the various economic development agencies, and careful prioritization of proposed projects has become essential. Recognizing the efficiencies that result from such a coordinated approach, the U.S. Economic Development Administration (EDA) and the State of Washington encourage local jurisdictions to work together to create regional economic development programs.

This Comprehensive Economic Development Strategy (CEDS) is a plan for Whatcom County (also referred to as “the Region”), including its seven incorporated cities, to strengthen and sustain the regional economy. Its intent is to bring together the public and private sectors in the creation of an “economic roadmap” to diversify and strengthen the regional economy by integrating the Region’s human resources and its capital-improvements planning in the service of economic development. When economic development planning is integrated in this way it facilitates full utilization of the Region’s unique resources to maximize opportunity for its residents and businesses by attracting private investment that creates wealth, and with it, jobs. By implementing this CEDS, Whatcom County will build a strong foundation upon which sustainable economic growth can occur that will provide opportunities for businesses and workers while protecting the Region’s cherished natural resources, thereby enhancing the quality of life for the County’s 207,000 residents.

While this CEDS technically replaces the Greater Whatcom Comprehensive Economic Development Strategy (“the 2002 CEDS”) that was adopted by the Whatcom County Council in August 2002, it is based largely on that document, and – for all intents and purposes – is a continuation of it.

B. Purpose

The principal purpose of this CEDS is to facilitate the retention and creation of living-wage jobs and to foster a stable and diversified regional economy, all for the intended outcome of maintaining and, ultimately, improving the quality of life in the Region. It is also a continuing program of communication and outreach that encourages local goal setting, public engagement and a commitment to cooperation among the different levels of government, the business community and the not-for-profit sector.

Another important function of this CEDS is to inform Whatcom County’s Economic Development Investment (EDI) Program. In 1997, the Washington State Legislature authorized rural counties such as Whatcom to retain a portion of the sales tax collected in those counties to finance public facilities, with the goal of stimulating and supporting private-sector investment that will result in business growth and job creation. Local governments and other public-sector entities in Whatcom County can apply to the EDI Program for loans, grants or a combination of both to fund projects. Those requests are considered using a three-part process that begins with an application review by the Northwest Economic Council, then a review by and recommendation from the EDI Board, and then a final decision from the Whatcom County Council. Projects for which EDI funding is sought are more likely to be approved when they are included on the CEDS Project List, which is contained in the appendix.
to this document. That list will be updated annually through 2018 by the Whatcom Council of Governments and presented to the County Council for its review and adoption.

This CEDS was prepared recognizing the economic development efforts of the communities that make up Whatcom County and the organizations that contribute to those efforts:

- Whatcom County Government and the Region’s unincorporated communities
- The cities of Bellingham, Blaine, Everson, Ferndale, Lynden, Nooksack and Sumas
- The Lummi Nation and Nooksack Tribe
- Local partner agencies directly involved in or supporting economic development, including
  - The Northwest Economic Council
  - The Region’s chambers of commerce
  - Trade associations that support local industries
  - The Port of Bellingham
  - Public Utility District No. 1 of Whatcom County
  - The Center for Economic and Business Research, Western Washington University
  - The Small Business Development Center, Western Washington University
  - Workforce Development Council
  - Bellingham Technical College
  - Northwest Indian College
  - Whatcom Community College
  - Others included and described in Section 4.

Many Whatcom communities have developed local economic development plans. This CEDS is not intended to either replace or supersede those plans; rather, it is drawn from them and attempts to “knit together” the disparate elements contained in each of them. The result is a CEDS that respects local needs and aspirations and incorporates them into an overarching regional approach to economic development.

C. The Whatcom Council of Governments

Under a contract with Whatcom County Government, the Whatcom Council of Governments (WCOG) is providing management, coordination and development of this CEDS. Established in 1966 by an act of the Washington State Legislature and operating pursuant to Chapter 36.64.080 of the Revised Code of Washington, WCOG provides a forum through which mutual cooperation is facilitated among its members, which include Whatcom County Government, the County’s seven cities, the Port of Bellingham and other regional entities.

In January 2013, WCOG assumed administrative responsibility for the Northwest Economic Council (NWEC), a 501(c)(6) not-for-profit corporation founded in 1984 to bring together Whatcom County’s private, public and not-for-profit sectors to establish and foster a strategic approach to growing the County’s economy. Aligning itself with WCOG enabled NWEC to focus entirely on providing strategic direction and oversight to economic development and related activities throughout the County. The Steering Committee that oversaw the development of this CEDS was drawn principally from NWEC.

The Steering Committee ensured that the following principles were applied in the development of this CEDS:
• The process should be inclusive, linking the various community, political and social sectors of the Region.
• Whatcom County is a regional economic unit where inter-local cooperation is emphasized while respecting the autonomy of the Region's seven incorporated cities.
• The conditions that are conducive to business recruitment, retention and expansion are generally the same as those that contribute to the preservation and enhancement of community and environmental vitality, which is an important regional value.

D. Federal Requirements

The U.S. Economic Development Administration (EDA), a division of the United States Department of Commerce, is the federal agency that oversees the CEDS process. Whatcom County is in EDA Region X, based in Seattle. It is important to note that neither Whatcom County nor WCOC received funding from EDA for the preparation of this CEDS. However, the 2002 CEDS on which this CEDS is based was prepared using EDA Planning Assistance funds, and it satisfied all of the EDA requirements attached to that funding source.

The preparation of a CEDS by a county or group of counties is purely voluntary. However, only those with an approved CEDS are eligible to compete for EDA “investment assistance” (funding) under the Public Works and Economic Development Act of 1965 (PWEDA), as amended. Official approval of this CEDS by EDA is one of the prerequisites for designation as a “redevelopment area,” the step necessary to make Whatcom County eligible to compete for funding for public works and business development projects, which Congress has authorized to support economic development projects expected to create jobs and support diversification of the regional economy.

Once a CEDS has received EDA approval, the completion and subsequent approval of an annual report continues the area’s eligibility for funding consideration under PWEDA.

E. The Process

The EDA provides guidelines for preparing a CEDS. Counties or districts formed for the purpose of regional planning must follow those guidelines in preparing their document. However, EDA also allows the flexibility for a CEDS to emphasize strategies or issues important to a region as long as the process and outcomes do not conflict with the guidelines.

As stated earlier, the development of this CEDS was guided by the CEDS Steering Committee of the Northwest Economic Council. NWECC provides a mechanism for ongoing coordination between individuals, not-for-profit organizations, local governments, private industry and other parties concerned with economic development.

While a report must be prepared annually to remain eligible to compete for EDA funding, a county is not mandated to do so if it does not plan to seek funds in any given year, or if it does not wish to have an overall economic development strategy. However, many states – including Washington – require counties to have an approved CEDS to make it eligible for certain state funding programs that support local economic development.
F. Historical Perspective

The predecessor to Whatcom County’s 2002 CEDS – known as the Overall Economic Development Program (OEDP) – was under the direction of WCOG since the creation of the program in 1966. Yearly updates to the OEDP were made until 1988, when they were terminated because of shifting priorities and limited resources within WCOG. No OEDP plans were prepared in 1989 or 1990.

In 1991, the Fourth Corner Economic Development Group, in conjunction with WCOG, prepared an OEDP at the request of the City of Bellingham. That document was updated through 1993, after which updates ceased. In 1998, with the reauthorization of EDA by Congress, the OEDP was renamed the Comprehensive Economic Development Strategy.

In 2000, the Port of Bellingham led the effort to expand economic development leadership to all of Whatcom County and to initiate a collaborative approach with other county agencies working on economic development and quality of life issues. The result of this initiative was the establishment of the “Partnership for a Sustainable Economy,” whose mission was to identify a vision for the County’s economic future and facilitate the collaboration among the Region’s various economic development entities to attain that vision.

In 2001, Whatcom County and several local jurisdictions recognized the need to revisit the OEDP to consider present community and economic needs and bring the Region into compliance with current EDA standards. As a result, the Partnership was engaged by the County to oversee and manage the development of the 2002 CEDS.

Although projects were continuously added to the 2002 CEDS in the decade following its adoption, in 2013 Whatcom County determined that the time had come to update the document, and in June of that year it engaged with the Whatcom Council of Governments (WCOG) to perform that service. The draft CEDS was subsequently transmitted to the County for its review and adoption in February 2015, and it was adopted by the County Council on _______________. The list of projects in this CEDS will be updated annually by WCOG through June 2019.

G. Steering Committee Role

Overseeing the preparation of the draft CEDS document was the responsibility of the Steering Committee. The members of the Steering Committee and their affiliations follow:

- Jeff Callender, Phillips 66
- Robert Fix, Port of Bellingham
- Bill Gorman, Gorman Publicity
- Kathi Hiyane-Brown, Whatcom Community College
- Hart Hodges, Waycross Investments
- Joe Hudspeth, All-American Marine
- Gary Jones, Socco Forest Products
- Tom Kenney, Washington Federal Bank
- Jeff Kochman, Barkley Village
- Pinky Vargas, Puget Sound Energy
The Steering Committee and WCOG staff was assisted by a Technical Advisory Committee of Matt Aamot from Whatcom County, and Sylvia Goodwin, John Michener and Dodd Snodgrass of the Port of Bellingham.

H. Adoption of the CEDS

Upon completion of the draft CEDS by WCOG in February 2015, the following sequence of activities took (or will take) place:

1. Review of the draft CEDS by the Steering Committee with a subsequent recommendation to transmit it to Whatcom County.
2. Review by the Whatcom County Executive and his staff.
3. Transmittal of the draft CEDS by the Executive to the Whatcom County Council.
4. Review and acceptance by the Whatcom County Council.
5. Transmittal of the CEDS by Whatcom County to the EDA.
6. Other copies will be provided to various state and federal agencies involved in economic development, in particular the Washington State Department of Commerce and the Region’s Congressional members.
7. The EDA Regional Office will review the CEDS. The plan’s quality and adequacy will be measured as a guide to local decision-making.
8. The approved CEDS will be provided to cities, economic development partner organizations, the general public and other interested organizations and individuals.
9. An annual “call for projects” will be made by WCOG to the County, the seven cities, the Port of Bellingham and other eligible public agencies for the purpose of updating the CEDS project list.

I. Expected Outcomes

Strategic economic development is a process, and one for which a long-term commitment is necessary for it to be successful. The anticipated near-term benefits of this CEDS include the following:

- It will provide a resource of information for communities, economic development service providers and businesses about the Whatcom County’s economy and development issues.
- It will guide and justify funding decisions made under the Whatcom County Economic Development Investment Program.
- With an approved plan the County and its incorporated cities will be eligible to apply for investment assistance under EDA’s Public Works or Economic Adjustment Assistance programs if EDA determines that the Region is “distressed,” which is based on its unemployment rate and per capita income relative to the national averages for those indices. As of 2014, neither Whatcom County nor any of its cities are classified as distressed, and they are unlikely to attain such designation in the foreseeable future.
- The document can assist the County and its cities as they develop or update the economic development elements of their comprehensive plans.

The following long-term benefits are expected through implementation of the vision, goals and strategies presented in this CEDS:
• Better paying jobs will be created and retained.
• A more stable, balanced and diversified regional economy will develop.
• Natural resources will be used in a sustainable manner and protected for generations to come.
• The Region's highly valued quality of life will be maintained and living conditions will improve for residents.
• An ongoing tool for economic development coordination, communication and information will be available.

Through a continuing program of communication and outreach that encourages partnership-building, public engagement and participation, most if not all of the goals identified in this CEDS can be achieved.
SECTION 1: REGIONAL BACKGROUND

A. Economic History of Whatcom County

The earliest inhabitants of present day Whatcom County were Native Americans, including the descendants of the Lummi, Nooksack, Samish and Semiahmoo tribes. These groups provided for themselves using the region’s abundance of fish, game, berries and root vegetables. A Spanish expedition in 1592, led by Juan de Fuca, is believed to have been the first time Europeans reached present-day Washington. Because of the region’s extreme isolation from the settled portions of the continent along the Atlantic seaboard, settlement on a significant scale did not occur until the mid-nineteenth century. Until then, the few Europeans in the region were mainly fur trappers, traders and missionaries.

The discovery of gold and coal in the 1850s brought waves of fortune hunters to the Region. While few of these new arrivals found success in the gold fields, many more saw the great potential offered by the area’s vast natural resources, including its fertile soil, fisheries and vast stands of timber. In 1852, Henry Roeder and Russell Peabody, assisted by members of the Lummi tribe, built the first sawmill in the region, and the settlement that it spawned on Bellingham Bay was called “Whatcom.” Following the establishment of Whatcom, the towns of Bellingham and Sehome were established in 1853, and then in 1854, Fairhaven. This growth prompted the Washington Territorial Legislature to create Whatcom County out of the northern portion of Island County in 1854. When it was established the County comprised present-day San Juan and Skagit counties until the former was established by the Territorial Legislature in 1873, and the latter in 1883.

Settlement expanded beyond the immediate vicinity of Bellingham Bay throughout the second half of the nineteenth century, although it was largely contained to the coastal plain and foothills of western Whatcom County. In 1890, the County’s first city – Blaine – was incorporated, followed the next year by the incorporation of the cities of Lynden and Sumas. Bellingham was incorporated in 1903 through the merger of the towns of Bellingham, Fairhaven and New Whatcom, the latter of which having been formed itself through the merger of the towns of Sehome and Whatcom. Four years later the City of Ferndale was incorporated, followed by Nooksack in 1912 and, finally, Everson in 1929.

The County’s timber industry – aided by steam-powered logging trains – continued to expand well into the twentieth century and included more than 70 sawmills, 100 shingle mills and numerous logging camps. In fact, by 1907 the Bellingham Bay Lumber Company was one of the world’s largest sawmills.

Despite the unsuccessful efforts of local leaders to make one of the towns on Bellingham Bay the terminus of the Northern Pacific Railroad and Fairhaven the western headquarters of the Great Northern Railway, by the 1880s Whatcom County was being served by the Bellingham Bay & British Columbia Railroad, and a few years later, the Fairhaven & Southern Railroad.

Around the same time, fish processing became a major industry in the County. The first cannery was built in 1886 on Lummi Island, and by the turn of the twentieth century there were 12 canneries operating, employing more than 5,500 people. By 1905 – with the invention of the fish-canning machine – employment in the industry began a significant decline, which accelerated in the 1930s.
when certain highly-effective fish traps were banned. Still, during the 1940s, Fairhaven-based Pacific American Fisheries was the largest salmon canning company in the world.

In the 1890s Whatcom County emerged as the center of education in northwest Washington. The first high school in the region was built in the town of Sehome in 1890, and three years later Governor John McGraw signed legislation creating the New Whatcom Normal School – known today as Western Washington University – which admitted its first official class in 1899. Bellingham Technical College was founded in 1957, followed by Whatcom Community College in 1970 and Northwest Indian College in 1973.

From the 1950s to the 1970s, the manufacture of paper, chemicals, refined oil, aluminum and processed food helped diversify a manufacturing base that before was dominated almost entirely by wood products. During the 1980s and 1990s, more customized and technology-based industries such as instrument production, industrial machinery and equipment, plastics and electronics established themselves in the County. While Whatcom County still has a significant manufacturing sector, manufacturing employment decreased by 23 percent from 2000 to 2012, and manufacturing wages as a share of total wages in the County fell by 20 percent over that same period, although these declines are consistent with trends in Washington and the U.S. as a whole.

The largest employment gain since 2000 has come from the “service” sector of the regional economy. Forty-two (42) percent of employment and 36 percent of wages came from this sector in 2012, compared to 26 and 21 percent, respectively, in 2000. The “government” sector also increased its relative share of both employment and wages over this same period, although with more modest gains. Conversely, the remaining six sectors (manufacturing, retail trade, construction and mining, wholesale trade, transportation, and finance) declined from 2000 to 2012.

B. Geography

Whatcom County is located in the extreme northwest corner of Washington and, by extension, the continental United States. The total area of the County is 2,503 square miles, with 2,107 square miles of land area (3.2 percent of the State’s land mass). Among Washington’s 39 counties, Whatcom ranks twelfth in area.

Skagit and Okanogan counties border the County to the south and east, respectively. Its northern boundary is the international border with Canada in the province of British Columbia. To the west the County is bounded by both the Strait of Georgia and Rosario Strait. The former lays off the County’s northern shoreline, separating it from several islands in B.C., most notably Vancouver Island. Rosario Strait separates the County’s southern shoreline from parts of Island and San Juan counties. Both of these straits are part of the Salish Sea.

Three islands in the Strait of Georgia – Lummi, Portage and Eliza – are part of Whatcom County, and there is regular ferry service between Lummi and the mainland. Point Roberts, the southern tip of the Tsawwassen peninsula, is a highly unusual geographic feature of Whatcom County known as a pene-exclave: land area of one nation that is accessible only by traveling through that of another. Point Roberts can only be reached from the rest of the County, and vice versa, via two border crossings and a 23-mile drive through the Lower Mainland of B.C.
The topography of the county is varied. Once covered with virgin timber, the terrain in the western third of the County is now lush rolling hills, interspersed with areas of level terrain. The elevation of the terrain increases as it extends east toward the foothills of the Cascades. The terrain in the County’s eastern two-thirds is among the most rugged in the continental United States. Most of this area is under federal jurisdiction and includes the Mount Baker-Snoqualmie National Forest, North Cascades National Park and the Mount Baker and Ross Lake National Recreation Areas. The highest elevations in the County are in the eastern portion, including Mount Baker (10,781 feet above sea level), Mount Shuksan (9,127 feet) Mount Redoubt (8,956 feet), Jack Mountain (8,928 feet) Mount Challenger (8,236 feet), and American Border Peak (8,026 feet).

The Nooksack is the principal river in Whatcom County. Originating high in the Cascades, the North Fork of the Nooksack flows westerly through the County before emptying into Bellingham Bay. During its course, waters from the Middle and South Forks join the river. There are also several large lakes in Whatcom County including Ross Lake, Baker Lake, Lake Whatcom and Lake Samish.

C. Environment

The mountains of Whatcom County, as well as its streams, lakes, valleys and hills, are the result of millions of years of geologic events. More than 2.5-million years ago during the Ice Age, glacial ice invaded the Puget Sound lowlands from the north at least four times, retreating most recently only about 11,000 years ago. One of the principal glacial advances that occurred in the area – the Vashon Glaciation – dammed up the Puget lowlands to form a huge lake.

Out of these long physical processes, a complex natural ecology has emerged that supports a diversity of wildlife. Many of the lakes, rivers and streams support fish. Every year salmon return to spawn in the streams and rivers of Whatcom County. Bufflehead and Golden-Eye ducks winter here. Additionally, canvasbacks, cormorants, grebes, loons and other migrating waterfowl pass through every spring and fall as they travel between their breeding grounds in Alaska and Canada and their wintering grounds in California and Mexico. Mallards, Canadian geese, great blue herons and numerous songbirds live in the County year-round. Maintaining these unique resources will present a challenge for both present and future County residents.

Development in the last 100 years has had a significant impact on the natural environment in Whatcom County. At the turn of the century the areas surrounding Lynden, Sumas and Ferndale were logged, drained and converted to agricultural land. In the intervening years, many of the remaining forests were logged, many streams re-routed and channelized, and much of the native vegetation removed and replaced with a wide variety of introduced vegetative types. Roads now traverse most areas, with homes, farms, businesses and industry scattered throughout the County.

1. Natural Hazards

The geology, geographic position, climate and certain economic activities combine to create various natural hazards in Whatcom County, including the following:

Landslides: The geologically-recent retreat of glaciers from the Whatcom County landscape has left many hillsides over-steepened and susceptible to naturally occurring landslides and earth
movements. As a result of the disastrous Oso landslide in northern Snohomish County in March 2014, it is anticipated that greater monitoring of potential landslide hazards will occur in the future.

**Alluvial Fans:** Alluvial fan hazards are areas where steep mountain streams flow onto floodplains or into lakes and deposit debris and sediment. Because these streams are steep and flow in confined canyons, they can carry more sediment and debris than a similar-sized stream flowing over flat land.

**Volcanic Activity:** Mount Baker is an active, glaciated, andesitic stratovolcano in the Cascade Volcanic Arc, with its peak 10,781 feet above sea level. It has the second-most thermally active crater in the Cascade Range after Mount Saint Helens and is the second-most glaciated after Mount Rainier. Research indicates that Mount Baker has not experienced highly explosive eruptions like that of Mount Saint Helens over the last 14,000 years.

**Earthquakes:** Whatcom County lies within the influence of a major earthquake fault area off the coast of western North America (Cascadia subduction zone). This zone has the potential for generating magnitude 8.0 or greater earthquakes every 500-600 years.

**Mining:** Coal mining was a major industry into the twentieth century in many parts of Whatcom County. Abandoned underground shafts, adits and mine tailings are potentially hazardous to human safety and the environment.

**Flooding:** Heavy winter rains, combined with the steep and sometimes unstable slopes of Whatcom County's foothills, create conditions ideal for flooding and debris flows along many rivers and streams. The Nooksack River floodplain alone covers 38,000 acres in Whatcom County.

Following severe floods in 1989 and 1990, Whatcom County created a countywide Flood Control Zone District, encompassing all jurisdictions within its boundaries. The primary purpose of the District is flood hazard management. In November 1999 the Lower Nooksack River Comprehensive Flood Hazard Management Plan was adopted and is the guiding document for future programs along the river and template for hazard programs around the County.

Whatcom County participates in the Federal Emergency Management Administration National Flood Insurance Program. In addition, it coordinates with the U.S. Coast Guard, Port of Bellingham, U.S. Border Patrol and other agencies on emergency response and security issues that affect the county.

2. **Water Resources**

Whatcom County has 16 major freshwater lakes, 3,012 miles of rivers and streams, over 37,000 acres of wetlands, 134 miles of marine shoreline, and aquifers containing an undetermined amount of groundwater. They provide natural beauty, recreation, habitats for fish and wildlife, water for drinking, agriculture and industry, and other benefits essential to the quality of life and economic health of the community. Surface water sources such as Lake Whatcom and the Nooksack River provide water to about half the county residents while the remainder relying on groundwater either from individual wells or from about 415 public water systems. Agriculture relies on both ground and surface water for irrigation, livestock, and facility wash down. Businesses and industries may also require water, sometimes in substantial quantities, for non-potable as well as potable supplies. Water is also essential to meet many of what are referred to as "in-stream" uses such as for recreation, shellfish growth and harvest, habitats for fish and wildlife, aesthetics and other benefits.
The 1998 Washington State Watershed Management Act established a process and funding for participating local governments to address water quantity, water quality, instream flows, and fish habitat issues within the State's 62 Water Resource Inventory Areas (WRIs). Most of Whatcom County falls within WRIA 1, based in Nooksack. The WRIA 1 Watershed Management Plan, Phase I (2005) and the Detailed Implementation Plan (2007) were developed through the cooperation of local stakeholders and governments and provide a roadmap for addressing the aforementioned water-related issues within the region.

3. Natural Systems

Whatcom County provides a wide variety of natural habitats, which support and shelter a diverse array of fish and wildlife species as well as diverse vegetation. The County's wildlife is particularly varied and abundant when compared to many other areas of Washington. There are a number of factors that have contributed to this: abundant water resources, rich soils, the mild climate and the existence of significant tracts of open space among the most important. Among the habitats of importance to fish and wildlife are the following:

- Wetlands, lakes and streams
- Estuaries and marine habitats including kelp and eelgrass beds
- Riparian areas and other travel corridors
- Snags and downed logs
- Forested habitats in a variety of successional stages
- Caves, cliffs, and talus slopes
- Grasslands and cultivated fields
- Thickets and fence rows

Aquatic habitats include rivers, streams, ponds, lakes and their riparian borders. Together, these habitats are essential to Whatcom County’s fish and wildlife. Twenty-six species of fish, including twelve economically important stocks of salmon and trout, inhabit fresh water in Whatcom County for all or part of their life cycles. Healthy flowing streams and rivers, as well as off-channel wetland habitats, are essential to the survival of the majority of these fish. Wetland ponds, especially beaver ponds, provide optimal habitats for rearing and over-wintering of young fish, particularly Coho salmon and Cutthroat trout juveniles.

Most regional wildlife species regularly use aquatic and riparian habitats for breeding, feeding, shelter and migratory activities. Of this large grouping, over half are dependent upon wetland habitats at some point in their life cycles, and would decline or disappear in their absence. Wetlands also contain unique vegetative communities that harbor many species of rare and unusual plants.

Marine habitats include all saltwater bodies and their shorelines, kelp beds, eelgrass meadows, salt marshes, beaches, and mudflats. These habitats play a vital role in the health of the local environment as well as of the broader Puget Sound region. They provide spawning, rearing, and feeding grounds for a wide variety of marine life as well as refuge for juvenile and adult fish, birds, and shellfish. The vegetation on backshore marshes and within estuaries buffers adjacent upland areas by absorbing wave energy and slowing erosion.
**Threatened and endangered species:** In 1999, the National Marine Fisheries Service listed Puget Sound Chinook salmon as a threatened species under the federal Endangered Species Act. The same year, the U.S. Fish and Wildlife Service listed coastal Puget Sound bull trout as threatened. Subsequently, both have been redesignated to the more serious "endangered" listing. These fish are present in the waters of Whatcom County, primarily the Nooksack River and its tributaries. The strategy for recovering salmon in the Nooksack River Basin is outlined in the June 2005 WRIA 1 Salmonid Recovery Plan and is built on scientific data collected over several decades. It explains the factors inhibiting salmon populations and describes strategies and actions needed to facilitate their recovery. Although the strategy applies to all indigenous species of salmonids, a particular emphasis is placed on Chinook salmon recovery.

**D. Natural Resources**

The growth and harvest of farm products, regeneration and harvesting of timber, and excavation of minerals all shape Whatcom County's landscape and strongly influence the economy. Resource lands, which include agriculture, forestry, and mineral resource lands, also largely represent Whatcom County's cultural heritage. These natural resource activities have been major industries since settlement began in the area.

The Growth Management Act requires that counties "maintain and enhance natural resource based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses" (RCW 36.70A.020). This is relevant to economic development because it ensures that natural resources be managed for future economic use through sustainable practices.

1. **Agricultural Lands**

Productive agricultural lands are an important resource to the people of Whatcom County and the State, yet these parcels are often targeted for conversion to other, more intensive uses, including residential and commercial development. The conversion process often begins to accelerate when non-agricultural uses start to encroach on agricultural land, creating smaller parcels, more buildings, and activities that, in some cases, are incompatible with agriculture. This can result in a blurring of the lines that distinguish agricultural from other uses, setting the stage for further conversion of the diminishing agricultural land base in Whatcom County.

Even "agricultural" parcels that are not well-suited to the actual production of crops often of value in support of the more productive parcels – such as for building sites, windbreaks, specialty crops, etc. – or for uses unrelated to raising crops, including livestock wintering or foresting. Retaining land for these ancillary but essential functions should also be considered when determining the amount of land that must be protected to ensure the long-term stability of Whatcom County's agricultural resource.

In 1949, roughly 200,000 acres of land were reported to be in farm production in Whatcom County. According to the 2012 Census of Agriculture, land in farm production had declined to approximately 115,831 acres. Nevertheless, Whatcom is one of the most important agricultural counties in the U.S., ranking among the top three percent of the country's 3,075 farm counties, with a market value of
nearly $360-million market for its agricultural production. The County is also the number one producer of red raspberries in the country, producing more than 65 percent of the entire U.S. crop.

2. Forest Resource Lands

Forest resource lands are lands used primarily for growing trees for commercial purposes. To be designated as forest resource lands, they must have the potential for long-term commercial investment for the management of forest products.

The forestlands of Whatcom County have historically been one of the most important natural resources in the region. Lands in the lower foothills that were harvested in the early 20th century now support commercially-mature stands of timber. In addition, a few areas of primeval forest still remain.

The majority of the county's non-federal forest resource lands are located in the Mount Baker foothills of Whatcom County. Most of this land is zoned for forest production uses. The majority of the land currently zoned for forest production is owned and managed by a few large institutions, including natural resource-based corporations, insurance companies, the State of Washington, and small private forest management companies. These landowners manage their lands primarily for the production of timber resources, while the State manages its timberland in Whatcom County for a variety of public trusts. Forest Board Lands provide revenue from timber sales to the State general fund, Whatcom County government, and other junior taxing districts in Whatcom County.

A smaller portion of the land zoned for forest production is owned and managed by individual woodlot owners and farmer/foresters, some of whom reside on their properties. There are also forested areas of lowland Whatcom County that are neither zoned for forest production nor purposefully managed for the production of forest products; the majority of these lowland areas are zoned either Rural or Agriculture. Individual woodlot owners and farm/foresters constitute the majority of landowners of forestlands outside the forestry zone. The goals of individual forest landowners, whether in the forestry zone or not, encompass a broader range of objectives than just timber production and may include management for wildlife, conservation, specialty forest products, firewood, privacy, aesthetics, and low-density residential or other uses compatible with forestry.

3. Mineral Resources

Mining activities in Whatcom County have occurred since the 1850s, though the nature, scope and extent of such activities has changed considerably through time. These changes have reflected the economics and geologic character of Whatcom County. Historically, the more important mineral commodities of Whatcom County have been coal, gold (placer and lode), sandstone, clay, peat, limestone, olivine, and sand and gravel aggregate.

Primary mineral resources include sand, gravel and limestone. Additionally, Whatcom County is home to one of the largest known deposits of olivine (a type of gemstone) in the United States.
State and Federal Requirements for the Environment

The Washington State Growth Management Act (GMA) requires Whatcom County to identify and manage critical areas in a manner to prevent destruction of the resource base and reduce potential losses to property and human life. The GMA requires critical areas to include the following areas and ecosystems:

- Wetlands
- Areas with a critical recharging effect on aquifers used for potable water
- Fish and wildlife habitat conservation areas
- Frequently flooded areas
- Geologically hazardous areas.

The presence of critical areas will influence economic development activities, such as siting, permitting, mitigation and securing public funds to undertake projects. All projects identified, funded and subsequently developed through the Comprehensive Economic Development Strategy process will comply with state and local planning requirements. Growth management compliance can increase the cost of economic development projects.

The State and National Environmental Policy Acts (SEPA and NEPA) govern and are intended to mitigate adverse development practices on the environment. Given the increasing requirements on local land use and economic development efforts, particularly assessment and permitting processes, an evaluation of the impact of these environmental requirements on economic development would help policy makers in decision making. Perceived or otherwise, environmental compliance, including the complexity of dealing with state agencies, can be as significant a factor in choosing to develop property and having adequate water supply, sewer capacity, or transportation linkages. For example, wetland regulations impact a jurisdiction’s commercial and industrial zoned land. Because of the difficulty and expense of mitigating any impact on wetlands, the presence of wetlands may be a constraint to economically viable development of the property.

E. Land Characteristics

Ownership and Use

Land ownership in Whatcom County is divided between public, tribal and private parties. Approximately 875,000 acres of the total land area – roughly the eastern two-thirds of the County – is under federal jurisdiction, including National Park Service and U.S. Forest Service lands. Tribal lands account for approximately 13,000 acres and include the Lummi reservation as well as its and the Nooksack Tribe’s trust lands.

The remaining land is in private ownership, almost all of which being situated in the western third of the County. The two greatest uses of privately-owned land are for agricultural and residential purposes (approx. 108,400 and 60,800 acres, respectively), with the remainder divided among various other uses, including commercial and industrial parcels, utilities and vacant land.
Industrial and Commercial Areas

The vast majority of industrial and commercial property in the County is located in its westernmost quarter and can be found in both urban and rural areas. The greatest concentration of commercial activity is in and around Bellingham, including its downtown core, the Bellis Fair Mall, Fairhaven, the Guide Meridian Road corridor and Sunset Drive. Commercial centers of varying size are also located in Birch Bay, Blaine, Everson, Ferndale, Glacier, Lynden, Maple Falls, Nooksack, Nugent’s Corner and Sumas.

The County has a diverse set of industrial properties, accommodating light manufacturing through heavy industry. The Cherry Point industrial area, located on the shore of the Strait of Georgia northwest of Ferndale, is the home of both the BP and Phillips 66 refineries as well as Alcoa’s Intalco Works aluminum smelter. About 2,000 people are employed at Cherry Point. The cities of Bellingham, Blaine, Ferndale, Lynden and Sumas have substantial industrially-zoned properties, some of which being operated by the Port of Bellingham. There are also numerous small manufacturing and other industrial properties scattered throughout the County.
Whatcom County
Figure 2
SECTION 2: POPULATION AND LABOR FORCE

A. Population and Demographic Characteristics

Whatcom County is the ninth most populous county in Washington, with an estimated population of 205,800 in 2013 (Office of Financial Management). This represents growth of 23.4 percent since 2000, when the County's population was 166,826 (2000 Census). By comparison, growth in nearby Skagit and Snohomish counties was 15.2 and 20.5 percent, respectively, over that same period.

Despite the significant growth in population, Whatcom is classified as a rural county based on its population density of 97.7 persons per square mile. This is due in large part to the fact that the vast majority of the County's land area is national forest and park lands, including the Mount Baker-Snoqualmie National Forest, North Cascades National Park and the Mount Baker and Ross Lake National Recreation Areas, all of which being very sparsely populated. The County's seven incorporated cities are all in the western quarter of the County, which is characterized by small to medium-sized urban centers interspersed with residential developments outside city limits, large tracts of farmland, and woodlands and other open space. The core of this portion of the County is the Bellingham Urbanized Area, which includes the cities of Bellingham and Ferndale as well as unincorporated land along the Interstate 5 corridor between the two cities. The population of the Bellingham Urbanized Area was 114,473 in 2010 (2010 Census).

Table 1 compares the populations of the County's incorporated cities.

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<tbody>
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<td>Whatcom County</td>
<td>127,780</td>
<td>166,814</td>
<td>201,140</td>
<td>30.5%</td>
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<td>67,171</td>
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<td>9,020</td>
<td>11,951</td>
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<td>5,398</td>
<td>8,758</td>
<td>11,415</td>
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<tr>
<td>Sumas</td>
<td>744</td>
<td>978</td>
<td>1,319</td>
<td>31.5%</td>
<td>34.9%</td>
<td>0.7%</td>
</tr>
<tr>
<td>Nooksack</td>
<td>584</td>
<td>851</td>
<td>1,338</td>
<td>45.7%</td>
<td>57.2%</td>
<td>0.7%</td>
</tr>
<tr>
<td>Unincorporated</td>
<td>59,187</td>
<td>74,231</td>
<td>87,065</td>
<td>25.4%</td>
<td>17.3%</td>
<td>43.3%</td>
</tr>
</tbody>
</table>

Source: Census 1990, 2000 and 2010

Among the County's unincorporated communities, Birch Bay is the largest, with a 2010 population of 8,413, followed by Sudden Valley, which had 6,441 residents that year (2010 Census). These communities – both of which being classified as census-designated places – have experienced dramatic growth since 2000: Birch Bay grew by 69.6 percent from 2000 to 2010, and Sudden Valley's population increased by 54.6 percent over that same period.
Other relatively large unincorporated communities are Marietta-Alderwood (2010 Census population of 3,906), Peaceful Valley (3,324), Geneva (2,321) and Point Roberts (1,314). Among the smaller unincorporated communities – including Custer, Deming, Maple Falls, Acme, Glacier and Kendall – none had 2010 populations exceeding Custer’s 366 (2010 Census).

In 2012 Whatcom County’s population was slightly older than Washington’s as a whole. Those 18 years of age and older accounted for 79.7 percent of the population, compared to 77.0 percent for the entire State. The percentage of those 65 and older was 14.4 percent for the County and 13.2 percent for the State. As in most communities in the United States, Whatcom’s senior population is growing, which is attributable not merely to the general increase in life expectancy in the U.S. but also in large part to in-migration by seniors who have chosen the County as their home for retirement. It is anticipated that interest in Whatcom as a retirement community will grow, which – along with existing Baby Boomers who are likely to “age in place” – will continue to increase the 65-plus sector of the County’s population.

The County’s population is generally less racially and ethnically diverse than Washington as a whole, as indicated in Table 2. This is not surprising, since the State’s racial and ethnic composition is significantly impacted by the diversity found in the Seattle metropolitan area. Indeed, only Whatcom’s percentage of American Indians exceeds that of the State, due to the presence of the Lummi Nation and the Nooksack Tribe. However, as is the case in both the State and the U.S. as a whole, the County is becoming more diverse, with the percentages of all of the non-White cohorts growing significantly from 2000 to 2012, except for the American Indian/Alaska Native cohort, which remained unchanged at 3.1 percent of the population. Racial and ethnic diversification is expected to continue into the foreseeable future.

Table 2: Racial and Ethnic Composition of Whatcom County by Percentage of Population

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>White</td>
<td>93.3%</td>
<td>87.9%</td>
<td>81.6%</td>
</tr>
<tr>
<td>Two or more races</td>
<td>1.2%</td>
<td>3.5%</td>
<td>4.3%</td>
</tr>
<tr>
<td>Asian/Native Hawaiian</td>
<td>1.8%</td>
<td>4.3%</td>
<td>8.4%</td>
</tr>
<tr>
<td>Pacific Islander</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amer. Indian/Alaska Native</td>
<td>3.1%</td>
<td>3.1%</td>
<td>1.8%</td>
</tr>
<tr>
<td>Black or African American</td>
<td>0.5%</td>
<td>1.2%</td>
<td>3.9%</td>
</tr>
<tr>
<td>Hispanic or Latino*</td>
<td>2.9%</td>
<td>8.4%</td>
<td>11.7%</td>
</tr>
</tbody>
</table>

*People who identify their origin as “Spanish,” “Hispanic” or “Latino” may be of any race. Thus, the percentage of those identifying themselves as such should not be added to percentages for racial categories.

Source: Census Bureau

1. Population Forecast

The Washington State Office of Financial Management (OFM) updates county and state long-range population forecasts every five years to support local compliance with the State’s Growth Management Act. Low, medium and high population forecasts out to 2040 were issued by OFM in May 2012, although OFM considers the medium projection the most likely (RCW 43.62.035) because it is based on assumptions that have been validated with past and current information.
Table 3: Whatcom County Population Forecast

<table>
<thead>
<tr>
<th>Year</th>
<th>Population</th>
<th>Change from 2010</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010 actual</td>
<td>201,140</td>
<td></td>
</tr>
<tr>
<td>2020 forecast</td>
<td>225,307</td>
<td>12.0%</td>
</tr>
<tr>
<td>2030 forecast</td>
<td>256,643</td>
<td>27.6%</td>
</tr>
<tr>
<td>2040 forecast</td>
<td>284,901</td>
<td>41.6%</td>
</tr>
</tbody>
</table>

Sources: Census Bureau; Washington State OFM (May 2012 medium forecasts)

2. Housing

Data from the 2010 Whatcom County Real Estate Research Report indicated that real estate activity in Whatcom County slowed in 2009, with the number of single-family homes sold falling 4.7 percent below the 2008 level, and the dollar volume of single-family sales falling 11.2 percent below the 2008 level. The number of condominiums sold in the County was down 29.3 percent in 2009. For single-family homes, the median price fell by 6.7 percent in 2009 after declining by 4.2 percent in 2008. In 2009, the median price of all homes sold in Whatcom County was $259,900, while the median price of homes sold in the Bellingham area was $274,000. Declining prices and a reduction in mortgage interest rates improved housing affordability in 2009.

Permit activity in the County was also down in 2009, and in Bellingham it fell to its lowest level since at least 1977. The number of multi-family units permitted in Bellingham fell from 102 in 2008 to 63, and single-family permits fell from 86 to 49. Outside of Bellingham, permit activity fell 23 percent in Blaine, 29 percent in Lynden and 31 percent in unincorporated Whatcom County.

B. Labor Force

1. Overview

The civilian labor force includes all people over 16 who are working or actively seeking work. According to the Washington State Employment Security Department, Whatcom County’s 2012 labor force averaged 108,520, of which 100,550 county residents were counted among the employed and 7,970 were counted among the unemployed (constituting an unemployment rate of 7.3 percent). The County had approximately 81,500 nonfarm jobs in 2012, up from the 2011 approximation of 80,100. From 2011 to 2012, total employment increased by 1.7 percent in the County, while Washington as a whole saw an increase of 1.5 percent.

Goods-producers supplied an average of 15,000 jobs in 2012, up 6.0 percent from 2011. Manufacturing employment expanded by 500 jobs over the year, bringing average annual employment to the same level it was in 2008. Data for the first several months of 2013 indicated continued growth in this sector. The manufacturing base is diverse: the three largest manufacturing industries in terms of employment are food manufacturing, transportation equipment manufacturing and wood product manufacturing. Petroleum and coal products manufacturing is also a large industry in the County.
Construction employment declined from 2007 to 2010. As of 2012, the industry was beginning to recover, having added approximately 400 jobs, an expansion of 6.8 percent from 2011 to 2012. An uptick in construction activity through June 2013 further increased employment, with 600 construction jobs added between June 2012 and June 2013.

Private service-providing employment averaged 50,500 in 2012. From 2011 to 2012, service-providers added 700 jobs, an increase of 1.5 percent. From 2011 to 2012, most private-sector service providers expanded payrolls. Finance, professional and business services each grew by 4 percent.

Government employment in Whatcom County is principally concentrated in local government, including public K-12 education. From 2011 to 2012, employment in this sector dropped by 1.1 percent.

2. Employment Growth

In the lead up to the recession (2003 to 2007), Whatcom County’s annual employment growth rate averaged 3.4 percent. From peak to trough, 6,200 jobs (about 7 percent) were lost. Whatcom County’s employment situation reached its low point in 2010, on track with much of Washington. However, from 2010 to 2012 Whatcom County recovered 2,700 of the jobs lost.

The size of the resident labor force in Whatcom County climbed steadily in the lead up to the 2007 recession but then dipped from 2009 to early 2012, suggesting that the County’s labor market was recovering. However, data from the first half of 2013 revealed that the labor market had not yet recovered from the recession, and in fact, it dipped again.

Whatcom County has some favorable factors that have aided job growth in the past and which should be beneficial for the near future. The County’s adjacency to the heavily-populated Lower Mainland of British Columbia, combined with the appreciated Canadian dollar, generally lower commodity prices in the U.S. and mobility improvements at the ports-of-entry on the Whatcom–B.C. border continue to draw thousands of Canadian shoppers to the County, and particularly Bellingham. Low cost flights from Bellingham International Airport to U.S. destinations have also drawn Canadian travelers, and in fact, about 52 percent of the travelers using the airport are Canadian.

Whatcom generally has lower wage rates for many occupations compared to counties to the south along the I-5 corridor. This makes the County attractive to manufacturing and service-providing firms planning to relocate or expand. While the regional economy remains fragile, the outlook points to a steady, albeit slow, recovery.

Table 4: Labor Force Statistics

<table>
<thead>
<tr>
<th>Whatcom County</th>
<th>Labor Force</th>
<th>Employed</th>
<th>Unemployed</th>
<th>Unemployment Rates</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Whatcom</td>
</tr>
<tr>
<td>1970</td>
<td>33,810</td>
<td>30,920</td>
<td>2,890</td>
<td>8.5%</td>
</tr>
<tr>
<td>1980</td>
<td>49,000</td>
<td>44,000</td>
<td>5,000</td>
<td>10.2%</td>
</tr>
<tr>
<td>1990</td>
<td>67,500</td>
<td>64,100</td>
<td>3,400</td>
<td>5.0%</td>
</tr>
<tr>
<td>2000</td>
<td>81,600</td>
<td>76,900</td>
<td>4,700</td>
<td>5.7%</td>
</tr>
<tr>
<td>2012</td>
<td>108,520</td>
<td>100,550</td>
<td>7,970</td>
<td>7.3%</td>
</tr>
</tbody>
</table>

3. Unemployment

Whatcom County’s 2012 unemployment rate was 7.3 percent. During the recent period of recession and recovery, the peak unemployment rate in Whatcom County was 10.5 percent, which occurred in February 2010. The average unemployment rate for entire year of 2010 was 9.0 percent. Throughout 2012 and 2013 the unemployment rate declined, dropping as low as 6.0 percent in November 2013, ticking up to 6.2 percent in December. In the first quarter of 2014, the unemployment rates for January, February and March were 6.7, 7.5 and 7.1 percent, respectively.
SECTION 3: THE WHATCOM ECONOMY

Figure 3

Table 5
Whatcom County Employment, 2012

<table>
<thead>
<tr>
<th>Sector</th>
<th>Employment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Services</td>
<td>31,011</td>
</tr>
<tr>
<td>Retail Trade</td>
<td>8,703</td>
</tr>
<tr>
<td>Government</td>
<td>14,101</td>
</tr>
<tr>
<td>Manufacturing</td>
<td>10,373</td>
</tr>
<tr>
<td>Construction &amp; Mining</td>
<td>5,212</td>
</tr>
<tr>
<td>Wholesale Trade</td>
<td>2,535</td>
</tr>
<tr>
<td>Transportation</td>
<td>2,197</td>
</tr>
<tr>
<td>Finance</td>
<td>2,641</td>
</tr>
<tr>
<td>TOTAL</td>
<td>76,873</td>
</tr>
</tbody>
</table>

Excluding forestry, fishing and farming

A. Overall Trends in Employment

In Whatcom County the number of non-agricultural jobs has consistently grown since 1990, with the only significant decline occurring in the “Great Recession” years 2009 and 2010. From 1990 through 2012, the number of non-agricultural jobs grew an average of 1.93 percent annually, with peak annual growth of 5.83 percent from 1999 to 2000. Whatcom County’s average annual employment growth rate exceeded that of Washington as a whole, which grew at 1.44 percent annually over the same period.

Job growth slowed considerably in the decade 2003-2012 compared to the previous decade (1993-2002). The average annual rate of growth for total non-agricultural employment in Whatcom County from 2003 through 2012 was 1.34 percent, compared to 1.89 percent in the preceding ten-year period. However, the loss of 4,600 jobs between 2008 and 2009 – representing a 5.49 percent decrease – significantly skews the average annual rate over that period. Still, there was a net increase of 9,900 jobs from 2003 through 2012, although that number is significantly lower than the 13,300 jobs added from 1993 through 2002.

Figure 4

Nonfarm Job Growth
1. Washington State and Whatcom County Job Comparison

Excluding agriculture, in 2012 Whatcom County represented 2.75 percent of the State's economy in terms of employment but just 2.12 percent in wages paid. Table 6 indicates that the County's breakdown among the eight sectors is relatively close to that of the State.

<table>
<thead>
<tr>
<th>Table 6</th>
<th>Employment Shares in 2012</th>
<th>Washington State</th>
<th>Whatcom County</th>
</tr>
</thead>
<tbody>
<tr>
<td>SERVICES</td>
<td>43.5%</td>
<td>40.3%</td>
<td></td>
</tr>
<tr>
<td>RETAIL TRADE</td>
<td>11.2%</td>
<td>11.3%</td>
<td></td>
</tr>
<tr>
<td>GOVERNMENT</td>
<td>18.4%</td>
<td>18.3%</td>
<td></td>
</tr>
<tr>
<td>MANUFACTURING</td>
<td>10.0%</td>
<td>13.5%</td>
<td></td>
</tr>
<tr>
<td>CONSTRUCTION &amp; MINING</td>
<td>4.7%</td>
<td>6.8%</td>
<td></td>
</tr>
<tr>
<td>WHOLESALE TRADE</td>
<td>4.4%</td>
<td>3.3%</td>
<td></td>
</tr>
<tr>
<td>TRANSPORTATION AND PUBLIC UTILITIES</td>
<td>3.1%</td>
<td>2.9%</td>
<td></td>
</tr>
<tr>
<td>FINANCE, INSURANCE AND REAL ESTATE</td>
<td>4.7%</td>
<td>3.7%</td>
<td></td>
</tr>
<tr>
<td><strong>Job Total</strong></td>
<td><strong>2,798,952</strong></td>
<td><strong>76,973</strong></td>
<td></td>
</tr>
</tbody>
</table>

Washington State Employment Security Department, Covered Employment
Excludes Agriculture, Forestry and Fishing sector

2. Highlights of Employment Sectors

Since 2000, only the service sector of the County's economy has grown significantly, from 26.5 percent of non-agricultural employment to 40.3 percent in 2012. Six of the other seven sectors declined in that period of time, with only "government" increasing slightly (16.2 to 18.3 percent). With regard to wages, the service sector accounted for 34.0 percent in 2012 (compared to 21.3 percent in 2000), with the government sector next highest at 21.0 percent and manufacturing in third place with 16.0 percent. In 2000 those sectors accounted for 17.4 and 20.0 percent of wages, respectively.

The bar graph below compares employment and wage distribution for the County's eight principal employment sectors for 1981, 2000 and 2012.

**Figure 5**

[Bar graph showing employment and wage distribution]
Despite the net increase of more than 11,000 jobs between 2000 and 2012, four of the eight sectors declined over that period. The retail trade, wholesale trade, construction/mining, and transportation sectors collectively lost 7,639 jobs, with 5,294 lost in retail trade alone.

Among the four sectors that expanded from 2000 to 2012:

- Service employment expanded from 16,822 to 31,011, an increase of 84.3 percent. Employment in this sector alone is nearly equal to the next three largest sectors combined. However, while it accounted for 40.3 percent of non-agricultural jobs in 2012, it only contributed 34.0 percent of wages paid.
- Although it shrank as a percentage of regional employment, the manufacturing sector grew by 960 jobs between 2000 and 2012, or slightly more than 10 percent. Manufacturing remains an important element of Whatcom County’s economy.
- Employment in the government sector increased by 32.5 percent (3,460 jobs) from 2000 to 2012. “Government” is a somewhat deceptive name for this sector, since it includes not just employees of local, state and federal agencies but also those working in public schools or for tribally-owned, for-profit businesses, including the casinos operated by the Lummi Nation and the Nooksack Tribe.
- The finance sector – which includes industries such as banking, investment brokerages, insurance, etc. – grew by 11.9 percent, adding 302 jobs.
- Combined, the manufacturing, government and finance sectors provided 33.5 percent of the Region’s jobs in 2012, but 41.5 percent of wages paid.

![Wage Growth by Sector](image)

**Figure 6**

**B. The Natural Resource Economy**

1. **Agriculture**

Agriculture is an important economic activity in the county. Farming is prevalent in the northwestern lowlands of the County in and around Lynden, Ferndale, Everson, Nooksack and Sumas, as well as in
unincorporated areas. In 2012, the total market value of Whatcom County agricultural products sold was $357.3 million, ranking eighth among all 39 counties in the State and first in western Washington. That amount also represented 3.92 percent of the market value of all agricultural products sold in the State. The Washington Agricultural Statistics Service estimates the overall economic impact of sales of agricultural products multiplies three to seven times in the regional economy.

There were 1,702 farms in the County in 2012, totaling 115,831 acres. Livestock, poultry and associated products, including dairy, accounted for 66.5 percent of the County’s total market value and crop sales represented 33.5 percent. By comparison, in 2002 livestock and related products accounted for 73.5 percent of the County’s total market value, with crops accounting for the remaining 26.5 percent that year.

The Washington Employment Security Department reports that “agricultural, forestry, fishing and hunting” employment in Whatcom County accounted for 3,439 jobs in 2012, representing 4.3 percent of the total County workforce in 2012. In 2000 there were 2,912 jobs in this sector, which was 4.2 percent. This indicates that agriculture-related employment is holding its own. In addition to full-time employment, thousands of seasonal jobs are created, including approximately 6,000 during the annual six-week red raspberry harvest alone.

Dairying and berry farming are the dominant agricultural activities in the County. Whatcom is the biggest producer of red raspberries in the United States, and by itself its production surpasses that of every other state in the country except Washington. The County is also a major producer of blueberries and strawberries. In 2012 there were 120 dairy farms with a combined 45,562 milk cows (17.4 percent of the State total), making Whatcom the second biggest milk producer in Washington after Yakima County.

Other important Whatcom County agricultural products or activities include corn and grass silage, seed potatoes, cattle and poultry, and greenhouse and nursery plants.

Interestingly, in 1997 Whatcom had a total of 1,228 farms, the fifth-highest among the State’s 39 counties. By 2012 the number of farms in the County had grown to 1,702, a 38.6 increase, with an average size of 68 acres. Whatcom also retained its fifth-place ranking over that 15-year period.

2. **Commercial and Recreational Fishing**

Washington State’s commercial fishing industry is structured around a multi-species fishery. Groundfish, halibut, albacore, salmon and shellfish are all major species groups important to the industry. In 2006, non-tribal commercial fish landings from Washington fisheries totaled nearly 109.4
million pounds, generating $65.1 million in ex-vessel value (i.e., the price received by commercial fishers for fish). Whatcom County was the State’s second-largest commercial port area that year (after Grays Harbor County), with an ex-vessel value of commercial fish landings of more than $13.5 million, accounting for nearly 21 percent of the total value of landings from Washington fisheries. Bellingham and Blaine are the County’s two principal commercial fishing ports.

The North Puget Sound Region – which the Washington Department of Fish and Wildlife defines as including San Juan, Skagit, Snohomish and Whatcom counties – is also the most popular location for recreational shellfishing in the State. In 2006, the combined recreational shellfish catch in those four counties included more than 3.3 million pounds of Dungeness crab, 23,520 pounds of shrimp, 93,038 pounds of clams and more than 19,000 individual oysters.

3. Forestry

In 2013, the total volume of the timber harvest in Whatcom County was 72,098,000 board feet (Scribner Rule measurement), 40.3 percent of which was Douglas fir, 33.8 percent western hemlock and the remainder a combination of other conifers, cedars and hardwood species, especially red alder. However, Whatcom County has seen a steady decline in its forestry sector over the past several decades. Compared to the timber harvest in 2000 – which was 90,167,000 board feet – the 2013 harvest was 20 percent less. This decline in the timber harvest was significantly more pronounced on privately-owned forestland than in publicly-owned forests (in 2000, the entire harvest from public forestland in Whatcom County was from Washington State-owned land, and in 2013, nearly 98 percent came from State-owned forestland). The timber harvest on privately-owned lands in 2013 was 34 percent less than it was in 2000, compared to a decrease of just 4.8 percent in the harvest from publicly-owned forestland.

C. Major Sectors of the Nonfarm Economy

1. Manufacturing

Until the 1990s, growth in manufacturing in Whatcom County was relatively steady, responding to business cycle declines during recessions, recovering, and then expanding. Manufacturing saw a significant slump in the late 1990s/early 2000s, primarily in the food processing and paper production industries, the most notable example among the latter being the closure of the Georgia-Pacific pulp mill in Bellingham in 2001. By 2007, Georgia-Pacific had also closed its tissue mill, bringing to an end pulp and paper milling in the County.

Despite the historical decline of the County’s manufacturing sector – which mirrors trends in Washington and the U.S. as a whole – it remains an important dimension of the regional economy, thanks to the higher wages it pays relative to its share of regional employment. In 2012, the average annual wage in the manufacturing sector was $58,406, compared to countywide average of $40,407. While manufacturing is 11 percent of payroll employment in the County it represents 15.5 percent of all wages. Manufacturing jobs facilitate the ability to “grow wealth locally” as a result of the multiplier effect of additional spending by manufacturing job holders, and by other businesses that support the various manufacturers.

According to the Census of Employment and Wages, there were 321 manufacturing operations in Whatcom County in 2012 that employed approximately 8,700 people. Of the 20 specific
manufacturing subcategories listed, the two with the most firms (46 each) were food processing and fabricated metal products. These were followed by transportation equipment (29), wood products (27), furniture and related products (19), textile products (18) and machinery, also with 18 employers. The manufacture of electrical equipment, machinery and electronic products has seen the fastest growth in recent years.

Since the end of the Great Recession in June 2009 the manufacturing sector has been the growth leader in Whatcom County, with employment rising almost 17 percent from then through June 2014. Many manufacturing jobs were lost during the recession, nationally and locally, but then rebounded, aided by a weak U.S. dollar, increased exports and companies “re-shoring” their operations back to American factories.

The Cherry Point Industrial Urban Growth Area (UGA) is located in western Whatcom County, west of the City of Ferndale and south of Birch Bay. It is approximately 11 square-miles in size. Cherry Point is zoned for heavy-impact industrial land use and is home to two oil refineries (BP and Phillips 66) and Alcoa’s Intalco Works aluminum smelter.

Table 7

<table>
<thead>
<tr>
<th>Manufacturing Sector</th>
<th>Overall annual Growth</th>
<th>1.50%</th>
<th>-0.6%</th>
</tr>
</thead>
<tbody>
<tr>
<td>11 Furniture and Fixtures</td>
<td>3.2% 11 4</td>
<td>83.3% 121 15</td>
<td></td>
</tr>
<tr>
<td>18 Misc. Manufacturing Industries</td>
<td>-5.6% 62 9</td>
<td>72.0% 598 38</td>
<td></td>
</tr>
<tr>
<td>5 Textile Mill Products</td>
<td>5.5% 227 7</td>
<td>5.4% 375 18</td>
<td></td>
</tr>
<tr>
<td>1 Instruments and Related Products</td>
<td>11.7% 294 9</td>
<td>5.1% 328 7</td>
<td></td>
</tr>
<tr>
<td>17 Stone, Clay, and Glass Products</td>
<td>-3.9% 147 33</td>
<td>3.5% 208 12</td>
<td></td>
</tr>
<tr>
<td>12 Food and Kindred Products</td>
<td>0.7% 1343 41</td>
<td>1.5% 1701 14</td>
<td></td>
</tr>
<tr>
<td>7 Transportation Equipment</td>
<td>3.8% 883 33</td>
<td>1.4% 1036 29</td>
<td></td>
</tr>
<tr>
<td>13 Chemicals and Allied Products</td>
<td>0.6% 97 4</td>
<td>0.9% 108 10</td>
<td></td>
</tr>
<tr>
<td>10 Fabricated Metal Products</td>
<td>3.5% 392 25</td>
<td>0.7% 426 46</td>
<td></td>
</tr>
<tr>
<td>14 Petroleum and Coal Products</td>
<td>0.3% 820 4</td>
<td>0.4% 852 5</td>
<td></td>
</tr>
<tr>
<td>16 Paper and Allied Products</td>
<td>0.0% 458 34</td>
<td>0.9% 472 18</td>
<td></td>
</tr>
<tr>
<td>2 Industrial Machinery and Equipment</td>
<td>10.0% 458 34</td>
<td>-1.6% 326 13</td>
<td></td>
</tr>
<tr>
<td>4 Rubber and Misc. Plastics</td>
<td>5.6% 403 16</td>
<td>-2.2% 1034 27</td>
<td></td>
</tr>
<tr>
<td>9 Lumber and Wood Products</td>
<td>3.5% 1409 64</td>
<td>-3.4% 289 12</td>
<td></td>
</tr>
<tr>
<td>6 Electronic and Other Elec. Equip.</td>
<td>4.9% 354 14</td>
<td>-0.0% 0 0</td>
<td></td>
</tr>
<tr>
<td>3 Apparel and Other Textile Products</td>
<td>7.1% 226 17</td>
<td>-0.3% 0 0</td>
<td></td>
</tr>
<tr>
<td>8 Printing and Publishing</td>
<td>3.6% 502 35</td>
<td>-0.3% 0 0</td>
<td></td>
</tr>
<tr>
<td>15 Primary Metal Industries</td>
<td>-1.3% 963 5</td>
<td>-0.3% 0 0</td>
<td></td>
</tr>
<tr>
<td>16 Other</td>
<td>-1.4% 817 2</td>
<td>-0.3% 0 0</td>
<td></td>
</tr>
<tr>
<td>9413 936</td>
<td>8703 321</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2. Services

The “other services” and “finance, insurance and real estate” (FIRE) sectors combined constituted 44 percent of Whatcom County’s non-agricultural economy in 2012 (other-services alone was 40.3 percent), more than double the next-highest sector, “government.” As the largest single employment job sector in the regional economy, other-services also has the greatest range of job types (from domestic service workers to physicians), skill levels (unskilled to highly-skilled) and educational attainment (from no high school to graduate and professional degrees). Accordingly, the average annual salary for this sector in 2012 – $34,888 – can be greatly deceptive.

Indeed, of the eight major sectors of Whatcom County’s economy in 2012, other-services ranked seventh in average annual income, ahead of only retail trade. And while the other-services sector
accounted for 40.3 percent of the non-agricultural jobs in the County in 2012, it provided only 34 percent of the total wages earned that year. Nevertheless, "other services" not only kept its ranking as the regional economy's largest sector in both employment and wages, it grew significantly from 2000, when it accounted for 25.6 percent of employment and 21.3 percent of wages. That represents growth of 57.4 percent in employment and 59.6 percent in wages in that sector from 2000.

"Health care and social assistance" services are the largest single industry in the "other services" sector, accounting for 39 percent of covered employment (i.e., jobs covered by unemployment insurance). By comparison, the 2002 CEDS reported that at that time this industry was also the largest but with only 29 percent of employment. This growth in the regional health care industry is consistent with the national trend. In 2013, PeaceHealth St. Joseph Medical Center (including the Madrona Medical Group) was by far the largest single employer in Whatcom County, with more than 2,700 employees. Continued growth is expected in the health care industry as demand for services intensifies with the aging of the County's population.

When combined, three other sub-sectors provide approximately 38 percent of all service jobs. "Other services (except public administration)" constitute 14 percent of the sector's employment. This includes services like automotive repair, beauty salons, funeral homes, pet care, etc. "Administrative and support and waste management and remediation services" represent 12 percent of the sector's jobs and includes employment-placement agencies, janitorial services, locksmiths and landscaping contractors. "Professional, scientific and technical services" also account for 12 percent of the "other services" sector's employment and includes lawyers, certified public accountants, engineers and graphic designers, among others.

The FIRE sector had the second-highest average annual wage among the eight principal sectors of the County's economy: $50,647. Finance and insurance jobs include commercial banking, securities brokerages, life and medical insurance sales, claims adjusting, etc. Real estate includes not just residential and commercial brokers but also property managers, appraisers, and even machinery and equipment rental.

3. Retail Trade

As indicated in the graph below, taxable retail sales declined by approximately 16.4 percent in the middle of the nine-year period beginning in the first quarter of 2004 through the first quarter of 2013, beginning in the fourth quarter of 2007 when there were seasonally-adjusted retail sales of more than $412.3-million, to its trough in the fourth quarter of 2009, with sales of $354-million. Since then, retail sales have climbed steadily, increasing all but one quarter (1Q of 2011) through 1Q of 2013, when sales were $421.3-million.
Retail trade, as a percentage of the regional economy’s jobs, remained steady at about 13 percent from 2002 to 2012. Retail employment is heavily concentrated in Bellingham, thanks largely to the presence of the Bellis Fair Mall, big-box stores along Guide Meridian Road and Sunset Drive, and numerous neighborhood shopping centers throughout the City. While Lynden and Ferndale have active downtowns and significant retail businesses, Bellingham is indisputably the Region’s retail hub, accounting for 66.6 percent of taxable retail sales in the County during 2012, but down from 69.3 percent in 2002. Unincorporated Whatcom County was second, with 16.7 percent in 2012, increasing by 2.6 percentage points from 2002.
Average annual wages in retail trade were the lowest of all employment sectors in 2012, at $30,347. Wholesale trade wages were much higher ($48,127), ranking fourth among the eight sectors.

4. Tourism

Tourism is a significant contributor to job growth in the local economy. Tourism industries are included primarily within the service and retail sectors, represented by amusement and recreation services, hotels and lodging, as well as portions of other industries, such as business services, dining, apparel and general/miscellaneous retail trade. Outdoor recreation is a significant and growing element of the Region’s tourism economy. The Bellingham Whatcom County Tourism reports the following facts about the regional tourism industry:

- In 2013, direct county-wide traveler spending reached $573.9-million, ranking Whatcom County fifth in visitor spending revenues among the State’s 39 counties.
- Whatcom County’s tourism industry supported 6,110 jobs in 2013, generating revenue in excess of $128-million.
- Visitors to Whatcom County contributed $8.2-million in local (city and county) taxes in 2013 and $24.8-million in State tax receipts during the year.
- Persons staying in commercial lodging (hotels, motels, inns, etc.) account for slightly more than 60 percent of all visitor spending, with an average of $343 per day.
- Approximately 40 percent of travelers’ overnight stays are spent with family or friends, but these visitors still spend an average of $84 per day in Whatcom County.
5. Government

Among the eight principal sectors of Whatcom County’s economy, government accounts for the second-most non-farm jobs, at 18.3 percent. This sector has grown since 2000, when it provided 16.2 percent of jobs. Including the Silver Reef Casino – which, because it is owned and operated by the Lummi Nation is classified as “government” – eight of the County’s 20 largest employers are in the public sector. Local government employment (County and city government and school districts) accounts for about 74 percent of public jobs among the largest 35 employers in the County.

Washington State government also has a significant presence in the County due to the presence of Western Washington University, Whatcom Community College and Bellingham Technical College. Western is the second-largest employer in the County, WCC is seventeenth and BTC is twenty-sixth.

Despite the fact that there are no large military installations in the County, the federal government still maintains a significant presence, attributable primarily to U.S. Customs and Border Protection personnel responsible for operating the five ports of entry and to patrol the County’s 90-mile land border with Canada. Various other federal agencies – including the Coast Guard, National Park Service and the U.S. Forest Service – operate within the County.

6. Business Size Distribution

Whatcom County’s economy is dominated by small businesses, which on average employ slightly more than 11 people. The graph below illustrates the breakdown of businesses by the number of employees. Among 7,075 firms operating in the County, about 85 percent of them employ less than 100 people, and 50 percent have just four employees or less. Sixty (60) percent of the County’s 80,850 workers are employed by firms with 100 employees or less, and 47 percent work for mid-sized firms of between 20 and 249 employees.

Figure 11

Firm Size and Employment

<table>
<thead>
<tr>
<th>Firms</th>
<th>Employment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 to 4</td>
<td>50%</td>
</tr>
<tr>
<td>5 to 9</td>
<td>18%</td>
</tr>
<tr>
<td>10 to 19</td>
<td>10%</td>
</tr>
<tr>
<td>20 to 49</td>
<td>7%</td>
</tr>
<tr>
<td>50 to 99</td>
<td>2.37%</td>
</tr>
<tr>
<td>100 to 249</td>
<td>1.20%</td>
</tr>
<tr>
<td>250 to 499</td>
<td>0.24%</td>
</tr>
<tr>
<td>500 to 999</td>
<td>0.16%</td>
</tr>
<tr>
<td>1000+</td>
<td>0.04%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Firms</th>
<th>Employment</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 to 4</td>
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<tr>
<td>5 to 9</td>
<td>9%</td>
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<tr>
<td>10 to 19</td>
<td>12%</td>
</tr>
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<td>20 to 49</td>
<td>17%</td>
</tr>
<tr>
<td>50 to 99</td>
<td>14%</td>
</tr>
<tr>
<td>100 to 249</td>
<td>16%</td>
</tr>
<tr>
<td>250 to 499</td>
<td>7%</td>
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<tr>
<td>500 to 999</td>
<td>9%</td>
</tr>
<tr>
<td>1000+</td>
<td>8%</td>
</tr>
</tbody>
</table>
7. Major Employers

Table 8: Largest Employers, 2013

<table>
<thead>
<tr>
<th>Rank</th>
<th>Employer</th>
<th>Employed</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>St. Joseph Hospital/</td>
<td>2,753</td>
</tr>
<tr>
<td></td>
<td>Madrona Medical Group</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Western Washington Univ.</td>
<td>1,575</td>
</tr>
<tr>
<td>3</td>
<td>Bellingham School District</td>
<td>1,200</td>
</tr>
<tr>
<td>4</td>
<td>BP Cherry Point Refinery</td>
<td>1,100</td>
</tr>
<tr>
<td>5</td>
<td>Heath Tecna, Inc.</td>
<td>850</td>
</tr>
<tr>
<td>6</td>
<td>City of Bellingham</td>
<td>807</td>
</tr>
<tr>
<td>7</td>
<td>Whatcom County</td>
<td>805</td>
</tr>
<tr>
<td>8</td>
<td>Haggen, Inc.</td>
<td>787</td>
</tr>
<tr>
<td>9</td>
<td>Lummi Tribal Office</td>
<td>700</td>
</tr>
<tr>
<td>10</td>
<td>Fred Meyer</td>
<td>660</td>
</tr>
<tr>
<td>11</td>
<td>Alcoa Intalco Works</td>
<td>625</td>
</tr>
<tr>
<td>12</td>
<td>Aramark</td>
<td></td>
</tr>
<tr>
<td>13</td>
<td>Ferndale School District</td>
<td>600</td>
</tr>
<tr>
<td>14</td>
<td>Silver Reef Casino</td>
<td>578</td>
</tr>
<tr>
<td>15</td>
<td>The Markets, LLC</td>
<td>522</td>
</tr>
<tr>
<td>16</td>
<td>Matrix Service, Inc.</td>
<td>475</td>
</tr>
<tr>
<td>17</td>
<td>Whatcom Community College</td>
<td>440</td>
</tr>
<tr>
<td>18</td>
<td>Costco</td>
<td>400</td>
</tr>
<tr>
<td>19</td>
<td>Alpha Group</td>
<td>400</td>
</tr>
<tr>
<td>20</td>
<td>Sterling Health</td>
<td>362</td>
</tr>
</tbody>
</table>

D. Income Measures

1. Personal Income

Per capita personal income (PCI) is a common measure of the overall economic well-being of the residents of a specific area, as it captures all sources of earned and unearned income. Table 9 and Figure 12 compare the changes in PCI for the County, the State and the nation. Whatcom County’s PCI in 2010 – $36,511 – was just 92 percent of the U.S. average, and 87 percent of the average for Washington. However, Whatcom’s PCI relative to that of the State and the U.S. improved significantly since 2000, when it was 76 percent and 82 percent, respectively.

Table 9 -- Per Capita Personal Income (PCI)

<table>
<thead>
<tr>
<th>Year</th>
<th>Whatcom County</th>
<th>Washington State</th>
<th>Nation</th>
<th>vs. State</th>
<th>vs. U.S.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1970</td>
<td>$5,777</td>
<td>$4,189</td>
<td>$4,084</td>
<td>90%</td>
<td>92%</td>
</tr>
<tr>
<td>1980</td>
<td>$9,133</td>
<td>$10,810</td>
<td>$10,091</td>
<td>84%</td>
<td>91%</td>
</tr>
<tr>
<td>1990</td>
<td>$17,016</td>
<td>$19,367</td>
<td>$19,354</td>
<td>88%</td>
<td>88%</td>
</tr>
<tr>
<td>2000</td>
<td>$24,764</td>
<td>$32,407</td>
<td>$30,318</td>
<td>76%</td>
<td>82%</td>
</tr>
<tr>
<td>2010</td>
<td>$36,511</td>
<td>$42,024</td>
<td>$39,791</td>
<td>87%</td>
<td>92%</td>
</tr>
</tbody>
</table>
2. Poverty Levels and Rates

The poverty rate is measured by the percent of the population living at or below the federal poverty level, known as the poverty line. In 2014, the poverty line as defined by the U.S. Department of Health and Human Services was $23,850 for a family of four. From 2008 through 2012, the percentage of Whatcom County’s population living at or below the poverty line was 15.8 percent, while that of the State was 12.9 percent. That five-year average of 15.8 percent for the County represents a significant increase in the number of people living at or below the poverty line since 1998, when the percentage was 11.1 percent. With about one out of every six County residents living in poverty, reliance on various types of public assistance – including food and housing vouchers – will continue to have an impact on the regional economy.
SECTION 4: THE ECONOMIC DEVELOPMENT SYSTEM

I. Service Providers

A. Business Support and Economic Development Services

Whatcom County is fortunate to have a highly-professional and experienced group of economic development resource providers.

1. Small Business Development Center of Western Washington University

Washington's network of Small Business Development Centers (SBDCs) is a cooperative effort of Washington State University, other educational institutions such as Western, economic development organizations and the U.S. Small Business Administration (SBA). The SBDC program is designed to provide high quality business and economic development assistance to small businesses and nascent entrepreneurs (pre-venture) in order to promote growth, expansion, innovation, increased productivity and management improvement.

SBDCs must work collaboratively with assistance from SBA's district offices to coordinate their efforts to expand services and avoid duplication, particularly with other SBA-funded programs such as Women Business Centers (WBCs), Service Corps of Retired Executives (SCORE), Veteran Business Outreach Centers (VBOCs) and U.S. Export Assistance Centers (USEACs). SBDCs are encouraged to fully utilize the resources of other federal, state and local government programs as well as academic and private-sector programs concerned with aiding small businesses in order to provide seamless, non-duplicative business development assistance at every stage of their growth.

The Small Business Development Center in Bellingham has three certified business advisors with extensive experience as well as a statewide network of more than 30 other advisors who can assist them in meeting the needs of Whatcom County businesses. Available advisory services include:

- Developing a business plan
- Financing options, including conventional business and SBA loans
- Managing cash flow
- Addressing human resource concerns
- Buying or selling a business
- No-cost, confidential business advising

Information on the full range of SBDC services available to existing or prospective business owners in Whatcom County is available at http://www.wwu.edu/sbdc/ or by calling (360) 778-1762.

2. Bellingham/Whatcom Chamber of Commerce and Industry

The Bellingham/Whatcom Chamber of Commerce and Industry is organized to bring together an association of people interested in the economic enhancement and general well-being of Whatcom County and its constituent communities. The Chamber frequently acts as the “front door” for those considering business opportunities in the County, and as such it plays an important role in providing
guidance to potential entrepreneurs and directing them to regional organizations that can assist them.

Among the business resources that the Chamber offers are:

- **Leadership Whatcom**: The goal of Leadership Whatcom is to develop the next generation of active leaders for Whatcom County. Decision-makers of local businesses, government agencies, non-profit organizations, schools and universities participate in a nine-month program designed to teach leadership skills by addressing key regional issues affecting Whatcom County. Graduates of Leadership Whatcom go on to contribute to the region's economic and cultural vitality.

- **Business Health Trust**: This group benefits program provides highly competitive rates through contracts with the largest and most respected insurance carriers in Washington.

- **Whatcom Young Professionals (WYPs)**: WYPs provides its members with opportunities for networking, learning and having fun in order to facilitate lasting and productive relationships among the next generation of business and community leaders for Whatcom County.

- Other services include *The Whatcom Report*, a weekly update on business; *The Member Directory*, and; the use of the Chamber’s membership mailing list for business development.

Information on the Chamber’s services is available at [http://bellingham.com](http://bellingham.com) or by calling (360) 734-1330.

3. **Port of Bellingham, Economic Development Division**

The Port’s Economic Development Division works to attract and retain jobs and private investment in Whatcom County. As the County-appointed Associate Development Organization, the Port is recognized by the State as the primary economic development partner for Whatcom County.

Included among the Port’s responsibilities and resources are:

- **Primary Point of Contact and Lead Management**: The Port takes the lead in business expansion and attraction efforts for the County, focusing on the “traded sectors,” i.e., goods and services primarily consumed outside the region of production.

- **Marketing Efforts**: Through trade shows and direct outreach to prospective companies, the Port promotes Whatcom County as a place to do business, with attracting Canadian businesses a priority.

- **Community Information**: The Port publishes the *Whatcom County Profile* for businesses interested in doing business in the County, stays current on business-services providers, and maintains a GIS-based site inventory and contacts with the development community.

- **Technical Assistance**: Port staff assists in the development of public programs to support industry location and growth, such as loan and grant programs to fund infrastructure, available incentives and special designations.

- **Coordination**: To facilitate a streamlined business development process, the Port provides coordination of the activities of numerous stakeholders in the County, including the Small Cities Partnership, the Whatcom County Economic Development Practitioners Group, state agencies, workforce development and higher education, and all planning jurisdictions.

- **Community Information**: The Port publishes the *Whatcom County Profile*, which provides a wealth of information for people and businesses interested in doing business in the County,
and Gateway to the U.S.A., a guide to assist Canadians and other foreign nationals interested in establishing operations in the County.

- **Foreign Trade Zone No. 129:** The Port’s Foreign Trade Zone (FTZ) enables companies doing business internationally to reduce costs on foreign merchandise. Companies in Whatcom County can secure FTZ status for warehousing, distribution and manufacturing operations through a new streamlined process.

- **Industrial Revenue Bonds:** Tax-exempt financing issued through the Port’s Industrial Development Corporation is available to qualifying companies. The Port can issue up to $10-million in tax-exempt bonds for manufacturing activities.

- **Technology Development Center:** In 2007, the Port of Bellingham was designated as one of the State’s first “Innovation Partnership Zones.” These zones were created to promote and develop Washington’s regional economies by serving as globally recognized hubs of expertise, innovation and commercialization. The Port’s Waterfront Innovation Zone in Bellingham is shared by Western Washington University and Bellingham Technical College to carry on research and development projects and to support workforce development.

More information on the Port’s economic development programs is available at http://www.portofbellingham.com/ or by calling (360) 676-2500.

4. **Northwest Economic Council**

The Northwest Economic Council (NWEC) is a 501(c)(6) not-for-profit corporation founded in 1984 to bring together Whatcom County’s private, public and not-for-profit sectors to establish and foster a strategic approach to growing the County’s economy. In 2013, NWEC aligned itself with the Whatcom Council of Governments in order to create a structure that allows the NWEC Board of Directors to provide strategic direction and oversight to economic development efforts and activities throughout the County, with WCOG staff serving as its administrative and fiscal agent.

In addition to convening the Steering Committee that oversaw the preparation of this CEDS, in 2014 NWEC also finalized Whatcom Futures: Toward a Sustainable Economy, which constitutes Whatcom County’s “Preferred Economic Future” as outlined in Section 6 of this CEDS. An ongoing function of NWEC is reviewing applications submitted by local governments and other eligible entities in Whatcom County for funding from the County’s Economic Development Investment (EDI) Program. NWEC’s EDI Technical Advisory Committee – made up entirely of members from the private sector – reviews applications and makes recommendations on them to the EDI Board.

More information on the Northwest Economic Council is available by calling (360) 676-6974.

5. **Bellingham Whatcom County Tourism**

Bellingham Whatcom County Tourism (BWCT) is the County’s official tourism bureau. It is a non-profit organization with more than 300 members representing a variety of tourism and community-related businesses. BWCT promotes the region by providing information to those considering visiting the County, relocating to it or hosting a convention or event in the region.

Services offered by BWCT include:

- Staffed Visitor Information Center at Exit 253 on Interstate 5 in Bellingham
- Assistance for tour operators
• Marketing the region as a destination
• Business education workshops
• Regional tourism research and statistics.

Information on Bellingham Whatcom County Tourism is available at http://www.bellingham.org/ or by calling (360) 671-3990.

6. Technology Alliance Group for Northwest Washington

The Technology Alliance Group for Northwest Washington (TAG) is a regional trade association that supports the region’s technology industry by connecting, highlighting and promoting the growth of technology companies through a variety of opportunities, partnerships and programs. It is the largest regional technology organization in Washington.

More information on TAG is available at http://www.tagnw.org/ or by calling (360) 318-7710.

7. Northwest Innovation Resource Center

The Northwest Innovation Resource Center (NWIRC) is committed to creating economic opportunity and jobs by supporting entrepreneurial innovation. NWIRC staff provides oversight and ensures that each entrepreneur with whom it works has the opportunity to experience company growth and forward momentum. By utilizing high-caliber experts as mentors who are dedicated to understanding the whole business, entrepreneurs can focus on their passion and specialties, while benefiting from the guidance and experience of seasoned business leaders. NWIRC’s programs include:

• The Enterprise Program, which is focused on pre-start-up and start-up entrepreneurs with innovative, scalable or non-traditional business structures.
• The Build It Program, which is focused on inventors and product designers. The program provides guidance to inventors to help them create and grow their businesses into profitable ventures.

Information on NWIRC is available at http://nwirc.com/ or by calling (360) 255-7870.

8. Northwest Workforce Council

The Northwest Workforce Council is a 27-member board responsible for governance and oversight of the workforce development system in Whatcom, Skagit, Island and San Juan counties. Authorized under the federal Workforce Investment Act of 1998, the Council convenes the private and public sectors to address workforce development issues. Led by a business majority, the Council includes representation from businesses, labor, education, economic development and government. In partnership with local elected officials, it operates using a strategic plan whose regional strategies support the state’s strategic workforce plan while addressing local issues and economic development priorities.

The Council provides financial resources to qualified individuals for occupational or technical education programs and customized training in high demand occupations. Through resource leveraging with public and private investments, it targets its training resources to increase the
number of workers on the high-skill path and narrows the skills gap for employers. The Council also collaborates with the K-12 system and youth organizations to enhance educational attainment.

Through its WorkSource One-Stop Centers the Council links job seekers to employment opportunities, provides career information and job search training, and functions as the access point to an array of training resources. Customized services are available for veterans and to help traditionally underserved populations enter successful jobs and careers.

Information on the Northwest Workforce Council is available at http://www.nwboard.org/.

9. Sustainable Connections

Sustainable Connections envisions a thriving, collaborative community where local businesses are prosperous and contribute to a healthy environment and the well-being of all citizens. Its mission is to be the local forum where businesses come together to transform and model an economy built on sustainable practices. Sustainable Connections accomplishes this by working with local, independently-owned businesses that have the autonomy to make transformational changes in the way they operate, including reexamining where they buy goods and services, how they consume energy, grow and distribute food, build homes, and even how they define success in business. Sustainable Connections is supporting a community of innovators in green building, sustainable agriculture, renewable energy, supporting independent businesses in town centers, and mentoring a new breed of entrepreneurs that have designed their business with a sustainable vision.

Among the services that Sustainable Connections provides are:

- **Education**: Providing technical assistance for businesses and partner organizations that builds our community's capacity to participate in the opportunities of a sustainable economy.
- **Connections**: Connecting businesses to each other to share best practices and do more business together.
- **Market Development**: Engaging in public promotion and education that creates opportunities for sustainable economy businesses.

Information on Sustainable Connections is available at http://sustainableconnections.org/ or by calling (360) 647-7093.

10. Whatcom Council of Governments

The Whatcom Council of Governments (WCOG) operates programs for the benefit of Whatcom County's 206,000 residents and provides a variety of services to and on behalf of its members, which include the County's seven cities, Whatcom County Government, the Port of Bellingham and other regional entities. Established in 1966 by an act of the State Legislature, WCOG provides a forum through which mutual cooperation, information sharing and joint action are facilitated. Like most other councils of governments throughout Washington and the United States, WCOG has neither taxing authority nor the ability to regulate land use.

In 1982, WCOG was designated to serve as the region’s Metropolitan Planning Organization (MPO), the federally-recognized transportation policy board for the Bellingham Urbanized Area. With the passage of the Washington State Growth Management Act in 1990, WCOG was subsequently designated as the Regional Transportation Planning Organization (RTPO) for all of Whatcom County.
The MPO and RTPO are governed by a joint Transportation Policy Board which ensures that the region meets its obligations under the Growth Management Act as well as the transportation planning requirements of the U.S. Department of Transportation's Federal Highway Administration and Federal Transit Administration.

Other important WCOC activities and programs include the International Mobility and Trade Corridor Program, which facilitates improved transportation and commerce in the Cascade Gateway region of Washington State and British Columbia; staffing and convening the Citizens' Transportation Advisory Group, which provides the perspective of private citizens in the regional transportation policymaking process; operating the Whatcom Smart Trips and Safe Routes to School programs; and serving as administrator and fiscal agent for the Northwest Economic Council.

11. Public Utility District No. 1 of Whatcom County

Public Utility District No. 1 of Whatcom County (PUD) was formed in 1937 by a vote of the people of Whatcom County. The PUD has countywide authority to supply electric and water services. The District is governed by an elected board of three nonpartisan commissioners who come from distinct districts in the County. The commissioners oversee policy decisions for the operation of a utility system that provides electric and water service.

- **Water Operations:** The PUD treats and distributes 5 billion gallons of water a year and is the largest water processor in Whatcom County with an average use of 17 million gallons per day. It operates one water system comprised of two river diversions, two treatment plants and 20 miles of pipeline, providing industrial-grade water to 10 industrial, two municipal and 50 irrigation customers. The PUD also operates a second system that provides potable water and fire protection for a large industrial park.

- **Electric Operations:** The PUD currently supplies three electrical customers an average of 27 MWh purchased from the Bonneville Power Administration (BPA). The PUD owns 12 miles of transmission lines and two substations, with two points of delivery of 115kv and one point of delivery of 230kv. It has a separate power services contract with BPA and Intalco Aluminum to act as intermediary for energy supply as well as intertie agreements with Puget Sound Energy and BPA.

- **Engineering and Project Development:** The PUD provides engineering and technical support to the District, including planning and overseeing projects such as improvements, construction, operations and modifications to the water and electric utility systems and District facilities. This includes preparing bidding documents/procedures and working with consultants and contractors.

Information on the Public Utility District No. 1 can be found at [http://www.pudwhatcom.org/](http://www.pudwhatcom.org/) or by calling (360) 384-4288.

12. Western Front Door to Discovery

The Front Door to Discovery is designed to stimulate economic development and greater social awareness in northwest Washington and throughout the State while enhancing the spirit of entrepreneurship and innovation at Western Washington University. It makes the myriad of Western's resources - including faculty and students - available to meet needs in the broader community while providing opportunities for Western students to gain real-world experience.
Actions:
- Create an institutional mechanism to connect Western faculty, staff and students to each other and to organizations in the community to leverage the resources of all
- Overcome the psychological distance between Western and the community
- Create a direct personal connection between engaged students and faculty to resources and opportunities within the University and in the private and public sectors.
- Serve as a central clearinghouse to match needs to resources
- Develop and foster collaborative partnerships
- Create a space for people who are energized about creating a great climate for entrepreneurs in the community

Goals:
- Improve and stimulate economic and social growth in the northwest Washington
- Encourage the spirit of entrepreneurship, innovation and collaboration within the wider community and Western
- Raise awareness of innovation and research, technology transfer and commercialization of technology at Western

13. Whatcom Business Alliance

The Whatcom Business Alliance (WBA) is a non-partisan, privately-funded non-profit organization established in 2012 to provide a strong voice for business in Whatcom County, whether small or large, private or public, and in any industry or niche market. The WBA membership has grown rapidly with a unifying mission of supporting and celebrating a positive business environment and providing a vast communications network to address issues concerning businesses. The WBA encourages, supports, facilitates and advocates on behalf of companies that:
- Strive to grow and retain jobs
- Have interest in expanding
- Want to start-up or relocate in Whatcom County.

By creating a strong communications network of business leaders, the WBA and its support publication *Business Pulse Magazine* provide the business community a relevant and influential voice on issues that impact the quality of life for everyone in Whatcom County.

More information on WBA is available at http://www.whatcombusinessalliance.com/.

14. SCORE Chapter 591

SCORE Chapter 591 is part of SCORE, a national nonprofit association founded in 1964 dedicated to educating entrepreneurs and helping small businesses start, grow and succeed. SCORE is a resource partner of the U.S. Small Business Administration. The Chapter's 14 counselors provide free, confidential business advice to start-ups and existing businesses in Whatcom County as well as to those in Island, San Juan and Skagit counties. With more than 275 years of combined business experience, Chapter 591's counselors can provide advice and mentorship across a broad set of business environments, including:
• Financial and general management of large and small businesses
• Retail store management
• Restaurant operations
• Commercial lending
• Business education
• Business accounting
• Human resource development and management
• Product development
• Manufacturing
• Quality systems, and
• Information technology management.

The Chapter also offers classes on starting and managing a business and in preparing business plans.

For more information on SCORE’s services or to set up an appointment, please call (360) 685-4259.

15. Center for Economic and Business Research

The Center for Economic and Business Research (CEBR) was established in 1985 as an extension of the College of Business and Economics at Western Washington University. CEBR works in partnership with businesses, government entities and non-profits to bring to bear the resources of Western students, faculty and staff in finding solutions to challenges. CEBR’s associates have expertise in the following areas:
• Human Resources
• Organizational Behavior
• Strategic Planning
• Management
• Marketing (Marketing Research, Marketing Strategy or IMC Strategy)
• Finance
• Accounting
• Business Planning
• Project Management
• Forecasting
• Environmental Economics
• Regional, Community and Business Economics
• Management Information Systems
• Operations Management
• International Business
• Supply Chain Management.

CEBR is a member of the Association for University Business and Economic Research. More information on CEBR and the services it provides is available by calling (360) 650-3909.

16. Municipal Economic Development Programs

All seven of Whatcom County’s cities engage in economic development activities – either directly or indirectly – although they vary significantly based on budgets, staffing levels and program-
management structure. Complementing and supporting municipal economic development efforts are those of the various small chambers of commerce in the Region. Professionally-staffed chambers serve Ferndale and Lynden, while those serving Blaine, Birch Bay, Everson/Nooksack, the Mt. Baker Foothills, Point Roberts and Sumas are volunteer organizations.

a. City of Bellingham, Office of Business Relations and Economic Development

The City of Bellingham supports the regional economy in a variety of ways:
- Targeting specific neighborhoods for revitalization and redevelopment;
- Providing funding and strategic planning assistance to local economic development agencies and organizations;
- Creating great public amenities, such as parks, transportation infrastructure, street improvements, and projects such as the Depot Market Square; and
- Supporting tourism.

Business Incentive Programs include:
- Green Building Incentives
- Multi-family Tax Exemption Program - BMC.17.82 Application (PDF)
- Historic Preservation Tax Incentives
- Washington State Department of Revenue - Deferrals, Exemptions and Credits
- Choose Washington Incentives for Business
- Municipal Research and Services Center of Washington - Economic Development Program Incentives offered by Economic Development Organizations

Strategic Planning Overview: This Phase I report dated April 15, 2009 provides a current overview of Bellingham's industry sectors, employment zones, and future employment capacity. (2008 City of Bellingham Employment Lands Report (5,400K PDF); Cover Memo from Tim Stewart, Planning Director (PDF)). Phase II of the study, completed in December 2009, builds on the 2008 Employment Lands Report to identify ways to retain and expand existing businesses and attract industry sectors that are compatible with Bellingham's comprehensive planning goals (2009 City of Bellingham Employment Lands Report - Phase II (565K PDF); Cover Memo from Tim Stewart, Planning Director (PDF)).

Downtown Revitalization: Bellingham's revitalized downtown is due in large part to the concentrated efforts of the City, working closely with the Downtown Bellingham Partnership and other partners to take actions outlined in the City Center Master Plan. Accomplishments thus far include new benches, public art, trash cans, downtown landscaping, sidewalk improvements, as well as improvements to Maritime Park and the boardwalk along Whatcom Creek. More residential units are now located downtown due to increased private sector investment, and projects such as Depot Market Square have had a huge influence on economic development downtown.

Grant Funding: The City also promotes Bellingham by funding arts and other organizations through the Tourism Promotion Fund.

Waterfront Development: Please visit the Waterfront Development Planning webpage for more information.
More information on economic development programs in Bellingham can be found at http://www.cob.org/services/business/economic-development.aspx or by calling (360) 778-8105.

b. City of Blaine

The City Manager and Community Development Services Department – with policy direction provided by the City Council and the Blaine Economic Development Advisory Committee – are primarily responsible for facilitating economic development in the City of Blaine. The City has established a Rural Economic Development Revolving Loan Program to provide financing at below-market interest rates to existing businesses and to encourage new business start-ups. The City also relies on economic development services provided by the Port of Bellingham, the Small Business Development Center and other agencies.

More information on economic development programs in Blaine can be found at http://wa-blaine.civicplus.com/index.aspx?nid=425 or by calling (360) 332-8311.

Priorities include construction of a downtown boardwalk that looks out over the Blaine Marina, Semiahmoo Spit and the Puget Sound; recruitment of businesses for the historic Central Business District; redevelopment of the Marine Commercial Waterfront District (managed by the Port of Bellingham); pre-approved development sites with planned infrastructure improvements in the Manufacturing District; reduced development permit costs; and better planning services for the community. The city also finances an innovative loan program for business and community development, funded through local utility tax revenues.

The Mayor and City Manager have recently conducted several “Town Meetings” to help the City develop a common “Vision” for future growth and development in Blaine. In addition, the city has completed and is implementing nine development and capital improvement plans.

c. City of Everson

In 2009 the City of Everson adopted its 2009-2011 Economic Development Work Plan. The City’s general economic development philosophy is to:

- Sustain moderate growth.
- Target a broad range of industries, family-wage to high salary employment opportunities.
- Ensure quality growth and land use by effective regulations and code enforcement.
- Encourage growth into certain areas through the use of zoning and other development regulations.
- Encourage the retention and growth of existing local firms.
- Provide efficient and timely administration of City services.

The general activities emphasize:

- Responding to specific requests for assistance from local firms.
- Maintaining public works and utilities so that existing systems are not over-utilized.
- Emphasizing business development for existing businesses to expand.
- Utilizing prompt and firm code enforcement to negate negative impacts of code violations on the surrounding areas.
The tools that support this general philosophy, specific goals and strategies outlined in the work plan include:

- Use of infrastructure investment to attract new firms and development to designated areas.
- Targeted local, state, and federal funds.
- Targeted government and private resources and partnerships.
- Funded, staffed, and administered code enforcement.

More information on economic development programs in Everson is available calling (360) 966-3411.

d. City of Ferndale

The Community Development Department is responsible for working with community members, elected officials, project applicants, and others to establish a collective vision for the community. The Department is tasked with establishing and enforcing regulations that will result in the realization of this vision and provides the following resources and services:

- Building in Ferndale
- Downtown Planning & Development
- Environmental Reviews
- Maps & GIS
- Retail Development
- Main Street/ Axton Road Planned Action EIS
- Annexation and Urban Growth Areas
- Comprehensive Plan
- Land Use Code (zoning code)
- Development Standards Review

More information on economic development programs in Ferndale can be found by calling the City's Community Development Department at (360) 685-2379.

The Ferndale Chamber of Commerce is also actively involved in promoting the City as a place to do business and in serving the needs of its members. Information on the Chamber can be found at http://www.ferndale-chamber.com/ or by calling (360) 384-3042.

e. City of Lynden

Economic development in Lynden is coordinated in the City's Community Development and Planning Department. In 2008, with funding support from the Port of Bellingham, Lynden commissioned a Retail Market Analysis. Lynden's 2005 Comprehensive Plan also addresses economic development in Chapter 5 – Lynden’s Economy, the update for which will be included in the City's process of updating its entire Comprehensive Plan. Lynden also prepared the Downtown Lynden Development Plan and Economic Enhancement Strategies in 2001 “to describe a ‘vision’ for what the Lynden downtown should be and to develop an economic enhancement strategy to increase its commercial and job base.”

More information on the City of Lynden's economic development programs can be found at http://www.lyndenwa.org/departments/planning/ or by calling (360) 354-5532.
The Lynden Chamber of Commerce also supports businesses in and around Lynden and promotes the City as a place to work, live and play. Information on the Chamber can be found at http://lynden.org/ or by calling (360) 354-5995.

f. City of Nooksack

Economic development efforts in the City of Nooksack have focused on revitalization of the commercial core of the city. In 1999-2000, the City developed and adopted a Community Action Plan that laid out a 10-year plan for economic and community revitalization. It detailed a three-pronged approach to supporting economic development.

Since adopting the plan, the Nooksack City Council has implemented several components of the plan and modified others. In 2001, Nooksack rezoned the area to be included in the pedestrian-oriented Central Market District and adopted new zoning regulations for the area. The City also updated its Parks and Open Space Plan to lay the groundwork for development of the parks and trails component envisioned in the plan. Nooksack has recently completed two major sidewalk projects that will increase pedestrian access to the Central Market District.

Several major infrastructure projects intended to support economic development have also been completed, including installation of a 12-inch water main loop serving the downtown area, a water booster pump station, and a major upgrade to the Everson wastewater treatment plant (which serves Nooksack) that will expand capacity to serve new development through 2036. This last project is planned to be completed in 2015.

g. City of Sumas

The City of Sumas began to pursue an economic diversification strategy in the mid-1980s, with the assistance of the Port of Bellingham. The Sumas Industrial Cargo Terminal was built, including utilities and a unique heavy-haul road capable of supporting Canadian-weight trucks, which are heavier than typical U.S. trucks. The industrial area has been expanded several times and now includes 11 major tenants. The City continues to pursue tenants for the industrial park. Over the past decade, the heavy-haul road has also been expanded, and further expansion to open up access to additional industrial properties is planned for the future, the timing of which to be determined based on market demand.

The City has also worked with a local property owner to develop a privately-owned wetland mitigation bank where developers can access mitigation to offset unavoidable impacts to low-value wetlands. The entire mitigation site is now protected through a restrictive covenant that will allow the area to be preserved and enhanced in perpetuity.

Sumas also began a downtown revitalization effort in 1998. The program began with an assessment of current conditions based upon questionnaire and interview data compiled from City residents, nearby Canadian residents, downtown business owners and local industries. The assessment led to community clean-up programs, Cherry Street beautification efforts (new ornamental trees and planter boxes), and the hiring of a consultant to provide long-term, one-on-one business assistance counseling to local merchants. The City is still utilizing the business consultant, and it regularly makes public works and planning staff available to meet with new and existing business owners interested in expanding in Sumas.
Sumas provides grants and/or low-interest loans (funded through utility revenues) to public or private developers requiring off-site infrastructure improvements in order to accommodate their projects. The City has also completed a major expansion of its ballfields to attract more people to the area and help increase economic activity in the downtown commercial core.

17. Whatcom County Government

Whatcom County addresses economic development in Chapter 7—Economics, of the Whatcom County Comprehensive Plan. That chapter lays out a strategy to enhance “economic vitality,” which it defines as “… the measure of the economic health of the County – its people, its businesses, and its government.” To achieve this, it recommends public and private action designed to achieve:

- Maintenance of a strong, sustainable economic base
- Diversification of the local economy
- Improved job training and educational opportunities; and
- Creation and maintenance of a range of family-wage jobs

The County’s Economic Development Investment (EDI) Program provides financing for public facilities that support the local and regional economies and which will stimulate private investment. This is accomplished by offering very-low-interest loans, grants or a combination of both to local governments or other public-sector entities that successfully apply for funding through this competitive program. The County’s cities, water and sewer districts, Public Utility District No. 1, the Port of Bellingham and Whatcom County itself are all eligible applicants for EDI funding. The program was established following a 1997 act of the State Legislature that authorized “rural” counties such as Whatcom to retain a portion of the sales tax collected to finance public facilities for the purpose of improving their economies. Financing provided through the EDI Program is intended to facilitate the expansion, retention and attraction of businesses and to increase employment opportunities in Whatcom County.

More information on economic development in Whatcom County is available by calling the County Executive’s Office at (360) 676-6717.

18. Lummi Nation

The Lummi Community Development Financial Institution (LCDFI) was founded in 2006 “to provide access to education, financing and asset growth in order to improve the prosperity and well-being of families.” In 2008, LCFDI was certified by the U.S. Department of the Treasury, and in 2011 it was granted 501(c)(3) not-for-profit status by the Internal Revenue Service. LCFDI has grown to be a leading organization catering to the Lummi Nation while partnering with the Lummi Nation Ventures Program in the areas of small business training and lending, entrepreneurship education, and financial literacy. Working with Lummi Ventures, LCFDI offers a selection of business development classes, one-on-one technical assistance, and business loan fund products to expand private small businesses and financial literacy on the Reservation. LCFDI also partners with the "Lummi Youth Build" program to expose young people to entrepreneurship and promote good money-management habits and the responsible use of credit.
Lummi Ventures has developed a 10-year strategic plan to eliminate poverty and increase prosperity in the Lummi community that addresses economic development, healthy families and education. More information on this initiative is available by calling Lummi Ventures at (360) 384-2331.

LCDFI currently offers small business loans for Tribal members, descendants, individuals employed by the Lummi Indian Business Council, and individuals residing in northwestern Washington who employ Native Americans or are interested in starting or expanding a business that would impact Indian communities, particularly the Lummi Nation. LCDFI can be reached by calling (360) 594-6004.

19. Nooksack Tribe

The Nooksack Business Corporation, a tribal corporation of the Nooksack Tribe, plays a leading role in tribal economic development. It operates the Nooksack River Casino and Nooksack Market Centre in Deming and the Nooksack Northwood Casino in Lynden.

The Tribe participates in the North Intertribal Vocational Rehabilitation Program, which serves Native Americans enrolled in a federally-recognized tribe who have permanent disabilities that have interfered with their ability to work. These services are culturally appropriate and may include evaluation, assessment, goal planning, training, education, job search assistance, transportation assistance, mental health referral and advocacy. Information is available by calling (360) 592-5176, ext. 3667.

B. The Workforce Development System

Workforce development in Whatcom County is primarily implemented by the County's public education providers, the Northwest Workforce Council and the WorkSource One-Stop Center in Bellingham.

1. Public Education Facilities

Whatcom County's labor force is well regarded, which is due primarily to the quality and quantity of its public education institutions. The principal post-secondary institutions in the County are Western Washington University, Bellingham Technical College, Whatcom Community College and Northwest Indian College. There are also branch campuses of Charter College (based in Anchorage, Alaska) and Trinity Western University, whose main campus is in nearby Langley, B.C.

Participation rates describe the level of service provided by the public education system to each county in the state. It measures the fall quarter enrollment in 2-year and 4-year public institutions as a share of the State's population over age 17. There are 5 technical colleges, 29 community colleges and six 4-year public institutions in Washington. Table 10 indicates that Whatcom County exceeds the state average for all three indices and is ranked within the top ten for each statewide.
Table 10 - Whatcom County Higher Education Participation Rates, Fall 2009

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<th>County rate</th>
<th>State Rank</th>
<th>State Rate</th>
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<td>Community and Technical Colleges</td>
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<td>7</td>
<td>4.41%</td>
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<tr>
<td>Public 4-year Institutions</td>
<td>2.09%</td>
<td>10</td>
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<tr>
<td>All Public Higher Education</td>
<td>7.26%</td>
<td>5</td>
<td>6.30%</td>
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a. Primary and Secondary (K-12) System

Whatcom County is served by eight public school districts:

- Bellingham School District serves Bellingham, Chuckanut, Lake Samish, and Sudden Valley.
- Blaine School District serves Blaine, Birch Bay, and Point Roberts.
- Concrete School District serves the county's southeast corner including Newhalem and Diablo.
- Lynden School District serves Lynden and surrounding areas.
- Meridian School District serves rural communities between Bellingham and Lynden.
- Nooksack Valley School District serves Everson, Nooksack, and Sumas.

During the 2009-2010 school year, a total of 25,679 children were enrolled in public schools serving Whatcom County. In the 2007-2008 school year, nearly $292-million were spent educating public school children in Whatcom County.

Numerous private schools also operate in Whatcom County including Assumption Catholic School, St. Paul's Academy, Lynden Christian Schools, Bellingham Christian Schools, and the Waldorf School.

b. Western Washington University

Located in Bellingham, Western Washington University is one of six state-funded, four-year institutions of higher education. The University's enrollment is approximately 15,000 students, approximately 95 percent of which are undergraduates. About 88 percent of the student body is composed of Washington residents. Western confers various bachelor's and master's degrees and offers more than 160 academic programs through its seven colleges and the Graduate School. The University is also home to more than two dozen centers and institutes.

c. Whatcom Community College

Whatcom Community College (WCC) is an accredited, comprehensive two-year college serving 11,000 students annually. On its 72-acre campus in Bellingham, as well as through on-line courses, WCC offers transfer degrees, professional and technical training programs, basic education, job skills, and classes through its Community & Continuing Education program. According to the Aspen Institute (April 2012), WCC is rated among the top six community and technical colleges in Washington and is recognized as one of the leading community colleges in the nation. Established in 1967, Whatcom has been accredited by the Northwest Commission on Colleges and Universities since 1976.
The College offers three degrees:

- **Associate in Arts and Sciences**, designed for students who plan to transfer to a four-year college or university. It is generally accepted as fulfilling the General Education Requirements for most four-year schools in Washington.
- **Associate in Science**, which offers a common core with a variety of science majors. This degree is accepted at many four-year public and private universities in Washington and is designed to enable holders to transfer into most science majors, including engineering, atmospheric science, biology, chemistry and others.
- **Associate in Liberal Studies**, which is designed primarily for students who wish to receive recognition for completion of 90 credits of general college-level learning but who do not plan on transferring to a four-year school.

WCC also participates in Running Start, a statewide partnership between high schools and community and technical colleges in Washington. Running Start offers families significant cost savings as students begin their college careers:

- Students may enroll simultaneously in high school and college classes, or solely at the college.
- Students receive both high school and college credit for classes completed at the college.
- Students do not need the permission of the high school to enroll in the program; the student and parents make this choice.

**d. Bellingham Technical College**

Bellingham Technical College (BTC) was founded in 1957 and is one of only five state technical colleges chartered in Washington. It is accredited by the Northwest Commission on Colleges and Universities. The campus is located on 35 acres overlooking Bellingham Bay, the San Juan Islands and Mt. Baker. BTC serves a diverse population of about 8,000 students in more than 35 associate degree and 43 certificate programs. Students prepare for careers in many fields, including advanced manufacturing, accounting, process technology, culinary arts, nursing and many others. The College’s approach is to provide a high-tech, hands-on, student-centered learning environment. BTC graduates have a job placement rate of 84 percent.

The College also participates in Running Start, and it is committed to providing flexible training under contract to private employers to meet their start-up training needs as well as to upgrade the skills of existing personnel.

**e. Northwest Indian College**

Situated on the Lummi Indian Reservation, Northwest Indian College (NWIC) is the only accredited tribal college in the states of Washington, Oregon and Idaho. NWIC traces its roots to the Lummi Indian School of Aquaculture (founded in 1973), a single-purpose institution developed to provide a supply of technicians for employment in Indian-owned and operated fish and shellfish hatcheries throughout the United States and Canada.

The College currently awards bachelor’s degrees in Native Environmental Science, Native Studies Leadership and Tribal Governance & Business Management. Associate’s degrees are awarded in
several fields, including Business and Entrepreneurship, Information Technology and several other fields. Several certificate programs are also offered.

The College is accredited by the Northwest Commission on Colleges and Universities, and in 2010 was approved as a baccalaureate degree granting institution. The College’s educational programs have been approved by the Veteran’s Administration as well as the Washington State Higher Education Coordinating Board for the administration of financial assistance for eligible students. It is a member of the American Indian Higher Education Consortium, the American Association of Community Colleges, and the American Council on Education.

The educational philosophy of NWIC is based upon the belief that the opportunity of post-secondary education must be provided within the Native American community. The College is committed to the belief that self-awareness is the foundation necessary to: achieve confidence, esteem and a true sense of pride; build a career; create a self-sufficient life-style; and promote life-long learning. It is also committed to the belief that a self-awareness program must include a study of Native American culture, values and history.

II. Infrastructure Supporting Economic Development

A. Capital Facilities and Community Infrastructure

1. Water Systems and Supply

Whatcom County residents obtain domestic water from public and private water systems. The term "public" refers to the State Department of Health definition and not necessarily to ownership of the system. This distinction is important and can often be confusing. Public systems, as defined by the State, must comply with specific regulations designed to protect the health of people using the supply. Private systems do not have to meet these same requirements. However, the Whatcom County Council, acting as the County Board of Health, adopted the Whatcom County Drinking Water Ordinance in 2002, which established standards for private water systems used for new land development. This ordinance includes siting criteria, such as setbacks from septic tanks and initial water quality sampling requirements. It does not impose ongoing water quality monitoring on private water systems.

The complete definition of a public water system can be referenced in WAC 246-290 and WAC 246-291. In general, Health regulations define a public water system as all systems except those serving only one single family residence and a system with four or fewer connections all of which serve residences on the same farm. However, the regulations do allow systems with only two connections to be exempted from State Health rules at the discretion of local/State Health. Whatcom County has taken advantage of this allowance and, in certain circumstances, does not require residential systems with two services to meet public systems requirements. However, two-party wells that are exempt from state rules must still comply with the County’s Drinking Water Ordinance.

In 2014, 87 percent of Whatcom County’s population was supplied with potable water by approximately 415 public water systems. The remaining 13 percent of the population obtains its drinking water from private water supplies, including wells, surface water and rainwater catchment systems.

The largest purveyor of water in the County is the City of Bellingham. The City draws water from Lake Whatcom and the Middle Fork of the Nooksack River via a diversion pipeline. According to Bellingham’s
2013 Water System Plan Update, in 2011 the City had 25,011 service connections. The City also has the largest collection of water rights of all purveyors in the County, which should enable it to continue as a major supplier in the future.

Public Utility District No.1, which obtains water from the Nooksack River, has the second largest collection of right in the County. The PUD is a public water utility authorized under RCW Chapter 54 which provides retail service within its designated service boundary and has the potential to provide wholesale water on a county-wide basis. It currently provides both direct retail and wholesale water supplies to customers within the County and holds water rights for municipal water supply purposes, including residential, commercial, industrial and agricultural use. Pursuant to state law, the PUD develops and provides water supply within its service area in accordance with authoritative demand and/or population projections.

The PUD will consider petitions for service or assistance from all areas in Whatcom County which are not presently claimed by cities, water districts or other purveyors operating within the County. The level of service to be provided to PUD customers requesting service or new supply will be consistent with relevant capital facility and/or land use plans and policies in existence at the time of service extension.

Regardless of size, public or private, many water purveyors in Whatcom County face common challenges in meeting existing and future demands. Water quality concerns which have been identified include nitrates, arsenic, bacteria, iron/manganese, sea water intrusion, and pesticides/VOCs. Quantity concerns include legal limitations on supplies and questions regarding actual amounts and depletion of water. New regulatory requirements under the Safe Drinking Water Act, for example, further challenge the ability of purveyors to meet new demands.

Meeting existing and future water demands throughout the county will require careful planning and a mesh of land use/zoning with supply availability. Some of the planning tools which exist to help accomplish this include:

- The Water Resource Inventory Area (WRIA) 1 Watershed Management Plan, including the WRIA 1 Watershed Management Plan;
- The various protection and management strategies discussed in the “Water Resource Section” of Chapter 11: Environment in the Whatcom County Comprehensive Plan;
- Comprehensive water plans that have been developed by some of the water purveyors;
- Capital facilities plans and interlocal agreements developed by the cities and County under the Growth Management Act; and
- The Coordinated Water System Plan.

With so many uncertainties and so few clear answers, caution is necessary in making water-related decisions. It is likely that much dialogue, coordination, and clear understanding will be necessary to work through a myriad of water-related issues and decisions. Changing priorities, organization, and regulations at state and federal levels make comprehensive decision-making yet more arduous. County staff and elected officials must participate in all processes aimed at quantifying, regulating, or controlling water in any way to protect the best interests of the citizens of Whatcom County. Specifically, the WRIA 1 Watershed Management Project has been initiated to address issues of water quantity, water quality, fish habitat, and in-stream flows. Additionally, Whatcom County created the Water Resources Division of the Public Works Department in 1999 to address water issues.

This plan is based on the assumption that agriculture is important to the County as identified in the Visioning Process and that water will be available to serve the agricultural community. The plan also
assumes that adequate water will be available to serve the proposed Urban Growth Areas. It is recognized that certain actions are needed to ensure supplies to those areas. These actions will be pursued and the Urban Growth Areas will be revisited as part of the review process to determine if the boundaries are consistent with water availability.

Identified urban growth areas are served by public water either within an approved water service area or logical service boundary. Water rights are always an issue in planning for adequate facilities. Treaty rights of the tribes, minimum in-stream flows for adequate protection of fish, and use and protection pursuant to state water laws, all affect the ability of purveyors to meet service objectives. It is not the intent of the County to second-guess a projection in an approved or pending plan. The County will review plans periodically to ensure consistency with adopted growth and population projections, and changes in the availability of water which may affect the ability to provide service.

Because of concerns about water supply and requirements of state law, development will be contingent on providing evidence of adequate water supplies.

2. Energy

The principal suppliers of electricity in Whatcom County are Puget Sound Energy and Public Utility District No. 1. Natural gas is supplied by Cascade Natural Gas. Sustainable Connections’ Energy Efficiency and Renewables Program assists businesses seeking alternatives to carbon-based fuels.

3. Wastewater Treatment

Municipalities in Whatcom County operate separate sewage treatment facilities, except for Nooksack, which uses the City of Everson’s treatment plant and Sumas, which sends its sewage to the Joint Abbotsford Mission Environmental Systems (JAMES) Wastewater Treatment Plant in neighboring Abbotsford, British Columbia. The Birch Bay Water and Sewer District is a special purpose district providing water and wastewater services to about 7,500 people in northwest Whatcom County. The Lake Whatcom Water and Sewer District provides sewer service to more than 3,700 residential customers in an 18 square-mile area encompassing Lake Whatcom. Water District 13 operates a sewer system that services a portion of the Columbia Valley Urban Growth Area. Whatcom County does not currently own, operate or maintain a sewage treatment facility or associated pumping stations or pipelines. Sewage treatment in the unincorporated areas of the County is primarily by septic system.

Goal 5T of the 2013 Whatcom County Comprehensive Plan is to “Support development of new sewage treatment facilities, including new pipelines and extensions of existing pipelines, to areas designated for urban-level growth.” The following actions are intended to achieve this goal:

- Discourage extension of sewer lines in areas not designated as urban growth areas or Rural Communities, except in those limited circumstances shown to be necessary to protect basic public health and safety and the environment and when such services are financially supportable at rural densities and do not permit urban development.
- For those areas designated as Rural Communities and wishing to infill, work with the communities to create sewer and water districts as necessary to manage both utilities. Public water and sewer service shall be limited to areas where existing lot sizes and development patterns make public water and sewer appropriate and shall not be extended outside of the Rural Community.
• Assist sewer and water districts in environmental review and mitigation and in preparing grant applications to obtain package sewer services that can be developed in a phased and cost-effective manner to serve designated Rural Communities.

• Support the development of new technology and alternative sewage disposal methods as an alternative to expensive sanitary sewer systems to assure ground water quality is maintained.

4. **Solid Waste**

According to the *Whatcom County Comprehensive Solid and Hazardous Waste Management Plan 2008*, solid waste management is a cooperative effort of Whatcom County and the seven incorporated cities, which collectively participate in the Whatcom County Waste Management System. Its 20-year mission, as outlined in the 2008 Plan, is “to facilitate an economically efficient waste prevention, recycling and disposal system that protects human health and the environment for the citizens of Whatcom County [and to] develop, monitor and enforce various federal, state and local government plans, laws, regulations and grants.” Based on this mission the following goals were established:

• To reduce, or prevent where possible, the generation of solid and moderate risk wastes and their associated problems through service-oriented, cost-effective actions where prevention or reduction will protect human health, safety and environmental quality.

• To solve problems related to solid and moderate risk waste through service-oriented actions that protect human health and safety, and environmental quality.

• To provide necessary support for the other two goals, using service-oriented, cost-effective actions.

5. **Storm Water Management**

Storm water is that portion of rainwater that does not naturally percolate into the ground or evaporate, but flows overland or through pipes, gullies or channels into a defined channel or a constructed infiltration facility. In many cases, storm water is associated with impervious surface in areas where development has taken place. In these areas, replacement of natural drainage systems with built systems results in short and long-term public costs and can lead to environmental degradation, including flooding, erosion, sedimentation, habitat loss, and degradation of water quality. Storm water management is addressed in *Chapter 11: Environment* of the Whatcom County Comprehensive Plan.

6. **Telecommunications**

The principal provider of land-line telephone service to businesses in Whatcom County is CenturyLink Business. There are also several providers of voice-over-Internet (VOIP) and satellite phone services. Cellular telephone service is provided by AT&T, Sprint, Verizon Wireless and several other companies. Numerous Internet service providers serve commercial and residential customers in Whatcom County.

7. **Industrial Properties**

(The information in this section reflects the availability of industrial land as of July 2014 and is subject to change.)
Bellingham

- Curtis/Slater Roads, 190 available acres.
- Hannegan Road Corridor, 127 available acres. This business area has a large concentration of industrial employers in the Irongate Industrial Park and Strider Business Park.
- Kline/Kelly Corridor, 39 available acres.
- Bennett/Marine Drive, 139 available acres. This area includes Port of Bellingham properties and airport operations.
- Cordata, 34 available acres. A large developed mixed use area with some light industrial. Whatcom Community College and PeaceHealth clinics are also included in this area.
- Pacific Highway/Northwest Corridor, 80 available acres, adjacent to a large planned commercial center on Bakerview Road.
- Orchard Street Corridor, 17 available acres. This area is primarily occupied by Bellingham Cold Storage and related facilities.
- Iowa/Fraser and Ohio Street Corridors are well developed industrial areas that include Haskell Business Center and existing buildings, with minimal vacant property.

Blaine

Total of 114 available acres of property zoned for manufacturing in the City, including:

- Gateway Business Park, a 28-acre commercial and industrial complex that was the site of the former Blaine airport as well as other City-owned property.
- Blaine Industrial Park, 45 acres of light industrial warehouse area.

Cherry Point

With a gross area of approximately 7,000 acres, this is the largest contiguous heavy-industrial area in Whatcom County and is home to the BP and Phillips 66 refineries and Alcoa’s Intalco Works aluminum smelter. Several large, developable parcels are available in Cherry Point.

Everson

The South Everson Industrial Area contains approximately 91 acres off Mission Road surrounding the SELCO Lumber mill within the City, plus another 20 acres in the Everson Urban Growth Area (UGA).

Ferndale

There are at least 287 acres of available of land zoned for industrial or “general business” use (which allows for industrial use) within the Ferndale UGA, including the following:

- Grandview Industrial Park and COPAC Warehouse and Industrial Center, a total of 106 acres containing 200,000 square feet of industrial space adjacent to I-5 on Grandview Road. COPAC is home to several manufacturers and warehouses.
- I-5 Industrial Center, a 72-acre, partially-developed business park on the east side of Grandview Road.
- The Malloy Area, north of Samson Rope, which includes 144 acres of undeveloped industrial-zoned properties. The area is not currently served by City utilities.
- Peace Portal Way, with 147 acres zoned for general business.
- The Hovander Area, with about 128 acres suited for a variety of uses. Ferndale Business Park is located here.
- The Slater/Sunset/Smith area has a gross area of 464 acres with mixed-use zoning that allows for regional retail, manufacturing and other industrial uses. This is also the site chosen for the new Whatcom County jail.
• Pacific Industrial Park Area, a developed 113-acre site along Pacific Highway with warehousing and commercial business.

Lynden
The West Lynden Industrial Area between West Main Street and Birch Bay-Lynden Road encompasses a total of 240 acres, including the planned, 55-acre Lynden Business Park, which will accommodate medical, commercial and industrial uses.

Sumas
The Sumas Industrial Area has more than 150 acres available in six contiguous parcels, with heavy-haul road access to the Canadian border.

For specific information on industrial properties in Whatcom County, please contact the specific local government or the Port of Bellingham Economic Development Division at (360) 676-2500.

The Port of Bellingham
The Port owns 1,683 acres of property, which includes Bellingham International Airport (BLI), marina tidelands, deep-water marine terminal uplands, privately leased commercial/industrial land and undeveloped property. Additionally, it owns and manages about 1.4-million square feet of space in buildings, including about 800,000 square feet of warehouse/light industrial space.

Other Port properties in the County include:
• Sumas International Cargo Terminal, a 27-acre facility, much of which is currently in use.
• Blaine’s Wharf District, a master-planned development that includes 24 acres of uplands for mixed use, including a marina and marine industrial. Much of the property has existing uses in place.
• Airport Industrial Park, with 130 acres, about 96 of which are still available. An additional 300 developable acres are located on the west side of BLI for future aviation-related uses.
• Fairhaven, with 32 total acres largely occupied with marine industrial and water transportation uses.
• Squalicum’s 200 acres, with primary industrial uses including cold storage and fish processing. Remaining available development areas are for mixed use/commercial.

Bellingham Waterfront District
The Port and the City of Bellingham have joined forces to redevelop 237 acres of vacant industrial property owned by the Port along the City’s central waterfront into a thriving, multi-use facility that is expected to draw high-quality industrial, commercial, residential and recreational development. Given the scale of this initiative and its reliance on private equity leveraged by strategic public-sector investments, it is estimated that full development of the site will take several decades.

Industrial opportunities include:
• The 52-acre, former “log pond” area has been identified for industrial mixed use and is available immediately.
• The 25-acre Bellingham Shipping Terminal for deep-water access adjacent to the log pond.
• A 58-acre marine trades area that will be developed over time for maritime uses. Fish processing, boat haul-out and marine repair businesses currently operate in this area.

B. Public Services and Facilities

1. Fire Protection

Fire protection is provided by 13 Whatcom County Fire Districts, the Bellingham Fire Department and the Lynden Fire Department. A Mutual Aid Agreement between the City of Bellingham and Whatcom County is in place to facilitate expeditious cooperation in the event of a serious emergency situation in the County.

2. Law Enforcement

Independent police departments serve all of the incorporated cities in Whatcom County except for the City of Nooksack, which is protected by the Everson Police Department through an interlocal agreement. The Whatcom County Sheriff’s Department serves the unincorporated portions of Whatcom County, and District 7 of the Washington State Patrol (WSP) includes Whatcom County. District 7 has a full-service Crime Laboratory and Communications Center as well as personnel assigned to it from WSP’s Commercial Vehicle Division Enforcement Bureau, Criminal Investigation Division, Fire Protection Bureau, Investigative Assistance Division, and the Homeland Security Division.

The County’s five international ports-of-entry and the frontier along its border with British Columbia are protected by U.S. Customs and Border Protection (CBP), the largest law enforcement agency within the Department of Homeland Security. CBP’s Office of Field Operations provides security at each of the ports-of-entry while the U.S Border Patrol performs its “line watch” of the border.

3. Sanitation Services

Three sanitation companies provide waste material (trash and recyclables) handling services to cities in Whatcom County. The cities of Bellingham and Ferndale and most of the rural county have contracts with Sanitary Service Company, Inc. for the removal of waste and recyclables. Blaine Bay Refuse serves the City of Blaine, while Everson, Lynden, Nooksack and Sumas are served by Nooksack Valley Disposal & Recycling, Inc.

4. Medical Facilities

PeaceHealth St. Joseph Medical Center in Bellingham is Whatcom County’s only hospital. It is a not-for-profit organization founded in 1891 by the Sisters of St. Joseph of Peace, who continue today as sponsors of the PeaceHealth system that serves communities in Washington, Oregon and Alaska. PeaceHealth St. Joseph has been recognized as a Top 100 Hospital in America and as a top-ranking facility for patient quality initiatives in Washington.

The hospital has 253 beds, 2,600 employees and a medical staff of more than 400 physicians. It is accredited by the Joint Commission on the Accreditation of Healthcare Organizations. Among the medical services it provides are:

• Cardiovascular services
• Joint replacement
• Stroke Program
• Cancer Center, including radiation therapy, chemotherapy and comprehensive education and support services for cancer patients and their families
• Haggen Family Emergency & Trauma Center
• Neurosurgery
• Cascade Brain & Spine Center
• Behavioral Health including inpatient psychiatric and chemical dependency treatment
• Childbirth Center
• Pediatrics Unit
• Intensive Care Unit
• Inpatient Physical Rehabilitation Center
• General and specialized surgery

The County is also served by dozens of private and not-for-profit clinics.

5. Parks and Recreation

Whatcom County is home to numerous parks, trails, natural areas and preserved spaces. The North Cascades National Park and Ross Lake National Recreation Area, partially located in eastern Whatcom County, contain some of America's most beautiful and dramatic scenery. Three Washington State Parks – Birch Bay, Larabee and Peace Arch – are also located in the County. Whatcom County itself has a system of 36 parks and trails, and in 2014 it acquired an additional 8,800 acres of forest lands around Lake Whatcom which were conveyed from the Washington Department of Natural Resources, which are envisioned to provide passive recreational opportunities and watershed protection for Lake Whatcom.

The cities of Bellingham, Ferndale and Lynden each have a parks department as part of their city government, while Blaine, Everson and Sumas own, maintain and operate parks within their jurisdictions.

C. Transportation System

1. Transportation Planning

In accordance with urban transportation planning requirements imposed by the Code of Federal Regulations, the Whatcom Council of Governments serves as the designated Metropolitan Planning Organization (MPO) for the Bellingham Urbanized Area. An MPO is required in any urbanized area with a population of 50,000 or more for that region to receive federal transportation funding. The U.S. Department of Transportation has promulgated guidelines to ensure that a “continuing, cooperative and comprehensive” transportation planning process exists to meet established federal, state and local mobility goals. Among the principal products required of an MPO are a metropolitan transportation plan, a Transportation Improvement Program (TIP) and an annual schedule of funded planning activities known as the Unified Planning Work Program.

With the codification of the Washington State Growth Management Act of 1990, Regional Transportation Planning Organizations (RTPOs) were established and WCOG was designated as the RTPO for Whatcom County. The principal responsibility of an RTPO is to prepare and regularly
update a regional transportation plan. Since metropolitan and regional transportation plan requirements share common elements, WCOG has combined these plans into one document, known as the Whatcom Transportation Plan.

To ensure that metropolitan and regional transportation planning are carried out in a coordinated process that minimizes unnecessary duplication of work and oversight, the MPO and RTPO policy boards have been merged into the Whatcom Transportation Policy Board (WTPB). In addition to governing the metropolitan and regional transportation planning processes, the WTPB is charged with allocating the combination of federal, state and local funds to the numerous projects contained in the TIP. The WTPB may also request WCOG staff to perform analyses or other research to assist them in understanding the often complex issues they are called on to address.

2. Freeway and Road Maintenance

Road construction and maintenance in Whatcom County is the responsibility of several jurisdictions depending on the facility in question. Interstate 5 and state roads are the responsibility of the Washington State Department of Transportation (WSDOT). Whatcom County is responsible for all other roads, except those under the jurisdiction of the seven cities. The National Park Service and U.S. Forest Service assume responsibility for road construction and maintenance in the various federal lands in central and eastern Whatcom County.

3. Pedestrian, Bicycle and Public Transportation

The Whatcom Transportation Authority (WTA) provides public transportation services throughout Whatcom County, including 30 fixed routes, specialized transportation (paratransit) and a commuter vanpool program. WTA serves the City of Bellingham as well as Ferndale, Lynden, Blaine/Birch Bay, the Lummi Nation, Sudden Valley, Kendall, Everson, Nooksack and Sumas. It also cooperates with Skagit Transit in neighboring Skagit County to provide service between Bellingham and Mount Vernon. WTA plays a major role transporting students to and from Western Washington University as well as to three other local colleges, middle schools and high schools.

WTA’s fleet includes 60 full-size buses (including eight hybrid electric buses), 37 specialized transportation minibuses, and 39 commuter vans. It also operates four transit centers: Bellingham and Cordata stations in Bellingham, Ferndale Station and Lynden Station. From 2002 to 2012, WTA’s ridership increased by 84 percent. It provided 4.9-million fixed-route boardings – approximately 17,000 per weekday – in 2012.

WCOG’s Whatcom Smart Trips program helps community members make more of their trips by walking, bicycling, sharing rides or riding the bus. The program is administered and operated by WCOG with the support of WTA, WSDOT and the City of Bellingham. Whatcom Smart Trips is a collection of programs and tools that assist people in using sustainable modes of transportation and maximizing the use of sustainable transportation infrastructure, especially the City of Bellingham’s growing network of bicycle lanes.

4. Aviation

Bellingham International Airport (BLI), operated by the Port of Bellingham, is located three miles northwest of Bellingham. It is the third-largest commercial airport in Washington, behind Seattle-
Tacoma (SeaTac) and Spokane international airports, and is one of the fastest growing in the United States, serving more than 1.2-million passengers annually. Alaska Airlines, Allegiant Air, Frontier Airlines, San Juan Airlines and Northwest Sky Ferry provide commercial service to destinations including Las Vegas, Honolulu, Los Angeles, Phoenix and Denver, as well as to SeaTac for connecting domestic and international flights. BLI is also one of two general aviation airports serving Whatcom County, along with Lynden Municipal Airport.

5. Marine

Whatcom County is served by the Port of Bellingham. The Port was established in 1920 to bring the harbor under the administration of a single organization in order to address the confusing array of docks, including those owned by private lumber mills, shipyards and canneries.

The Port serves the marine trades and fishing industry with a variety of services including ship- and boatyards, a large dry dock, floating cranes and more than 200 commercial slips. The Bellingham Shipping Terminal (BST) specializes in break bulk and clean bulk cargos. With 1,250 feet of dock space, more than 85,000 square feet of covered storage and 35 acres of available upland, BST is a full-service marine terminal that has the flexibility to customize its services to meet its clients' needs. BST is also available as a long-term lay-up facility for large ocean-going vessels of all kinds. Other services provide by BST include:

- Stevedoring/longshore services
- Fuel
- Potable water
- Voyage repairs
- Ship stores
- Tank cleaning
- Tug services
- Vacuum truck
- Security
- Shore Power

Squalicum Harbor in Bellingham is a full-service marina on the north shore of Bellingham Bay. It is the home port to more than 1,400 commercial and pleasure boats, including a large charter boat fleet. The newly renovated Blaine Harbor has nearly 600 state-of-the-art boat slips for commercial and pleasure boats. The harbor has permanent moorage as well as more than 700 feet of visitor moorage.

Bellingham Cruise Terminal is located in the City's Fairhaven District. It is the southern terminus of the Alaska Marine Highway System. Seasonal foot ferries and charter vessels also provide connections to the San Juan Islands. The Cruise Terminal provides safe and convenient passenger facilities for more than 200,000 passengers each year.

Whatcom County provides ferry service from Gooseberry Point to Lummi Island for walk-on passengers and vehicles on the County's ferry boat, the Whatcom Chief. The City of Blaine's historic 17-passenger ferry MV Plover carries passengers during the summer months from the City's main dock across Drayton Harbor to the Semiahmoo resort dock.
The Gateway Pacific Terminal (GPT) project proposed by Pacific International Terminals, Inc., calls for a multi-user, import/export marine terminal for bulk, break-bulk and other marine cargoes. The project would include new rail loop tracks, covered and open terminal storage areas, and a pier and trestle connection to the terminal storage area. The project area is in the Cherry Point Industrial UGA, between the BP Refinery to the north and the Intalco Works to the south. At full capacity, GPT would export 54 million metric tons per year of bulk commodities – including up to 48 million metric tons of coal annually – and could generate 18 train trips (nine round trips) per day, and 18 or more deep-draft “Capesize” vessel trips per week.

Whatcom County, the Washington State Department of Ecology and the Army Corps of Engineers – serving as co-leads – are producing a joint Environmental Impact Statement (EIS) for the proposed GPT as well as the associated Burlington Northern Santa Fe Railway Custer Spur track expansion. The County and Ecology must follow the State Environmental Policy Act while the Corps must follow the National Environmental Policy Act. The joint process enables the co-lead agencies to avoid duplication when the two laws overlap and to meet each statute’s separate requirements.

6. Railroad

Amtrak’s Cascades line offers two daily northbound trips from Bellingham’s Fairhaven Station to Vancouver, B.C., and two southbound trips to Seattle, as well as a midday Thruway Bus trip to Seattle to connect to other Amtrak services.

The Burlington Northern & Santa Fe (BNSF) Railway operates freight rail lines in Whatcom County. BNSF’s principal West Coast rail line runs through Bellingham, Ferndale and Blaine. There are also spur lines serving the Cherry Point industrial area, the Bellingham Shipping Terminal, the State Route 9 corridor between Sumas and Sedro-Woolley, and Lyden.

7. U.S. – Canada Border

The International Mobility and Trade Corridor Program (IMTC) is a U.S.-Canadian coalition of business and government agencies that identifies and promotes improvements to mobility and security for the five border crossings that connect Whatcom County and the Lower Mainland of British Columbia, which together are known as the Cascade Gateway. The Cascade Gateway ports of entry are among the busiest and most economically important along the entire border. The goals of the IMTC program are to:

- Facilitate a forum for ongoing communication among agencies on both sides of the border that affect regional, cross-border transportation, safety and security.
- Coordinate planning of the Cascade Gateway as a transportation and inspection system, rather than as individual border crossings.
- Improve and distribute traffic data and information.
- Identify and pursue improvements to infrastructure, operations, and information technology.

Since 1997, IMTC has served as a model of international cooperation and coordination on border issues and has helped secure approximately $40-million (USD) from U.S. and Canadian partners to pursue the goals listed above. More than 50 organizations from both sides of the border participate in IMTC.
D. Media

The Bellingham Herald is Whatcom County’s only locally-based daily newspaper; it offers print and online editions. There are also several weekly and monthly newspapers serving specific areas of the County. The Ferndale Record focuses on Ferndale, The Northern Light serves Blaine and Birch Bay, The Lynden Tribune serves Lynden and the All Point Bulletin serves Point Roberts. There are also two publications focused on business in Whatcom County: the Bellingham Business Journal and Business Pulse magazine.

Whatcom County is part of the Seattle television market, although it is home to two broadcast television stations licensed in Bellingham. KVOS Channel 12 has been on the air since 1953 serving northwest Washington as well as the Lower Mainland and Vancouver Island in B.C. KBCB Channel 24 is a ShopHQ (formerly “ShopNBC”) station, although as of October 2014 its owner – Venture Technologies Group LLC – had accepted an offer from 21st Century Fox, Inc. to purchase it. Bellingham TV Channel 10 is operated by the City of Bellingham on Comcast to provide residents and others with information on City government and activities.

The County is served by three local AM and six local FM radio stations, and it also receives clear broadcasts from stations in Metro Vancouver as well as Victoria, B.C.

E. Grant and Finance Resources for Local Governments and Businesses

Like many government-funded activities, financial support for economic development has declined with the sharp downturn in the U.S. economy since about 2009. However, resources are still available to provide assistance to local governments and other agencies engaged in economic development activities.

1. State and Federal Agencies

A number of Washington State and federal agencies provide technical assistance, coordination, training and funding to assist community and economic development efforts. These are primarily programs that provide direct assistance to governmental units and qualified not-for-profit organizations engaged in economic development:

State Agencies:
- Washington State Department of Commerce, Community Economic Revitalization Board
- Washington State Public Works Board
- Washington State Department of Transportation
- Washington State Transportation Improvement Board
- Washington State County Road Administration Board

Federal Agencies:
- Department of Commerce, U.S. Economic Development Administration
- Department of Agriculture, Rural Development
- Department of Housing and Urban Development, Community Development and Planning
- U.S. Small Business Administration loan programs
- U.S. Department of Labor
- U.S. Department of Transportation
- U.S. Bureau of Indian Affairs
- U.S. Citizenship and Immigration Services’ EB-5 Foreign Investment Program, operated locally by the Whatcom Opportunities Resource Center.

2. Local Public Finance

Local resources available to support economic development include:
- Whatcom County Economic Development Investment Program
- General Obligation and Revenue Bonds
- Local Improvement Districts
- Public Facility Districts

In addition, some cities use special fees (impact fees, business taxes, etc.) for projects and capital improvements. Washington’s tax code governs how communities can utilize these resources.

3. Incentives for Business Development

In Washington there are several different State tax incentive programs available to businesses, including the following:
- Machinery and Equipment Sales and Use Tax Exemption
- Rural County/Community Empowerment Zones Business and Occupation (B&O) Credit for New Employees
- Sales/Use Tax Exemption on Purchases of Server Equipment and Power Infrastructure for Use in Eligible Rural Data Centers
- B&O Tax Exemption for Manufacturing Fresh Fruit and Vegetables, Dairy and Seafood Products
- Sales/Use Tax Exemption on Machinery and Equipment Used to Generate Electricity Using Renewable Energy
- Washington Customized Employment Training Program (B&O Tax Credit)
SECTION 5: EXISTING PLANS

This CEDS draws from the goals and strategies contained in plans prepared by those entities within the region which are engaged in economic development or provide support for that process: Whatcom County, the seven cities, the Port, the Northwest Economic Council and various other nongovernmental organizations. While numerous plans devoted specifically to economic development have been described in this CEDS, other plans and projects also impact efforts to grow the regional and local economies.

A. Local Comprehensive Plans

The Washington State Growth Management Act (GMA) was adopted by State Legislature in 1990 to address the threat that uncoordinated and unplanned growth posed to the environment, sustainable economic development and the quality of life in Washington. It is codified in Chapter 36.70A of the Revised Code of Washington. The GMA requires state and local governments to manage Washington’s growth by identifying and protecting critical areas and natural resource lands, designating urban growth areas, preparing comprehensive plans and implementing them through capital investments and development regulations.

This approach to growth management is unique among states. Rather than centralizing planning and decision-making at the state level, the GMA built on Washington’s strong traditions of local government control. The GMA established state goals, set deadlines for compliance, offered direction on how to prepare local comprehensive plans and regulations and set forth requirements for early and continuous public participation. Within the framework provided by the mandates of the GMA, local governments have many choices regarding the specific content of comprehensive plans and implementing development regulations.

Whatcom County worked with all seven of its cities to complete countywide planning policies in 1993, which have subsequently been revised. All local planning jurisdictions adopted these policies, which provide the framework for the development of the County and city comprehensive plans. Policies regarding economic development encourage the development and expansion of businesses to provide family-wage jobs; ensure an adequate supply of land and infrastructure to support industrial development, and; retain natural resource-based employment, including agriculture, forestry and mining. These policies also emphasize the protection of the County’s environment and overall quality of life.

Whatcom County and all seven of its cities have comprehensive plans. There are also “sub-area” plans for unincorporated Birch Bay and Point Roberts. As of April 2014 the seven cities were in compliance with the requirements of the GMA; Whatcom County was one of 15 counties in Washington that was not. This is the result of findings by the Washington State Growth Management Hearings Board upholding assertions made in a petition that the amendments and development regulations adopted by the County to implement the Comprehensive Plan were not compliant with GMA with respect to its Rural Element. The County is actively working to bring its Comprehensive Plan into compliance.

The GMA lists 13 planning goals, each of which must be considered in local plans. Comprehensive plans are intended to support the GMA’s economic development goal to:
“Encourage economic development throughout the state that is consistent with adopted comprehensive plans; promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons; promote the retention and expansion of existing businesses and recruitment of new businesses; recognize regional differences impacting economic development opportunities, and; encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state’s natural resources, public services, and public facilities.”

Presently, four of the eight jurisdictions’ comprehensive plans included a section addressing economic development, although many related elements (land supply, infrastructure to support economic development, etc.) are found in other sections of those plans.

Table 11: Whatcom County Growth Management Plans

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As required by the GMA, Whatcom County and the seven incorporated cities in the County are in the process of, or are preparing to, update their comprehensive plans, which must be completed by 2016.

**B. Other Plans and Projects**

In addition to the various economic development and comprehensive plans already discussed, several other plans and projects have been completed or are underway that impact – to one degree or another – economic development in Whatcom County:

Port of Bellingham
- Bellingham International Airport Master Plan Update (2004)
- Blaine Wharf District Master Plan (2007)
- Bellingham’s Waterfront District Sub-Area Plan (2013)
- Fairhaven Comprehensive Scheme of Harbor Improvements (2008)
- Comprehensive Park, Recreation and Public Access Plan (2011)
Whatcom Council of Governments
- Whatcom Transportation Plan (2012)
- Bakerview to Grandview Sub-regional Transportation Analysis (underway 2014)
- Employment Access and Coordinated Human Service Plan (2014)
- Border Circulation Analysis (2010)
- NEXUS Marketing (2012)
- FAST Enhancements (underway 2014)
- Border Data Warehouse (underway 2014)
- Advanced Traveler Information Systems (underway 2014)

Northwest Workforce Council

Miscellaneous
- Kendall/Columbia Valley Connectivity Plan (pending notice of award of WSDOT funding) – This plan would address the lack of pedestrian and bicycle access in the Kendall area. Partners include Whatcom County, WSDOT, National Park Service, WCOG and community groups.
- Glacier Trail – This project would address a number of safety and mobility concerns along SR 542 (Mt. Baker Highway) near residential and tourist areas in central Whatcom County.
SECTION 6: WHATCOM COUNTY’S PREFERRED ECONOMIC FUTURE AND ACTION PLAN

The preferred economic future for Whatcom County is drawn from Whatcom Futures: Toward a Sustainable Economy. The development of Whatcom Futures began in 2010, when the Whatcom Community Foundation (WCF) received an “Innovation Fund” grant from The Convergence Partnership, a collaboration of philanthropic organizations from across the nation that focuses on creating healthy communities. Using this grant, WCF engaged the Northwest Economic Council (NWEC) to take the lead in developing Whatcom Futures. NWEC is a 501(c)(3) not-for-profit corporation established in 1984 to facilitate economic development in Whatcom County.

In 2012, more than 90 leaders and representatives from businesses, local governments and not-for-profit organizations helped shape the visions that constitute Whatcom Futures. This effort was also strongly influenced by public input, which was gathered in a variety of ways, including community forums in Kendall, Lynden, Blaine and Bellingham that drew more than 100 Whatcom County residents and generated candid, thoughtful ideas about draft vision statements and their significance to the participants’ specific communities as well as to the County as a whole. This input was central to the development of Whatcom Futures.

Based on three overarching vision statements and accompanying action items, NWEC developed this preferred economic future for Whatcom County using an approach that considered land use, community health and equitable access to economic opportunity. These visions for a prosperous and sustainable economic future reflect the Region’s shared values and the unique physical and geographic characteristics that make Whatcom County such a special place to live. They should inform the decision-making processes of those entities responsible for economic development and associated activities such as land-use planning and public health, including Whatcom County government, the seven cities within it and other entities from both the private and not-for-profit sectors.

Economic development, land-use planning and community health constitute the three linked elements of a vibrant economy and are the foundation of the Region’s preferred economic future. They can be described as follows:

- **Economic development** involves the establishment of policies that support a region’s business sector, allowing for the creation of wealth, provision of jobs, tax revenue to support local governments and an improved quality of life for individuals and the community.

- **Land-use planning** is concerned with the allocation of land for housing, businesses, schools, recreation, transportation, infrastructure, agriculture and everything else that encompasses the built environment.

- **Community health** embraces the total health and wellbeing of the people in our region, including access to needed health services (physical, mental and dental), healthy foods, recreation and exercise opportunities, sustainable employment, affordable housing and safe neighborhoods.

By properly coordinating these elements, Whatcom County will be well positioned for sustained economic growth that provides opportunity for all who want to work while maintaining environmental quality and facilitating healthy outcomes for all of the County’s citizens.
Indeed, these elements are visible in the three vision statements that constitute the County’s preferred economic future:

- Whatcom County values its business community, which is principally responsible for the continued growth in jobs and incomes in the region.
- Whatcom County and its constituent communities have vibrant and dynamic economies where the region’s abundant natural resources are cherished and protected.
- Whatcom County has an outstanding quality of life where all residents have opportunities to thrive and the support they need to seize those opportunities.

While not part of this CEDS, it should be noted that the Community Health Improvement Plan (CHIP) is the companion to Whatcom Futures. The Whatcom Community Foundation provided financial support to enable the United Way of Whatcom County, the Chuckanut Health Foundation, St. Joseph PeaceHealth Medical Center, the City of Bellingham and Whatcom County to partner to address several critical concerns identified in the Community Health Assessment. The priorities of CHIP emphasize three areas essential to improving the community’s health: investing in the foundations of lifelong physical and mental well-being in our youngest children; creating communities that foster health-promoting activities; and broadening health care to promote wellness outside of the medical system.

An outline of the Community Health Improvement Plan can be accessed at http://www.co.whatcom.wa.us/health/ch/pdf/communityhealthimprovementplanoutline.pdf.


| Vision Statement No. 1. Whatcom County values its business community – which is principally responsible for the Region's strong job market and the living wages it provides – and is committed to its growth. |
| Identify, preserve and invest in our infrastructure and other physical assets to enhance the economic competitiveness of the region. |
| Support the retention, growth and attraction of businesses in the region. |
| Understand the role of Whatcom's manufacturing and heavy industrial sectors in diversifying the regional economy and providing living-wage jobs for the County’s skilled blue-collar workforce. |
| Improve and expedite permitting processes so that prospective businesses will have a clear understanding of their requirements and more certainty with regard to the timeline for approval. |
| Recognize and enhance the economic linkages between Whatcom County and our neighbors in the Lower Mainland of British Columbia. |
| Encourage and support the enhancement of Whatcom County’s workforce. |

| Vision Statement No. 2. Whatcom County and its constituent communities have vibrant and dynamic economies where the region’s abundant natural resources are cherished and protected. |
| Foster economic prosperity in a way that promotes the creation of opportunities that align with our shared desire to enjoy and sustain our natural environment. |
| Support the efforts of Whatcom County's smaller communities to grow their economies while retaining the rural character cherished by their residents. |
| Understand that the Region’s environmental resources are important economic assets that draw people here and are integral to Whatcom County’s strong sense of place. |
| Ensure that the County’s land-use plans and those developed by the region’s local governments – as well as the regional transportation plan developed by the Whatcom Council of Governments – are informed by adopted economic development goals. |
| Encourage local governments, citizens' groups and businesses to work together in developing economic strategies and plans. |

| Vision Statement No. 3. Whatcom County has an outstanding quality of life where all residents have opportunities to thrive and the support they need to seize those opportunities. |
| Ensure that approved land-use plans and economic strategies consider the health and quality of life of all of Whatcom County’s residents. |
| Support health initiatives that enhance the physical and emotional well-being of Whatcom’s residents. |
| Advocate for and support the region’s educational institutions, especially its university and colleges. |
Vision Statement No. 1. Whatcom County values its business community – which is principally responsible for the Region’s strong job market and the living wages it provides – and is committed to its growth.

A. Identify, preserve and invest in our infrastructure and other physical assets to enhance the economic competitiveness of the region.

The importance of functional, well-maintained infrastructure to successful economic development cannot be overstated. Businesses and residents rely on the region’s highways, power grid, water and sewer systems and telecommunications network – among others – to meet their own needs and, equally as important, the needs of their customers. Inadequate and/or failing infrastructure can disrupt commerce in the short term – as was illustrated following the collapse in May 2013 of the bridge that carries Interstate 5 over the Skagit River – and impedes investment and economic growth over the long term.

Responsibility for the construction and maintenance of infrastructure is assigned to both the public and private sectors, and with regard to the former is dispersed among local governments, water and sewer districts, the Public Utility District, Whatcom County and the State. Despite the inherent difficulty of coordinating infrastructure improvements and maintenance among the disparate entities responsible for those activities, such coordination would be beneficial, especially if it is informed by the region’s adopted economic development goals. A single countywide, multi-jurisdictional and multi-organizational inventory of infrastructure and other critical assets should be developed and mapped using a geographic information system (GIS), following all requisite security protocols. Such an inventory should include:

- Principal and minor arterial roads
- Existing and planned industrial parks and the services available by location (freight rail access, deep-water access, water and sewer, etc.)
- Industrial and commercially-zoned land
- Water and sewer systems, and the capacity of those systems
- Port and other maritime facilities
- Commercial and general aviation airports
- Electrical distribution capacity
- Areas served by “green” energy (hydropower, solar, geothermal, wind, etc.)
- Areas with broadband Internet access
- Areas with reliable cellular phone service
- PeaceHealth St. Joseph Medical Center and other healthcare providers
- Bellingham Technical College, Northwest Indian College, Western Washington University and Whatcom Community College
- Bicycle lanes and maintained trails
- Public libraries and services
- Parkland and recreational facilities.

A GIS-based inventory would facilitate a comprehensive and coordinated approach to prioritizing infrastructure improvements across jurisdictional and organizational boundaries. For example, it could identify opportunities where existing or planned facilities could be shared, which would save limited public funds and maximize efficiency. Such an inventory would also aid business recruitment
efforts by identifying locations for prospects, either on demand or in advance as part of a strategic planning process.

B. Support the retention, growth and attraction of businesses in the region.

Whatcom County benefits from a relatively diversified economy that includes retail, manufacturing, resource extraction, higher education, agriculture, tourism, health care and more. Among its eleven largest employers are representatives of the private (Alcoa Intalco Works, BP), public (Western Washington University, Bellingham City School District, Whatcom County) and not-for-profit (PeaceHealth St. Joseph Medical Center) sectors. Of course, as in most places, small businesses are the mainstay of the regional economy, and those in Whatcom County offer a remarkable variety of products and services.

Maintaining a business is never easy – even in the best of times – and growing one is even harder. With the ongoing economic downturn that began in 2008, businesses of all sizes have found it even more difficult than usual to keep their doors open, and unfortunately, many have failed. Many more, though, are weathering the storm and some have even prospered, which speaks to the diligence and resourcefulness of Whatcom County’s business owners, managers and workers.

Keeping businesses here that currently call Whatcom home must be a priority at all levels of government. There should be open and regular dialogue between business owners and local and County officials in a spirit of cooperation, along with a recognition that a healthy business climate is essential to maintaining Whatcom’s outstanding quality of life. Additionally, local governments, along with the Bellingham/Whatcom Chamber of Commerce & Industry and other business advocacy organizations, should encourage the region’s State and Federal legislators to avoid imposing unnecessary regulations and other burdens on business, especially in such a challenging economic climate.

Of course, programs that help existing businesses grow or attract new businesses to the region must be maintained and strengthened, and should build on the spirit of entrepreneurship that has spawned so many business success stories in Whatcom County. This function rests primarily with the Port of Bellingham, which serves as the designated “Associate Development Organization” for the County. The efforts of the Port should be supported and augmented by resources from the County and other local governments, the Chamber, the Northwest Economic Council and other organizations with the tools and capacity to assist in this critically important endeavor.

C. Understand the role of Whatcom’s manufacturing and heavy industrial sectors in diversifying the regional economy and providing living-wage jobs for the County’s skilled blue-collar workforce.

Whatcom County has a long, rich history as an industrial area, which continues to this day. Indeed, despite the long-term trend of manufacturing leaving the U.S., Whatcom has retained a significant industrial and manufacturing sector. That small organic farms and an aluminum smelter can coexist in the County illustrates the diversity of Whatcom’s economy as well as the range of opportunities for workers.

Skilled blue-collar workers in particular benefit by the presence of manufacturing. With the relatively high cost of living in Whatcom County, manufacturing and industrial employers are among the few that provide jobs with wages that enable blue collar workers to live in the County. In fact,
Bellingham Technical College's Engineering and Advance Manufacturing programs offer degrees that are in demand by industries in Whatcom – and nationwide – with starting salaries for new graduates in excess of $50,000 a year.

Manufacturers also support the regional economy by sourcing materials and other supplies from smaller local businesses, through the various taxes that they pay and by the financial support they provide to regional not-for-profit organizations.

D. Improve and expedite permitting processes so that prospective businesses will have a clear understanding of their requirements and more certainty with regard to the timeline for approval.

Clarity and consistency in land-use permitting are highly valued by business prospects, but the perception of that process in some of the jurisdictions in the County is that it is difficult to navigate, presents unanticipated roadblocks and that enforcement is too subjective. Whether this is the reality, merely a perception or something in between, it nonetheless impedes the region's business recruitment, retention and expansion efforts by casting the County as being unfriendly to business.

Land-use regulations and permitting processes should be reviewed regularly by all of the region's jurisdictions to ensure that they are reasonable, clearly written and predictable. They should be developed to be as permissive as possible while still ensuring that public safety and environmental quality standards are met. The County and cities should also consider a service model whereby applicants are assigned a specific staff person who guides them through the process, similar to a case manager. This individual would be the applicant’s sole point of contact, which would reduce confusion, frustration and the time between starting the application process and the granting of permits, since he or she would also be responsible for bringing together all of the various departments involved in the permitting process. Given the importance to local governments of economic development for tax revenue generation and maintaining the quality of life, there should be active oversight of the process at the highest levels of the various governments.

E. Recognize and enhance the economic linkages between Whatcom County and our neighbors in the Lower Mainland of British Columbia.

Whatcom County is blessed by geography, and no more so than by its adjacency to the Vancouver metropolitan area. Thanks to bi-national cooperation facilitated principally through WCOG's International Mobility & Trade Corridor (IMTC) Program, the international border is porous enough to allow for a robust infusion of Canadian trade dollars into the County from Lower Mainlanders attracted to the lower cost of goods here and, in recent years, an exchange rate that favors Canadian shoppers. The convenience of Bellingham International Airport (BLI) to much of the Lower Mainland combined with the lower cost of plane tickets in the U.S. have contributed to making BLI the fastest-growing airport in the country. Similarly, Whatcom County's lower commercial real estate costs compared to those in B.C. – as well as the enhanced access to the U.S. market that a Canadian company enjoys with a U.S. location – has resulted in significant Canadian business investment in the County. Clearly, there can be no doubt that Whatcom's economy would be significantly weakened without the ongoing participation in it of our Canadian neighbors.

All economic development plans must recognize the importance of the Lower Mainland to Whatcom County and all of its communities and foster that relationship. Ongoing analysis of the efficiency and security of the County's five border crossings must continue under the auspices of the IMTC.
Program, and when barriers that impede trade are identified they should be addressed as quickly as possible. Proposed legislation that would likely restrict trade between the world’s two largest trading partners—originating on either side of the border—should be carefully tracked, and when such legislation coming from Congress is deemed to be onerous or unnecessary, vigorously opposed. Consideration should also be given to establishing a Whatcom County “trade mission” in B.C. to promote business investment in the County.

F. Encourage and support the enhancement of Whatcom County’s workforce.

The availability of a motivated and skilled workforce is critical to the economic well-being of Whatcom County. Workforce development programs promote educational attainment and facilitate the acquisition of skills that allow workers the opportunity to pursue satisfying careers in Whatcom County. Collaboration among workforce development organizations, economic development agencies and the region’s educational institutions at all levels is necessary to achieve the dual goals of having a skilled workforce that will draw employers to the region and enabling people to build productive and satisfying lives here. As the County’s economy continues to grow and evolve, this coordination must continue to ensure that the pipeline of students graduating from the County’s educational institutions is well matched and prepared for the types of jobs employers will need.

Vision Statement No. 2. Whatcom County and its constituent communities have vibrant and dynamic economies where the region’s abundant natural resources are cherished and protected.

A. Foster economic prosperity in a way that promotes the creation of opportunities that align with our shared desire to enjoy and sustain our natural environment.

Whatcom County is a special place characterized and largely defined by its natural environment, which includes the mountains of the North Cascades, scenic rivers and streams, dense forests, remarkably productive farmland, bays and even a volcano. These ecosystems are home to a diverse assortment of wildlife, including bald eagles, orcas, mountain goats, cougars and moose. Without question, Whatcom’s abundance of natural assets and its wealth of outdoor recreational opportunities are internationally recognized and draw people to the County. Snowboarding, paddling, snow-machining, fishing, sailing, climbing, hiking, hunting; all of these activities and more are available in the County, and it is entirely possible to engage in more than just one of them in a single day. It is not hyperbole to call Whatcom an outdoorsman’s paradise.

Of course, most people need a job that provides a salary or pays wages that are high enough to enable them and their families to live in such a special place, and a sufficient number of those jobs will only be available if there is a healthy and growing local economy. In addition to the jobs it creates, a strong local economy is essential to fund the operation and maintenance of essential infrastructure and to provide other critical community services.

Growing and diversifying Whatcom County’s economy is essential, but that growth must not occur at the expense of those attributes that make people want to come and continue living here. Offices, research facilities, retail, tourism and industry—including heavy industry—can and should be accommodated in the County, but great care must be taken to ensure that those enterprises will be responsible stewards of Whatcom’s environmental assets.
B. Support the efforts of Whatcom County's smaller communities to grow their economies while retaining the rural character cherished by their residents.

Despite the presence of Bellingham – Washington's twelfth largest city – Whatcom is a rural county. In 2013, about 43 percent of Whatcom's residents lived in unincorporated areas of the County, and when the population of the four eastern cities of Everson, Lynden, Nooksack and Sumas is added to that of the unincorporated areas, that figure rises to about 52 percent. In fact, most of the communities in the North Cascades foothills – such as Acme, Deming, Glacier and Maple Falls – have only a few hundred residents each. Yet it is this rural character that draws so many people to Whatcom County, and it is cherished not just by the residents of those small communities but by almost everyone who calls Whatcom home.

Preserving the rural, agricultural character of the County's small communities is a widely-held value in Whatcom. Although farming cannot provide enough living-wage jobs for the residents of those areas, preserving productive farmland and encouraging its cultivation will maintain the County's agricultural heritage while supporting tourism and providing locally-grown produce for the Region's food processing industry, institutional markets, restaurants and direct sales to consumers.

Of course, it is essential that the residents of those communities have reasonable access to jobs, shopping, government services and other needs. Several impediments to diversifying and growing the economies of Whatcom's rural communities have been identified, including a lack of communication infrastructure (especially high-speed internet and reliable cell phone service) and a limited inventory of retail, commercial and industrial buildings with adequate utilities in which to locate businesses.

Identifying and addressing impediments to investment in rural Whatcom County is essential if these communities are going to remain desirable places to live. It should also be understood that there are tradeoffs when one chooses to live in a rural community, which most residents of those places understand and accept. For these reasons, rural economic development efforts should be led at the local level – with support from the County and other appropriate entities – since the residents of these areas understand best the strengths and weaknesses of where they live and how they want to see their specific communities develop.

C. Understand that the Region's environmental resources are important economic assets that draw people here and are integral to Whatcom County's strong sense of place.

The environment of Whatcom County is one of its principal economic assets. People are drawn here by the natural beauty, clean air and abundance of outdoor recreational opportunities. Whatcom has also been recognized as one of the nation's up-and-coming retirement destinations, largely due to its beautiful setting. Indeed, natural features rank high among Whatcom's best known assets and any regional economic strategy must explicitly identify how these assets serve economic growth.

The economic value of Whatcom's natural resources manifests itself in numerous ways. For instance, the County is the top producer of raspberries in the U.S. and a leading producer of other types of berries as well as dairy products, fish and shellfish. However, it is important to note that a single resource will often have value to more than one economic sector. For instance, the presence of timberland supports eco-tourism as well as the forest products industry. The same can be said of farmland – which in addition to the produce it generates also facilitates agri-tourism – as well as the
region’s fisheries, which support both commercial and sport fishing. Those resources also add to the attractiveness and overall quality of life of the region, which in turn serve business recruitment efforts. And, of course, the various industries that use those resources provide jobs, the wages from which support all of the other sectors of Whatcom’s economy.

Whatcom’s natural and recreational assets should be integral to its economic development efforts; they are a selling point and should be used as such. Resource management plans – whether for water, timber, soil and even air quality – should be informed to some degree by economic planning considerations, and vice versa. Industries that extract natural resources must also steward those resources with implementable plans for restoration, and when that is done well, those companies should be recognized and their story told. Land-use and transportation plans should acknowledge the County’s rural and agricultural heritage and strive to retain the majority of its productive farmland.

D. Ensure that the County’s land-use plans and those developed by the Region’s local governments – as well as the regional transportation plan developed by the Whatcom Council of Governments – are informed by adopted economic development goals.

Transportation, land-use and economic development are inextricably linked to one another. For example, improved access resulting from a new or improved transportation facility can spur interest for new commercial development in the vicinity, which will increase the intensity of land uses in that area. For this reason, transportation, land-use and economic development planning must not occur in a vacuum, but rather, those initiatives should be closely coordinated.

The primary economic development guidance for local comprehensive plans and the regional long-range transportation plan should be the Comprehensive Economic Development Strategy (CEDS), which will be prepared by the Whatcom Council of Governments (WCOG) for Whatcom County, which is expected to be completed by the summer of 2014 and adopted by the County Council in the fall of that year. The CEDS itself will be informed by economic development plans developed by the County, the seven cities and the Port of Bellingham. The engagement of economic development planning staff in land-use and transportation planning would be beneficial in ensuring that those efforts take into consideration economic development goals and how land-use and transportation plans can aid in – or at least not detract from – their attainment.

E. Encourage local governments, citizens’ groups and businesses to work together in developing economic strategies and plans.

Those government entities with responsibility for economic development planning – Whatcom County, the seven cities and the Port – should facilitate and effectively communicate opportunities for engagement in the process by residents and business leaders, who desire an understanding of how priorities are set and how the programs that result will work across organizational and jurisdictional boundaries to achieve established goals. Business owners and residents – the region’s consumers – can also bring much needed real-life perspectives to the economic development planning process that simply cannot be acquired without their participation, and those perspectives should be reflected in the economic development sections of local comprehensive plans as well as in the CEDS. Both traditional and new media (blogs, online forums, social media, video streaming, etc.) should be utilized to maximize the public’s awareness of and contribution toward economic development planning.
There must also be coordination among the various jurisdictions and the Port in the preparation of economic development plans. While the CEDS will lay out a vision for the entire county, it must also take into account existing local strategies. Similarly, once the CEDS is adopted by the County Council, subsequent local economic development plans should strive for consistency with it. Consistency across these various plans will reduce confusion on the part of business prospects, avoid costly – and frequently unproductive – competition between jurisdictions, and project the image that Whatcom County and its constituent jurisdictions are acting strategically and in concert in growing the regional economy. Such a multi-jurisdictional focus on a common set of outcomes will serve to align the jurisdictions' efforts and – using common metrics – enable measurement of the degree to which countywide goals are being attained.

**Vision Statement No. 3.** Whatcom County has an outstanding quality of life where all residents have opportunities to thrive and the support they need to seize those opportunities.

**A. Ensure that approved land-use plans and economic strategies consider the health and quality of life of all of Whatcom County's residents.**

The relationship between land-use and transportation planning to community health is a relatively recent subject of research, but that which has been conducted thus far points to a correlation which has been decades in the making. For example, the ubiquity of the automobile, social policies that led to the decline of neighborhood schools and sprawling residential land-use patterns have inhibited walking and biking, which coincides with increased rates of childhood obesity and a host of other negative health outcomes. Community health should be considered when land-use and transportation policies are established. Public health professionals can add value to land-use policymaking by identifying potentially adverse outcomes to community health. Bicycle, pedestrian and transit use should be considered in local and regional plans and included wherever the use of those modes would be practicable.

The County and local governments should adequately support the Whatcom Transportation Authority bus service and Whatcom Smart Trips, the regional transportation demand management program that has been remarkably successful at increasing the share of bike, pedestrian and transit trips in Whatcom County, and especially in Bellingham. Expansion of outdoor recreation infrastructure such as bike lanes on secondary streets, walking paths, and trails promotes community health and personal well-being. Land-use policies should recognize the importance of preserving open space and recreational areas to facilitate healthy, active lifestyles. Mixed-use development proposals that enable people to live, shop and recreate without having to leave the neighborhood should be encouraged when deemed to be viable.

**B. Support health initiatives that enhance the physical and emotional well-being of Whatcom's residents.**

Healthy and well-adjusted citizens are essential to a strong community, and vice versa. In addition to the intrinsic value of having happy and healthy residents, those communities derive certain economic benefits through reduced spending on emergency care and treatment for chronic conditions. Providing access to medical and emotional health services – and especially preventative care – is a social responsibility that can, if managed well, offset some of its costs through savings in other public services.
Certain sectors of Whatcom’s population face more barriers to obtaining healthcare than others, particularly elderly residents and those experiencing poverty. Access to medical clinics and physicians is also a concern for many residents of rural Whatcom County, especially those with limited or no access to transportation. Barriers to improving community health must be identified and a plan for removing or mitigating those barriers developed. Public health agencies are encouraged to engage and empower residents to take more control of their health and wellbeing. Providing greater access to recreational opportunities and healthy food, especially for children with limited access to them, should also be explored. The Community Health Improvement Plan addresses specific community health issues and strategies for individual and community action.

C. Advocate for and support the region’s educational institutions, especially its university and colleges.

Among Whatcom County’s many resources is its wealth of educational institutions, which include seven public school districts, numerous private schools, Bellingham Technical College (BTC), Northwest Indian College (NWIC), Western Washington University (Western), Whatcom Community College (WCC), and extension programs and satellite campuses of several other institutions. The ability to receive a quality education from Pre-K through post graduate study greatly enhances the quality of life in the County and is an important asset in recruiting businesses to come to the region. Indeed, strong public schools and the availability of higher education are among the principal attributes that prospects look for when considering relocation.

Beyond the civic responsibility to the region’s children to see that they receive a good education, supporting the County’s institutions of higher learning – especially its brick-and-mortar institutions (BTC, NWIC, WCC and Western) – is essential to the economic well-being of the County. Those schools support the regional economy in several ways. Western, WCC and BTC were the second, seventeenth and twenty-sixth largest employers, respectively, in the County in 2013, with a combined workforce of nearly 2,300 employees. These institutions – especially BTC and WCC – support workforce development by offering programs that provide highly-skilled workers to industries critical to the regional economy. And, of course, they educate young people (and many not so young) from Whatcom County as well as other parts of the State, the U.S. and the world. For their part, those institutions must continually strive to offer academic and occupational training that is relevant to both the regional and the world economies and that takes advantage of the County’s location as well as its existing economic assets, such as programs that address refining, international trade, maritime trades, brewing and distilling, agriculture and recreation.
SECTION 7: METRICS

Performance measures will be tied directly to the economic, environmental and social outcomes contained in the three Vision Statements that guided the development of this Comprehensive Economic Development Strategy. The Whatcom Council of Governments – in cooperation with federal, state and local agencies (especially those described in Section 4 of this CEDS) – will monitor the following activities year-over-year, beginning in 2016 and running through 2019, subject to availability of data:

- The amount of investment in infrastructure by Whatcom County, the seven cities, the Lummi and Nooksack tribes, the Port of Bellingham and Public Utilities District No. 1
- Net business starts and expansions by existing businesses
- Manufacturing employment
- Changes in the average time needed to obtain business-related permits, by jurisdiction
- Changes in traffic volumes of Canadians entering Whatcom County as a proxy for their participation in the regional economy
- Comparisons of the County’s unemployment rate with those of Washington State and the U.S.
- Comparisons of the amount of jobs created in Whatcom County to Washington State and the U.S. as a percentage of the working populations of each
- Changes in the populations of the County’s smaller communities
- Public health statistics for Whatcom County’s population compared to Washington State and the U.S.
- Changes in enrollment at Western Washington University, Bellingham Technical College, Northwest Indian College and Whatcom Community College
- Comparisons of the County’s per capita income level with those of Washington State and the U.S.
- Comparisons of the degree of industry diversity in the County with those of Washington State and the U.S.
- Other indicators as needed.

Trends in these indicators and any significant changes in the economy will be monitored by the Whatcom Council of Governments and reported to the Whatcom County Executive’s office annually to facilitate timely revisions to the action items contained in this CEDS to ensure that it is effectively meeting regional goals.
Whatcom County
Comprehensive Economic Development Strategy

2015 CEDS Project List

Prepared by the Whatcom Council of Governments
Approved by the Whatcom County Council on March 31, 2015
<table>
<thead>
<tr>
<th>Project Name</th>
<th>Location</th>
<th>Description of Project</th>
<th>Project Type</th>
<th>Estimated Cost</th>
<th>Potential Funding Source(s)</th>
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<tbody>
<tr>
<td>WHATCOM COUNTY</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Courthouse Exterior</td>
<td>Whatcom County Courthouse</td>
<td>Repair failing roof and exterior</td>
<td>Public Works</td>
<td>4,799,000</td>
<td>EDI, REET I</td>
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<td>State Street Remodel</td>
<td>1500 North State St.</td>
<td>Remodel for reorganization</td>
<td>Public Works</td>
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<td>EDI/State St. Fund</td>
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<td>Remodel for reorganization</td>
<td>Public Works</td>
<td>2,765,000</td>
<td>Civic Center Fund</td>
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<td>Girard Street Repair</td>
<td>509 Girard Street</td>
<td>Repair and upgrade building</td>
<td>Public Works</td>
<td>511,000</td>
<td>EDI</td>
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<tr>
<td>New Jail</td>
<td>LaBounty Road</td>
<td>Construct new jail</td>
<td>Public Works</td>
<td>87,000,000</td>
<td>Bonds</td>
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<td>New Sheriff’s Office</td>
<td>LaBounty Road</td>
<td>Construct new Sheriff’s Office</td>
<td>Public Works</td>
<td>13,000,000</td>
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<td>Existing Jail Remodel</td>
<td>Public Safety Building</td>
<td>New dayholding facility</td>
<td>Public Works</td>
<td>3,000,000</td>
<td>Bonds</td>
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<td>Public Defender’s Office Roof</td>
<td>215 N. Commercial</td>
<td>Replace roof and repair sidewalk</td>
<td>Public Works</td>
<td>160,000</td>
<td>REET I</td>
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<td>Northwest Annex Cooling Tower</td>
<td>Northwest Annex</td>
<td>Replace cooling tower</td>
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<td>Emergency Operations Center Building</td>
<td>Whatcom County</td>
<td>What-Comm changeover</td>
<td>Public Works</td>
<td>50,000</td>
<td>REET I</td>
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<tr>
<td>South Fork Park Development</td>
<td>Whatcom County</td>
<td>Install public restrooms, replace Nesson Creek Bridge, construct access road, parking and landscape</td>
<td>Public Works</td>
<td>688,000</td>
<td>REET II, Park Improvement Fund, State grant</td>
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<td>Hovander Homestead Roof</td>
<td>Whatcom County</td>
<td>Replace roof</td>
<td>Public Works</td>
<td>138,000</td>
<td>REET I</td>
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<tr>
<td>Ferndale Senior Center Roof</td>
<td>Whatcom County</td>
<td>Replace roof</td>
<td>Public Works</td>
<td>140,000</td>
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<tr>
<td>Plantation Range HVAC</td>
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<td>Replace HVAC</td>
<td>Public Works</td>
<td>290,000</td>
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<td>Silver Lake Park</td>
<td>Silver Lake Park</td>
<td>Utility, road and day use imp.</td>
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<td>Samish Park</td>
<td>Lake Samish Park</td>
<td>Playground replacement</td>
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<td>Nesset Farm House Restoration</td>
<td>Nesset Farm</td>
<td>Restore historical home</td>
<td>Public Works</td>
<td>125,000</td>
<td>Nesset Foundation</td>
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<td>Project Name</td>
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<td>Lake Whatcom Trails</td>
<td>Lake Whatcom Park</td>
<td>Public Works</td>
<td>Trail development</td>
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<td>State grant, donations</td>
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<td>Lummi Island Overlook Deck</td>
<td>Lummi Island</td>
<td>Public Works</td>
<td>Park development planning</td>
<td>95,000</td>
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<tr>
<td>Birch Bay Master Planning</td>
<td>Birch Bay</td>
<td>Planning</td>
<td>Park development planning</td>
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<td>REET II</td>
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<td>Canyon Lake Comm. Forest</td>
<td>Point Roberts</td>
<td>Public Works</td>
<td>Access road repair</td>
<td>135,000</td>
<td>REET II</td>
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<tr>
<td>Lighthouse Marine Park</td>
<td>Point Roberts</td>
<td>Public Works</td>
<td>Deck/playground replacement</td>
<td>250,000</td>
<td>REET II</td>
</tr>
<tr>
<td>Birch Bay Drive Pedestrian Facility</td>
<td>Birch Bay Drive</td>
<td>Public Works</td>
<td>This is a 1.58 mile separate berm to provide soft-shore erosion protection, habitat enhancement, and to encourage pedestrian use along Birch Bay Drive.</td>
<td>10,694,000</td>
<td>Federal grant, RF, EDI, Flood, BBWARM, REET II</td>
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<tr>
<td>BBWARM Harborview Road</td>
<td>Harborview Road</td>
<td>Public Works</td>
<td>Culvert replacement</td>
<td>95,000</td>
<td>REET II</td>
</tr>
<tr>
<td>BBWARM Cottonwood Drive</td>
<td>Cottonwood Drive</td>
<td>Public Works</td>
<td>Drainage improvement</td>
<td>85,000</td>
<td>REET II</td>
</tr>
<tr>
<td>Beaver Creek</td>
<td>Sudden Valley</td>
<td>Public Works</td>
<td>This project will restore and repair eroded sections of Beaver Creek to reduce sediment from entering Lake Whatcom.</td>
<td>565,000</td>
<td>REET II</td>
</tr>
<tr>
<td>Academy Road</td>
<td>Academy Road, Bellingham</td>
<td>Public Works</td>
<td>Stormwater improvements</td>
<td>1,049,000</td>
<td>State, Flood, REET II, COB</td>
</tr>
<tr>
<td>Agate Heights Estate</td>
<td>Bay Lane</td>
<td>Public Works</td>
<td>Stormwater improvements</td>
<td>610,000</td>
<td>REET II, Flood Fund</td>
</tr>
<tr>
<td>Cedar Hills/Euclid</td>
<td>Sudden Valley</td>
<td>Public Works</td>
<td>Stormwater improvements</td>
<td>630,000</td>
<td>REET II, Flood Fund</td>
</tr>
<tr>
<td>Sudden Valley</td>
<td>Silver Beach</td>
<td>Public Works</td>
<td>Stormwater improvements</td>
<td>640,000</td>
<td>REET II</td>
</tr>
<tr>
<td>Silver Beach Creek</td>
<td>Silver Beach</td>
<td>Public Works</td>
<td>Stormwater improvements</td>
<td>750,000</td>
<td>REET II, Flood Fund</td>
</tr>
<tr>
<td>Northshore Drive</td>
<td>East North Street</td>
<td>Public Works</td>
<td>Stormwater improvements</td>
<td>200,000</td>
<td>REET II</td>
</tr>
<tr>
<td>Lowell Drive and Cedarbrook Court</td>
<td>Lowell Drive &amp; Cedarbrook Court</td>
<td>Public Works</td>
<td>Stormwater improvements</td>
<td>150,000</td>
<td>REET II</td>
</tr>
<tr>
<td>Salt/Sand Bunker Cover Replacement</td>
<td>Central Shops</td>
<td>Public Works</td>
<td>Replace vinyl cover for bunker</td>
<td>60,000</td>
<td>Road Fund</td>
</tr>
<tr>
<td>Central Shop Exhaust</td>
<td>Central Shops</td>
<td>Public Works</td>
<td>Replace/maintain shop exhaust</td>
<td>175,000</td>
<td>Shop Services Fund</td>
</tr>
<tr>
<td>Slater Road/I-5 Interchange Improvements</td>
<td>Slater Road</td>
<td>Public Works</td>
<td>Construct five roundabouts on Slater Road at its intersections with Northwest Road, Pacific Highway, northbound and southbound I-5 on-ramps and Rural Avenue to improve channelization and stop control.</td>
<td>30,000,000</td>
<td>Federal, State and local funds; Developer contributions</td>
</tr>
<tr>
<td>Project Name</td>
<td>City</td>
<td>Description</td>
<td>Responsible Agency</td>
<td>Budget</td>
<td>Funding Sources</td>
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<tr>
<td>Railroad Safety Improvements</td>
<td>Bellingham</td>
<td>Includes safety improvements at at-grade rail crossings, rail relocation to eliminate several at-grade crossings throughout the Whatcom Futures District.</td>
<td>Public Works</td>
<td>20,000,000</td>
<td>Motor Vehicle Fuel Taxes, Vehicle Registration Fees, Sales Tax, Other Federal, State and Local Funding Sources</td>
</tr>
<tr>
<td>City Center Parking Project</td>
<td>Bellingham</td>
<td>Planning and implementation of parking improvements to increase the parking inventory to meet current and projected demand in support of comprehensive district redevelopment project.</td>
<td>Planning and Public Works</td>
<td>8,100,000</td>
<td>General or revenue obligation bonds</td>
</tr>
<tr>
<td>City Center Redevelopment</td>
<td>Bellingham</td>
<td>Redevelop 600 W. Holly, Army Street and other city-owned properties into a mixed use developments compatible with the sub-area plans in an effort to spur additional private sector development to increase housing and job opportunities.</td>
<td>Planning and Public Works</td>
<td>10,000,000</td>
<td>Targeted grants, CDBG, HOME, HUD 108 and other Federal, State, local and private funds</td>
</tr>
<tr>
<td>City Center and Urban Village Infrastructure</td>
<td>Bellingham</td>
<td>Construct critical infrastructure in Bellingham's Downtown, Old Town and Waterfront Districts, including streets, parks and utilities.</td>
<td>Parks and Public Works</td>
<td>20,000,000</td>
<td>Real Estate Excise Tax, Greenways Levy, Private Funds, Park Impact Fees, LIFT, Street and Other Federal, State and Local Funding Sources</td>
</tr>
<tr>
<td>Regional Wetland and Stormwater Facilities</td>
<td>Bellingham</td>
<td>Explore regional wetland alternatives such as &quot;in-lieu fee&quot; programs and regional stormwater facilities when they can provide equal or better treatment to on-site facilities</td>
<td>Public Works</td>
<td>5,000,000</td>
<td>Private and other Federal, State and local funding sources</td>
</tr>
<tr>
<td>Mahogany Street Connection</td>
<td>Bellingham</td>
<td>Mahogany is a critical to retail and industrial development between Northwest and Pacific Highway.</td>
<td>Public Works</td>
<td>6,000,000</td>
<td>Motor Vehicle Fuel Taxes, Vehicle Registration Fees, Sales Tax, Other Federal, State and Local Funding Sources</td>
</tr>
<tr>
<td>Orchard Street Connection</td>
<td>Bellingham</td>
<td>This new east-west arterial and trail connection under I-5 will enhance regional transportation circulation for all modes between rapidly-growing northern Bellingham, St Joseph’s Hospital, and central Bellingham.</td>
<td>Public Works</td>
<td>10,000,000</td>
<td>Motor Vehicle Fuel Taxes, Vehicle Registration Fees, Sales Tax, Other Federal, State and Local Funding Sources</td>
</tr>
</tbody>
</table>

PL-3
## Whatcom County Comprehensive Economic Development Strategy – Project List (February 2015)

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Responsible Entity</th>
<th>Budget (in $)</th>
<th>Funding Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>West Horton Road</strong></td>
<td>Whatcom County</td>
<td>Public Works</td>
<td>5,000,000 Motor Vehicle Fuel Taxes, Vehicle Registration Fees, Sales Tax, Other Federal, State and Local Funding Sources</td>
</tr>
<tr>
<td>West Horton Road is an important east-west connection in the City's UGA.</td>
<td></td>
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</tr>
<tr>
<td><strong>Major Recreational Facility</strong></td>
<td>Whatcom County</td>
<td>Public Works</td>
<td>1,500,000 Real Estate Excise Tax, Greenways Levy, Private Funds, Parking Impact Fees, Other Federal, State and Local Funding Sources</td>
</tr>
<tr>
<td>Provide parking and visitor facilities for a major mountain biking destination.</td>
<td></td>
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<tr>
<td><strong>Waterfront District Specific Utilities</strong></td>
<td>Bellingham</td>
<td>Public Works</td>
<td>6,000,000 Private, Other Federal, State and Local Funding Sources</td>
</tr>
<tr>
<td>Provide infrastructure for district utilities for more efficient heating, irrigation, Encogen heat capture, and potential hydropower generation.</td>
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### CITY OF BLAINE

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Responsible Entity</th>
<th>Budget (in $)</th>
<th>Funding Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Improved Interstate Highway Access – Interchange 274</strong></td>
<td>Northwest Whatcom County and Pacific Highway Border Crossing</td>
<td>Public Works and Economic Development</td>
<td>50,000,000 STP Regional Funds, TIGER Grant Funding, WSDOT, TIB, Developer Contributions</td>
</tr>
<tr>
<td>This project implements the FHWA/WSDOT-approved Interchange Justification Report improving I-5 access at Exit 274 by replacing partial interchange with a full interchange. Provides direct connection from Blaine industrial area to I-5, serves as alternate access to truck border crossing, and serves as a critical access point to south Blaine and Birch Bay.</td>
<td></td>
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</tr>
<tr>
<td><strong>Boblett Street and SR 543 (Truck Route) Signalization Improvements</strong></td>
<td>Blaine and Pacific Highway Border Crossing</td>
<td>Public Works and Economic Development</td>
<td>1,200,000 STP Regional Funds, WSDOT, TIB</td>
</tr>
<tr>
<td>This is the first intersection on northbound SR 543 and is the primary corridor for all cross-border freight. The Boblett/SR 543 intersection has several challenges; including the signal itself which is an antiquated span wire which requires frequent repair. This project improves channelization, traffic signal and equipment for improved operation and pedestrian safety. Boblett St. serves the industrial zone to the east and Blaine K-12 school complex abutting on the west.</td>
<td></td>
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<tr>
<td>Project Description</td>
<td>Location</td>
<td>Description</td>
<td>Agency</td>
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</tr>
<tr>
<td>SR 543 Widening On-ramp to H Street R3, Boblett to H Street</td>
<td>Blaine and Pacific Highway Border Crossing</td>
<td>Project adds an additional northbound truck lane to SR 543. This lane would add capacity to alleviate severe queue length which backs onto I-5 multiple times a month at the border. It would also provide capability for TDM solutions such as dynamic lane assignment at the Boblett intersection.</td>
<td>Public Works and Economic Development</td>
</tr>
<tr>
<td>Peace Portal/Bell Road Signalization</td>
<td>Blaine and Birch Bay</td>
<td>Traffic signal installation to improve safety and congestion at this location. Serves as primary corridor between Blaine, Birch Bay, and Semiahmoo Spit, as well as I-5 Exit 274 off-ramp. Involves reconfiguration of RR crossing. Currently stop-controlled.</td>
<td>Public Works</td>
</tr>
<tr>
<td>Mitchell Avenue/H Street Signalization</td>
<td>Blaine</td>
<td>Traffic signal installation to improve safety and congestion at this location. Serves arterial connection between mid-point of H Street and Peace Portal Drive.</td>
<td>Public Works</td>
</tr>
<tr>
<td>Marine Drive Improvements, Phase 3</td>
<td>Blaine and Port of Bellingham</td>
<td>Marine Drive Phase 3 will improve the section east of Marine Park which serves the Port’s Industrial Commercial area and the Public Pier. This project restores a badly deteriorated seawall on the south and enhances the riprap on the north. It also includes the addition of a pedestrian boardwalk to link Marine Park to the public Fisherman’s Pier.</td>
<td>Public Works and Economic Development</td>
</tr>
<tr>
<td>Harvey Road/Sweet Road Transmission Improvements (18” Line)</td>
<td>Blaine and Northwestern Whatcom County</td>
<td>Upgrade potable water line capacity outside city limits serving portions of NW Whatcom county within Blaine Water Service Area.</td>
<td>Public Works</td>
</tr>
<tr>
<td>New 630’ Zone Reservoir (East Blaine) and Booster Pump Station, Phases 1 &amp; 2</td>
<td>Blaine</td>
<td>New reservoir establishing new high pressure zone to increase storage capacity and provide adequate pressure to underserved areas and residential/commercial development of east Blaine.</td>
<td>Public Works</td>
</tr>
<tr>
<td>Project Description</td>
<td>Location</td>
<td>Description</td>
<td>Department/Category</td>
</tr>
<tr>
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</tr>
<tr>
<td>Regional Stormwater Retention Facility and Wetland Mitigation for Manufacturing Zoning District Blaine</td>
<td>The City of Blaine manufacturing area consists of a number of small (2-7 acre) sites that are fully served with City utilities. This project provides a regional stormwater facility and associated conveyance piping to mitigate the stormwater impacts on industrially zoned properties to encourage manufacturing interests to locate in Blaine and create jobs. Many of these parcels contain small, low quality wetlands that pose significant development challenges and restrictions. This project includes a Regional Wetlands area that would provide collective mitigation enhancing an existing wetland that supports a large bird population.</td>
<td>Public Works and Economic Development</td>
<td>EDI Grant, PWTF, Developer Contributions</td>
</tr>
<tr>
<td>Peace Portal Boardwalk – Connection Between H and G Street Plazas Blaine</td>
<td>Construction of a pedestrian boardwalk along the marine bluff of the downtown district in order to capitalize on the unique shoreline location and rich commercial fishing history.</td>
<td>Public Works and Economic Development</td>
<td>EDA/City of Blaine, CZM, Ground Fish Grant, Other Federal/State/Local</td>
</tr>
<tr>
<td>Pedestrian Bridge from the Wharf District to Downtown Business District (H Street Plaza) Blaine and Port of Bellingham</td>
<td>Design and construct a pedestrian bridge crossing the BNSF rail lines (existing easement) to link the Peace Portal Boardwalk with Wharf District. Connects marina, marine recreational and historical fishing area to the downtown business district uniquely situated on an overlooking marine bluff. This is a priority project in the joint City/Port Wharf District Master Plan.</td>
<td>Public Works and Economic Development</td>
<td>EDA/City of Blaine, Port of Bellingham, CZM, Ground Fish Grant, Other Federal/State/Local</td>
</tr>
<tr>
<td>Reconstruction of the Semiahmoo Lighthouse Blaine</td>
<td>This project will serve as a major tourist attraction. The lighthouse will be constructed to approximate life-size scale from the original plans secured from archives in Washington DC. This is a priority project in the joint City/Port Wharf District Master Plan.</td>
<td>Economic Development</td>
<td>EDA/City of Blaine, Port of Bellingham, CZM, Ground Fish Grant, Other Federal/State/Local</td>
</tr>
</tbody>
</table>
### Whatcom County Comprehensive Economic Development Strategy – Project List (February 2015)

<table>
<thead>
<tr>
<th>Project Description</th>
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<th>Description</th>
<th>Sector</th>
<th>Amount</th>
<th>Funding Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marine Park Improvements</td>
<td>Blaine</td>
<td>Major waterfront park on the north side of Marine Drive. Site of City's new Lighthouse Point Water Reclamation Facility and future site of replica Semiahmoo Lighthouse. Restoration includes Whale Deck upgrades, outdoor theater improvements, trail paving, irrigation, and replacement of two birding shelters and addition of a festival/parking area. This is a priority project in joint City/Port Wharf District Master Plan.</td>
<td>Public Works and Economic Development</td>
<td>325,000</td>
<td>EDA/City of Blaine, Port of Bellingham, CZM, Ground Fish Grant, Other Federal/State/Local</td>
</tr>
<tr>
<td>Pintail Marsh and Cain Creek Restoration</td>
<td>Blaine</td>
<td>Restore functioning wetland boundary between the Wharf District and BNSF railroad right-of-way and restores the mouth of Cain Creek. This is a priority project in the joint City/Port Wharf District Master Plan.</td>
<td>Planning</td>
<td>850,000</td>
<td>EDA/City of Blaine, Port of Bellingham, CZM, Ground Fish Grant, Other Federal/State/Local</td>
</tr>
<tr>
<td>Marine Park Shoreline Restoration</td>
<td>Blaine</td>
<td>Stabilizes and improves habitat functions for 650 feet of Marine Park shoreline, and rehabilitates/controls invasive species on 700 feet of shoreline. This project protects the shoreline from continuing erosion that would ultimately threaten City utilities and critical wastewater treatment facilities. This is a priority project in the joint City/Port Wharf District Master Plan.</td>
<td>Planning</td>
<td>3,500,000</td>
<td>EDA/City of Blaine, Port of Bellingham, CZM, Ground Fish Grant, Other Federal/State/Local</td>
</tr>
</tbody>
</table>

#### CITY OF EVERS

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Location</th>
<th>Description</th>
<th>Sector</th>
<th>Amount</th>
<th>Funding Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lincoln Street, Phases 1 &amp; 2</td>
<td>Everson</td>
<td>Reconstruct and extend Lincoln Street from State Route 544 through the downtown commercial area to Blair Drive.</td>
<td>Public Works</td>
<td>2,100,000</td>
<td>City Street Fund, STP, TIB</td>
</tr>
<tr>
<td>Kirsch Drive Improvements</td>
<td>Everson</td>
<td>Reconstruct and extend Kirsch Drive from SR 544 to the extension of Lincoln Street</td>
<td>Public Works</td>
<td>725,000</td>
<td>City Street Fund, TIB</td>
</tr>
<tr>
<td>Wastewater Treatment Plant</td>
<td>Everson and Nooksack</td>
<td>Upgrade effluent outfall: Increase the level of protection by relocating the outfall upstream of the Nooksack River bridge to provide better mixing and reduce the likelihood of future damage from major flood events.</td>
<td>Public Works</td>
<td>775,000</td>
<td>FEMA Hazard Mitigation Grant</td>
</tr>
<tr>
<td>Everson Sewage Treatment Plant Upgrade</td>
<td>Everson and Nooksack</td>
<td>Design and construction of a major upgrade to Everson Sewage Treatment Plant.</td>
<td>Public Works</td>
<td>4,500,000</td>
<td>Nooksack Sewer Fund; Everson Sewer Fund; CCWF; Washington RLF/EDA</td>
</tr>
<tr>
<td>Project</td>
<td>Location</td>
<td>Description</td>
<td>Funding Source</td>
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<tr>
<td>Downtown Market Analysis</td>
<td>Everson</td>
<td>Conduct professional market analysis to identify demand for products and services and assess the downtown's ability to capture that demand.</td>
<td>Technical Assistance: 20,000; Local funds; Port of Bellingham</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gas Station/Mini Mart</td>
<td>Everson</td>
<td>Prepare site selection materials and research potential investor (local or with a national chain) to determine interest in locating a gas station in Everson.</td>
<td>Planning: 5,000; Local funds</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Everson Road Sewer Line</td>
<td>Everson</td>
<td>Upgrade existing 8” line for future growth on the southwest portion of the City and UGA.</td>
<td>Public Works: 165,000; Local funds</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Business Incubator</td>
<td>Everson</td>
<td>Conduct feasibility study and potentially purchase property, if deemed feasible by study, for a business incubator. Consider incorporating other local studies and projects such as an agricultural center.</td>
<td>Planning: 15,000; EDA/Port of Bellingham; LMF; CERB</td>
<td></td>
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</tr>
<tr>
<td>East Main Street Water Main Upgrade</td>
<td>Everson</td>
<td>Increase water main from 6 to 10 inches from Kirsch Dr. east to City limits, providing better pressure for fire protection and emergency uses with the City of Nooksack.</td>
<td>Public Works: 1,200,000; LMF</td>
<td></td>
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</tr>
<tr>
<td>East/West Connector</td>
<td>Everson</td>
<td>Future all-weather arterial connecting Mission Road and Everson-Goshen Road (SR 544), used as primary arterial to future UGA and light industrial area of South Everson.</td>
<td>Public Works and Business Development/Finance: 2,400,000; CDBG; GMA Planning Grant; CERB; EDA</td>
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**CITY OF FERNDALE**

<table>
<thead>
<tr>
<th>Project</th>
<th>Location</th>
<th>Description</th>
<th>Funding Source</th>
</tr>
</thead>
<tbody>
<tr>
<td>Utility Extension to Malloy/Grandview</td>
<td>Ferndale</td>
<td>The nature of current and future development in this area is a combination of retail but more importantly light industrial – a sector of the economy that is growing fast at the same time that the inventory of available land has now reached critical levels. Ferndale is one of the only jurisdictions with theoretical inventory within its UGA in close proximity to highway and rail transportation, but development cannot be initiated without these extensions. Opens up area for development, protects sensitive watersheds from existing development built to rural standards – [Grandview area], provides fire flow, etc.</td>
<td>Public Works: 2,000,000; PWTF, Local, EDA, DWSRF</td>
</tr>
<tr>
<td>Project Description</td>
<td>Location</td>
<td>Description</td>
<td>Funding sources</td>
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</tr>
<tr>
<td>Water Reservoir – Grandview Area (Fire Flow)</td>
<td>Ferndale</td>
<td>Significant undeveloped and underdeveloped areas exist in this manufacturing and industrial zoned area of the City and UGA. Development interest in this area appears high, but lacks appropriate water infrastructure to support the zoning and fire flow requirements associated with potential industrial and/or manufacturing uses. A collaborative effort is needed between the City of Ferndale and PUD#1 to serve the area with fire flow via a potable water supply system.</td>
<td>Public Works 6,000,000 PWTF, Local, EDA, DWSRF</td>
</tr>
<tr>
<td>Wastewater Treatment Plant Upgrades</td>
<td>Ferndale</td>
<td>City’s wastewater treatment plant currently runs at close to 80% capacity during low demand periods and at capacity during high flow demand periods (Fall/Winter). Future plant expansion is required or a development moratorium will have to be considered in 2017-18 until expansion is scheduled and funded.</td>
<td>Public Works 10,000,000 Water Quality Grants, EDA, CERB, PWTF, DWSRF</td>
</tr>
<tr>
<td>Gateway Area Stormwater Conveyance Improvements (Labounty Road and Main Street)</td>
<td>Ferndale</td>
<td>As a result of the City’s Main Street Master Plan Planned Action EIS, action was identified that a regional drainage study was needed and was subsequently completed in 2014. As a result of that study several drainage areas in the 443 acre basin were determined to have insufficient stormwater runoff capacity. Several culverts need to be upsized in and around Main street and several ditch sections need to be reconstructed and expanded to meet the future runoff demands in the basin.</td>
<td>Public Works 1,750,000 DOE Water Quality Grants, Special Assessment, EDA, CERB, PWTF, Local Match</td>
</tr>
<tr>
<td>Right-of-Way Beautification and Landscaping Along Major Corridors</td>
<td>Ferndale</td>
<td>Main Street, Portal Way and Slater Road: The creation of attractive, unified landscaping along major corridors provides a sense of place and welcome for new development. Project would include staff and consultant time to develop a coordinated landscaping proposal, funding for materials and plants, and planting.</td>
<td>Public Works 300,000 TIB, TBD, Local, Federal/State</td>
</tr>
<tr>
<td>Project Name</td>
<td>Location</td>
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<td>Responsible Agency</td>
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<tr>
<td>Advance Mitigation Program</td>
<td>Ferndale</td>
<td>The Advance Mitigation Program would allow private development to mitigate impacts to low-to-medium quality wetlands and critical areas by paying into a fund to establish mitigation and enhancement areas to be established and maintained by the City of Ferndale. The mitigation and enhancement areas that will be utilized have been identified as having degraded habitat and/or of ecological importance to the City. In many cases, mitigation areas may be established with the assistance of private and public partnerships and may include opportunities for public education. Depending upon the specific mitigation area, local or regional Low Impact stormwater elements may also be integrated.</td>
<td>Public Works and Planning</td>
</tr>
<tr>
<td>Wayfinding Sign System</td>
<td>Ferndale</td>
<td>Establish a coordinated system of wayfinding signs for the purpose of guiding visitors, residents and businesses to their destinations (and other points of interest) within the City and the surrounding area. Coordinated wayfinding systems enable jurisdictions to improve traffic circulation, create a sense of place, improve the characterization of sub-areas and districts within a community, and reduce sign blight. As proposed, the City would establish a series of signs throughout the City that will provide directions to points of interest within the City. As part of this program a variety of existing signs would be removed and consolidated into the proposed wayfinding program. The City expects to coordinate with the Lummi Nation, Whatcom County, private businesses and the general public to identify important destinations within the Ferndale area and to development variations from the central theme of the wayfinding program.</td>
<td>Planning</td>
</tr>
<tr>
<td>Project Name</td>
<td>Location</td>
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<tr>
<td>Thornton Overpass</td>
<td>Ferndale</td>
<td>Construction of an overpass over BNSF Railway tracks with connection to downtown and freeway interchange. This will significantly reduce Peak Hour Demand traffic on Main Street and improve development potential extensively in the surrounding area. It also greatly benefits I-5 access for residents and businesses in the subregion.</td>
<td>Public Works</td>
</tr>
<tr>
<td>Planned Action EIS – Grandview Interchange</td>
<td>Ferndale</td>
<td>Complete Environmental Impact Statement and Planned Action Ordinance to spur business location at freeway interchange.</td>
<td>Planning</td>
</tr>
<tr>
<td>Main Street/Labounty Road Roundabout</td>
<td>Ferndale</td>
<td>Construct multi-lane roundabout to accommodate anticipated large retail development along and adjacent to Main Street.</td>
<td>Public Works</td>
</tr>
<tr>
<td>Main Street/Axton Road Roundabout</td>
<td>Ferndale</td>
<td>Construct multi-lane roundabout to accommodate anticipated large retail development along Main Street/Axton Road.</td>
<td>Public Works</td>
</tr>
<tr>
<td>Interstate 5 Exit 262 Roundabouts</td>
<td>Ferndale</td>
<td>Construct on/off ramp roundabouts along I-5 at exit 262 where they intersect Main Street.</td>
<td>Public Works</td>
</tr>
</tbody>
</table>

**LUMMI NATION**

No projects submitted

**CITY OF LYNDEN**

<table>
<thead>
<tr>
<th>Project Name</th>
<th>Location</th>
<th>Description</th>
<th>Responsible Agency</th>
<th>Estimated Cost</th>
<th>Funding Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td>Riverview Road</td>
<td>Downtown Historic Business District</td>
<td>Construction of ~1,700-foot of new roadway to complete the gap between Hannegan Road and 7th Street at the south end of the Lynden Historic Business District to provide access to 25 acres of fully serviced commercial and multi-family zoned properties to enhance the economic vitality of the District.</td>
<td>Public Works</td>
<td>1,900,000</td>
<td>Impact Fees; TDB; Federal, State and other local funds</td>
</tr>
<tr>
<td>4th Street Extension</td>
<td>Downtown Historic Business District</td>
<td>Street improvements to extend 4th Street to the south from Front Street to provide vehicle and pedestrian access between Lynden's Historic Downtown District and 25 acres of currently undeveloped commercial and residential zoned properties.</td>
<td>Public Works</td>
<td>700,000</td>
<td>EDI; Transportation Impact Fees; TDB; Federal, State and other local funds</td>
</tr>
<tr>
<td>Project Description</td>
<td>Location</td>
<td>Description</td>
<td>Lead Agency</td>
<td>Funding</td>
<td></td>
</tr>
<tr>
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</tr>
<tr>
<td>West Main Street Improvements (Phase 2)</td>
<td>West Lynden</td>
<td>Reconstruct existing 20-foot roadway to an industrial street standard including curbs, gutters and sidewalks as well as utilities (water and storm drainage). Also, culvert and bridge replacement for an existing, uninhabited drainage ditch.</td>
<td>Public Works</td>
<td>$2,000,000</td>
<td>EDI; Transportation Impact Fees; Federal, State and other local funds</td>
</tr>
<tr>
<td>Tromp Road Extension</td>
<td>West Lynden</td>
<td>New construction of a north-south connection between West Main Street to West Front and Birch Bay-Lynden Road. This project will include an industrial-standard street complete with curbs, gutters and sidewalks. All utilities, including water, sanitary sewer and stormwater conveyance have been constructed. This project will complete the connection between the northern portion of the City's industrial area to Birch Bay-Lynden Road, providing safe and efficient access to State Route 539 and I-5.</td>
<td>Public Works</td>
<td>$1,150,000</td>
<td>Federal/State/Local funds</td>
</tr>
<tr>
<td>Pepin Creek</td>
<td>Lynden UGA</td>
<td>This project relocates year-round flow in north-south running, deep roadside ditches along Benson and Double Ditch Roads (0.5 miles apart) to a newly constructed channel halfway between the two roads and extending to Badger Road (SR 546). This allows re-construction of the roads to arterial standards, prevents flooding in neighborhoods and nearby agricultural areas, and improves ESA fish habitat.</td>
<td>Public Works</td>
<td>$6,000,000</td>
<td>EDI; Transportation Impact Fees; TBD; Federal, State and other local funds</td>
</tr>
</tbody>
</table>

**CITY OF NOOKSACK**

<table>
<thead>
<tr>
<th>Project Description</th>
<th>Location</th>
<th>Description</th>
<th>Lead Agency</th>
<th>Funding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Garfield Force Main Extension</td>
<td>Nooksack</td>
<td>Extend the force main from the Garfield sewer pump station to Pump Station No. 4 in Everson.</td>
<td>Public Works</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>West Columbia Water Line Replacement</td>
<td>Nooksack</td>
<td>Upgrade water main serving Nooksack Valley Middle School to intertie with Everson</td>
<td>Public Works</td>
<td>$275,000</td>
</tr>
<tr>
<td>Stormwater Management Plan Development</td>
<td>Nooksack</td>
<td>Inventory and assessment of existing stormwater management facilities serving the City of Nooksack. Following analysis of existing system, system improvements necessary to accommodate anticipated commercial, industrial and residential development would be identified and prioritized.</td>
<td>Technical Assistance and Planning</td>
<td>$30,000</td>
</tr>
<tr>
<td>Project Description</td>
<td>Location</td>
<td>Specification</td>
<td>Responsible Agency/Program</td>
<td>Funding</td>
</tr>
<tr>
<td>------------------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>Historic Nooksack Store Building – Purchase and Renovation</td>
<td>Nooksack</td>
<td>Purchase and renovate the historic 1913 Nooksack Store Building located at the corner of Nooksack Ave. and Madison Street to serve as new City Hall and multi-purpose community activity/meeting place.</td>
<td>Public Works</td>
<td>750,000</td>
</tr>
<tr>
<td>Everson Sewage Treatment Plant Upgrade</td>
<td>Everson and Nooksack</td>
<td>Design and construction of a major upgrade to the Everson Sewage Treatment Plant.</td>
<td>Public Works</td>
<td>4,500,000</td>
</tr>
<tr>
<td><strong>NOOKSACK INDIAN TRIBE</strong></td>
<td></td>
<td>No projects submitted</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>PORT OF BELLINGHAM</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>All American Marine Expansion</td>
<td>Bellingham, Fairhaven</td>
<td>Provide site improvements and construct new larger facility for All American Marine. Retains 45 existing jobs and expands at least 25 directly plus enhancements to support Fairhaven Shipyard.</td>
<td>Public Works</td>
<td>10,000,000</td>
</tr>
<tr>
<td>Harris Avenue Shipyard Pier</td>
<td>Bellingham, Fairhaven</td>
<td>Replace wood pier to support business and job expansion by the shipyard. 100% design complete and in Port capital budget. Retains 145 jobs and grow another 100 marine trades jobs.</td>
<td>Public Works</td>
<td>7,800,000</td>
</tr>
<tr>
<td>Shipping Terminal Rail Siding Connection</td>
<td>Bellingham Shipping Terminal</td>
<td>Reconnect the Bellingham Shipping Terminal to the mainline of the BNSF with the design and construction of a new siding.</td>
<td>Public Works</td>
<td>15,000,000</td>
</tr>
<tr>
<td>Mooring Improvements to Bellingham Shipping Terminal</td>
<td>Bellingham Shipping Terminal</td>
<td>Design and construct new mooring dolphins and fendering system.</td>
<td>Public Works</td>
<td>12,000,000</td>
</tr>
<tr>
<td>Marine Trades Area Travel Lift</td>
<td>Bellingham Waterfront District</td>
<td>Develop boat haul-out/travel lift on the north side of the Whatcom Waterway with a private partner. Feasibility/design and construction.</td>
<td>Public Works</td>
<td>2,000,000</td>
</tr>
<tr>
<td>Bellingham Shipping Terminal, Log Pond Redevelopment Area</td>
<td>Bellingham Waterfront District</td>
<td>Power upgrades and improvement to buildings and load-out facilities at the Bellingham Shipping Terminal and provide uplands infrastructure to serve new economic development activity.</td>
<td>Public Works</td>
<td>5,000,000</td>
</tr>
<tr>
<td>Mt. Baker Products Peninsula Improvements</td>
<td>Bellingham Squalicum Waterfront</td>
<td>Provide infrastructure on 4.5 acre industrial site behind Mt Baker Products to support new marine trades activity.</td>
<td>Public Works</td>
<td>2,000,000</td>
</tr>
</tbody>
</table>
## Whatcom County Comprehensive Economic Development Strategy – Project List (February 2015)

<table>
<thead>
<tr>
<th>Project</th>
<th>Location</th>
<th>Description</th>
<th>Responsible Agencies</th>
<th>Cost</th>
<th>Funding Sources</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Schultz Way Improvements</strong></td>
<td>Bellingham Squalicum Waterfront</td>
<td>Reconstruct Port-owned Schultz Way road to city standards as a secondary arterial, serving existing port tenants and extending it to the Mt Baker Products peninsula to serve new tenants.</td>
<td>Public Works</td>
<td>$2,500,000</td>
<td>Port; State; Federal; Whatcom County EDI</td>
</tr>
<tr>
<td><strong>Aviation Capacity Development</strong></td>
<td>Bellingham International Airport</td>
<td>Construct infrastructure to serve airplane hangar development with runway access, including demolition, re-grading and installation of utilities on Port-acquired Air National Guard site.</td>
<td>Public Works</td>
<td>$7,200,000 (public funds) 1,500,000 (private investment and agency customers)</td>
<td>Federal, State and 20% local match through debt; FAA; Department of Homeland Security</td>
</tr>
<tr>
<td><strong>Airport Industrial Park Infrastructure Improvements</strong></td>
<td>Bellingham Airport Industrial Park</td>
<td>Infrastructure improvements to the 18 acres of immediately buildable property in the AIP to support business relocation and expansion.</td>
<td>Public Works</td>
<td>$7,500,000</td>
<td>Port; State; Federal; Whatcom County EDI</td>
</tr>
<tr>
<td><strong>Blaine Wharf District Marine Industrial Area</strong></td>
<td>Blaine Harbor</td>
<td>Infrastructure improvements to facilitate upgrade of boat haul-out facilities, fueling facilities for commercial fishing and recreational vessels and upland boatyard/small boat yard expansions.</td>
<td>Public Works</td>
<td>$5,000,000</td>
<td>Port; State; Federal; Whatcom County EDI</td>
</tr>
<tr>
<td><strong>ITEK Energy Retention and Expansion</strong></td>
<td>Bellingham Waterfront District</td>
<td>Improvements to existing building through public/private partnership to allow ITEK Energy to grow, creating new jobs and meeting Port goals to build a clean technology sector in the Waterfront District.</td>
<td>Public Works</td>
<td>$5,000,000</td>
<td>Port; State; Federal; Whatcom County EDI</td>
</tr>
<tr>
<td><strong>CITY OF SUMAS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Truck Bypass</strong></td>
<td>Sumas</td>
<td>New road alignment for trucks seeking to utilize the industrial areas of Sumas and the international border crossing.</td>
<td>Public Works</td>
<td>$8,100,000</td>
<td>Motor Vehicle Fuel Taxes; Vehicle Registration Fees; Other Federal, State and Local Funding Sources</td>
</tr>
<tr>
<td><strong>Sumas Avenue Reconstruction</strong></td>
<td>Sumas</td>
<td>Reconstruct Sumas Avenue from Front Street to Garfield Street.</td>
<td>Public Works</td>
<td>$2,300,000</td>
<td>STP; City Street Fund</td>
</tr>
<tr>
<td><strong>Cherry Street (SR 9) Bridge Replacement</strong></td>
<td>Sumas</td>
<td>Replace Cherry Street bridge to remove blockage to flow of floodwaters and increase capacity on the State highway.</td>
<td>Public Works</td>
<td>$3,000,000</td>
<td>STP; BRAC; FEMA Hazard Mitigation Grant</td>
</tr>
<tr>
<td><strong>WHATCOM COUNCIL OF GOVERNMENTS</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Whatcom Smart Trips</strong></td>
<td>Whatcom County</td>
<td>Core funding for countywide program to reduce travel demand through the use of walking, bicycling, carpooling and transit.</td>
<td>Economic Development</td>
<td>$1,000,000</td>
<td>Federal, State and local funds</td>
</tr>
<tr>
<td>Project Description</td>
<td>Location</td>
<td>Description</td>
<td>Category</td>
<td>Funding</td>
<td></td>
</tr>
<tr>
<td>----------------------------------------------------------</td>
<td>----------</td>
<td>-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
<td>------------------------</td>
<td>---------------</td>
<td></td>
</tr>
<tr>
<td>International Mobility and Trade Corridor Program (IMTC)</td>
<td>Whatcom County, State of Washington, British Columbia, Canada and U.S.</td>
<td>Core funding for IMTC, a coalition of U.S. and Canadian government and business entities that identifies and promotes improvements to mobility and security for the four border crossings that connect Whatcom County and the Lower Mainland of British Columbia.</td>
<td>Planning</td>
<td>1,000,000 Federal, State and local funds (IMTC has received funding from the Province of British Columbia and the Canadian federal government to provide local matching funds for U.S. federal grants)</td>
<td></td>
</tr>
<tr>
<td>Econometric Model</td>
<td>Whatcom County</td>
<td>This project includes acquisition and calibration of data and software intended to enable economic evaluation of various development and infrastructure improvement scenarios. This is a policy/decision-making tool designed to inform investment decisions toward best use of resources.</td>
<td>Planning</td>
<td>150,000 Federal, State and local funds</td>
<td></td>
</tr>
<tr>
<td>WHATCOM COUNTY PUBLIC UTILITIES DISTRICT NO. 1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Whatcom County Coordinated Water System Plan Update</td>
<td>Whatcom County</td>
<td>Update WCCWSP Cities/County GMA</td>
<td>Health/ Safety and Economic Development</td>
<td>100,000 Whatcom County, EDI</td>
<td></td>
</tr>
<tr>
<td>WRIA 1 Water Budget</td>
<td>Whatcom County, WRIA 1</td>
<td>Basis for determining out of stream needs for Instream Flow Action Plan implementation. Requested funding would cover five years.</td>
<td>Public Works and Economic development</td>
<td>500,000 WRIA 1 Joint Board; EDI; PUD; State</td>
<td></td>
</tr>
<tr>
<td>Alternative Energy Project</td>
<td>Whatcom County</td>
<td>Job creation, energy production, agriculture support. Lower energy costs to public/private consumers.</td>
<td>Public Works</td>
<td>7,000,000 Federal; State; Private; PUD; EDI</td>
<td></td>
</tr>
<tr>
<td>Electric Utility Infrastructure</td>
<td>Western Whatcom County</td>
<td>Lower energy costs to business, agriculture and residents. Stabilize electric utility service in industrial area.</td>
<td>Public Works and Economic Development</td>
<td>5,000,000 Federal; State; Private; PUD; EDI</td>
<td></td>
</tr>
<tr>
<td>Industrial Water Reclamation and Re-use</td>
<td>Western Whatcom County</td>
<td>Water conservation, improve water quality, lower costs to public and private consumers.</td>
<td>Public Works</td>
<td>10,000,000 Federal; State; Private; PUD; EDI</td>
<td></td>
</tr>
</tbody>
</table>
**TITLE OF DOCUMENT:** Amendment to the 2015-2016 Unrepresented Resolution

**ATTACHMENTS:** Amendment to the 2015-2016 Unrepresented Resolution

**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.)

Proposed amendment to the 2015-2016 Unrepresented Resolution

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:** AB2014-388

**Ordinance or Resolution Number:** Resolution 2014-067

*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. 2015 – __________________

AMENDING RESOLUTION NO. 2014-067 IN THE MATTER OF ADOPTING A SALARY SCHEDULE AND POLICIES FOR UNREPRESENTED WHATCOM COUNTY EMPLOYEES EFFECTIVE JANUARY 1, 2015 through DECEMBER 31, 2016

WHEREAS, A Resolution in the Matter of Adopting a Salary Schedule and Policies for Unrepresented County Employees was adopted December 9, 2014; and

WHEREAS, the County desires to clarify language with regard to position realignment; and

WHEREAS, it is in the best interests of the County to make any needed changes to the Unrepresented Resolution through an amendment;

NOW, THEREFORE, BE IT RESOLVED

3.1 Court Commissioners. Court Commissioners are to be paid at a rate equivalent to a percentage of the comparable state Court Judge salary level. Any changes in these Judges’ salaries will be reflected in the comparable Court Commissioners’ salaries.

<table>
<thead>
<tr>
<th>Position</th>
<th>% of Comp. Judge</th>
<th>Range</th>
</tr>
</thead>
<tbody>
<tr>
<td>Superior Court Commissioner</td>
<td>90%</td>
<td>903</td>
</tr>
<tr>
<td>District Court Commissioner</td>
<td>85%</td>
<td>904</td>
</tr>
</tbody>
</table>

4.3 Realignment. If funding is available within the authorized budget, Department Heads can request consideration on the appropriate form, for realignment of positions the following January which are paid at least three percent (3.00%) below the average of at least four (4) of the six (6) comparable counties (all comparable counties where matches exist must be used). Individuals moving to a new range because of realignment of non-represented positions or ranges shall be placed in their current step (but no higher than the top step) one range above their current range. The effective date of the realignment shall become the step increase date. Positions which are experiencing recruitment and/or retention difficulties may be looked at during the year if funding is available within the current year’s budget for the department. To maintain internal parity, the District Court Commissioner pay will be set at a ratio 5% below the Superior Court Commissioner ratio of pay rather than aligned with comparable counties, as established in section 3.1 above.
AND FURTHER, THEREFORE, BE IT RESOLVED, that the Council intends that the Administration will apply the above amendments to the 2015-2016 Unrepresented Resolution which shall become effective April 1, 2015.

APPROVED this ____ day of _________ 2015.

ATTEST: 

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

__________________________  __________________________
Dana Brown-Davis, Council Clerk  Carl Weimer, Chair

APPROVED as to form:

__________________________
Chief Civil Deputy Prosecuting Attorney
### Exhibit "H" Commissioners Salary Matrix - Effective January 2015

<table>
<thead>
<tr>
<th>Range</th>
<th>Current</th>
<th>9/1/2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>903</td>
<td>11,727</td>
<td>12,196</td>
</tr>
<tr>
<td>904</td>
<td>10,546</td>
<td>10,968</td>
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### Exhibit "H" Commissioners Salary Matrix - Effective January 2016

<table>
<thead>
<tr>
<th>Range</th>
<th>1/1/2016</th>
<th>9/1/2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>903</td>
<td>12,196</td>
<td>12,440</td>
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<tr>
<td>904</td>
<td>10,968</td>
<td>11,187</td>
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</table>
RESOLUTION NO. 2015 –

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WHEREAS, A Resolution in the Matter of Adopting a Salary Schedule and Policies for Unrepresented County Employees was adopted December 9, 2014; and

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3.1 Court Commissioners. Court Commissioners are to be paid at a rate equivalent to a percentage of the comparable state Court Judge salary level. Any changes in these Judges’ salaries will be reflected in the comparable Court Commissioners’ salaries.

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<th>Range</th>
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<td>90%</td>
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<tr>
<td>District Court Commissioner</td>
<td>80%-85%</td>
</tr>
</tbody>
</table>

4.3 Realignment. If funding is available within the authorized budget, Department Heads can request consideration during the budget process, on the appropriate form, for realignment of positions the following January which are paid at least three percent (3.00%) below the average of at least four (4) of the six (6) comparable counties (all comparable counties where matches exist must be used). Individuals moving to a new range because of realignment of non-represented positions or ranges shall be placed in their current step (but no higher than the top step) one range above their current range. The effective date of the realignment shall become the step increase date. Positions which are experiencing recruitment and/or retention difficulties may be looked at during the year if funding is available within the current year’s budget for the department. To maintain internal parity, the District Court Commissioner pay will be set at a ratio 5% below the Superior Court Commissioner ratio of pay rather than aligned with comparable counties, as established in section 3.1 above.
AND FURTHER, THEREFORE, BE IT RESOLVED, that the Council intends that the Administration will apply the above amendments to the 2015-2016 Unrepresented Resolution which shall become effective April 1, 2015.

APPROVED this _____ day of __________ 2015.

ATTEST: WHATCOM COUNTY COUNCIL

WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk Carl Weimer, Chair

APPROVED as to form:

Chief Civil Deputy Prosecuting Attorney
### Exhibit "H" Commissioners Salary Matrix – Effective January 2015

<table>
<thead>
<tr>
<th>Range</th>
<th>Step 1</th>
<th>Step 2</th>
<th>Step 3</th>
<th>Step 4</th>
<th>Step 5</th>
<th>Step 6</th>
<th>Step 7</th>
<th>Step 8</th>
<th>Step 9</th>
<th>Step 10</th>
<th>Step 11</th>
<th>Step 12</th>
<th>Step 13</th>
</tr>
</thead>
<tbody>
<tr>
<td>903</td>
<td>11,727</td>
<td>11,734</td>
<td>11,741</td>
<td>11,748</td>
<td>11,755</td>
<td>11,762</td>
<td>11,769</td>
<td>11,776</td>
<td>11,783</td>
<td>11,802</td>
<td>11,825</td>
<td>11,849</td>
<td>11,873</td>
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<tr>
<td>904</td>
<td>9,952</td>
<td>9,959</td>
<td>9,965</td>
<td>9,971</td>
<td>9,978</td>
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<td>10,025</td>
<td>10,048</td>
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</table>

### Exhibit "H" Commissioners Salary Matrix – Effective September 1, 2016

<table>
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<th>Range</th>
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<th>Step 7</th>
<th>Step 8</th>
<th>Step 9</th>
<th>Step 10</th>
<th>Step 11</th>
<th>Step 12</th>
<th>Step 13</th>
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<tbody>
<tr>
<td>903</td>
<td>11,727</td>
<td>11,734</td>
<td>11,741</td>
<td>11,748</td>
<td>11,755</td>
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<td>11,776</td>
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<td>11,803</td>
<td>11,825</td>
<td>11,849</td>
<td>11,873</td>
</tr>
<tr>
<td>904</td>
<td>9,952</td>
<td>9,959</td>
<td>9,965</td>
<td>9,971</td>
<td>9,978</td>
<td>9,985</td>
<td>9,991</td>
<td>9,997</td>
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<td>10,025</td>
<td>10,048</td>
<td>10,073</td>
<td>10,096</td>
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**Exhibit "H" Commissioners Salary Matrix - Effective January 2015**

<table>
<thead>
<tr>
<th>Range</th>
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<th>9/1/2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>903</td>
<td>11,727</td>
<td>12,196   (90% of Superior Court Judge Salary)</td>
</tr>
<tr>
<td>904</td>
<td>10,546</td>
<td>10,968   (85% of District Court Judge Salary)</td>
</tr>
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</table>

**Exhibit "H" Commissioners Salary Matrix - Effective January 2016**

<table>
<thead>
<tr>
<th>Range</th>
<th>1/1/2016</th>
<th>9/1/2016</th>
</tr>
</thead>
<tbody>
<tr>
<td>903</td>
<td>12,196</td>
<td>12,440   (90% of Superior Court Judge Salary)</td>
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<tr>
<td>904</td>
<td>10,968</td>
<td>11,187   (85% of District Court Judge Salary)</td>
</tr>
</tbody>
</table>
TO: County Council Members
FROM: Jack Louws, County Executive
DATE: March 31, 2015
SUBJECT: UNREPRESENTED RESOLUTION – FIRST AMENDMENT

At this time, I am putting before you my recommendation to amend the 2015-2016 Unrepresented Resolution related to the District Court Commissioner salary.

Recommendation

Whatcom County strives to maintain both internal and external pay equity that provides a fair pay structure for employees based on their responsibilities and value to the County.

We find that evaluating pay equity for the Court Commissioner positions is best accomplished by looking at external comparisons for the Superior Court Commissioner salary and subsequently adjusting the District Court Commissioner salary in such a way as to maintain a consistent internal pay differential.

The Washington Citizens' Commission on Salaries for Elected Officials has set a salary differential of 5% between District Court Judges, Superior Court Judges, Court of Appeals Judges, and Supreme Court Justices. This amendment proposes utilizing the same pay philosophy and differential for the Court Commissioner positions.

Summary of Changes

1. Amend Section 3.1 to adjust the salary of the District Court Commissioner from 80% to 85% of the District Court Judge salary
2. Amend Section 4.3 to add language providing for consistent internal wage parity between the Superior Court and District Court Commissioner positions
3. Amend Section 4.3 to consider position realignment outside the annual budget process.
4. Amend Exhibit H

Background

The internal salary relationship between the Superior Court Commissioner and District Court Commissioner positions has eroded over time. Between 1992 and 1999, Superior and District Court Commissioners were compensated equally at 80% of the District Court Judge. In 1999, the salary of the Superior Court Commissioner changed from 80% of the District Court Judge salary to 80% of the Superior Court Judge salary. In
2001 the Superior Court Commissioner salary increased to 85% of the Superior Court Judge salary. In 2015 the salary was adjusted to 90% of the Superior Court Judge Salary. The District Court Commissioner salary, however, has remained unchanged at 80% of the District Court Judge salary.

Findings

In external comparisons, the Superior Court Commissioner salary is aligned with the Superior Court Judge salary as a percentage of the judge salary because, under the direction of a judge, the Court Commissioner assumes many of the same powers and duties of a Superior Court Judge.

External salary studies for the Superior Court Commissioner have been undertaken at various times and the salary adjusted accordingly. The recent adjustment reflects the result of the most current study.

External salary studies for the District Court Commissioner position have been undertaken, but results have proven irrelevant because, although they assume the same powers and responsibilities of the District Court Judge, in several comparable counties they are either not utilized or work on a part-time or hourly basis. Determining fair compensation, therefore, must rely on examining internal pay relationships.
**WHATCOM COUNTY COUNCIL AGENDA BILL**

<table>
<thead>
<tr>
<th>CLEARANCES</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
<th>Assigned to:</th>
</tr>
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<td>Originator:</td>
<td></td>
<td></td>
<td></td>
<td>3/31/15</td>
<td>Finance, Council</td>
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<td>Paula Cooper</td>
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<td>3-19-15</td>
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<tr>
<td>Division Head:</td>
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<tr>
<td>Gary Stoyka</td>
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<td>Dept. Head:</td>
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<tr>
<td>Joe Rutan</td>
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<td>Prosecutor:</td>
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<td>Daniel Gibson</td>
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<td>Purchasing/Budget:</td>
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<tr>
<td>Brad Bennett</td>
<td>✔️</td>
<td>03/17/2015</td>
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<td>✔️</td>
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**TITLE OF DOCUMENT:**
Hazard Mitigation Grant Agreement with the Washington State Military Department

**ATTACHMENTS:**
Cover Memo
WA State Military Department Hazard Mitigation Grant Agreement #D15-001

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

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

This Hazard Mitigation Grant Program agreement provides for state and federal funding for voluntary acquisition of three flood-prone residential properties in Marietta and the removal of all associated structures. The grant provides for the reimbursement of $87.5% of the project cost.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

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

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

THROUGH: Joseph P. Rutan, P.E., Interim Public Works Director

FROM: Gary Stoyka, Natural Resources Program Manager
Paula J. Cooper, P.E., River and Flood Manager

RE: Hazard Mitigation Grant Agreement for Acquisition of Flood-Prone
Properties in Marietta

DATE: March 19, 2015

Enclosed are two (2) originals of a Hazard Mitigation Grant Program (HMGP) grant agreement between the Whatcom County Flood Control Zone District (FCZD) and the Washington State Military Department for your review and signature.

**Background and Purpose**

The Lower Nooksack River Comprehensive Flood Hazard Management Plan, adopted in 1999 by the FCZD Board of Supervisors, recommends acquisition of flood-prone properties in Marietta as they become available. This Hazard Mitigation Grant Program agreement provides for state and federal funding for voluntary acquisition of three flood-prone residential properties in Marietta and the removal of all associated structures. In accordance with FEMA requirements, deed restrictions will be placed on the properties to ensure they remain in open space in perpetuity. The grant provides for the reimbursement of $87.5% of the project cost.

**Funding Amount and Source**

Total funding for this project is $379,750. The grant agreement provides for the reimbursement of $87.5% of the project cost with $284,813 from federal funds through the FEMA, matched by $47,469 of state funds through the Washington State Military Department and $47,468 of FCZD funds. This project is included in the 2015 Flood Control Zone District budget.

Please contact Paula Cooper at extension 50625 if you have any questions or concerns regarding the terms of this agreement.

Encl.
**WHATCOM COUNTY CONTRACT INFORMATION SHEET**

**Contract or Grant Administrator:** Paula J. cooper  
**Originating Department:** Public Works  
**Contractor’s / Agency Name:** Washington State Military Department

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

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

Is this a grant agreement? Yes ☒ No ☐  
If yes, grantor agency contract number(s):  D15-066  
CFDA#: 97.039 (HMGP)  

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

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

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

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

**Contract Amount:**  
Sum of original contract amount and any prior amendments: $ 379,750  
This Amendment Amount: $  
Total Amended Amount: $ 379,750  

**Contracts that require Council Approval**  
- Professional Services Agreement above $20,000.  
- Bid is more than $50,000.  
- Amendments that have either an increase greater than 10% or provide a $10,000 increase in amount (whichever is greater)  

**Summary of Scope:** This Hazard Mitigation Grant Program agreement provides for state and federal funding for voluntary acquisition of three flood-prone residential properties in Marietta and the removal of all associated structures. The grant provides for the reimbursement of $87.5% of the $292,408 total project cost with $219,306 from federal funds through the Federal Emergency Management Agency matched by $36,551 of state funds through the Washington State Military Department and $36,551 from flood funds.

**Term of Contract:** Fixed  
**Expiration Date:** March 5, 2017

**Contract Routing:**  
1. Prepared by: Ben Floyd Date: 3/13/15  
2. Attorney signoff: RSB Date: 3/19/15  
3. AS Finance reviewed: bbennett Date: 3/17/15  
4. IT reviewed (if IT related): Date:  
5. Contractor signed: Date: 3/20/15  
6. Submitted to Exec.: Date:  
7. Council approved (if necessary): Date:  
8. Executive signed: Date:  
9. Original to Council: Date:  

Last Edited 060414
## HAZARD MITIGATION GRANT AGREEMENT FACE SHEET

<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
<th>Details</th>
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</thead>
<tbody>
<tr>
<td>1.</td>
<td>Sub-Grantee Name and Address:</td>
<td>Whatcom County Flood Control Zone District 322 N. Commercial St., Suite 120 Bellingham, WA 98225-4042</td>
</tr>
<tr>
<td>2.</td>
<td>Total Grant Amount:</td>
<td>$379,750 F.S.L up to $284,813 F; $47,469 S; $47,468 L</td>
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<tr>
<td>3.</td>
<td>Grant Number:</td>
<td>D15-066</td>
</tr>
<tr>
<td>4.</td>
<td>Sub-Grantee Contract, phone/email:</td>
<td>Paula J. Cooper, P.E., River &amp; Flood Manager <a href="mailto:pcooper@co.whatcom.wa.us">pcooper@co.whatcom.wa.us</a></td>
</tr>
<tr>
<td>5.</td>
<td>Grant Start Date:</td>
<td>January 5, 2015</td>
</tr>
<tr>
<td>6.</td>
<td>Grant End Date:</td>
<td>March 5, 2017</td>
</tr>
<tr>
<td>7.</td>
<td>Department Program Manager, phone/email:</td>
<td>John Schelling, (253) 512-7071 <a href="mailto:John.Schelling@mil.wa.gov">John.Schelling@mil.wa.gov</a></td>
</tr>
<tr>
<td>8.</td>
<td>Data Universal Numbering System (DUNS):</td>
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<td>9.</td>
<td>UBI # (state revenue):</td>
<td>371-010-246</td>
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<td>10.</td>
<td>Funding Authority:</td>
<td>Washington State Military Department (the &quot;Department&quot;), and Federal Emergency Management Agency (FEMA)</td>
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<tr>
<td>11.</td>
<td>Funding Source Agreement #:</td>
<td>FEMA-4056-DR-WA-18-R</td>
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<td>12.</td>
<td>Program Index #:</td>
<td>724F3 / 722L3 NZ</td>
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<td>13.</td>
<td>Catalog of Federal Domestic Aast. (CFDA) #:</td>
<td>97.039 (HMGP)</td>
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<td>14.</td>
<td>TIN or SSN:</td>
<td>91-6001383</td>
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<td>15.</td>
<td>Service Districts:</td>
<td>(BY LEGISLATIVE DISTRICT): 42nd 1st</td>
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<td>Service Area by County(ies):</td>
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<td>17.</td>
<td>Women/Minority-Owned, State Certified:</td>
<td>X N/A NO YES, OMWBE #</td>
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<td>18.</td>
<td>Contract Classification:</td>
<td>X Personal Services X Client Services X Public/Local Gov’t Collaborative Research A/E Other</td>
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<td>19.</td>
<td>Contract Type (check all that apply):</td>
<td>X Grant X Agreement Intergovernmental (ROW 39.34)</td>
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<td>20.</td>
<td>Contractor Selection Process:</td>
<td>X &quot;To all who apply &amp; qualify&quot; X Competitive Bidding X Sole Source X A/E RCW X N/A X Currently w/OMWBE? X Advertised? X YES X NO</td>
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<td>21.</td>
<td>Contractor Type (check all that apply):</td>
<td>X Private Organization/Individual X Public Organization/Jurisdiction X VENDOR X SUBRECIPIENT X For-Profit X Non-Profit X OTHER</td>
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</table>

### BRIEF DESCRIPTION:

FEMA’s Severe Repetitive Loss program provides grants to states and communities to mitigate flood-insured residential structures that have experienced severe and repeated flood damages that meet the definition of a severe repetitive loss property in 44 CFR Part 79.

**Title:** Project 4056-18-R-Whatcom County Marietta Acquisition-Phase 2. To provide funds to the Sub-Grantee for the herein proposed project as noted in Attachment 3 - Certification and Assurances, Attachment 4 – Statement of Work and/or Description of the Project, Attachment 5 - Project Development Schedule, Attachment 6 - Project Budget, and the FEMA approved project application, each of which are incorporated herein by this reference.

IN WITNESS WHEREOF, the Department and Sub-Grantee acknowledge and accept the terms of this Grant Agreement, exhibits, references and attachments hereto and have executed this Grant Agreement as of the date and year written below. This Grant Agreement Face Sheet; Special Terms & Conditions (Attachment 1); General Terms and Conditions (Attachment 2); Certification and Assurances (Attachment 3); Statement of Work and/or Description of Project (Attachment 4); Project Development Schedule (Attachment 5); Project Budget (Attachment 6); and all other documents, exhibits and attachments expressly referenced and incorporated herein contain all the terms and conditions agreed upon by the parties and govern the rights and obligations of the parties to this Grant Agreement. No other understandings, oral or otherwise, regarding the subject matter of this Grant Agreement shall be deemed to exist or to bind any of the parties hereto.

In the event of an inconsistency in this Grant Agreement, unless otherwise provided herein, the inconsistency shall be resolved by giving precedence in the following order:

1. Applicable Federal and State Statutes and Regulations
2. Statement of Work and/or Project Description as outlined in FEMA approved Project Application
3. Special Terms and Conditions
4. General Terms and Conditions, and,
5. Other provisions of the contract incorporated by reference.

WHEREAS, the parties hereto have executed this Grant Agreement on the day and year last specified below.

### FOR THE DEPARTMENT:

Signature: [Signature]
Date: [Date]

Richard A. Woodruff, Contracts Administrator
Washington State Military Department

### FOR THE SUB-GRANTEE:

Signature: [Signature]
Date: [Date]

Jack Louws
Whatcom County Executive for the Whatcom County Flood Control Zone District Board of Supervisors

### BOILERPLATE APPROVED AS TO FORM:

Brian E. Buchholz (signature on file) 1/28/2015
Assistant Attorney General

[Form 1/16/2014 mL]

Page 1 of 38

Whatcom County Flood Control Zone District, D15-066

190
WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT:
Recommended for Approval:

[Signature] 3/19/15
Department Director  Date

Approved as to form:
Daniel L. Gibson  03/20/15
Daniel L. Gibson, Prosecuting Attorney  Date

Approved:
Accepted for Whatcom County Flood Control Zone District:

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

STATE OF WASHINGTON  )
      ) ss
COUNTY OF WHATCOM  )

On this ______ day of ____________________, 2015, 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 __________________.
**Washington State Military Department**  
**SPECIAL TERMS AND CONDITIONS**

**ARTICLE I - KEY PERSONNEL:**  
1. The individuals listed below shall be considered key personnel and point of contact. Any substitution by either party must be submitted in writing.

<table>
<thead>
<tr>
<th>SUB-GRANTEE</th>
<th>MILITARY DEPARTMENT</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Name</strong></td>
<td><strong>Name</strong></td>
</tr>
<tr>
<td>Paula J. Cooper, P.E.</td>
<td>David Spicer</td>
</tr>
<tr>
<td><strong>Title</strong></td>
<td><strong>Title</strong></td>
</tr>
<tr>
<td>River &amp; Flood Manager</td>
<td>Grants Manager</td>
</tr>
<tr>
<td><strong>E-Mail</strong></td>
<td><strong>E-Mail</strong></td>
</tr>
<tr>
<td><a href="mailto:pcooper@co.whatcom.wa.us">pcooper@co.whatcom.wa.us</a></td>
<td><a href="mailto:david.spicer@mil.wa.gov">david.spicer@mil.wa.gov</a></td>
</tr>
<tr>
<td><strong>Phone</strong></td>
<td><strong>Phone</strong></td>
</tr>
<tr>
<td>360-676-6876 x50625</td>
<td>253-512-7082</td>
</tr>
<tr>
<td><strong>Name</strong></td>
<td><strong>Name</strong></td>
</tr>
<tr>
<td>Joe Rutan (alternate)</td>
<td>David Spicer</td>
</tr>
<tr>
<td><strong>Title</strong></td>
<td><strong>Title</strong></td>
</tr>
<tr>
<td>Interim Public Works Director</td>
<td>Grants Coordinator</td>
</tr>
<tr>
<td><strong>E-Mail</strong></td>
<td><strong>E-Mail</strong></td>
</tr>
<tr>
<td><a href="mailto:jrutan@co.whatcom.wa.us">jrutan@co.whatcom.wa.us</a></td>
<td><a href="mailto:david.spicer@mil.wa.gov">david.spicer@mil.wa.gov</a></td>
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<tr>
<td><strong>Phone</strong></td>
<td><strong>Phone</strong></td>
</tr>
<tr>
<td>360-676-6692 x50627</td>
<td>253-512-7082</td>
</tr>
</tbody>
</table>

**ARTICLE II – ADMINISTRATIVE AND/OR FINANCIAL MANAGEMENT AND ACCOUNTING:**  
The SUB-GRANTEE shall comply with all applicable state and federal laws, regulations, and program guidance. A non-exclusive list of laws, regulations and guidance commonly applicable to FEMA grants are listed here for reference only, and include but are not limited to, the following:

1. Applicable FEMA CFR and Program Guidance provisions:
   - Title 44 Code of Federal Regulations (CFR) Part 206, Subpart N (206.430-.440), Hazard Mitigation Grant Program.
   - Title 44 CFR Part 79, Flood Mitigation Grants.
   - Title 44 CFR Part 80, Property Acquisition and Relocation for Open Space.
   - Title 44 CFR Part 7, Nondiscrimination in Federally Assisted Programs.
   - Title 44 CFR Part 10, Environmental Considerations.
   - Title 44 CFR Part 16, Enforcement of Nondiscrimination on the Basis of Handicap.
   - Title 44 CFR Part 17, Government wide Requirements for Drug-Free Workplace.
   - Title 44 CFR Part 18, New Restrictions on Lobbying.

2. Cost Principles:
   - 2 CFR Part 225 as revised, Cost Principles for State, Local and Indian Tribal Governments.
   - 2 CFR Part 230 as revised, Cost Principles for Non-Profit Organizations.
3. Administrative Requirements:
   • 44 CFR Part 13, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.
   • OMB Circular A-102, as revised, Grants and Cooperative Agreements with State and Local Governments.
   • 2 CFR Part 215 – OMB Circular A-110, as revised, Uniform Administrative Requirements for Grants and Cooperative Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations.
4. Audit Requirements:
   • OMB Circular A-133, as revised, Audits of States, Local Governments, and Non-Profit Organizations.
5. The Sub-Grantee shall comply with the Federal Funding Accountability and Transparency Act (FFATA) and related OMB Guidance consistent with Public Law 109-282 as amended by section 6202(a) of Public Law 110-252 (see 31 U.S.C. 6101 note), and complete and return to the Department Attachment 7 attached to and made a part of this Agreement.

ARTICLE III – COMPENSATION SCHEDULE:

1. PROJECT FUNDING
   The Department will administer the Hazard Mitigation Grant Program and will pass through the federal match and commit the required state match. The Sub-Grantee will commit the required local match.
   a. The total cost of the project (total project cost) for the purposes of this Grant Agreement is $379,750 dollars; PROVIDED that, if the total cost of the project when completed, or when this Grant Agreement is terminated, is actually less than above, the actual cost shall be substituted herein.
   b. The value of the contributions by the Sub-Grantee to the project shall be $47,468 dollars, or 12.5 percent, at minimum, of the total project cost. The Sub-Grantee’s contributions may be cash or in-kind, must be from a non-federal source, must be reasonable, allowable and allocable, and must comply with all Federal requirements and regulations.
   c. When the Department enters into an agreement with the Federal Emergency Management Agency (FEMA) to contribute federal funds to this project, that federal contribution will be $284,813 dollars, or 75 percent of the total project cost, whichever is less.
   d. The value of the contributions by the Department to the project shall be $47,469 dollars, or 12.5 percent, at minimum, of the total project cost. The Department’s contributions must be from a non-federal source and must comply with all Federal requirements and regulations.
   e. The Department shall not be obligated to pay any amount beyond that set out in Subsections c and d above, unless that additional amount has been approved in advance by both the Department and Sub-Grantee and is incorporated by written amendment into this Grant Agreement.
   f. Except as provided in Article III, 1. g. of this Agreement, some flexibility to shift funds between budget categories is allowed as follows: Transfer of funds between total direct cost categories in the approved budget will not be reimbursed without the prior written authorization of the Department and FEMA when such cumulative transfers among those approved cost categories exceed 10 percent of the total budget. Approved budget categories are as specified or defined in the Project Budget, Attachment #6.
   g. Transfer of funds between construction and non-construction budget categories is allowed only upon prior written approval and authorization of the Department. Approved budget categories are as specified or defined in the Project Budget, Attachment #6.
h. The funding for this project is provided by two grant awards. The first award letter from FEMA is dated June 25, 2014; the second award letter from FEMA is dated January 5, 2015. Both award letters are incorporated in and made a part of this Agreement by reference.

2. **GRANT AGREEMENT PERIOD**

Activities payable under this Grant Agreement and to be performed by the Sub-Grantee under this Grant Agreement shall only be those after the obligation of federal funds on January 5, 2015 and shall terminate on March 5, 2017. This period shall be referred to herein as the Grant Agreement Period and/or Period of Performance, unless expressly stated otherwise. Costs incurred during the Grant Agreement Period shall include pre-award costs authorized in writing by FEMA as well as eligible costs incurred after the effective date of the Grant Agreement Period and before termination.

a. The Sub-Grantee shall complete the project as described in the FEMA approved project application 4056-18-R, incorporated in and made a part of this Agreement by reference, and as described in Attachments #4, #5 and #6. In the event of extenuating circumstances, the Sub-Grantee may request, in writing, that the Department extend the deadline for Grant Agreement completion. The Department may, in its sole discretion, extend the deadline only by written amendment to this Agreement.

b. No expenditure made, or obligation incurred, before or after the Grant Agreement Period shall be eligible, in whole or in part, for grant funds with the exception of pre-award costs authorized in writing by FEMA. In addition to any remedy the Department may have under this Grant Agreement, the amounts set out in Article III, section 1. Project Funding, above, may be reduced to exclude any such expenditure from participation.

c. Failure to complete the project in a timely manner, as outlined in Attachment #5, is a material breach of this Grant Agreement for which the Department is entitled to termination or suspension under Attachment 2, section A.35.

3. **PROJECT PAYMENT(s)**

The Department, using disaster funds from PL 93-288, the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, and the State of Washington, for the Hazard Mitigation Grant Program, shall issue payments to the Sub-Grantee as follows:

a. Payment for eligible, reimbursable work completed and billed on an A-19, Voucher Distribution, upon receipt of acceptable documentation, to include, but not limited to, copies of receipts for all goods and services purchased, copies of invoices from contractors and subcontractors for work completed, and copies of timesheets for staff involved with the project, sign-in/sign-out sheets for donated personnel and/or volunteer time spent on the project, and documentation to support other in-kind contributions.

b. The Department reserves the right to withhold disbursement of up to 10 percent of the total project cost, as specified in Article III, section 1, Project Funding, to the Sub-Grantee until the project has been completed and given final approval by the Department.

c. Final Payment: Final payment of any remaining, or withheld, funds will be made within 60 days after submission by the Sub-Grantee of the final report, final A-19, Voucher Distribution, and completion of all final inspections by the Department. Final payment by the Department also may be conditioned upon a financial review, if determined necessary by the Department. Adjustments to the final payment may be made following any audits conducted by the Department, Washington State Auditor’s Office, the United States Inspector General, or their authorized representatives.
ARTICLE IV – DOCUMENTATION
The Sub-Grantee is required to retain all documentation which adequately identifies the source and application of all mitigation grant funds for six years following the closure of this grant. For all funds received, source documentation includes adequate accounting of actual costs and recoveries incurred.

ARTICLE V – REPORTS:
1. In addition to the reports as may be required elsewhere in this Grant Agreement, the Sub-
Grantee shall promptly prepare and submit the following reports to the Department’s Key Personnel:
   a. Quarterly progress reports, no later than the 15th day following the end of the fiscal quarter, indicating the status of the project, to include a brief narrative on progress during the quarter. The report shall identify the costs incurred to date, the percentage of work completed, the anticipated completion date of the project, and whether cost under runs or over runs are expected. In addition, the Sub-Grantee should note any challenges or issues associated with the project. Failure to submit a complete quarterly report within 15 days following the end of the quarter will result in suspension of all payments to the Sub-Grantee until a complete quarterly report is received by the Department.
   b. A final report when the project is completed, prematurely terminated, or project assistance is terminated. The report shall include a final accounting of all expenditures and a description of work accomplished. If the project is not completed, the report shall contain an estimate of the percentage of completion, and shall indicate the degree of usefulness of the completed project. The report shall account for all expenditures not previously reported and shall include a summary for the entire project.

ARTICLE VI – TIME EXTENSIONS
A time extension request for Grant Agreement completion must be submitted by the Sub-
Grantee to the Department no later than 60 days before the end of the Period of Performance. A time extension request must be in writing and identify the project, the reason the project has not been completed within the approved Period of Performance, a current status of the completion of the work, a detailed timeline for completion of the remaining elements, and an anticipated completion date for the completion of the remaining work. Failure to timely submit a complete time extension request may result in denial of the time extension and loss of funding for the project.

ARTICLE VII – SUBRECIPIENT MONITORING:
1. The Department may monitor the use of project funding, costs, and activities by the Sub-
Grantee under this Grant Agreement during the Period of Performance and for the life of any equipment purchased under this Grant Agreement for compliance with federal and state laws and regulations, audit requirements, federal grant guidance, and applicable federal and state financial regulations, as well as 2 CFR Part 200 Subpart F or OMB Circular A-133, as amended. As a subrecipient of federal financial assistance under 2 CFR Part 200 Subpart F/Circular A-133, the Sub-grantee shall complete and return to the Department Attachment 8 “2 CFR Part 200 Subpart F/OMB Circular A-133 Audit Certification Form” with the signed Grant Agreement and each fiscal year thereafter until the Grant Agreement is closed, which form is incorporated in and made a part of this Agreement.
2. Monitoring activities may include, but are not limited to:
   a. Review of quarterly project performance reports;
   b. Review of all documentation related to Sub-Grantee completion of Grant Agreement deliverables and compliance with the Grant Agreement;
c. Review of reimbursement requests to ensure allowability and consistency with Grant Agreement budget;

d. On-site visits with the Sub-Grantee and of the project to review work in progress, equipment records and inventories, verify source documentation for reimbursement requests and performance reports, verify other supporting documentation, and verify completion of the project funded under this Grant Agreement.

3. As a subrecipient of federal funds, the Sub-Grantee is required to meet or exceed the monitoring activities, as outlined above, for all contractors, consultants, and subrecipients who receive pass-through funding from this Grant Agreement.

ARTICLE VIII – CLOSE-OUT

To initiate close-out, the Sub-Grantee is required to certify in writing the date completed and total amount expended on the project on FINAL PROJECT REPORT form to the Department. After receipt of the FINAL PROJECT REPORT form, the Department will conduct a site inspection and review supporting documentation for compliance with the requirements of the Grant Agreement.

Prior to project close-out, the Sub-Grantee shall provide the Department with acceptable documentation supporting compliance with the Grant Agreement. General documentation supporting compliance with the Grant Agreement typically includes, but is not limited to, the following:

- Photographs of the structures or properties involved in the project prior to project implementation and after project implementation.
- Digital geospatial coordinates (latitude and longitude) for each structure with an accuracy of ± 20 meters (64) feet.
- Certificate of occupancy or equivalent documentation from the appropriate regulatory authority for each structure to certify it is code-compliant.
- Certification that the Sub-Grantee has met the environmental and historic preservation conditions of the grant award as described in this Grant Agreement.
- Copies of all compliance and consultation documentation required by the grant award as described in the Grant Agreement (e.g., coastal zone management consistency determination from Department of Ecology).
- Copies of all documentation related to inspection for and removal and disposal of asbestos and other hazardous materials from each property.

Specific additional documentation requirements for projects to acquire properties for open space include, but are not limited to, the following:

- Signed Statement of Voluntary Participation from owner of each acquired property.
- Documentation of dates of acquisition and structure demolition or removal from property for each property.
- Copy of recorded open space deed restrictions for each acquired property.
- Copy of AW-501 form filed with National Flood Insurance Program for each acquired repetitive loss property.
- Documentation of consultation with Army Corps of Engineers and State Department of Transportation regarding future use of each property.

Specific additional documentation requirements for projects to elevate structures above the base flood elevation include, but are not limited to, the following:

- Photographs of the structures prior to elevation, and front, rear and side photos post-elevation.
- Copies of the pre-project elevation certificate for each structure, or documentation of methodology used to calculate the first-floor elevations.
• Copies of the post-project elevation certificate for each structure.
• Copies of certificate of occupancy for each elevated structure to certify that it is code compliant.
• Certification by an engineer, floodplain manager or other senior official of the Sub-Grantee that each completed structural elevation is in compliance with local ordinances and National Flood Insurance Program regulations and technical bulletins.
• Copy of AW-501 form filed with National Flood Insurance Program for each elevated repetitive loss property.
• Copies of proof of flood insurance for each elevated structure.
• Copies of the recorded deed restriction related to maintenance of flood insurance for each property within the Special Flood Hazard Area.

The Department will consult with the Sub-Grantee regarding other documentation requirements of the Grant Agreement throughout the Period of Performance.

ARTICLE IX — ADDITIONAL SPECIAL CONDITIONS

1. CONSTRUCTION DOCUMENTS, CONTRACTS, CHANGE ORDERS

   a. Construction Document Approval: The Sub-Grantee agrees to submit one copy of all construction plans and specifications to the Department for review and approval prior to solicitation of bids for construction. Review by the Department will be for compliance with the terms of this Grant Agreement.

   b. Construction Contracts: Construction contracts shall be awarded through a process of competitive bidding, if required by federal, state and local law and in compliance with applicable procurement requirements of 44 CFR Part 13, section 13.36. Copies of all bids and contracts awarded shall be submitted to the Department upon request. Where all bids are substantially in excess of project estimates, the Department may, by notice in writing, suspend the project for determination of appropriate action, which may include termination of the Grant Agreement.

   c. Construction Change Order: All change orders must be in writing and shall be submitted to the Department. The Sub-Grantee shall pay any increase in the cost of the project as the result of a change order, unless the Department has agreed to the change with a written amendment to this Grant Agreement.

2. PROCUREMENT

   The Sub-Grantee shall comply with the requirements of 44 CFR Part 13, section 13.36, Procurement, when procuring services, supplies, and property funded by this grant agreement. The Sub-Grantee must use its own procurement procedures which are consistent with applicable State and local laws and regulations, provided that the procurements conform to applicable Federal law and the standards identified in 44 CFR Part 13, section 13.36 as amended. Depending upon the scale of the procurement and the type of services or property to be procured under this Grant Agreement, the Sub-Grantee must use one of the following for its procurement:

   a. Small purchases. The Sub-Grantee shall obtain price or rate quotations from an adequate number of qualified sources for securing services, supplies, or other property that do not cost more than the federal simplified acquisition threshold, currently set at $100,000.

   b. Sealed bids (formal advertising). The Sub-Grantee shall publicly solicit and award a firm-fixed-price contract (lump sum or unit price) to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price.

   c. Competitive proposals. The Sub-Grantee, when conditions are not appropriate for the use of sealed bids, shall solicit competitive proposals when more than one source is
submitting an offer, and either a fixed-price or cost-reimbursement type contract is awarded.

d. Non-competitive proposals. The Sub-Grantee may procure services or property through solicitation of a proposal from only one source, or after solicitation of a number of sources if competition is determined inadequate. Procurement by noncompetitive proposals may be used only when the award of a contract is infeasible under small purchase procedures, sealed bids or competitive proposals, and one of the following circumstances applies: the item is available only from a single source; the public exigency or emergency for the requirement will not permit a delay resulting from competitive solicitation; the Department authorizes noncompetitive proposals; or competition is determined inadequate after solicitation of a number of sources.

The Sub-Grantee must maintain a contract administration system which ensures that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

The Sub-Grantee will make awards only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources.

The Sub-Grantee will maintain records sufficient to detail the significant history of the procurement. These records will include, but are not limited to the following: rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

The Sub-Grantee will conduct all procurement transactions in a manner providing full and open competition consistent with the standards of 44 CFR Part 13, section 13.36.

3. ACQUISITION AND MANAGEMENT OF EQUIPMENT

The Sub-Grantee agrees that all equipment purchased under this Grant Agreement will be recorded and maintained in the Sub-Grantee’s equipment inventory system, in compliance with 44 CFR 13.32, Equipment.

a. Upon successful completion of the terms of this Grant Agreement, all equipment purchased through this Grant Agreement will be owned by the Sub-Grantee.

b. The Sub-Grantee shall be responsible for any and all operation and maintenance expenses and for the safe operation of their equipment including all questions of liability.

c. The Sub-Grantee shall maintain equipment records that include: a description of the property; the manufacturer’s serial number, model number, or other identification number; the source of the equipment, including the Catalog of Federal Domestic Assistance (CFDA) number; who holds title; the acquisition date; the cost of the equipment and the percentage of Federal participation in the cost; the location, use and condition of the equipment at the date the information was reported; and disposition data including the date of disposal and sale price of the property.

d. Records for equipment shall be retained by the Sub-Grantee for a period of six years from the date of the disposition, replacement or transfer. If any litigation, claim, or audit is started before the expiration of the six year period, the records shall be retained by the Sub-Grantee until all litigation, claims, or audit findings involving the records have been resolved.

e. The Sub-Grantee shall take a physical inventory of the equipment and reconcile the results with the property records at least once every two years. Any differences between quantities determined by the physical inspection and those shown in the records shall be investigated by the Sub-Grantee to determine the cause of the difference. The Sub-Grantee shall, in connection with the inventory, verify the existence, current utilization, and continued need for the equipment.
f. The Sub-Grantee shall develop a control system to ensure adequate safeguards to prevent loss, damage, and theft of the property. Any loss, damage or theft shall be investigated and a report generated.

g. The Sub-Grantee will develop adequate maintenance procedures to keep the property in good condition.

h. If the Sub-Grantee is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return.

i. When original or replacement equipment is no longer needed for the original project or program or for other activities currently or previously supported by a Federal agency, disposition of the equipment will be made as follows:
   i. Items of equipment with a current per-unit fair market value of less than $5,000 may be retained, sold or otherwise disposed of by the Sub-Grantee with no further obligation to the awarding agency.
   ii. Items of equipment with a current per-unit fair market value of more than $5,000 may be retained or sold and the Sub-Grantee shall compensate the Federal-sponsoring agency for its share.

j. As a subrecipient of federal funds, the Sub-Grantee must pass on equipment management requirements that meet or exceed the requirements outlined above for all contractors, consultants, and subrecipients who receive pass-through funding from this grant agreement.

4. As a recipient of federal financial assistance under this Agreement, the Sub-Grantee shall comply with all applicable state and federal statutes, regulations, executive orders, and guidelines, including but not limited to the following:

   a. All applicable state and federal statutes, regulations and executive orders relating to nondiscrimination, including but not limited to the following: (a) Title VI of the Civil Rights Act of 1964, as amended (42 U.S.C. 2000d et seq.) which prohibits discrimination on the basis of race, color or national origin; (b) the Civil Rights Act of 1968 (42 U.S.C. 3601), which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex; (c) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681 et seq.), which prohibits discrimination on the basis of sex; (d) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C §794), which prohibits discrimination on the basis of disability; (e) the Age Discrimination Act of 1975, as amended (42 U.S.C §§6101 et seq.), which prohibits discrimination on the basis of age; (j) Clean Air Act of 1970, (k) Clean Water Act of 1977, (n) Coastal Wetlands Planning, (o) Protection, and Restoration Act of 1990, (f) the Fair Housing Amendments Act of 1988, as amended (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (g) the Americans with Disabilities Act, as amended (42 U.S.C. §§ 12101-12213) which prohibits discrimination on the basis of disability; and (h) Executive Order 13166 Improving Access to Services for Persons with Limited English Proficiency.

   b. All applicable state and federal statutes, regulations, executive orders and guidelines relating to environmental and historical preservation, including but not limited to the following: (a) the Coastal Wetlands Planning, Protection and Restoration Act of 1990, as amended (16 U.S.C. 3951 et seq.), Executive Order 11990 and 44 CFR Part 9; (b) the Clean Air Act of 1970, as amended (42 U.S.C. §7401) and the Clean Water Act of 1977, as amended (33 U.S.C. §§ 1251-1387) and Executive Order 11738; (c) floodplains management pursuant to EO 11988, as amended; (e) the Coastal Zone Management Act of 1972, as amended (P.L. 92-583, 16 U.S.C. §§1451 et seq.); (d) the National Environmental Policy Act, as amended (42 U.S.C. §4321); (e) the Safe Drinking Water Act of 1974, as

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amended (PL 93-523); (f) the Endangered Species Act of 1973, as amended (PL 93-205); and (g) the National Historic Preservation Act, as amended (PL 89-665, 16 U.S.C. §470 et seq.) and 36 CFR Part 800.


d. Section 106(g) of the Trafficking Victims Protection Act of 2000, as amended (22 U.S.C. §7104) and 2 CFR §175.


5. The Sub-grantee must comply with any Federal requirements to acknowledge Federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with Federal funds.

6. The Sub-grantee must obtain FEMA and Department of Homeland Security (DHS) approval prior to using the FEMA or DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

7. The Sub-grantee must ensure that any project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

8. If, during the past three years, the sub-grantee has been accused of discrimination on the grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status, the Sub-grantee must provide a list of all such proceedings, pending or completed, including outcome and copies of settlement agreements to the Department for forwarding to the DHS awarding office and the DHS Office of Civil Rights and Civil Liberties. In the event any court or administrative agency makes a finding of discrimination on grounds of race, color, national origin (including limited English proficiency), sex, age, disability, religion, or familial status against the Sub-grantee, or the Sub-grantee settles a case or matter alleging such discrimination, Sub-grantees must forward a copy of the complaint and findings to the DHS Component and/or awarding office. The United States has the right to seek judicial enforcement of these obligations.

9. If the Sub-grantee collects personally identifiable information (PII), the Sub-grantee must have a publically-available policy that describes what PII is collected, how the PII is used, whether the PII is shared with third parties, and how individuals may have their PII corrected as necessary.

10. The Sub-grantee and any of its sub-recipients are required to be non-delinquent in repayment of any Federal debt.
A.1 DEFINITIONS
As used throughout this Grant Agreement, the following terms will have the meaning set forth below:

a. "Department" means the Washington State Military Department, as a state agency, any division, section, office, unit or other entity of the Department, or any of the officers or other officials lawfully representing that Department.

b. "Sub-grantee" means the government or other eligible legal entity to which a sub-grant is awarded and which is accountable to the Grantee for the use of the funds provided under this Grant Agreement, and includes all employees of the Sub-grantee and any sub-contractor retained by the Sub-grantee as permitted under the terms of this Grant Agreement. The term "Sub-grantee" and "Contractor" may be used interchangeably in this Agreement.

c. "Sub-grantee Agent" means the official representative and alternate designated or appointed by the Sub-grantee in writing and authorized to make decisions on behalf of the Sub-grantee.

d. "Grantee" means the government to which a grant is awarded and which is accountable for the use of the funds provided. The Grantee is an entire legal entity even if only a particular component of the entity is designated in the grant award document. For the purpose of this Grant Agreement, the state of Washington is the Grantee. The Grantee and the Department are one and the same.

e. "Monitoring Activities" means all administrative, financial, or other review activities that are conducted to ensure compliance with all state and federal laws, rules, authorities, and policies.

f. "Project" shall mean those activities as described in the FEMA approved project application 4056-18-R, which are incorporated in and made a part of this Agreement by reference, and as described in Attachments #4, #5 and #6.

g. "PL" – is defined and used herein to mean the Public Law.

h. "CFR" – is defined and used herein to mean the Code of Federal Regulations.

i. "OMB" – is defined and used herein to mean the Office of Management and Budget.

j. "WAC" – is defined and used herein to mean the Washington Administrative Code.

k. "RCW" – is defined and used herein to mean the Revised Code of Washington.

A.2 SINGLE AUDIT ACT REQUIREMENTS (including all AMENDMENTS)
Non-federal entities, as subrecipients of a federal award, that expend $750,000 or more in one fiscal year of federal funds from all sources, direct and indirect, are required to have a single or a program-specific audit conducted in accordance with 2 CFR Part 200 Subpart F or Office of Management and Budget (OMB) Circular A-133-Audits of States, Local Governments, and Non-Profit Organizations (amended June 27, 2003, effective for fiscal years ending after December 31, 2003, and further amended June 26, 2007), as applicable. Non-federal entities that spend less than $750,000 a year in federal awards are exempt from federal audit requirements for that year, except as noted in 2 CFR Part 200 Subpart F/Circular No. A-133. As defined in 2 CFR Part 200/Circular A-133, the term “non-federal entity” means a State, local government, Indian tribe, institution of higher education, or non-profit organization that carries out a federal award as a recipient or subrecipient.

Sub-grantees that qualify as subrecipients required to have an audit must ensure the audit is performed in accordance with Generally Accepted Government Auditing Standards (GAGAS) as found in the Government Auditing Standards (the Revised Yellow Book) developed by the United States Comptroller General and the OMB Compliance Supplement. The Sub-grantee has the responsibility of notifying its auditor and requesting an audit in compliance with 2 CFR Part 200 Subpart F/Circular A-133, to
include the Washington State Auditor's Office, a federal auditor, or a public accountant performing work using GAGAS, as appropriate. Costs of the audit may be an allowable grant expenditure as authorized by 2 CFR Part 200 Subpart F/Circular A-133.

The Sub-grantee shall maintain auditable records and accounts so as to facilitate the audit requirement and shall ensure that any sub-contractors also maintain auditable records.

The Sub-grantee is responsible for any audit exceptions incurred by its own organization or that of its sub-contractors. Responses to any unresolved management findings and disallowed or questioned costs shall be included with the audit report. The Sub-grantee must respond to Department requests for information or corrective action concerning audit issues or findings within 30 days of the date of request. The Department reserves the right to recover from the Sub-grantee all disallowed costs resulting from the audit.

Once the single audit has been completed, the Sub-grantee must send a full copy of the audit to the Department and a letter stating there were no findings, or if there were findings, the letter should provide a list of the findings. The Sub-grantee must send the audit and the letter no later than nine (9) months after the end of the Sub-grantee's fiscal year(s) to:

Contracts Office
Washington Military Department
Finance Division, Building #1 TA-20
Camp Murray, WA 98430-5032

In addition to sending a copy of the audit, the Sub-grantee must include a corrective action plan for any audit findings and a copy of the management letter if one was received.

If Sub-grantee claims it is exempt from the audit requirements of 2 CFR Part 200 Subpart F/Circular A-133, Sub-grantee must send a letter identifying this Grant Agreement and explaining the criteria for exemption no later than nine (9) months after the end of the Sub-grantee fiscal year(s) to:

Contracts Office
Washington Military Department
Finance Division, Building #1 TA-20
Camp Murray, WA 98430-5032

The Department retains the sole discretion to determine whether a valid claim for an exemption from the audit requirements of this provision has been established.

The Sub-grantee shall include the above audit requirements in any sub-contracts.

Conducting a single or program-specific audit in compliance with 2 CFR Part 200 Subpart F/Circular A-133 is a material requirement of this Grant Agreement. In the absence of a valid claim of exemption from the audit requirements of 2 CFR Part 200 Subpart F/Circular A-133, the Sub-grantees failure to comply with said audit requirements may result in one or more of the following actions in the Department’s sole discretion: a percentage of federal awards being withheld until the audit is completed in accordance with 2 CFR Part 200 Subpart F/Circular A-133; the withholding or disallowing of overhead costs; the suspension of federal awards until the audit is conducted and submitted; or termination of the federal award.

A.3 ADVANCE PAYMENTS PROHIBITED
The Department shall make no payments in advance or in anticipation of goods or services to be provided under this Agreement. Sub-grantee shall not invoice the Department in advance of delivery and invoicing of such goods or services.
A.4 AMENDMENTS AND MODIFICATIONS
The Sub-grantee or the Department may request, in writing, an amendment or modification of this Grant Agreement. However, such amendment or modification shall not be binding, take effect or be incorporated herein until made in writing and signed by the authorized representatives of the Department and the Sub-grantee. No other understandings or agreements, written or oral, shall be binding on the parties.

The Sub-grantee must comply with the ADA, which provides comprehensive civil rights protection to individuals with disabilities in the areas of employment, public accommodations, state and local government services, and telecommunication.

A.6 APPLICATION REPRESENTATION-MISREPRESENTATION, INACCURACY AND BREACH
The Department relies upon the Sub-Grantee's application in making its determinations as to eligibility for, selection for, and scope of funding grants. Any misrepresentation, error or inaccuracy in any part of the application may be deemed a breach of this Grant Agreement.

A.6 ASSURANCES
Department and Sub-grantee agree that all activity pursuant to this Grant Agreement will be in accordance with all the applicable current federal, state and local laws, rules and regulations.

A.7 CERTIFICATION REGARDING DEBARMENT, SUSPENSION, OR INELIGIBILITY
As federal funds are a basis for this Grant Agreement, the Sub-grantee certifies that the Sub-grantee is not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in this Grant Agreement by any federal department or agency.

If requested by the Department, the Sub-grantee shall complete and sign a Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion form. Any such form completed by the Sub-grantee for this Grant Agreement shall be incorporated into this Grant Agreement by reference.

Further, the Sub-grantee agrees to comply with all applicable federal regulations concerning the federal debarment and suspension system, including 2 CFR Part 180. The Sub-grantee certifies that it will ensure that potential sub-contractors or sub-recipients or any of their principals are not debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in "covered transactions" by any federal department or agency. "Covered transactions" include procurement contracts for goods or services awarded under a non-procurement transaction (e.g. grant or cooperative agreement) that are expected to equal or exceed $25,000, and sub-awards to sub-recipients for any amount. With respect to covered transactions, the Sub-grantee may comply with this provision by obtaining a certification statement from the potential sub-contractor or sub-recipient or by checking the System for Award Management (http://www.sam.gov) maintained by the federal government. The Sub-grantee also agrees not to enter into any arrangements or contracts with any party on the Washington State Department of Labor and Industries "Debarred Contractor List" (http://www.lni.wa.gov/TradesLicensing/PrevWage/AwardingAgencies/DebarredContractors/).
The SUB-GRAANTEE also agrees not to enter into any agreements or contracts for the purchase of goods and services with any party on the Department of Enterprise Services' Debarred Vendor List (http://www.des.wa.gov/services/ContractingPurchasing/Business/Pages/Vendor-Debarment.aspx).
A.8 CERTIFICATION REGARDING RESTRICTIONS ON LOBBYING
As required by 44 CFR Part 18, the Sub-grantee hereby certifies that to the best of its knowledge and belief: (1) no federally appropriated funds have been paid or will be paid by or on behalf of the Sub-grantee to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement; (2) that if any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Grant Agreement, grant, loan, or cooperative agreement, the Sub-grantee will complete and submit Standard Form-LLL, “Disclosure Form to Report Lobbying,” in accordance with its instructions; (3) and that, as applicable, the Sub-grantee will require that the language of this certification be included in the award documents for all subawards at all tiers (including sub-contracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all sub-recipients shall certify and disclose accordingly. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into, and is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code.

A.9 CONFLICT OF INTEREST
No officer or employee of the Department; no member, officer, or employee of the Sub-grantee or its designees or agents; no member of the governing body of the jurisdiction in which the project is undertaken or located; and no other official of such the Sub-grantee who exercises any functions or responsibilities with respect to the project during his or her tenure, shall have any personal or pecuniary gain or interest, direct or indirect, in any contract, subcontract, or the proceeds thereof, for work to be performed in connection with the project assisted under this Grant Agreement. The Sub-grantee shall incorporate, or cause to incorporate, in all such contracts or subcontracts, a provision prohibiting such interest pursuant to this provision.

A.10 COMPLIANCE WITH APPLICABLE STATUTES, RULES AND DEPARTMENT POLICIES
The Sub-grantee and all its contractors shall comply with, and the Department is not responsible for determining compliance with, any and all applicable federal, state, and local laws, regulations, executive orders, OMB Circulars, and/or policies. This obligation includes, but is not limited to: nondiscrimination laws and/or policies, Energy Policy and Conservation Act (PL 94-163, as amended), the Americans with Disabilities Act (ADA), the Robert T. Stafford Disaster Relief and Emergency Assistance Act, (PL 93-288, as amended), Ethics in Public Service (RCW 42.52), Covenant Against Contingent Fees (48 CFR Section 52.203-5), Public Records Act (RCW 42.56), Prevailing Wages on Public Works (RCW 39.12), State Environmental Policy Act (RCW 43.21C), Shoreline Management Act of 1971 (RCW 90.58), State Building Code (RCW 19.27), Energy Related Building Standards (RCW 19.27A), Provisions in Buildings for Aged and Handicapped Persons (RCW 70.92), and safety and health regulations.

In the event of the Sub-grantee’s or its contractor’s noncompliance or refusal to comply with any applicable law, regulation, executive order, OMB Circular or policy, the Department may rescind, cancel, or terminate the Grant Agreement in whole or in part in its sole discretion. The Sub-grantee is responsible for all costs or liability arising from its failure to comply with applicable law, regulation, executive order, OMB Circular or policy.
A.11 DISCLOSURE
The use or disclosure by any party of any information concerning the Department for any purpose not directly connected with the administration of the Department's or the Sub-grantee's responsibilities with respect to services provided under this Grant Agreement is prohibited except by prior written consent of the Department or as required to comply with the state Public Records Act, other law or court order.

A.12 DISPUTES
Except as otherwise provided in this contract, when a bona fide dispute arises between the parties and it cannot be resolved through discussion and negotiation, either party may request a dispute resolution panel to resolve the dispute. A request for a dispute resolution board shall be in writing, state the disputed issues, state the relative positions of the parties, and be sent to all parties. The panel shall consist of a representative appointed by the Department, a representative appointed by the Contractor and a third party mutually agreed upon by both parties. The panel shall, by majority vote, resolve the dispute. Each party shall bear the cost for its panel member and its attorney fees and costs, and share equally the cost of the third panel member.

A.13 DUPLICATION OF BENEFITS
The Sub-Grantee agrees that the mitigation grant funds for which federal or state assistance is requested does not, or will not, duplicate benefits or funds received for the same purpose from any other source. The Sub-Grantee will pursue full payment of eligible insurance benefits for properties covered in a project under this Grant Agreement. The Sub-Grantee will repay any mitigation grant funds that are duplicated by other benefits, funds, or insurance proceeds.

A.14 HAZARDOUS SUBSTANCES
The Sub-Grantee shall inspect and investigate the proposed development/construction site for the presence of hazardous substances. The Sub-Grantee shall fully disclose to the Department the results of its inspection and investigation and all other knowledge the Sub-Grantee has as to the presence of any hazardous substances at the proposed development/construction project site. The Sub-Grantee will be responsible for any associated clean-up costs. "Hazardous Substance" is defined in RCW 70.105D.020 (10).

A.15 LEGAL RELATIONS
It is understood and agreed that this Grant Agreement is solely for the benefit of the parties to the Grant Agreement and gives no right to any other party. No joint venture or partnership is formed as a result of this Grant Agreement.

To the extent allowed by law, the Sub-grantee, its successors or assigns, will protect, save and hold harmless the Department, the State of Washington, and the United States Government and their authorized agents and employees, from all claims, actions, costs, damages or expenses of any nature whatsoever by reason of the acts or omissions of the Sub-grantee, its sub-contractors, assigns, agents, contractors, consultants, licensees, invitees, employees or any person whomsoever arising out of or in connection with any acts or activities authorized by this Grant Agreement.

To the extent allowed by law, the Sub-grantee further agrees to defend the Department and the State of Washington and their authorized agents and employees in any litigation; including payment of any costs or attorneys' fees for any claims or action commenced thereon arising out of or in connection with acts or activities authorized by this Grant Agreement.

This obligation shall not include such claims, costs, damages or expenses which may be caused by the sole negligence of the Department; provided, that if the claims or damages are caused by or result from the concurrent negligence of (1) the Department,
and (2) the Sub-grantee, its agents, or employees, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the Sub-grantee, or Sub-grantee’s agents or employees.

Insofar as the funding source, the Department of Homeland Security (DHS)/Federal Emergency Management Agency (FEMA), is an agency of the federal government, the following shall apply:

44 CFR 206.9 Non-liability. The federal government shall not be liable for any claim based upon the exercise or performance of, or the failure to exercise or perform a discretionary function or duty on the part of a federal agency or an employee of the federal government in carrying out the provisions of the Stafford Act.

A.16 LIMITATION OF AUTHORITY – Authorized Signature
The signatories to this Agreement represent that they have the authority to bind their respective organizations to this Agreement. Only the Department’s Authorized Signature representative and the Authorized Signature representative of the Sub-grantee or Alternate for the Sub-grantee, formally designated in writing, shall have the express, implied, or apparent authority to alter, amend, modify, or waive any clause or condition of this Grant Agreement. Any alteration, amendment, modification, or waiver of any clause or condition of this Grant Agreement is not effective or binding unless made in writing and signed by both parties Authorized Signature representatives. Further, only the Authorized Signature representative or Alternate for the Sub-grantee shall have signature authority to sign reimbursement requests, time extension requests, amendment and modification requests, requests for changes to projects or work plans, and other requests, certifications and documents authorized by or required under this Agreement.

A.17 LOSS OR REDUCTION OF FUNDING
In the event 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 normal completion or end date, the Department may unilaterally reduce the scope of work and budget or unilaterally terminate all or part of the Agreement as a “Termination for Cause” without providing the Sub-grantee an opportunity to cure. Alternatively, the parties may renegotiate the terms of this Agreement under “Amendments and Modifications” to comply with new funding limitations and conditions, although the Department has no obligation to do so.

A.18 NONASSIGNABILITY
Neither this Grant Agreement, nor any claim arising under this Grant Agreement, shall be transferred or assigned by the Sub-grantee.

A.19 NONDISCRIMINATION
The Sub-grantee shall comply with all applicable federal and state non-discrimination laws, regulations, and policies. No person shall, on the grounds of age, race, creed, color, sex, sexual orientation, religion, national origin, marital status, honorably discharged veteran or military status, or disability (physical, mental, or sensory) be denied the benefits of, or otherwise be subjected to discrimination under any project, program, or activity, funded, in whole or in part, under this Grant Agreement.

A.20 NOTICES
The Sub-grantee shall comply with all public notices or notices to individuals required by applicable local, state and federal laws and shall maintain a record of this compliance.

A.21 OCCUPATIONAL SAFETY/HEALTH ACT and WASHINGTON INDUSTRIAL SAFETY/HEALTH ACT (OSHA/WISHA)
The Sub-grantee represents and warrants that its work place does now or will meet all applicable federal and state safety and health regulations that are in effect during the Sub-grantee’s performance under this Grant Agreement. To the extent allowed by law, the Sub-grantee further agrees to indemnify and hold harmless the Department and its
employees and agents from all liability, damages and costs of any nature, including but not limited to, costs of suits and attorneys’ fees assessed against the Department, as a result of the failure of the Sub-grantee to so comply.

A.22 OWNERSHIP OF PROJECT/CAPITAL FACILITIES
The Department makes no claim to any capital facilities or real property improved or constructed with funds under this Grant Agreement, and by this grant of funds does not and will not acquire any ownership interest or title to such property of the Sub-grantee. The Sub-grantee shall assume all liabilities arising from the ownership and operation of the project and agrees to hold the Department and the state of Washington and the United States government harmless from any and all causes of action arising from the ownership and operation of the project.

A.23 POLITICAL ACTIVITY
No portion of the funds provided herein shall be used for any partisan political activity or to further the election or defeat of any candidate for public office or influence the approval or defeat of any ballot issue.

A.24 PRIVACY
Personal information collected, used or acquired in connection with this agreement shall be used solely for the purposes of this agreement. Sub-Grantee and its subcontractors agree not to release, divulge, publish, transfer, sell or otherwise make known to unauthorized persons personal information without the express written consent of the Department or as provided by law or court order. Sub-Grantee agrees to implement physical, electronic and managerial safeguards to prevent unauthorized access to personal information.

The Department reserves the right to monitor, audit, or investigate the use of personal information collected, used or acquired by the Sub-Grantee through this contract. The monitoring, auditing or investigating may include but is not limited to “salting” by the Department. Salting is the act of placing a record containing unique but false information in a database that can be used later to identify inappropriate disclosure of data contained in the database.

Any breach of this provision may result in termination of the contract and the demand for return of all personal information. The Sub-Grantee agrees to indemnify and hold harmless the Department for any damages related to the Sub-Grantee’s unauthorized use, loss or disclosure of personal information.

For purposes of this provision, personal information includes, but is not limited to, information identifiable to an individual that relates to a natural person’s health, finances, education, business, use or receipt of governmental services, or other activities, names, addresses, telephone numbers, social security numbers, driver license numbers, financial profiles, credit card numbers, financial identifiers and other identifying numbers.

A.25 PROHIBITION AGAINST PAYMENT OF BONUS OR COMMISSION
The assistance provided under this Grant Agreement shall not be used in payment of any bonus or commission for the purpose of obtaining approval of the application for such assistance or any other approval or concurrence under this Grant Agreement provided, however, that reasonable fees or bona fide technical consultant, managerial, or other such services, other than actual solicitation, are not hereby prohibited if otherwise eligible as project costs.

A.26 PUBLICITY
The Sub-grantee agrees to submit to the Department prior to issuance all advertising and publicity matters relating to this Grant Agreement wherein the Department’s name is mentioned or language used from which the connection of the Department’s name may, in the Department’s judgment, be inferred or implied. The Sub-grantee agrees not to publish or use such advertising and publicity matters without the prior written consent of the Department. The Sub-grantee may copyright original work it develops in the course
of or under this Grant Agreement; however, pursuant to 44 CFR 13.34, FEMA reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use the work for government purposes.

Publication resulting from work performed under this Grant Agreement shall include an acknowledgement of FEMA’s financial support, by CFDA number, and a statement that the publication does not constitute an endorsement by FEMA or reflect FEMA’s views.

A.27 RECAPTURE PROVISION
In the event the Sub-grantee fails to expend funds under this Agreement in accordance with applicable federal, state, and local laws and/or the provisions of the Grant Agreement, the Department reserves the right to recapture funds in an amount equivalent to the extent of noncompliance. Such right of recapture shall exist for the life of the project following Grant Agreement termination. Repayment by the Sub-grantee of funds under this recapture provision shall occur within 30 days of demand.

In the event the Department is required to institute legal proceedings to enforce the recapture provision, the Department shall be entitled to its costs thereof, including attorney fees.

A.28 RECORDS
a. The Sub-grantee agrees to maintain all books, records, documents, receipts, invoices and all other electronic or written records necessary to sufficiently and properly reflect the Sub-grantee’s contracts, grant administration, and payments, including all direct and indirect charges, and expenditures in the performance of this Grant Agreement (the “records”).

b. The Sub-grantee’s records related to this Grant Agreement and the projects funded may be inspected and audited by the Department or its designee, by the Office of the State Auditor, DHS, FEMA or their designees, by the Comptroller General of the United States or its designees, or by other state or federal officials authorized by law, for the purposes of determining compliance by the Sub-grantee with the terms of this Grant Agreement and to determine the appropriate level of funding to be paid under the Grant Agreement.

c. The records shall be made available by the Sub-grantee for such inspection and audit, together with suitable space for such purpose, at any and all times during the Sub-grantee’s normal working day.

d. The Sub-grantee shall retain and allow access to all records related to this Grant Agreement and the funded project(s) for a period of at least six (6) years following final payment and closure of the grant under this Grant Agreement.

A.29 RESPONSIBILITY FOR PROJECT/STATEMENT OF WORK/WORK PLAN

While the Department undertakes to assist the Sub-grantee with the project/ statement of work/work plan (project) by providing grant funds pursuant to this Grant Agreement, the project itself remains the sole responsibility of the Sub-grantee. The Department undertakes no responsibility to the Sub-grantee, or to any third party, other than as is expressly set out in this Grant Agreement.

The responsibility for the design, development, construction, implementation, operation and maintenance of the project, as these phrases are applicable to this project, is solely that of the Sub-grantee, as is responsibility for any claim or suit of any nature by any third party related in any way to the project.

Prior to the start of any construction activity, the Sub-grantee shall ensure that all applicable Federal, State, and local permits and clearances are obtained, including but not limited to FEMA compliance with the National Environmental Policy Act, the National Historic Preservation Act, the Endangered Species Act, and all other environmental laws and executive orders.
The Sub-grantee shall defend, at its own cost, any and all claims or suits at law or in equity, which may be brought against the Sub-grantee in connection with the project. The Sub-grantee shall not look to the Department, or to any state or federal agency, or to any of their employees or agents, for any performance, assistance, or any payment or indemnity, including but not limited to cost of defense and/or attorneys' fees, in connection with any claim or lawsuit brought by any third party related to any design, development, construction, implementation, operation and/or maintenance of a project.

A.30 SEVERABILITY
If any court of rightful jurisdiction holds any provision or condition under this Grant Agreement or its application to any person or circumstances invalid, this invalidity does not affect other provisions, terms or conditions of the Grant Agreement, which can be given effect without the invalid provision. To this end, the terms and conditions of this Grant Agreement are declared severable.

A.31 SUB-CONTRACTING
The Sub-grantee shall use a competitive procurement process in the award of any contracts with contractors or sub-contractors that are entered into under the original contract award. The procurement process followed shall be in accordance with 44 CFR Part 13, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, or with OMB Circular A-110, Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations, as applicable to the Sub-grantee.

As required by Section 694 of the "Post-Katrina Emergency Management Reform Act" (P.L. 109-295), which amended section 307 of the Stafford Act, 42 U.S.C. 5150, contracts or agreements with private organizations, firms or individuals for debris clearance, distribution of supplies, reconstruction, and other major disaster assistance activities, shall be awarded to those organizations, firms and individuals residing or doing business primarily in the geographical area affected by the disaster, to the extent feasible and practicable. Such contracts or agreements with private organizations, firms, or individuals, not residing or doing business primarily in the geographical area affected by the declared disaster shall be justified in writing in the Sub-Grantee's contract file, with documentation provided to the Department. Contracts in place prior to a declaration should be transitioned to such local organizations, firms or individuals unless the head of the Sub-Grantee organization determines that it is not feasible or practicable. This determination must be documented in the Sub-Grantee's grant agreement file, with documentation provided to the Department. The transition requirement should not be construed to require an Sub-Grantee to breach an existing contract.

Sub-Grantees must comply with the following provisions regarding procurement, and all Sub-Grantee contracts with sub-contractors must contain the following provisions regarding procurement, per 44 CFR Part 13.36(i):

1) Administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as may be appropriate. (All contracts more than the simplified acquisition threshold).

2) Termination for cause and for convenience by the grantee or sub-grantee including the manner by which it will be effected and the basis for settlement. (All contracts in excess of $10,000).

3) Compliance with Executive Order 11246 of September 24, 1965, entitled "Equal Employment Opportunity," as amended by Executive Order 11375 of October 13, 1967, and as supplemented in Department of Labor regulations (41 CFR chapter 60). (All construction contracts awarded in excess of $10,000 by grantees and their contractors or sub-Grantees).

5) Compliance with the Davis-Bacon Act (40 U.S.C. 276a to 276a–7) as supplemented by Department of Labor regulations (29 CFR part 5). (Construction contracts in excess of $2,000 awarded by grantees and sub-grantees when required by Federal grant program legislation).

6) Compliance with Sections 103 and 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 327–330) as supplemented by Department of Labor regulations (29 CFR Part 5). (Construction contracts awarded by grantees and sub-grantees in excess of $2,000, and in excess of $2,500 for other contracts which involve the employment of mechanics or laborers).

7) Notice of awarding agency requirements and regulations pertaining to reporting.

8) Notice of awarding agency requirements and regulations pertaining to patent rights with respect to any discovery or invention which arises or is developed in the course of or under such contract.

9) Awarding agency requirements and regulations pertaining to copyrights and rights in data.

10) Access by the grantee, the sub-grantee, the Federal grantor agency, the Comptroller General of the United States, or any of their duly authorized representatives to any books, documents, papers, and records of the contractor which are directly pertinent to that specific contract for the purpose of making audit, examination, excerpts, and transcriptions.

11) Retention of all required records for three years after grantees or sub-grantees make final payments and all other pending matters are closed.

12) Compliance with all applicable standards, orders, or requirements issued under section 306 of the Clean Air Act (42 U.S.C. 1857(h)), section 508 of the Clean Water Act (33 U.S.C. 1368), Executive Order 11738, and Environmental Protection Agency regulations (40 CFR part 15). (All contracts, sub-contracts, and sub-grants of amounts in excess of $100,000).


The Department reserves the right to review the Sub-Grantee procurement plans and documents, and require the Sub-Grantee to make changes to bring its plans and documents into compliance with the requirements of 44 CFR Part 13.36. The Sub-Grantee must ensure that its procurement process requires contractors and subcontractors to provide adequate documentation with sufficient detail to support the costs of the project and to allow both the Sub-Grantee and Department to make a determination on eligibility of project costs.

All sub-contracting agreements entered into pursuant to this Grant Agreement shall incorporate this Grant Agreement by reference.

A.32 SUB-GRANTEE NOT EMPLOYEE
The parties intend that an independent contractor relationship will be created by this Grant Agreement. The Sub-grantee, and/or employees or agents performing under this Grant Agreement are not employees or agents of the Department in any manner whatsoever. The Sub-grantee will not be presented as nor claim to be an officer or employee of the Department or of the State of Washington by reason of this Grant Agreement, nor will the Sub-grantee make any claim, demand, or application to or for any right or privilege applicable to an officer or employee of the Department or of the

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State of Washington by reason of this Grant Agreement, including, but not limited to, Workmen's Compensation coverage, unemployment insurance benefits, social security benefits, retirement membership or credit, or privilege or benefit which would accrue to a civil service employee under Chapter 41.06 RCW.

It is understood that if the Sub-grantee is another state department, state agency, state university, state college, state community college, state board, or state commission, that the officers and employees are employed by the state of Washington in their own right and not by reason of this Grant Agreement.

A.33 TAXES, FEES AND LICENSES
Unless otherwise provided in this Grant Agreement, the Sub-grantee shall be responsible for, pay and maintain in current status all taxes, unemployment contributions, fees, licenses, assessments, permit charges and expenses of any other kind for the Sub-grantee or its staff required by statute or regulation that are applicable to Grant Agreement performance.

A.34 TERMINATION FOR CONVENIENCE
Notwithstanding any provisions of this Grant Agreement, the Sub-grantee may terminate this Grant Agreement by providing written notice of such termination to the Department's Key Personnel identified in the Grant Agreement, specifying the effective date thereof, at least thirty (30) days prior to such date.

Except as otherwise provided in this Grant Agreement, the Department, in its sole discretion and in the best interests of the State of Washington, may terminate this Grant Agreement in whole or in part by providing ten (10) calendar days written notice, beginning on the second day after mailing to the Sub-grantee. Upon notice of termination for convenience, the Department reserves the right to suspend all or part of the Grant Agreement, withhold further payments, or prohibit the Sub-grantee from incurring additional obligations of funds. In the event of termination, the Sub-grantee shall be liable for all damages as authorized by law. The rights and remedies of the Department provided for in this section shall not be exclusive and are in addition to any other rights and remedies provided by law.

A.35 TERMINATION OR SUSPENSION FOR CAUSE
In the event the Department, in its sole discretion, determines the Sub-grantee has failed to fulfill in a timely and proper manner its obligations under this Grant Agreement, is in an unsound financial condition so as to endanger performance hereunder, is in violation of any laws or regulations that render the Sub-grantee unable to perform any aspect of the Grant Agreement, or has violated any of the covenants, agreements or stipulations of this Grant Agreement, the Department has the right to immediately suspend or terminate this Grant Agreement in whole or in part.

The Department may notify the Sub-grantee in writing of the need to take corrective action and provide a period of time in which to cure. The Department is not required to allow the Sub-grantee an opportunity to cure if it is not feasible as determined solely within the Department's discretion. Any time allowed for cure shall not diminish or eliminate the Sub-grantee liability for damages or otherwise affect any other remedies available to the Department. If the Department allows the Sub-grantee an opportunity to cure, the Department shall notify the Sub-grantee in writing of the need to take corrective action. If the corrective action is not taken within ten (10) calendar days or as otherwise specified by the Department, or if such corrective action is deemed by the Department to be insufficient, the Grant Agreement may be terminated in whole or in part.

The Department reserves the right to suspend all or part of the Grant Agreement, withhold further payments, or prohibit the Sub-grantee from incurring additional obligations of funds during investigation of the alleged compliance breach, pending corrective action by the Sub-grantee, if allowed, or pending a decision by the Department to terminate the Grant Agreement in whole or in part.
In the event of termination, the Sub-grantee shall be liable for all damages as authorized by law, including but not limited to, any cost difference between the original Grant Agreement and the replacement or cover Grant Agreement and all administrative costs directly related to the replacement Grant Agreement, e.g., cost of administering the competitive solicitation process, mailing, advertising and other associated staff time. The rights and remedies of the Department provided for in this section shall not be exclusive and are in addition to any other rights and remedies provided by law.

If it is determined that the Sub-grantee: (1) was not in default or material breach, or (2) failure to perform was outside of the Sub-grantee's control, fault or negligence, the termination shall be deemed to be a "Termination for Convenience".

A.36 TERMINATION PROCEDURES
In addition to the procedures set forth below, if the Department terminates this Grant Agreement, the Sub-grantee shall follow any procedures specified in the termination notice. Upon termination of this Grant Agreement and in addition to any other rights provided in this Grant Agreement, the Department may require the Sub-grantee to deliver to the Department any property specifically produced or acquired for the performance of such part of this Grant Agreement as has been terminated.

If the termination is for convenience, the Department shall pay to the Sub-grantee agreed upon price, if separately stated, for properly authorized and completed work and services rendered or goods delivered to and accepted by the Department prior to the effective date of Grant Agreement termination, and the amount agreed upon by the Sub-grantee and the Department for (i) completed work and services and/or equipment or supplies provided for which no separate price is stated, (ii) partially completed work and services and/or equipment or supplies provided which are accepted by the Department, (iii) other work, services and/or equipment or supplies which are accepted by the Department, and (iv) the protection and preservation of property.

Failure to agree with such amounts shall be a dispute within the meaning of the "Disputes" clause of this Grant Agreement. If the termination is for cause, the Department shall determine the extent of the liability of the Department. The Department shall have no other obligation to the Sub-grantee for termination. The Department may withhold from any amounts due the Sub-grantee such sum as the Department determines to be necessary to protect the Department against potential loss or liability.

The rights and remedies of the Department provided in this Grant Agreement shall not be exclusive and are in addition to any other rights and remedies provided by law.

After receipt of a notice of termination, and except as otherwise directed by the Department in writing, the Sub-grantee shall:

a. Stop work under the Grant Agreement on the date, and to the extent specified, in the notice;

b. Place no further orders or sub-contracts for materials, services, supplies, equipment and/or facilities in relation to this Grant Agreement except as may be necessary for completion of such portion of the work under the Grant Agreement as is not terminated;

c. Assign to the Department, in the manner, at the times, and to the extent directed by the Department, all of the rights, title, and interest of the Sub-grantee under the orders and sub-contracts so terminated, in which case the Department has the right, at its discretion, to settle or pay any or all claims arising out of the termination of such orders and sub-contracts;

d. Settle all outstanding liabilities and all claims arising out of such termination of orders and sub-contracts, with the approval or ratification of the Department to the extent the Department may require, which approval or ratification shall be final for all the purposes of this clause;
e. Transfer title to the Department and deliver in the manner, at the times, and to
the extent directed by the Department any property which, if the Grant
Agreement had been completed, would have been required to be furnished to the
Department;
f. Complete performance of such part of the work as shall not have been
terminated by the Department in compliance with all contractual requirements;
and
g. Take such action as may be necessary, or as the Department may require, for
the protection and preservation of the property related to this Grant Agreement
which is in the possession of the Sub-grantee and in which the Department has
or may acquire an interest.

A.37 TRAVEL AND SUBSISTENCE REIMBURSEMENT
Unless the Grant Agreement specifically provides for different rates, any travel or
subsistence reimbursement allowed under the Agreement shall be paid in accordance
with rates set pursuant to RCW 43.03.050 and RCW 43.03.060 as now existing or
amended. The Sub-grantee may be required to provide to the Department copies of
receipts for any travel related expenses other than meals and mileage (example:
parking) that are authorized under this Agreement.

A.38 UTILIZATION OF MINORITY AND WOMEN BUSINESS ENTERPRISES (MWBE)
The Sub-grantee is encouraged to utilize business firms that are certified as minority-
owned and/or women-owned in carrying out the purposes of this Grant Agreement. The
Sub-grantee may set utilization standards, based upon local conditions or may utilize the
state of Washington MWBE goals, as identified in WAC 326-30-041.

A.39 VENUE
This Grant Agreement shall be construed and enforced in accordance with, and the
validity and performance shall be governed by, the laws of the state of Washington.
Venue of any suit between the parties arising out of this Grant Agreement shall be the
Superior Court of Thurston County, Washington. The Sub-grantee, by execution of this
Grant Agreement acknowledges the jurisdiction of the courts of the State of Washington.

A.40 WAIVERS
No conditions or provisions of this Grant Agreement can be waived unless approved in
advance by the Department in writing. The Department's failure to insist upon strict
performance of any provision of the Grant Agreement or to exercise any right based
upon a breach thereof, or the acceptance of any performance during such breach, shall
not constitute a waiver of any right under this Grant Agreement.
CERTIFICATION AND ASSURANCES

FEMA Form 20-16B: Assurances – Construction Programs

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the nonfederal share of project costs) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States, and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without prior permission and instructions from the awarding agency. Will record the Federal interest in the title of real property in accordance with awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure nondiscrimination during the useful life of the project.

4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.

5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progress reports and such other information as may be required by the assistance awarding agency or state.

6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

8. Will comply, as applicable, with the Intergovernmental Personnel Act of 1970 (42 USC Sections 4701 et seq.) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM’s Standards for a Merit System of Personnel Administration (5 CFR 900, Subpart F).

9. Will comply, as applicable, with the Lead-Based Paint Poisoning Prevention Act (42 USC chapter 63), as amended.

10. Will comply, as applicable, with all state and federal statutes, regulations and executive orders relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (PL 88-352, 42 USC Section 2000d) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 USC Sections 1681 et seq.), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973 (PL 93-112), as amended (29 USC Section 794), which prohibits discrimination on the basis of disabilities; (d) the
Age Discrimination Act of 1975, as amended (42 USC Sections 6101 et seq.), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (PL 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (PL 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) 42 USC Section 290-dd-2, as amended, relating to confidentiality of substance abuse patient records; (h) the Fair Housing Act (42 USC Section 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

11. Will comply, or has already complied, as applicable, with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (PL 91-646), as amended, which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and Federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

12. Will comply, as applicable, with the provisions of the Hatch Act (5 USC Sections 1501 et seq.), as amended, which limit the political activities of certain employees whose principal employment activities are funded in whole or in part with Federal funds.

13. Will comply, as applicable, with labor and wage provisions related to certain federally assisted contracts (e.g., the wage rate requirements in the Davis-Bacon Act, 40 USC Sections 3141 et seq., as amended, the Copeland Anti-Kickback provisions in 40 USC Section 3145 and 18 USC Section 874, as amended, and the Contract Work Hours and Safety Standards in 40 USC Sections 3701 et seq.).

14. Will comply, as applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (PL 93-234), as amended.

15. Will comply, as applicable, with environmental standards which may be prescribed pursuant to the following: (a) protection and enhancement of environmental quality pursuant to the National Environmental Policy Act of 1969 (PL 91-190), as amended, and Executive Order (EO) 11514, as amended; (b) administration of the Clean Air Act and the Federal Water Pollution Control Act with respect to federal contracts, grants, or loans pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990, as amended; (d) floodplains management pursuant to EO 11988, as amended; (e) the Coastal Zone Management Act of 1972 (PL 92-583), 16 USC Section 1451 et seq.; (f) Air Quality and Emission Limitations pursuant to 42 USC Section 7401 et seq.; (g) the Safe Drinking Water Act of 1974 (PL 93-523), as amended; and (h) the Endangered Species Act of 1973 (PL 93-205), as amended.

16. Will comply, as applicable, with the Wild and Scenic Rivers Act of 1968 (PL 90-542), 16 USC Section 1271 et seq., as amended.

17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966 (PL 89-665), as amended, 16 USC Section 470, as amended, EO 11593 (protection and enhancement of the cultural environment), and the Archaeological and Historic Preservation Act, 16 USC Section 469 et seq., as amended.

18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984, the Single Audit Act Amendments of 1996, and applicable OMB Circulars.

19. Will comply with all applicable requirements of all other federal laws, Executive Orders, regulations, Circulars, and policies governing or applicable to this program.

20. Will comply, as applicable, with the Federal Fair Labor Standards Act, 29 USC Section 201 et seq.
21. Will obtain approval, if required, by the appropriate Federal agency of the final working drawings and specifications before the project is advertised or placed on the market for bidding; will construct the project, or cause it to be constructed, to final completion in accordance with the approved plans and specifications; will submit to the appropriate Federal agency for prior approval changes that alter the cost of the project, use of space, or functional layout; and will not enter into a construction contract(s) for the project or undertake other activities until the conditions of the construction grant program(s) have been met.

22. Will operate and maintain the facility in accordance with the minimum standards as may be required or prescribed by the applicable Federal, State, and local agencies for the maintenance and operation of such facilities.

23. Will require the facility to be designed to comply with the "American Standard Specification for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," Number A117.- 1961, as modified (41 CFR 101-17.703). The applicant will be responsible for conducting inspections to ensure compliance with these specifications by the contractor.

24. If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the applicant, this assurance obligates the applicant, or in the case of any transfer of such property, the transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits.

25. In making subgrants with nonprofit institutions under this Comprehensive Cooperative Agreement, it agrees that such grants will be subject to OMB Circular A-122, "Cost Principles for Nonprofit Organizations" included in Vol. 49, Federal Register, pages 18260 through 18277 (April 27, 1984).

Authorized Signature ________________________

Authorized Applicant Agent: _____________________________ (Please Print Name)

Date: _____________________________

Alternate Authorized Signature ________________________

Authorized Alternate Applicant Agent: _____________________________ (Please Print Name)

Date: _____________________________
STATEMENT OF WORK AND/OR DESCRIPTION OF PROJECT

Sub-Grantee: Whatcom County Flood Control Zone District
PROJECT TITLE: 4056-18-R-Whatcom County Marietta Acquisition-Phase 2

The purpose of this project is for Whatcom County to perform acquisition, demolition, and site restoration of three properties in Marietta, a small community on the left bank of the Marietta Slough (a distributary channel of the Nooksack River). The community is a repetitive-loss area and is subject to frequent flooding. The properties are located at:

1828 Marine Drive, Bellingham, WA 98226 (Jones)
1857 Marine Drive, Bellingham, WA 98226 (Scarborough)
1801 Bayon Road, Bellingham, WA 98226 (Laymance (formerly Custer), Former Grange Hall)

A specific and more detailed scope of work is found in the FEMA approved Project Application 4056-18-R, which is incorporated herein by reference.

Whatcom County Flood Control Zone District Agrees To:

1. Comply with the terms of this Agreement and all Attachments, including but not limited to, accomplish tasks and conditions outlined in the Statement of Work And/Or Description of Project-Attachment 4, comply with the Project Development Schedule-Attachment 5, and comply with the Project Budget-Attachment 6.

2. Submit quarterly reports that cover the previous three months no later than the 15th of the following month (or the next work day) in January, April, July and October until all requirements are fulfilled. Quarterly reports are required regardless of the level of work completed during the reporting period. Quarterly reports must include sufficient narrative to determine the degree to which the project has been implemented, the estimated time for completion, and significant developments such as delays or adverse conditions that might raise costs or delay completion, as well as favorable conditions allowing lower costs or earlier completion. Failure of the Sub-Grantee to submit a complete quarterly report within 15 days following the end of the quarter will result in suspension of all payments until a complete quarterly report is received by the Department.

3. Submit pen-and-ink signed, approved invoice vouchers (state form A-19) for eligible, reimbursable work completed, no more frequently than monthly and no less frequently than quarterly. Each billing must identify the task(s) completed and any other funding identification pertinent to the task(s), including match. Supporting documentation is required for all costs, to include tracking of staff time spent on the project through timesheets or other documentation approved by the Department; dated invoices from all contractors and subcontractors for work completed; dated invoices for goods and services purchased; and documentation tracking in-kind contributions of personnel, equipment and supplies, if used on the project. Project costs must be tracked and reported by approved budget cost categories as found in Project Budget, Attachment 6. Documentation of expenditures by approved budget cost categories should be made on a separate spreadsheet or table and included with each A-19, along with documentation to substantiate all project costs.

4. Return by Department staff of invoices to the Sub-Grantee if the Sub-Grantee is unable to provide sufficient documentation to staff within 15 calendar days of the staff’s written request for additional documentation to support the reimbursement request.

5. Submit a signed final project report before final reimbursement is made by the Department.

6. PROGRAMMATIC, ENVIRONMENTAL AND HISTORIC PRESERVATION CONDITIONS

In completing this project, the Sub-Grantee must adhere to the following programmatic, environmental and historic preservation conditions:
a. **Scope of Work Change:** Requests for changes to the Scope of Work after grant award are permissible as long as they do not change the nature or total project cost of the activity, properties identified in the application, the feasibility and effectiveness of the project, or reduce the Benefit Cost Ratio below 1.0. Requests must be supported by adequate justification, including a description of the proposed change; a written explanation of the reason or reasons for the change; an outline of remaining funds available to support the change; and a full description of the work necessary to complete the activity.

A proposed change to the approved Scope of Work (as presented in the FEMA approved project application) must be submitted to the Department and FEMA in advance of implementation for re-evaluation for compliance with National Environmental Policy Act (NEPA) and other Laws and Executive Orders. Prior approval for a change to the approved Scope of Work must be obtained from the Department and FEMA before the change is implemented. Failure to obtain prior approval for a revised Scope of Work could result in ineligibility of resulting costs.

b. **Comply with all applicable federal, state and local laws and regulations.** Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize federal funding provided by this Grant Agreement.

c. **Ensure that all completed work is in compliance with applicable state and local building codes and flood damage prevention legislation.**

d. **Monitor site work during ground-disturbing activities for evidence of potential archaeological resources that are uncovered.** Sub-Grantee must halt the project in the event historically or archaeologically significant materials or sites (or evidence thereof) are discovered. By way of example, such evidence may include, but is not limited to, artifacts such as arrowheads, bone fragments, pottery shards, and features such as fire pits or structural elements. All reasonable measures must be taken to avoid or minimize harm to such resources until such time as the Sub-Grantee notifies the Department, and FEMA, in consultation with the State Historic Preservation Officer (SHPO) and appropriate Native American tribes, determines appropriate measures have been taken to ensure that the project is in compliance with the National Historic Preservation Act. In addition, upon discovery of human skeletal remains, the Sub-Grantee is required by state law to notify the county coroner and local law enforcement in the most expeditious manner possible and to immediately stop any activity which may cause further ground disturbance.

e. **Determine the presence of hazardous materials and/or toxic waste, and identifying, handling, managing, abating and disposing of such materials in accordance with the requirements and to the satisfaction of the governing local, state and federal agencies, including but not limited to the Washington Department of Ecology.** Such materials may include, but are not limited to, asbestos, lead-based paint, propane cylinders, sand blasting residue, discarded paints and solvents, cleaning chemicals, containers of pesticides, lead-acid batteries, items containing chlorofluorocarbons (CFCs), motor oil and used oil filters, and unlabeled tanks or containers.

f. **Conduct work during the non-flood season as determined by the local floodplain administrator.** However, should construction be required during the flood season, as determined by the local floodplain administrator, all construction equipment shall be staged in an area not susceptible to flood events or be readily transportable out of the floodplain to minimize flood damage.

g. **Dispose of all debris at an approved and permitted location.** No debris shall be temporarily staged or disposed of in a floodplain and/or a wetland.

h. **Confirm with the State Department of Ecology whether this project will require a consistency determination under the Coastal Zone Management Act.** If required, the Sub-Grantee shall obtain and comply with all requirements of the determination prior to starting the project.
i. Select, implement, monitor, and maintain Best Management Practices (BMPs) to control soil erosion and sedimentation, reduce spills and pollution, and provide habitat protection. The acquisition site shall be stabilized from erosion and silt laden runoff by implementing these BMPs and securing the site from transient vehicle access. Any excavation and/or grading shall be done within and/or adjacent to the existing building footprint area and not beyond undisturbed portions of the site.

j. Resubmit the project to the Department and FEMA prior to implementation if any in-water work will occur or if any work will occur below the ordinary high water mark of any water resource in the area, so further coordination/consultation can take place with the National Marine Fisheries Service (NMFS) to determine whether appropriate measures have been taken to ensure the project is in compliance with the Endangered Species Act.

k. Resubmit the project to the Department and FEMA for re-evaluation for compliance with national environmental policies if the “Project Limits” (including clearing, excavation, temporary staging, construction, and access areas) extend into: 1) an area not previously identified for environmental and historic preservation review, or 2) previously undisturbed ground. Additionally, all work on the project in these areas must stop until this re-evaluation is completed.

l. National Historic Preservation Act Section 106 requirement: All proposed repair and construction activities on buildings listed in or eligible for the National Register of Historic Places (historic properties) should be done in-kind to match existing materials and form. In-kind means that the result of the proposed activities will match all physical and visual aspects of existing historic materials, including form, color and workmanship. In-kind mortar also will match the strength and joint toothing of existing historic mortar.

m. The following additional requirements are listed as FEMA’s Environmental Conditions of Approval for Project 4056-18-R-Whatcom County Marietta Acquisition-Phase 1 dated May 30, 2014. These requirements apply to Phase 1 and Phase 2 work:

1) During ground-disturbing activities (structure demolition, foundation/driveway removal, septic system decommissioning, etc.) the Sub-grantee is required to have a professional archaeologist present to monitor compliance with demolition techniques and for discovery of potentially-significant, intact cultural material or features; consistent with the State Historic Preservation Officer (SHPO) approved Archaeological Site Monitoring and Inadvertent Discovery plan (12/27/2013). If potentially-significant archaeological resources are discovered, the Sub-grantee is required to immediately cease construction in that area and notify the state EMD, State Archeologist at SHPO, and FEMA.

2) The Sub-grantee is required to submit a brief archaeological monitoring report to FEMA regarding the demolition work, whether cultural material is observed or not. This report should be submitted addressing each property, and should be sent within 60 days following demolition completion.

3) If ground-disturbing activities occur during construction, applicant will monitor ground disturbance and if any potential archaeological resources are discovered, will immediately cease construction in that area and notify the State and FEMA.

n. Cost overruns in excess of the approval budget are fully the responsibility of the Sub-Grantee, including those costs resulting from a change in the Scope of Work. The project must remain cost effective (i.e., Benefit Cost Ratio of 1.0 or greater) in the event of cost overrun.

For Hazard Mitigation Grant Program (HMGP) only: A request for additional funds to cover a cost overrun may be granted by the Department and FEMA only if funds are available within the HMGP ceiling for this disaster, FEMA-DR4056-WA. A request for additional funds must be fully documented and justified.
7. SPECIAL FLOOD HAZARD AREA REQUIREMENTS

Pursuant to the Flood Disaster Protection Act of 1973, those structures that remain in the Special Flood Hazard Area (SFHA) after the implementation of the mitigation project, flood insurance must be maintained for the life of the structure. The SFHA is defined as the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year.

The following National Flood Insurance Program Eligibility Requirements contained in the 2013 Hazard Mitigation Assistance Unified Guidance apply to any project involving the alteration of existing structures, to include Mitigation Reconstruction projects that are sited within an SFHA.

a. When the project is implemented, all structures that will not be demolished or relocated out of the SFHA must be covered by a National Flood Insurance Program (NFIP) flood insurance policy to an amount at least equal to the project cost or to the maximum limit of coverage made available with respect to the particular property, whichever is less.

b. The Sub-Grantee (or property owner) must legally record with the county or appropriate jurisdiction’s land records agency a notice that includes the name of the current property owner (including book/page reference to record of current title, if readily available), a legal description of the property, and the following notice of flood insurance requirements as identified on page 44 of the 2013 Hazard Mitigation Assistance Unified Guidance:

“This property has received Federal hazard mitigation assistance. Federal law requires that flood insurance coverage on this property must be maintained during the life of the property regardless of transfer of ownership of such property. Pursuant to 42 U.S.C. § 5154a, failure to maintain flood insurance on this property may prohibit the owner from receiving Federal disaster assistance with respect to this property in the event of a flood disaster. The Property Owner is also required to maintain this property in accordance with the floodplain management criteria of 44 CFR § 60.3 and City/County Ordinance.”

c. Copies of the recorded notices for each property will be provided to the Department at project closeout.

8. PROVISIONS APPLYING ONLY TO ACQUISITION OF PROPERTIES FOR OPEN SPACE

a. The Sub-Grantee must ensure that prospective participants are informed in writing that property owner participation in this acquisition program is voluntary and that the Sub-Grantee will not use its eminent domain authority to acquire the property for the project purposes should negotiations fail.

Copies of the Statement of Voluntary Participation / Notice of Voluntary Interest signed by each participating property owner will be provided to the Department by project close-out.

b. The Sub-Grantee agrees that land acquired for open space purposes under this grant will be restricted in perpetuity to open space uses and will be unavailable for the construction of flood damage reduction levees, transportation facilities, and other incompatible purposes.

c. The Sub-Grantee agrees to prepare, execute and record Deed Restrictions for each affected property utilizing the current Model Deed Restriction provided on the FEMA website or available from the Department.

Copies of the recorded deed and attached deed restrictions for each property will be provided to the Department by project close-out.

d. The Sub-Grantee accepts all of the requirements of the deed restriction governing the use of the land.

e. The Sub-Grantee ensures that, prior to acquisition of the property, in consultation with the U.S. Army Corps of Engineers, it has addressed and considered the potential future use of these lands for the construction of flood damage reduction levees, has rejected
consideration of such measures in the future in the project area, and instead has chosen to proceed with acquisition of permanent open space. Documentation of this consultation and the Sub-Grantee’s consideration of this issue will be provided to the Department by project close-out.

f. The Sub-Grantee must, prior to acquisition of the property, consult with the Washington State Department of Transportation to ensure that no future planned improvements or enhancements are under consideration that will affect the proposed project area. Documentation of this consultation will be provided to the Department by project close-out.

g. The Sub-Grantee will remove existing buildings from acquired properties within 90 days of settlement. The Sub-Grantee will provide confirmation to the Department as to the date of demolition of each structure included in the project in its quarterly reports, as well as confirmation that the property has been returned to "natural" or park/open space condition. The Sub-Grantee will provide digital latitude and longitude coordinates and digital photographs of each property site after project implementation to the Department by project close-out.

h. The Sub-Grantee agrees to complete FEMA Form AW-501, NFIP Repetitive Loss Update Worksheet for each property identified on FEMA’s Repetitive Loss list to document completion of mitigation on the property. The form is available on FEMA’s Web site or available from the Department. The Sub-Grantee will provide a copy of the completed form to the Department by project close-out.

i. The Sub-Grantee agrees to comply with the requirements of 44 CFR § 80.19 Land Use and Oversight, which are incorporated into these conditions by reference. These requirements include, but are not limited to, the following (which are described further in the 2013 Hazard Mitigation Assistance Unified Guidance and the Addendum to the 2013 Hazard Mitigation Assistance Unified Guidance which are incorporated herein by reference):
   1. Restriction on future disaster assistance for damages to the property.
   2. Lists of allowable open space uses as well as uses generally not allowed on acquired open space land.
   3. Provision for salvage of pre-existing structures and paved areas.
   4. Requirements pertaining to future transfer of property interest.
   5. Requirement for Sub-Grantee monitoring and inspection of the acquired property at least every 3 years. The Sub-Grantee will provide the Department with a report on the result of the inspection within 90 days of the inspection.
   6. Provisions for enforcement of violation of open space requirements.

The Military Department Agrees To:

1. Provide staff coordination and input regarding grant administration for funding and technical assistance for project and reviews for mitigation construction projects, as necessary.
2. Reimburse Whatcom County Flood Control Zone District within 30 days of receipt and approval of signed, dated invoice voucher(s) (state form A-19) with sufficient documentation of costs to include completion of tasks to date and dated invoices for goods and services purchased. Costs must be categorized according to the budget item and cost classification shown in the Project Budget, Attachment 6. The Department will return invoices to the Sub-Grantee if the Sub-Grantee is unable to provide sufficient documentation within 15 calendar days of the Department’s written request for additional documentation to support the reimbursement request.
3. Coordinate with the staff of Whatcom County Flood Control Zone District to schedule any sub-recipient monitoring, site visits or final inspections by Department staff.
# PROJECT DEVELOPMENT SCHEDULE

**Sub-Grantee:** Whatcom County Flood Control Zone District  
**PROJECT TITLE:** 4056-18-R-Whatcom County Marietta Acquisition-Phase 2

<table>
<thead>
<tr>
<th>DESCRIPTION OF ACTIVITY/TASK</th>
<th>SCHEDULED COMPLETION DATE</th>
</tr>
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<tbody>
<tr>
<td>Obtain Appraisals</td>
<td>June 2015</td>
</tr>
<tr>
<td>Negotiate Purchase and Sale Agreements</td>
<td>August 2015</td>
</tr>
<tr>
<td>Obtain Hazardous Materials Assessments</td>
<td>September 2015</td>
</tr>
<tr>
<td>Closing Process</td>
<td>October 2015</td>
</tr>
<tr>
<td>Ad for Demolition Bid</td>
<td>April 2016</td>
</tr>
<tr>
<td>Award Demolition Contract</td>
<td>May 2016</td>
</tr>
<tr>
<td>Complete Demolition and Site Restoration</td>
<td>August 2016</td>
</tr>
<tr>
<td>Site Planting</td>
<td>October 2016</td>
</tr>
<tr>
<td>Project Complete</td>
<td>March 2017</td>
</tr>
</tbody>
</table>

**Total Time Required to Complete This Project:** 26 months

Quarterly Reports Due on Project Progress, Final Project Report and all documentation, site visits and inspections:

## PROJECT BUDGET

Sub-Grantee: Whatcom County Flood Control Zone District
PROJECT TITLE: 4056-18-R-Whatcom County Marietta Acquisition-Phase 2

<table>
<thead>
<tr>
<th>APPROVED BUDGET CATEGORY</th>
<th>ESTIMATED COST</th>
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<tr>
<td>Pre-Award Costs</td>
<td>$16,500</td>
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<tr>
<td>Land, Structures, Right-of-ways, appraisals</td>
<td>$213,950</td>
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<tr>
<td>Project Inspection Fees</td>
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<td>Administrative</td>
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<tr>
<td>Site Work</td>
<td>$9,000</td>
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<tr>
<td>Demolition and Removal</td>
<td>$75,000</td>
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<td><strong>TOTAL</strong></td>
<td><strong>$379,750</strong></td>
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</table>

**Tracking and Reporting Project Costs:** Project expenses for which reimbursement is sought must be tracked and reported by approved budget cost categories, above. Documentation of expenditures by approved budget cost categories should be made on a separate spreadsheet or table and included with each A-19. Supporting documentation of all costs shall include, but not be limited to: tracking of staff time spent on the project through timesheets or other similar documentation; dated invoices from contractors and subcontractors for work completed; dated invoices for goods and services purchased; and documentation of in-kind contributions of personnel, equipment and supplies.

**Final Payment:** Final payment of any remaining, or withheld, funds will be made upon submission by the Sub-Grantee within 60 days of completion of the project of the final report and an A-19, Voucher Distribution, and completion of all final inspections by the Department. Final payment also may be conditioned upon a financial review, if determined necessary by the Department. Adjustments to the final payment may be made following any audits conducted by the Department, Washington State Auditor's Office, the United States Inspector General, or their authorized representatives.

Per HMGP program guidance, no cost overruns will be funded. If costs exceed the maximum amount of FEMA funding approved, the Applicant shall pay the costs in excess of the approved budget. Project must remain cost effective (i.e., Benefit Cost Ratio of 1.0 or greater) in the event of cost overrun.

For Hazard Mitigation Grant Program only: A request for additional funds to cover a cost overrun may be granted by the Department and FEMA only if funds are available within the HMGP ceiling for this disaster, FEMA-DR- DR-4056-WA. A request for additional funds must be fully documented and justified.
ADDITIONAL AGREEMENT PROVISIONS AND WORKSHEET
For Compliance With The

The Federal Funding Accountability and Transparency Act (FFATA) was signed on September 26, 2006. The FFATA legislation requires information on federal awards (federal financial assistance and expenditures) be made available to the public via a single, searchable website. Federal awards include grants, subgrants, loans, awards, cooperative agreements and other forms of financial assistance as well as contracts, subcontracts, purchase orders, task orders, and delivery orders. The legislation does not require inclusion of individual transactions below $25,000 or credit card transactions before October 1, 2008. However, if an award is initially below this amount yet later increased, the act is triggered. Due to this variability in compliance Subrecipients are required by the Military Department to be familiar with the FFATA requirements and complete this Worksheet for each contract for the State’s submission in to the FFATA portal.

ADDITIONAL PROVISIONS

A. This contract (subaward) is supported by federal funds, requiring compliance with the Federal Funding Accountability and Transparency Act (FFATA or the Transparency Act) and Office of Management and Budget Guidance (OMB). Public Law 109-282 as amended by section 6202(a) of Public Law 110-252 (see 31 U.S.C. 6101 note). By entering into this contract, contractor agrees to provide all applicable reporting information to the Washington Military Department (WMD) required by FFATA and OMB Guidance.

B. The FFATA requires the OMB to establish a publicly available online database (USASpending.gov) containing information about entities that are awarded Federal grants, loans, and contracts. As required by FFATA and OMB Guidance, certain information on the first-tier subawards related to Federal contracts and grants, and the executive compensation of awardees, must be made publicly available.

C. For new Federal grants beginning October 1, 2010, if the initial subaward is equal to or greater than $25,000, reporting of the subaward and executive compensation information is required. If the initial subaward is below $25,000 but subsequent grant modifications result in a total subaward equal to or over $25,000, the subaward will be subject to the reporting requirements as of the date the subaward exceeds $25,000. If the initial subaward equals or exceeds $25,000 but funding is subsequently de-obligated such that the total award amount falls below $25,000, the subaward continues to be subject to the reporting requirements of the Transparency Act and OMB Guidance.

D. As a Federal grant subawardee under this contract, your organization is required by FFATA, OMB Guidance and this contract to provide the WMD, as the prime grant awardee, all information required for FFATA compliant reporting by WMD. This includes all applicable subawardee entity information required by FFATA and OMB Guidance, subawardee DUNS number, and relevant executive compensation data, as applicable.

1. Data about your organization will be provided to USASpending.gov by the WMD. System for Award Management (SAM) is a government wide registration system for organizations that do business with the Federal Government. SAM stores information
about awardees including financial account information for payment purposes and a
link to D&B for maintaining current DUNS information, www.sam.gov. WMD
requires SAM registration and annual renewal by your organization to minimize
unnecessary data entry and re-entry required by both WMD and your organization. It
will also reduce the potential of inconsistent or inaccurate data entry.

2. Your organization must have a Data Universal Numbering System (DUNS) number
obtained from the firm Dun and Bradstreet (D&B) (www.dnb.com). A DUNS
number provides a method to verify data about your organization. D&B is
responsible for maintaining unique identifiers and organizational linkages on behalf
of the Federal Government for organizations receiving Federal assistance.

E. The WMD, as the prime awardee, is required by FFATA to report names and total
compensation of the five (5) most highly compensated officers of your organization (as
the subawardee) if:

1. Your organization (the subawardee), in the preceding fiscal year, received 80 percent
or more of its annual gross revenues from Federal awards and $25,000,000 or more in
annual gross revenues from Federal awards; and

2. The public does not have access to this information about the compensation of the
senior executives of your organization through periodic reports filed under section
13(a) or 15(d) of the Securities and Exchange Act of 1934 (15 U.S.C. §§ 78m(a),
78o(d) or section 6104 of the Internal Revenue Code of 1986.

"Total compensation" for purposes of this requirement generally means the cash and non-
cash value earned by the executive during the past fiscal year and includes salary and
bonus; awards of stock, stock options and stock appreciation rights; and other
compensation such as severance and termination payments, and value of life insurance
paid on behalf of the employee, and as otherwise provided by FFATA and applicable
OMB guidance.

F. If (1) in the preceding fiscal year your organization received 80 percent or more of its
annual gross revenues from Federal awards and $25,000,000 or more in annual gross
revenues from Federal awards, and (2) the public does not have access to this information
about the compensation of the senior executives of your organization through periodic
reports filed under section 13(a) or 15(d) of the Securities and Exchange Act of 1934 (15
U.S.C. §§ 78m(a), 78o(d) or section 6104 of the Internal Revenue Code of 1986, insert
the names and total compensation for the five most highly compensated officers of your
organization in the table below.
## WORKSHEET

### Subrecipient Agency:

### Grant and Year:

### Agreement Number:

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### STEP 1

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<tr>
<td>Is your grant agreement less than $25,000?</td>
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### STEP 2

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<tr>
<td>In your preceding fiscal year, did your organization receive 80% or more of its annual gross revenues from federal funding?</td>
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### STEP 4

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<th>Question</th>
<th>YES</th>
<th>STOP, no further analysis needed, GO to Step 6</th>
<th>NO</th>
<th>GO to STEP 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Does the public have access to information about the total compensation* of senior executives in your organization?</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### STEP 5

<table>
<thead>
<tr>
<th>Executive</th>
<th>Name:</th>
<th>Total Compensation amount: $</th>
</tr>
</thead>
<tbody>
<tr>
<td>#1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>#2</td>
<td></td>
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<tr>
<td>#3</td>
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<tr>
<td>#4</td>
<td></td>
<td></td>
</tr>
<tr>
<td>#5</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### STEP 6

If your organization does not meet these criteria, specifically identify below each criteria that is not met for your organization: For Example: "Our organization received less than $25,000."

**Signature:** ___________________________  **Date:** ______

* Total compensation refers to:
  - Salary and bonuses
  - Awards of stock, stock options, and stock appreciation rights
  - Other compensation including, but not limited to, severance and termination payments
  - Life insurance value paid on behalf of the employee

Additional Resources:

http://www.whitehouse.gov/omb/open
http://www.hrsa.gov/grants/ffata.html
http://www.grants.gov/

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HMGP  
Page 37 of 38  
Whatcom County Flood Control Zone District, D15-066  
226
2 CFR Part 200 Subpart F/OMB Circular A-133 Audit Certification Form
Audits of States, Local Governments, Indian Tribes, and Non-Profit Organizations

Contact Information

Subrecipient (Sub-Grantee) Name (Agency, Local Government, or Organization):

Authorized Chief Financial Officer (Central Accounting Office):

Address:

Email: Phone:

Purpose: As a pass-through entity of federal grant funds, the Washington Military Department/Emergency Management Division (WMD/EMD) is required by 2 CFR Part 200 Subpart F/Office of Management and Budget (OMB) Circular A-133 to monitor activities of subrecipients to ensure federal awards are used for authorized purposes and verify that subrecipients expending $750,000 or more in federal awards during their fiscal year have met the 2 CFR Part 200 Subpart F/OMB Circular A-133 Audit Requirements, as applicable. Your entity is a subrecipient subject to such monitoring by MIL/EMD because it is a non-federal entity that expends federal grant funds received from MIL/EMD as a pass-through entity to carry out a federal program. 2 CFR Part 200 Subpart F/OMB Circular A-133 should be consulted when completing this form.

Directions: As required by 2 CFR Part 200 Subpart F/OMB Circular A-133, non-federal entities that expend $750,000 in federal awards in a fiscal year shall have a single or program-specific audit conducted for that year. If your entity is not subject to these requirements, you must complete Section A of this Form. If your entity is subject to these requirements, you must complete Section B of this form. When completed, you must sign, date, and return this form with your grant agreement contract and every fiscal year thereafter until the grant agreement contract is closed. Failure to return this completed Audit Certification Form may result in delay of grant agreement processing, withholding of federal awards or disallowance of costs, and suspension or termination of federal awards.

SECTION A: Entities NOT subject to the audit requirements of 2 CFR Part 200 Subpart F/OMB Circular A-133

Our entity is not subject to the requirements of 2 CFR Part 200 Subpart F/OMB Circular A-133 because (check all that apply):

☐ We did not expend $750,000 or more of total federal awards during the fiscal year.

☐ We are a for-profit agency.

☐ We are exempt for other reasons (describe):

However, by signing below, I agree that we are still subject to the audit requirements, laws and regulations governing the program(s) in which we participate, that we are required to maintain records of federal funding and to provide access to such records by federal and state agencies and their designees, and that WMD/EMD may request and be provided access to additional information and/or documentation to ensure proper stewardship of federal funds.

SECTION B: Entities that ARE subject to the audit requirements of 2 CFR Part 200 Subpart F/OMB Circular A-133

(Complete the information below and check the appropriate box)

☐ We completed our last 2 CFR Part 200 Subpart F/A-133 Audit on [enter date] for Fiscal Year ending [enter date]. There were no findings related to federal awards from WMD/EMD. No follow-up action is required by WMD/EMD as the pass-through entity.

A complete copy of the audit report, which includes exceptions, corrective action plan and management response, is either provided electronically to contracts.office@mil.wa.gov or provide the state auditor report number:

☐ We completed our last 2 CFR Part 200 Subpart F/A-133 Audit on [enter date] for Fiscal Year ending [enter date]. There were findings related to federal awards.

A complete copy of the audit report, which includes exceptions, corrective action plan and management response, is either provided electronically to contracts.office@mil.wa.gov or provide the state auditor report number:

☐ Our completed 2 CFR Part 200 Subpart F/A-133 Audit will be available on [enter date] for Fiscal Year ending [enter date]. We will forward a copy of the audit report to you at that time unless it will be available online at: http://www.

I hereby certify that I am an individual authorized by the above identified entity to complete this form. Further, I certify that the above information is true and correct and all relevant material findings contained in audit report/statement have been disclosed. Additionally, I understand this Form is to be submitted every fiscal year for which this entity is a subrecipient of federal grant funds from MIL/EMD until the grant agreement contract is closed.

Signature of Authorized Chief Financial Officer: ___________________________ Date: ___________________________

Print Name & Title: ______________________________________________________

WMD Form 1009-13, 8/19/2013, Updated 1/28/2015

Mitigation Project Grant Agreement Page 38 of 38 Whatcom County Flood Control Zone District, D15-001
**TITLE OF DOCUMENT:** Auditor’s Document Recording and Imaging System Replacement

**ATTACHMENTS:**
1. Cover Memo
2. Contract Information Sheet
3. Two copies of contract between Whatcom County and Helion Software, Inc.

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

*Request authorization for the County Executive to enter into a contract with Helion Software, Inc. in the amount of $78,500.00 for the acquisition, implementation and maintenance of a replacement Auditor’s document recording and imaging system.*

**COMMITTEE ACTION:**  

**COUNCIL ACTION:**

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

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

TO: Jack Louws, County Executive
FROM: Diana Bradrick, Chief Deputy Auditor
RE: Auditor’s Document Recording and Imaging System Contract
DATE: March 18, 2015

Enclosed are two (2) originals of the contract for the Auditor’s Document and Imaging System between Helion Software, Inc. and Whatcom County for your review and signature.

- **Background and Purpose**
  The existing Recording system has been in place for almost 20 years. As the only county in Washington state with this particular system, it has become increasingly expensive to keep the product current since every enhancement has to be customized to meet Washington state requirements. There are a number of deficiencies in the system arising from outdated technology, a lack of full integration, and proprietary file structures that result in inefficiencies in the recording operation. The file structures have also prevented us from sending our data to the state digital archives, a best practice for the permanent and archival nature of the records we handle.

As a result of the County’s request for proposal process, we desire to secure a contract with Helion Software, Inc. for the acquisition of a new, state-of-the-art and fully integrated document recording and imaging system. Already installed in other Washington state counties, Helion’s product already meets state requirements, and is also currently installed in numerous counties of Whatcom’s size, including most of the counties in Oregon. The Auditor’s Office and the Administrative Services/Information Services department are confident that the Helion solution will meet our needs for a new recording system.
• Funding Amount and Source

Funding for this project has been appropriated for the 2015 budget year from the Auditor's Operations and Maintenance fund in the amount of $214,000. This contract is for a maximum consideration of $58,500.00 for the system plus $20,000.00 for the first year of maintenance.

Please contact Diana Bradrick at extension 50065, if you have any questions or concerns regarding the terms of this agreement.

Encl.
<table>
<thead>
<tr>
<th>Originating Department:</th>
<th>County Auditor</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract or Grant Administrator:</td>
<td>Diana Bradrick</td>
</tr>
<tr>
<td>Contractor's / Agency Name:</td>
<td>Helion Software, Inc.</td>
</tr>
</tbody>
</table>

Is this a New Contract? [Yes ☑️ No ☐] No □ If not, is this an Amendment or Renewal to an Existing Contract? Yes ☑ No ☐

If Amendment or Renewal, (per WCC 3.08.100 (a)) Original Contract #: ____________________________

Does contract require Council Approval? Yes ☑ No ☐

If No, include WCC: (see Whatcom County Codes 3.06.010, 3.08.090 and 3.08.100)

Is this a grant agreement? Yes ☑ No ☐

If yes, grantor agency contract number(s): ____________________________ CFDA#: ____________________________

Is this contract grant funded? Yes ☑ No ☐

If yes, Whatcom County grant contract number(s): ____________________________

Is this contract the result of a RFP or Bid process? Yes ☑ No ☐

If yes, RFP and Bid number(s): #14-66 Contract Cost Center: 16600 C-11

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

If no, include Attachment D Contractor Declaration form.

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

Contract Amount (sum of original contract amount and any prior amendments): $78,500.00

This Amendment Amount: ____________________________

Total Amended Amount: ____________________________

Contracts that require Council Approval (incl. agenda bill & memo)
- Professional Services Agreement above $20,000.
- Bid is more than $50,000.
- Amendments that have either an increase greater than 10% or provide a $10,000 increase in amount (whichever is greater)

RENEWALS: Council approval is not required when exercising an option to renew that is provided in the original contract.

Summary of Scope: Acquire, install and maintain a new document recording and imaging system for the Auditor's office. Project to include conversion of existing database - indexes and images.

<table>
<thead>
<tr>
<th>Term of Contract:</th>
<th>Ongoing</th>
<th>Expiration Date:</th>
<th>Until vacated by either party</th>
</tr>
</thead>
</table>

Contract Routing:
1. Prepared by: ____________________________ Date: 3-2-15
2. Attorney signoff: ____________________________ Date: 3-2-15
3. AS Finance reviewed: ____________________________ Date: 3-19-15
4. IT reviewed (if IT related): ____________________________ Date: 3-19-15
5. Contractor signed: ____________________________ Date: 3-19-15
6. Submitted to Exec.: ____________________________ Date: 3-19-15
7. Council approved (if necessary): ____________________________ Date: 3-19-15
8. Executive signed: ____________________________ Date: 3-19-15
9. Original to Council: ____________________________ Date: 3-19-15
CONTRACT FOR SERVICES AGREEMENT
Whatcom County Auditor Document Recording and Imaging System

Helion Software, Inc., 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 7
Exhibit A1 (Recording System RFP) ................................ pp. Exhibit A1
Exhibit A2 (Helion RFP Response) ................................ pp. Helion 1 - 48
Exhibit B1 (Project Deliverables) ................................ pp. Exhibit B1
Exhibit B2 (Draft Project Plan) ................................ pp. Exhibit B2
Exhibit C (Compensation) ........................................ pp. Exhibit C
Exhibit D (Helion Licensing Agreement) ....................... pp. Exhibit D
Exhibit E (Helion Support Agreement) ......................... pp. Exhibit E
Exhibit F (Insurance) ............................................. pp. Exhibit F

These items are attached hereto and incorporated herein by this reference as if fully set forth herein. The parties' signatures on this page and the next constitute agreement to all of the agreements and documents contained in the above exhibits.

The term of this Agreement shall commence the date of execution, and shall continue perpetually, unless terminated or renewed as elsewhere provided in the Helion Software Inc. Licensing Agreement.

The general purpose or objective of this Agreement is to: acquire, install, and maintain a document recording and imaging system as more fully and definitively described in Exhibit A hereto. The language of Exhibit A controls in case of any conflict between it and that provided here.

The maximum consideration for the initial term of this agreement or for any renewal term shall not exceed $78,500. This is a fixed price contract with payments by milestone as identified in Exhibit C Compensation. 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 16th day of March 2015.

CONTRACTOR:
Helion Software, Inc.
Murray Giesbrecht, CEO

STATE OF OREGON
COUNTY OF Marion

On this 16th day of March 2015 before me personally appeared Murray Giesbrecht to me known to be the CEO of Helion Software, Inc. and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

Ramona S. Qualls
WHATCOM COUNTY:
Recommended for Approval:
Debbie Adelstein, Whatcom County Auditor

Approved as to form:
Prosecuting Attorney

Approved:

By: __________________________
Jack Louws, Whatcom County Executive

STATE OF WASHINGTON )
) ss
COUNTY OF WHATCOM )

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

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

CONTRACTOR INFORMATION:

Company: Helion Software, Inc.
Name and Title: Murray Giesbrecht, Chief Executive Officer
Address: 4263 Commercial St. SE, Suite 300
Salem, Oregon 97302
Contact Name: Murray Giesbrecht
Contact Phone: 503-362-9394
Contact FAX: 503-584-0608
Contact Email: murrayg@helionsoft.com
GENERAL CONDITIONS

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

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

Series 10-19: Provisions Related to Term and Termination

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

10.2 Extension: Not Applicable

11.1 Termination for Default:
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.

11.3 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 "C." Where Exhibit "C" requires payments by the County, payment shall be based upon written claims supported, unless otherwise provided in Exhibit "C," 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 "C" 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 "C."

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

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

22.1 Withholding Payment:
In the event the County's Administrative Officer determines that the Contractor has failed to perform any obligation under this Agreement within the times set forth in this Agreement, then the County may withhold from amounts otherwise due and payable to Contractor the amount determined by the County as necessary to cure the default, until the Administrative Officer determines that such failure to perform has been cured. Withholding under this clause shall not be deemed a breach entitling Contractor to termination or damages, provided that the County promptly gives notice in writing to the Contractor of the nature of the default or failure to perform, and in no case more than 10 days after it determines to withhold amounts otherwise due. A determination of the Administrative Officer set forth in a notice to the Contractor of the action required and/or the amount required to cure any alleged failure to perform shall be deemed conclusive, except to the extent that the Contractor acts within the times and in strict accord with the provisions of the Disputes clause of this Agreement. The County may act in accordance with any determination of the Administrative Officer which has become conclusive under this clause, without prejudice to any other remedy under the Agreement, to take all or any of the following actions: (1) 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 "C" and the Contractor is not entitled to any benefits including, but not limited to: vacation pay, holiday pay, sick leave pay, medical, dental, or other insurance benefits, or any other rights or privileges afforded to employees of the County. The Contractor represents that he/she/it maintains a separate place of business, serves clients other than the County, will report all income and expense accrued under this contract to the Internal Revenue Service, and has a tax account with the State of Washington Department of Revenue for payment of all sales and use and Business and Occupation taxes collected by the State of Washington.

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

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

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

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

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

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

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

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

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

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

Professional Liability - $1,000,000. per occurrence (this amount may vary with circumstances)

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: Not Applicable

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

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

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

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

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

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

Diana Bradrick, Chief Deputy Auditor
Whatcom County Auditor’s Office

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: As provided in the Helion Software License Agreement.

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

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

42.1 **Disputes:**

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

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

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

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-1

WHATCOM COUNTY
WASHINGTON

Request for Proposal
RFP #14-66

Auditor’s Document Recording and Imaging System

Proposal Due: 2:30 PM Tuesday, January 6, 2015
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Attachment 1 – RFP RESPONSE FORM (separate .docx file)
Whatcom County  
RFP #14-66  
Auditor’s Document Recording and Imaging System

<table>
<thead>
<tr>
<th>Date</th>
<th>Day</th>
<th>Project Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>December 3, 2014</td>
<td>Wednesday</td>
<td>Request For Proposal Distributed</td>
</tr>
<tr>
<td>December 15, 2014</td>
<td>Monday</td>
<td>Deadline For Submission Of Questions</td>
</tr>
<tr>
<td>December 19, 2014</td>
<td>Friday</td>
<td>Answers Posted/Released</td>
</tr>
<tr>
<td>January 6, 2015</td>
<td>2:30 PM Tuesday</td>
<td>Vendor Proposals Due</td>
</tr>
<tr>
<td>January through March 2015</td>
<td></td>
<td>Comprehensive Review of Proposals, Scheduling of Proposed Vendor Demonstrations and Interviews, Award and Subsequent Negotiation of Contract</td>
</tr>
<tr>
<td>April 2015</td>
<td></td>
<td>Project Start-Up</td>
</tr>
</tbody>
</table>

1.4 Communication

All inquiries related to this Request for Proposal process are to be directed, in writing, no later than 5:00 PM PDT on Monday, December 15, 2014 to:

Sara Winger, Purchasing Coordinator  
Whatcom County Finance  
311 Grand Avenue, Suite 503  
Bellingham, WA 98225  
EMAIL: winger@co.whatcom.wa.us (preferred)  
TEL: (360) 676-6734 FAX: (360) 738-4553

Communications with any person, Whatcom County officials, County supervisors, and/or employees other than the person listed above during the proposal preparation and evaluation phases under this RFP are prohibited and may be cause for disqualification. Responses to questions will be recorded and will be issued in the form of an addendum to all RFP recipients on the distribution list.

1.5 Proposal Submission Requirements

The proposal must be clear and concise, and must provide complete information about the Proposer’s qualifications and ability to perform the required services. Label the proposal and required copies as follows:

(Insert Vendor name here)  
RFP #14-66 – Auditor’s Document Recording and Imaging System

Mail or deliver proposal to the following address by 2:30 PM PDT, Tuesday, January 6, 2015:

Sara Winger, Purchasing Coordinator  
Whatcom County Finance  
311 Grand Ave, Suite #503  
Bellingham, WA 98225

Please submit one signed original and five (5) hard copies in three ring binders (nothing bound), plus one electronic copy (on a CD-ROM or flash drive) to the above address.

All proposals received will be opened in public at the time and place stated above, and the name of submitters will be identified.
Vendor over the subsequent time period for which the Vendor is willing to honor the bid price. Whatcom County shall assume no legal or financial responsibility for any transaction between the contractor and another agency under this contract.

Vendor shall indicate in their proposal whether or not they are willing to provide access to this contract to other agencies. Participation is not mandatory.

1.8 Prevailing Wage


The Vendor awarded the contract will be required to meet Washington State Prevailing wage rates in effect at the time of RFP release for the first year of the contract, unless exempt under WAC 297-127-430, "Conditions for Granting a Subprevailing Wage Certificate". After the first year, the wages which the contractor shall pay its employees must be altered annually to recognize and follow the most recently promulgated increases in prevailing wages each year after the first year of the contract period. The cost of the increases in the wages shall be submitted to Whatcom County by the Contractor, and Whatcom County shall issue a contract change order to cover said wages.

1.9 Public Disclosure Law

Whatcom County is required by RCW 42.56 to disclose any and all documents related to its procurements and will do so upon request after an award is made. Marking an entire submission as proprietary in whole or in part does not exempt the Vendor’s submission from being released. Non-disclosure agreements are in direct violation of the RCW and therefore are not executable for the purpose of procurement and contract discussions.

Whatcom County shall make proposals available to the public after award. If a member of the public requests to view any of the proposals, the County will notify the affected Vendor under the provisions of RCW 42.56.540 prior to providing the proposal. The Vendor may take such legal action as it may determine to be necessary to protect its interest. If the Vendor has not commenced such actions within ten (10) business days after receipt of the notice from the County of a request to view the proposal, the County will make the proposal available to the requesting party. By submitting a proposal, the Vendor has thereby agreed to the provision of this section.

1.10 RFP and Proposal Participation Requirements

1.10.1 Incorporation of RFP and Proposal in the Final Agreement

This RFP and the Vendor's proposal response, including all promises, warranties, commitments and representations made in the successful proposal, shall be binding and be included in Whatcom County’s contract with the Vendor.

1.10.2 Errors in Proposals

If discrepancies between sections or other errors are found in a proposal response, Whatcom County may reject the proposal; however, Whatcom County may, at its sole option, correct any arithmetical error in extended price calculations or the addition of line items. Vendors are responsible for all errors or omissions in their proposal responses, and any such errors or omissions will not serve to diminish their obligations to Whatcom County.

1.10.3 Cost of Development of Proposals

All expenses incurred by the Vendor related to the proposal response or the selection process will be borne by the Vendor. No claim for reimbursement of time, material, or travel expenses shall be made by the Vendor against Whatcom County or its agents, regardless of
integrated solution is a very important aspect of this presentation and functional benchmark. The presentation structure must include the following:

- Brief introduction of vendor’s team and overview of qualifications.
- Overview of vendor’s approach to the project including timetable.
- Overview and demonstration of the components of the proposed Recording/Imaging System.

During the presentation, the Vendor has the opportunity to introduce its team and present the proposal, product, and capabilities to the Auditor’s representatives. The Vendor should be prepared to demonstrate how well the proposed Auditor’s Document Recording and Imaging System would provide the functionality requested. The demonstration should also make the Auditor’s representatives comfortable with, and somewhat knowledgeable about, use of the components of the Auditor’s Document Recording and Imaging System.

The functional benchmark is generally structured as follows:

- Scripted functional benchmark of capabilities (by vendor)
- Hands-on, unscripted use of proposed Recording/Imaging System (by Auditor representatives)

The intent of the scripted portion of the functional benchmark is to ensure minimum and consistent coverage of functional requirements by all finalists. The Auditor will provide the Vendor typical use case scenarios in the form of scripts at the presentation and functional benchmark. Auditor representatives will measure system response times during the scripted portion of the functional benchmark.

The intent of the hands-on time is to provide end users with unscripted time on the proposed systems to explore their specific areas of interest. Auditor representatives will require the support of Vendor representatives for this hands-on time, but the intent is for end users to do all data entry and retrieval. Vendor should prepare one workstation for use during the functional benchmark.

The Auditor’s Office will select the site for the presentation and functional benchmark. The presentation and functional benchmark will occur before approximately 7 (seven) or more knowledgeable individuals. The Vendor should plan presentations and materials accordingly and perform the demonstrations according to the requirements provided as part of the notification material.

Throughout the presentation and functional benchmark, Auditor representatives may ask questions pertaining to the proposal, the system, or any other relevant concern. The Auditor’s Office reserves the right to request ad hoc operations during any of the demonstrations. Likely sources of discussions will include system tailoring and interfaces. Areas of functionality that the Vendor intends to meet in ways that are different from that requested by the Auditor will also be of interest.
2.7.4 **Technical Support**

The Vendor should provide toll-free phone support to the County’s staff. This support is intended to assist in executing system functions and in troubleshooting. The Vendor shall have available persons knowledgeable about the software and hardware being used to answer questions when users encounter problems. Response to user questions must be prompt. The Vendor must thoroughly describe procedures for resolving user problems and identifying potential “bugs” in the software in which they occur.

For the purposes of the cost proposal the Vendor shall assume that technical support coverage of the system will be provided five days a week, Monday through Friday, between the hours of 6:00 a.m. and 7:00 p.m. Pacific Time.

2.7.5 **Post Warranty Support (Maintenance) and Pricing**

The proposal must include pricing and descriptions of Vendor’s post installation service options. The proposed options should include:

1. A “standard” plan including access to upper-tier resources and software “bug” fixes or patches (software support).
2. A “premium” service plan covering the above plus free (included) software version upgrades and new releases.

Additional maintenance options for extended support or included additional services may be proposed as well, providing the offering is clearly defined and priced as an option.
3.1 Whatcom County Auditor's Office

The Auditor's Office is comprised of three divisions: Recording, Licensing, and Elections. The following is an organizational chart of the Auditor's Office.

![Organizational Chart]

The duties of the three divisions are as follows:

**Recording** records deeds and other official records which by law are to be filed or recorded in Whatcom County. The Recording Division also provides a public research area within the Auditor's Office for public searching, reviewing, and copying of all records maintained in this division. In addition, Recording issues marriage licenses.

**Licensing** acts as an agent of the Washington State Department of Licensing. This division provides vehicle licensing and title transfer services for Whatcom County and provides oversight to six licensing sub-agents throughout the county.

**Elections** provides voter registration services for all residents of Whatcom County and conducts all Federal, State, and local elections held within the county.

3.1.1 Recording Division

In the State of Washington, county auditors have been designated as the “recording officers” and “custodians of records.” The Revised Code of Washington (RCW) requires the recording of the following legal documents in the Auditor's Office: Deeds, Conveyances, Leases, Special District filings, Land Classification documents, Liens, Marriage Licenses and Certificates, Mining Claims, miscellaneous documents such as Contracts, Affidavits, Agreements, Powers of Attorney, Mortgages, Plats, Surveys, Covenants and Restrictions, Document Releases, UCC’s, Bulk Transfers, Inter-Local Agreements, Bills of Sale, Fixture Filings, Veteran’s documents, and some vital records peripheral to birth, death and marriage that relate to property records. In practice, the division records over 300 different kinds of
requirements. When recording a document electronically, the image on the viewer has a temporary red line (template) to assist the recorder with margin requirements.

3. The recorder then collects the fees (cash, check, charge if an A/P account is set up, draw-down account, credit card/debit card set up by Vitalchek).

4. A label and receipt is generated. The label lists the following recording information: auditor's file number, date, time, number of pages recorded, document type, fee to record document, and requester’s name (this matches name on receipt).

5. The label is affixed to the upper right hand corner of the document and then the document is scanned using Kofax software. Each document is scanned in batch format. The scanned image of the document recorded currently meets state archivist standards (RCW 65.04.040). The scanned image has the ability to be historically captured, to reproduce the document to its original size, and transferred onto microfilm. When recording a document electronically, the label is affixed to document electronically and bypasses the Kofax software but state archivist standards still apply.

6. The recorder reviews documents scanned in the batch several times during the day and then closes the batch which causes the documents to release to the Mentis Al-Index/Al-Redact portal (this process only takes 1 – 15 min). Redaction candidates and indexing fields are completed through the OCR process. When recording a document electronically, the document image recorded immediately releases to the Mentis Al-Index/Al-Redact portal.

7. These documents return from the Mentis process and are then queued up into the indexing queue. The documents are queued in order of oldest recorded first. There is a “list” mode of the documents queued up that the supervisor can access. (Indexed documents are imported next day into the Whatcom County Assessor system. The Assessor has a table available to them from which they select documents to be imported into their True Automation/PAS system. This process is triggered every evening pulling the documents to be imported based on documents indexed during that day. This process is seamless and does not affect the Auditor’s Office processes.)

8. Once the document is indexxed it is then placed in the verify queue. Currently, the recorders verify by sight making changes if needed.

9. Other processes that occur once a document is recorded:
   - Various reports are run to ensure that all pages within the document have been scanned, indexed, and verified.
   - Document images are staged and sent on a daily basis by auditor number/date scanned-date recorded to imaging companies that purchase documents.
   - Document images are staged and sent to other organizations on a monthly basis.
   - Accounts Payable and Account Receivable processes.
   - Paper documents received in the mail are processed for mail-back.
3.2.1 Process and Interfaces

The existing recording system in the Auditor’s Office uses ACS, a Xerox Company (Exigent Solutions). The current document processes/logistics are:

- Official Records and Marriage records are stored together with IBM Content Manager in an iSeries (IBM System i) file system. They are stored in a multi-page tiff format. Each record series (Official and Marriage) have a unique auditor file number, index fields, and search fields.
- Documents are scanned using Kofax software on a Windows server.
- Documents are submitted electronically (eRecorded) through approved e-recording Vendors via the county SFTP server.
- Document images are imported – e.g. large size maps are scanned at a separate location using a large-format scanner or microfilm that has been digitized.
- Mentis Technology Solutions software is used for auto-indexing and auto-redaction.
- On-line recorded document search. The current website allows recorded documents to be searched and viewed with web software (on iSeries).
- Automation of selected document types sent daily to Assessor’s Office.
- Selected document images are exported to business partners daily and or monthly.
- Recorded images are archived daily onto optical disks.

3.2.2 Location of Permanent Digitized Data

- Current Indexes are in DB2 tables on iSeries (IBM i)
- Current images are in an iSeries file system
- Tape Back-up
- Optical disks
- Images beginning August 1991
- Indexes beginning January 1982
- Multiple CD disks and a hard-drive of images from 1959 – 1989

3.2.3 Image Library

<table>
<thead>
<tr>
<th>Document Type</th>
<th>Total Index Entries</th>
<th>Indexes With Images</th>
<th>Images Only</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marriage Documents</td>
<td>67,377</td>
<td>45,048</td>
<td></td>
</tr>
<tr>
<td>Official Documents</td>
<td>1,566,814</td>
<td>1,231,908</td>
<td></td>
</tr>
<tr>
<td>Redacted Images</td>
<td></td>
<td></td>
<td>61,780</td>
</tr>
</tbody>
</table>

Total Documents stored as multi-page TIFFs, 1,338,694, approximately 250 Gb

Size of the data schema, 30 Gb
with the implementation and ongoing operation of the new Auditor’s Document Recording and Imaging System.

4.2.3 Technical Architecture

The selected Vendor will provide a proposed technical architecture (description and diagram) of the new Auditor’s Document Recording and Imaging System. The architecture will include all proposed major computing components and integrations.

4.2.4 Hardware Recommendations

1. The selected Vendor will recommend sizing for the required servers. The precise configuration is the Vendor’s responsibility to propose. Whatcom County anticipates the Vendor will recommend the latest hardware with sufficient data storage, processor capability, and memory to handle the Auditor’s Office requirements for at least the next 5-years. Whatcom County will purchase county standard servers (brand and model) which meet or exceed the Vendor’s sizing recommendations.

2. The Auditor’s Office received new Dell OptiPlex 7010 computer workstations in 2013. The Vendor shall review the current hardware to ensure that it will work with their system. If the current workstations are not compatible with the Vendor’s requirements, the Vendor will recommend sizing for replacement workstations. Whatcom County will purchase county standard (brand and model) computers which meet or exceed the Vendor’s sizing recommendations.

3. The Auditor also anticipates dedicated or standalone server architecture for all external communications such as with business partners and also citizens. Citizen access to the proposed system should not impact the Auditor’s Office use of the core system. It is anticipated that the core system will replicate information to the dedicated system(s) for public access on at least a daily basis.

4. The Auditor requires the Vendor to specify new label printers compatible with the system and the Auditor’s existing workstations.

5. The current receipt printers need to be replaced. The Auditor desires the Vendor to specify two solutions: traditional receipt printers, and small footprint standard printers to be used for receipt printing. The standard printer solution should also accommodate any other printing needs for that workstation.

4.2.5 Hardware Reliability

The core Auditor’s Document Recording and Imaging System must be a highly reliable system with little or no down time during office hours of 8:00 a.m. – 5:00 p.m. Web access to Official Documents and the Marriage License application process must be a highly reliable system to support 24/7 access.

4.2.6 Operating Systems and Directory Services

The proposed system needs to be certified to operate on current and planned operating systems as follows:

Desktop: The current county desktop operating system standard is Windows 7 Professional 64-Bit. There are no immediate plans to migrate to Windows 8, but the proposed system needs to be compatible with Windows 8 and subsequent Microsoft desktop operating systems.
2. The system must provide the ability to suspend documents mid-process and return to finish them later.

3. The system should provide the ability to generate multiple copies of a recorded document for batches of identical documents (group of 25 one page Liens for example).

4. A bar code label should be automatically generated at the end of the transaction. The system must provide the ability to reprint a label as necessary and the ability to change the number of pages recorded the next day without having to void and re-receipt. The information printed on the label must be user configurable.

5. The system must assign auditor file numbers consecutively to batches of documents. Numbers must be assigned when the transaction is complete.

6. The system should allow transactions to be voided with proper authorization, including the ability to void/revise single instruments within transactions.

7. Once a transaction has been voided, the system should provide the ability to use the unused auditor file numbers one at a time. For example if a transaction with five documents is voided, it should not be required to use all five numbers in one transaction.

8. The system must accommodate the recording and appropriate fee collection of multiple title and “blanket” transaction documents (one physical Lien document submitted with multiple property owners/Assessor Parcel Numbers included for example).

9. The system must be fast with minimal delay waiting for records, images, input screens, or search results.

10. The option to front-end scan (scanning first before recording the document) is desirable.

11. An integrated document rejection database to log rejected documents both paper and electronic and the rejection reason is desirable. The Auditor is currently using an outdated Access database to log this information.

4.5 Cash Handling

1. The system must include full drawer balancing/reconciliation process.

2. The system must provide the ability to over-ride fees, and to add a note regarding the reason for adjustment.

3. The system must include standard accounting controls.

4. The system must accept as payment AR/cash/checks/draw-down/credit card.

5. The system should provide a separate report to track voids.

6. The system must produce receipts with user configurable header information. Ability to reprint receipts is required.

4.6 e-Recording

1. The system must include e-Recording functionality compliant with Property Records Industry Association (PRIA) standards.
3. The system must provide the ability to look up and view account information for specified time period by account.

4. The system must maintain accounts for government agencies (as accounts receivables) and escrow or EFT accounts for all others.

4.9 Auto-Indexing/Auto-Redact

1. The system must integrate with existing auto-indexing/auto-redact vendor (Mentis).

2. The system must maintain the original unredacted document for access by authorized staff.

3. Redaction must be burned into the image, not function as an overlay on the image.

4.10 Indexing

1. The system must provide a full range of copy/duplicate functions to populate like data from one document to the next.

2. The system must provide the ability for sight verification and maintain statistics on productivity and accuracy per user.

3. The ability for a clerk to send a document image to the supervisor if a recording error is found is desirable.

4.11 Search Capability

1. The system must provide search screens customized for map-only search, marriage-only search, official record-only search, and merged search.

2. The system should have intelligent search capability that uses “contains” logic.

3. The system must provide exact name search with list of names in alphabetic order.

4. The system must provide partial name search.

5. The system should provide search functionality that will help “normalize” data by ignoring special characters.

6. It is desirable that the system provide cross-referenced documents on the search screen once a specific document is selected with the ability to click on the cross-reference and see that document.

4.12 Web Access

1. The system must provide a web application or site for searching/displaying recorded documents.

2. The system must provide for images to be watermarked “Unofficial Record.”

3. The system must provide user configurable screen updates such as changing language from Bride to Spouse A, updating dates for document return, date range digital images are available, etc. without calling Vendor.
2. The system must provide the ability to import into system map images scanned off-site and append to cover sheet.

3. The system must provide the ability to import old maps and come up with a naming system for maps where the name is available but the AF# is not.

4. It is desirable to have an integrated plat name reservation system that provides for look-up by plat name and space to mark as reserved, who reserved for and reservation date. At the time of recording the plat, auto-fill the recording information (auditor file number, abbreviated legal, and grantor/grantee) into the reservation database.

4.18 Reports

1. The system must provide integrated standard and customizable reports for all aspects of the system including the ability for users to create ad hoc reports.

2. The system must allow merging of data from database into County standard Microsoft Office software for generating forms and letters.

3. The system must provide reporting functions for tracking the performance and productivity of the system and of office staff.

4. The system must provide a full range of statistical reports for transactional data, financial data, etc. that can be specified by date range, document type etc. Examples include: auditor file numbers issued, document types recorded, ability to get all types except a selected few, total transactions by type (official records, maps, marriages), etc.

4.19 Licensing

A site license is required.

4.20 Lien/Fraud Alert

A lien/fraud alert that customers may sign up for, and receive automatic email alerts if a document affecting their property is recorded, is desirable.

4.21 Archiving of Data and Business Continuity

1. The County currently utilizes WORM optical disks for permanent storage of images and desires to move off of that platform. Vendor is asked to propose archiving solution for permanent storage. Preference is for “Silent Cube” or other technology that would utilize hashing or similar techniques in order to determine if data has been altered and/or degraded.

2. It is the desire of the Auditor to have off-site storage as a hot back up in the event of a disaster such that the Vendor could be used to restore system quickly. The Auditor would like a proposal for a “hot site” for images and index.

4.22 Test Environment

1. The Auditor desires a persistent test environment. Vendor is asked to provide specifications for the design and structure.

4.23 Supervisory Controls

1. It is required for the system to allow the supervisor to set up users and assign their appropriate levels of security.
5 **STATEMENT OF WORK (SOW)**

The following sample SOW is supplied as a guideline for the Vendor to create a proposed SOW for this project. It is intended to demonstrate the desired level of project detail to be included in the Vendor’s submission.

Use this guideline to write the SOW and provide appropriate professional services pricing. The Vendor should enhance this to ensure it is a suitable SOW for the delivery of its services and the Vendor’s SOW response will become the core element of any subsequent contract.

### 5.1 Implementation Overview

Proposals should clearly outline the Vendor’s methodology and address the following items:

- Project Planning Process/Methodology/Project Plan
- Project Risk Management/Mitigation
- Required Protocols/Standards
- Product Certifications
- Testing and Acceptance Procedures
- Training
- Documentation
- Implementation Support

The Vendor will design, develop, deliver, and implement a fully operable, comprehensive, integrated recording system meeting all of the requirements set forth in the RFP. Costs associated must include all supervision, labor, materials, and testing instrumentation required for the work associated with this RFP, as well as any overtime for pre-installation, installation, and cutover work that may occur. The Vendor will fully specify required equipment such as servers, receipt printers, label printers, or any other devices necessary for completion of the system to be ordered by the county.

### 5.2 Vendor Resources

The Vendor shall provide the following resources:

1. A Project Manager experienced with the proposed solution to serve as Whatcom County’s contact in all aspects of this engagement including but not limited to project planning, scheduling, defining requirements, change control, escalation, risk management, implementation planning, implementation support, testing and acceptance, training, and documentation.

2. Guidance on best practices; however, it is understood that the unique design requirements of Whatcom County will be the determining factor.

3. A Certified Trainer in order to complete the training requirements described in Section 5.13 and a Project Engineer to function as the primary technical resource for delivery of the services proposed herein.

### 5.3 Whatcom County Resources

Whatcom County will provide the following resources:

1. A primary contact / internal Project Manager to work closely with the Vendor project team. This internal Project Manager’s responsibilities will be to facilitate all communication and meetings between Vendor Project Manager and the client project team.

2. One or more resources to assist the Vendor Project Engineer with design specifications, data gathering, and compilation of end-user database.
4. In addition to conversion of the existing legacy system, the Auditor is interested in exploring the possibility of converting historical records at the same time. We have a library of approximately 966,000 images of land records and approximately 65,000 marriage records provided to us by title companies and the state digital archives. The Vendor is asked to provide their approach to this task and to recommend alternatives. This is to be priced as a separate task from the conversion of the legacy system.

5.7 **End User Requirements**

Vendor shall provide the following support to Whatcom County end users:

1. Vendor and Whatcom County Project Manager will conduct meetings with departmental representatives as needed to identify and document end-user requirements.
2. Guidance and recommendations based on best practices to meet end-user requirements.
3. Work with Whatcom County resources to collect, compile, and validate end user information for staff.

5.8 **Training**

Vendor shall provide the following training:

1. Conduct knowledge transfer on all elements of the proposed solution for Whatcom County's implementation team.
2. Manufacturer certified end user, supervisor, and administrative training at the Whatcom County site.
3. Work with Whatcom County Project Manager to determine training curriculum and schedules.
4. Classes will be conducted on test system with standard workstations at the Whatcom County site.
5. “Hands-on” instructor-led classes with no more than 4 users per class and include training on:
   - Recording/Indexing
   - Cash handling
   - Search capabilities
   - Reports
6. Specialized training will be provided for supervisors to include:
   - Review of available supervisor tools
   - Operation of supervisor PC client
   - Access to conditional routing tools including announcements
   - Access to standard reports
   - Creation of custom reports
   - Use of quality monitoring system
   - Train the trainer
7. Ongoing knowledge transfer to designated Whatcom County resources during system design, configuration, implementation, and support stabilization.
8. Specialized training will be provided for system administration and management.
9. Any other training tools deemed advantageous to the ongoing training and management of the proposed systems, including, but not limited to access to, online resources, and continuing education.
EXHIBIT A – HISTORY OF AUDITOR FILE NUMBERS

First volumes of records begin with “A” and finish with “O”. The Grantor/Grantee index references volume and page. Numbered volumes begin without auditor file numbers. The Grantor/Grantee index references volume and page. Once the numbering system begins the numbers run sequentially through 1650580 which was recorded September 10, 1989.

On September 11, 1989, we went to a computerized recording system which changed the numbering system. The first part of that day used numbers 1650581 – 1650627 (47 documents). The next document used the first new number of the new system - 890911048. These 9 digit numbers consist of a truncated year (2 digits), month (2 digits), day (2 digits), and a 3 digit running number representing the number of recorded documents per day. The number changes at the beginning of each day. Currently, except for the years 1984-1987, these documents must have the 2-digit year in front of the auditor file number to search our computer system.

On 06/02/1997, we switched to the current Exigent recording system. We stopped using volume and page and began using only the auditor file number as a reference. The auditor file number changed to a 10-digit number beginning with 1970600001. These 10 digit numbers consist of century (1 digit), a truncated year (2 digits), month (2 digits), and a 5 digit running number representing the number of recorded documents per month. The number changes at the beginning of each month.

The first 3 digits for each year under the Exigent system:

1997 – 197
1998 – 198
1999 – 199
2000 – 200
2001 – 201
2002 – 202
2003 – 203
2004 – 204
2005 – 205
2006 – 206
2007 – 207
2008 – 208
2009 – 209
2010 – 210
2011 – 211
2012 – 212
2013 – 213
2014 – 214
Recording System to Assessor System Integration

Software Requirements Document

Version 1.0

10/16/14

www.whatcomcounty.us
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B. Overall Description

a. Product Perspective
Create an importable text file with the auditor recorded document information so that it can be associated with corresponding properties.

b. Product Features
This SRD will cover the following features:
- Exporting text file
- Viewing of images

c. Design and Implementation Constraints
The data must be exported in the format the ATS system is expecting to import.

d. Assumptions and Dependencies
- Document types to be exported will be identified by Assessor and saved in a maintainable area in recording system.
- Documents must be opened with a single URL request from PACS.NET
- Documents must be available in a single multipage document
- There are numerous many to one fields that will only return the first result. Example: Geo ID, Grantor, and Grantee.
D. Interface Requirements

a. External Communications Interfaces

i. File Layout

<table>
<thead>
<tr>
<th>Field Name</th>
<th>Length</th>
<th>Data type</th>
</tr>
</thead>
<tbody>
<tr>
<td>Document Type</td>
<td>5</td>
<td>varchar</td>
</tr>
<tr>
<td>Auditor File #</td>
<td>15</td>
<td>varchar</td>
</tr>
<tr>
<td>Property ID</td>
<td>10</td>
<td>int</td>
</tr>
<tr>
<td>Geo ID</td>
<td>50</td>
<td>varchar</td>
</tr>
<tr>
<td>Excise #</td>
<td>15</td>
<td>int</td>
</tr>
<tr>
<td>Image URL path</td>
<td>200</td>
<td>varchar</td>
</tr>
<tr>
<td>REET #</td>
<td>20</td>
<td>varchar</td>
</tr>
<tr>
<td>Date Recorded</td>
<td>8</td>
<td>datetime</td>
</tr>
<tr>
<td>Instrument Date</td>
<td>8</td>
<td>datetime</td>
</tr>
<tr>
<td>Sale Date</td>
<td>8</td>
<td>datetime</td>
</tr>
<tr>
<td>Sale Price</td>
<td>14</td>
<td>Numeric</td>
</tr>
<tr>
<td>Taxpayer Name</td>
<td>70</td>
<td>varchar</td>
</tr>
<tr>
<td>Owner name</td>
<td>70</td>
<td>varchar</td>
</tr>
<tr>
<td>Seller name</td>
<td>70</td>
<td>varchar</td>
</tr>
<tr>
<td>Sales comment</td>
<td>500</td>
<td>varchar</td>
</tr>
<tr>
<td>Document comment</td>
<td>500</td>
<td>varchar</td>
</tr>
<tr>
<td>Metes and Bounds</td>
<td>1000</td>
<td>varchar</td>
</tr>
</tbody>
</table>
### Revision History

<table>
<thead>
<tr>
<th>Date</th>
<th>Version</th>
<th>Description</th>
<th>Author</th>
<th>Target Audience</th>
</tr>
</thead>
<tbody>
<tr>
<td>10/16/14</td>
<td>1.0</td>
<td>Original Version</td>
<td>Matt Shepherd</td>
<td>Draft</td>
</tr>
</tbody>
</table>

### Approval

<table>
<thead>
<tr>
<th>Approved By</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auditor's Office</td>
<td></td>
</tr>
<tr>
<td>IT Management</td>
<td></td>
</tr>
</tbody>
</table>

### Document Location

TBD

### Primary Audience

<p>| |</p>
<table>
<thead>
<tr>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Potential Recording Vendors</td>
</tr>
<tr>
<td>Auditor's Office</td>
</tr>
<tr>
<td>IT Management</td>
</tr>
</tbody>
</table>

### Subject Matter Expert(s) (Business Rules)

<table>
<thead>
<tr>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Stacy Henthorn</td>
</tr>
<tr>
<td>Diana Bradrick</td>
</tr>
</tbody>
</table>

### Subject Matter Expert(s) (Technical)

<table>
<thead>
<tr>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Matt Shepherd</td>
</tr>
<tr>
<td>Terry Perkins</td>
</tr>
<tr>
<td>Brian Johnson</td>
</tr>
</tbody>
</table>
A. Introduction

a. Purpose
The purpose of this integration is to facilitate exporting data and images from the Auditor's recording system into a format that the Washington State Digital Archives can consume.

b. Integration Scope
Export data and images from the recording system into a zip file containing a text file with index information and a folder of corresponding image to a remote FTP server.

c. References
N/A
C. System Features

a. Integration Features

- The data export will run automatically every evening and output a compressed ZIP file containing the index and images.
- Upon completion of the data export, the compressed ZIP file will be sent via FTP to the Digital Archives.

i. Stimulus/Response Sequences

- Every evening at 7:00 pm, the data export should produce a compressed ZIP file.
- When the export completes it should be sent via FTP to the Digital Archives.

ii. Functional Requirements

- A log needs to be kept of all documents exported and any errors for troubleshooting.
December 19, 2014

ADDENDUM #1
RFP #14-66
Auditor’s Document Recording and Imaging System

ATTENTION

All document holders are hereby notified that the RFP documents for the subject RFP have been amended as hereinafter set forth. The following changes, additions, and/or deletions are hereby made a part of the RFP documents.

The following pages contain answers to questions received in writing by the stated deadline of Monday December 14, 2014 at 5:00 PM PDT, from potential respondents to the RFP.
Questions referencing specific sections in the Request for Proposal:

**Q1**  
Section 2.7.5  
Post Warranty Support & Pricing

*Question 1:* There is a request for Premium service plans yet the response form doesn’t give an area to list this pricing. Should we provide this on an additional pricing option page?

**Answer:**

Yes.

**Q2**  
Section 4.2  
Technical and Functional Specifications

*Question 2:* Do you want the response in the cell below the number options “0 1 3 5”, do you want us to circle the number option, or do you want us to replace the number options with the number that applies to allow for easier calculation and scoring?

**Answer:**

No, please do not replace the numbering options. Circle the number within the “0 1 3 5” as to whether your system can meet the “requirements” the county is looking for. A number 3 circled means the vendor can provide this requirement/desirability. If other than the number 3 circled please fully describe what your system can do or your plan to meet county requirements/desirables. If your description does not fit in the space provided, please reference section and re-write question with your response.

**Q3**  
Section 4.4  
Recording

*Question 3:* There is a request to have the ability to re-use the voided/unused auditor file numbers. This could result in the numbers being out of sequence with the recording date/time stamps.

**Question 3 Part 1:** Will this be an issue with Whatcom County

**Answer:**

No.

**Question 3 Part 2:** Or will the county only re-use an auditor file number if a later number has not already been assigned, thereby keeping the assigned numbers and date/time stamps in synch?

**Answer:**

Yes, we want to have the capability to re-use an auditor file number. The only time we would re-use an auditor file number is when a document was recorded in error and we have another document received in our office the same day to replace it.
Questions referencing Attachment 1 – RFP Response Form:

<table>
<thead>
<tr>
<th>Q4</th>
<th>Section 4.8</th>
<th>Accounts</th>
</tr>
</thead>
<tbody>
<tr>
<td>“Ability to system generate and image fee invoice.”</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Question 4:** Would the County please explain the existing process (if in place) for generating an invoice fee? How would the County desire this process of delivery to occur, Email, FTP or other?

**Answer:**

We do not have the ability to create an invoice in our recording system. Currently, we download images through an import process and write down the number of images. We then multiply the number of images times the per image fee to come up with the total amount due. We transfer this information into a word document created internally. We are looking to reduce these steps and come up with a more efficient process.

<table>
<thead>
<tr>
<th>Q5</th>
<th>Section 4.10</th>
<th>Indexing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Requirements “System must provide a full range of copy/duplicate functions to populate like data.”</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Question 5a:** Would the County please provide a few examples of this desired function? Is this question referring to an auto-populate or ability to have “hot-keys” that may be customized for the user as shortcuts?

**Answer:**

This desired function is referring to ability to copy information from one record to another in indexing if auto indexing didn’t pick it up. For example if the grantors/grantees or legal are identical on multiple documents. We would like the capability to copy not rekey information.

Requirements “.. sight verification and maintain statistics…”

**Question 5b:** Would the County please provide a few examples of how this feature may be used to help clarify if we have this in our existing system?

**Answer:**

County wants to maintain the ability to sight verify instead of having to key information again if information in the field is correct. Also, we are interested in collecting various “user” statistics regarding indexing and verifying (statistics by time of day, documents indexed, documents verified, document types indexed, documents types verified, etc).

We are interested in the possibility of routing a document to the supervisor if a recording error or indexing error is noticed by system user.
Q6  Section 4.16  Images

"The system must provide the ability to extract indexes and images."

**Question 6:** Is this going to be an automated process or on demand with defined parameters? Is this related to exports to title companies referred to in the above part of this section?

**Answer:**
Both. We would like the capability to set parameters based on customer request and also automatically export to specific business partners. Title companies and Washington State Digital Archives are our business partners.

Q7  Section 4.21  Archiving of Data and Business Continuity

**Requirements**

**Question 7a:** Is the County asking for the chosen vendor to integrate with a specific solution and/or utilize a third party vendor for archiving? Will the County incur this cost or should the chosen vendor be responsible?

**Answer:**
The County would like the vendor to propose a third party solution. County will incur the cost.

Desirable

**Question 7b:** Is the County asking for the chosen vendor to set-up and configure a back-up environment for the county?

**Answer:**
Yes, for the recording data only.

Q8  Section 6.1  System Components and Desktop

**Question 8:** Components are listed, but throughout the RFP it states that Whatcom County will purchase their own hardware. What should be included in this section?

**Answer:**
Recommendation for desktop components: County is looking to replace individual label printers and receipt printers.

Q9  Section 6.2

**Question 9:** Requests a per-item pricing for the installed cost of each and every component that must match up to the BOM (Bill of materials). Is Whatcom County requesting an itemized list of services and 3rd party software and maintenance, or software licenses and maintenance?

**Answer:**
An itemized list of Services and Third Party Maintenance.
General Questions

Q10

Question 10a: I do not see a pre-bid conference on the schedule, which is not too unusual, but just want to make sure that we are to submit questions and proposal as directed and meeting in Bellingham will not be until final evaluations?

Answer:
There is no pre-bid conference. Submitted proposals will be evaluated and select vendors will be notified to schedule a formal presentation.

Question 10b: Do I have to have my submission notarized in the State of Washington or can it be performed in my home state?

Answer:
The notarization can be from the home state.

Question 10c: Currently how many Full (full access) and Read only (public) users are accessing the current recording system?

Answer:
We are not interested in a per seat licensing. We are only interested in unrestricted use for any number of users from within the county or visitors to the public facing website.

Question 10d: In order to ensure that the scripted demonstration are most effective and not subject to hardware failure from shipping damage, would the County consider an on-site demonstration relying on a vendor’s test system (installed at their site), and the use of county scanning equipment and laser printers? Other, peripheral equipment (such as a label printer) could be brought by the vendors’ organization.

Answer:
We prefer the hardware to be supplied by the vendor. However, we will work with the vendor to try to accommodate any needs and examine equipment on a case by case basis.

Question 10e: Who is Whatcom County currently working with to develop their eReet Solution is it internally or externally being developed?

Answer:
Currently, the Treasurer has not determined which vendor or solution will be used.

Question 10f: Will the county consider extending the bid deadline to January 9th to avoid any possible shipment delays due to the holiday?

Answer:
No.
Question 10g: The vendor is asked to propose an archiving solution for permanent storage. Does the county expect this to be part of a tiered retrieval solution? For example, is this cold storage of images to be retrieved only if the online version is unavailable for some reason?

Answer:

We are requesting a proposal based on best business practices used to handle permanent storage of recorded documents and index information.

END OF ADDENDUM #1
Helion Software

RFP #14-66 - Auditor’s Document Recording and Imaging System

December 30, 2014
1 PROPOSAL FORM

The undersigned agrees to furnish the enclosed items at the price stated, subject to the conditions and requirements of this proposal. The proposal must be signed by someone with the authority to legally bind the Vendor.

Vendor’s Business Name: Helion Software, Inc.

<table>
<thead>
<tr>
<th>Type of Business</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Sole Proprietorship</td>
<td>☐ Partnership</td>
</tr>
</tbody>
</table>

Physical Business Address (Must NOT be a PO Box)

4263 Commercial St SE, Suite 300

<table>
<thead>
<tr>
<th>City</th>
<th>State OR</th>
<th>Zip Code</th>
</tr>
</thead>
<tbody>
<tr>
<td>Salem</td>
<td>OR</td>
<td>97302</td>
</tr>
</tbody>
</table>

Business Telephone # (503) 362-9394

Business Fax # (503) 584-0608

Business Email sales@helionsoft.com

UBI # n/a

EIN # 93-1298376

Contractor Registration # n/a

Receipt is hereby acknowledged of Addenda No(s): 1, 2, 3, 4, 5, 6, 7

NOTE: Failure to acknowledge receipt of addenda will be considered non-responsive to the proposal.

"I declare under penalty of perjury under the laws of the State of Washington that the proposal submitted is genuine. This proposal is not fake or made on behalf of any person who has an interest in the award. I further state that no other proposer has been solicited to put a false bid, adjust their price lists, or coerced any other company to refrain from proposing. I guarantee that my firm has not attempted to secure an advantage over any other proposer through collusion. All statements and information contained in the submitted proposal are true, correct, and based on the requested scope of work. All employees and agents of the vendor are skilled and experienced in the work proposed. In the event that the Project or any aspect of the project is found to be non-compliant, I understand my company will be held responsible to remedy all deficiencies at no additional cost."

Note: The penalty for making false statements in offers is prescribed in 18 U.S.C. 1001.

Signature and Title of Authorized Official(s):

[Signature]

CEO

STATE OF OREGON

COUNTY OF Marion

On this 29th day of December, 2014, before me personally appeared Murray Giesbrecht to me personally known to be the person described in and who executed the above instrument and who acknowledged to me the act of signing thereof.

[Signature]

NOTARY PUBLIC, in and for the State of Oregon,

Residing at Salem, Oregon

My commission expires December 15, 2015
2.2 Contact Information

Provide contact information for the proposing Vendor and any other components (describe) proposed as part of the solution

<table>
<thead>
<tr>
<th>Proposing Vendor - core product/service</th>
<th>E-Mail Address</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murray Giesbrecht</td>
<td><a href="mailto:murrayg@helionsoft.com">murrayg@helionsoft.com</a></td>
<td>(503) 362-9394</td>
</tr>
<tr>
<td>Ramona Qualls</td>
<td><a href="mailto:ramonaq@helionsoft.com">ramonaq@helionsoft.com</a></td>
<td>(503) 362-9394</td>
</tr>
<tr>
<td>Murray Giesbrecht</td>
<td><a href="mailto:murrayg@helionsoft.com">murrayg@helionsoft.com</a></td>
<td>(503) 362-9394</td>
</tr>
<tr>
<td>Ammon Farris</td>
<td><a href="mailto:ammonf@helionsoft.com">ammonf@helionsoft.com</a></td>
<td>(503) 362-9394</td>
</tr>
<tr>
<td>Steve Taylor</td>
<td><a href="mailto:stevet@helionsoft.com">stevet@helionsoft.com</a></td>
<td>(503) 362-9394</td>
</tr>
</tbody>
</table>

2.3 Vendor Information

1. Parent company (if applicable): n/a
2. State of incorporation: Oregon
3. Federal Identification Number: 93-1298376
4. Washington Business License Number: N/A
5. Years in business: 14
6. Size of organization: 16 full time staff
7. Total number of installed base customers (all products): 42

2.4 Manufacturer Information

Questions 1 - 5 in this section refer to the recording system application

1. Manufacturer’s name: Helion Software, Inc.
2. Headquarters address:
   4263 Commercial St SE, Suite 300
   Salem, OR 97302
3. Original release date of this system: 1/1/2000
4. Release date of this model of system: 2/4/2014 (2014.01)
5. Release date of the proposed level/version of software: 11/6/2014 (2014.03)
### 2.6 Customer References

Using the following tables, provide three relevant customer references where the Vendor has provided a similar solution within the last five years. The contact centers must be of similar size and complexity to Whatcom County. The solution must be presently in full production use (sales pending implementation of key components do not qualify). References will be contacted only for finalist Vendors and only after prior notification is sent to the Vendor.

<table>
<thead>
<tr>
<th>Reference 2 - Client Name</th>
<th>State:</th>
<th>Type of Business:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ada County</td>
<td>Idaho</td>
<td>County Clerk/Recorder</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Contact Name:</th>
<th>Job Title:</th>
<th>Phone Number:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jim Morton</td>
<td>Records Manager</td>
<td>(208) 287-6850</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>System Replaced:</th>
<th>E-mail Address:</th>
</tr>
</thead>
<tbody>
<tr>
<td>County Developed</td>
<td><a href="mailto:jmorton@adaweb.net">jmorton@adaweb.net</a></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Number of Users</th>
<th>When Implemented:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Six full time recorders</td>
<td>July 2014</td>
</tr>
</tbody>
</table>

**Description / Notes:**
Ada County, ID recorded approximately 140,000 documents in 2014 along with 3,100 marriages.

<table>
<thead>
<tr>
<th>Reference 2 - Client Name</th>
<th>State:</th>
<th>Type of Business:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Canyon County</td>
<td>Idaho</td>
<td>County Clerk/Recorder</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Contact Name:</th>
<th>Job Title:</th>
<th>Phone Number:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brad Jackson</td>
<td>Chief Deputy Clerk</td>
<td>(208) 455-6077</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>System Replaced:</th>
<th>E-mail Address:</th>
</tr>
</thead>
<tbody>
<tr>
<td>County Developed</td>
<td><a href="mailto:b.jackson@canyonco.org">b.jackson@canyonco.org</a></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Number of Users</th>
<th>When Implemented:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Four full time recorders</td>
<td>September 2012</td>
</tr>
</tbody>
</table>

**Description / Notes:**
Canyon County, ID records approximately 50,000 to 60,000 documents per year.
Baker County, Oregon
Tami Green, County Clerk
tgreen@bakercounty.org
(541) 523-8207

Implemented August 2005

Marriage Licensing

Benton County, Oregon
James Morales, Records and Elections Manager
james.v.morales@co.benton.or.us
(541) 766-6832

Implemented October 2002

Receipting
Indexing
Marriage Licensing
Web Query
eRecording

Implemented 2011

Canyon County, Idaho
Brad Jackson, Recording Supervisor
bjackson@canyonco.org
(208) 455-6077

Implemented October 2012

Receipting
Indexing
Marriage Licensing
Web Query
eRecording
Automated Indexing
Liquor Licensing

Clackamas County, Oregon
Sherry Hall, County Clerk
sherryhal@co.clackamas.or.us
(503) 722-2745

Implemented January 2000

Receipting
Indexing
WebQuery
Marriage Licensing
Automated Indexing
implemented on 11/1/2009
eRecording
implemented on 1/9/2012
Curry County, Oregon
Rene’ Kolen, County Clerk
kolenr@co.curry.or.us
(541) 247-3295

Implemented June 2007

Receipting
Indexing
Marriage Licensing
WebQuery
ActiveDoX

Deschutes County, Oregon
Nancy Blankenship, County Clerk
Nancy_Blankenship@co.deschutes.or.us
(541) 388-6544

Implemented May 2001

Receipting
Indexing
Marriage Licensing
WebQuery
ActiveDoX
Assessment Work Queue
Automated Indexing Implemented on 3/1/2008
eRecording Implemented on 7/19/2011

Douglas County, Nevada
Karen L. Ellison, County Recorder
ekellison@co.douglas.nv.us
(775) 782-9027

Implemented September 2014

Receipting
Indexing
WebQuery
eRecording
Harney County, Oregon
Derrin Robinson, County Clerk
clerk@co.harney.or.us
(541) 573-6641

Implemented August 2010

Receipting
Indexing
Marriage Licensing
WebQuery
ActiveDoX
Assessment Work Queue

Hood River County, Oregon
Brian Beebe, County Clerk
brian.beebe@co.hood-river.or.us
(541) 387-6854

Implemented December 2006

Receipting
Indexing
Marriage Licensing
WebQuery
Assessment Work Queue

Humboldt County, Nevada
Debbie Engstrom, County Recorder
recorder-de@hcnv.us
(775) 623-6412

Implemented June 2014

Receipting
Indexing
Marriage Licensing
WebQuery
eRecording
Klamath County, Oregon
Linda Smith, County Clerk
lsmith@co.klamath.or.us
(541) 883-5134

Implemented July 2006
Receipting
Indexing
Marriage Licensing
WebQuery
ActiveDoX
eRecording Implemented on 10/1/2012

Lake County, Oregon
Stacie Geaney, County Clerk
smgeaney@co.lake.or.us
(541) 947-6006

Implemented on December 2009

Receipting
Indexing
Marriage Licensing
WebQuery
ActiveDoX

Lane County, Oregon
Marle Hoehne, Records Supervisor
marle.hoehne@co.lane.or.us
(541) 682-7402

Implemented December 1999

Receipting
Indexing
Marriage Licensing
WebQuery
ActiveDoX
eRecording Implemented on 2/7/2012
Multnomah County, Oregon
June Tilgner, Program Manager, Assessment & Taxation
june.k.tilgner@co.multnomah.or.us
(503) 988-3345 Ext. 85378

Implemented January 2008

Receipting
Indexing
Marriage Licensing
WebQuery
Automated Indexing
eRecording

Polk County, Oregon
Val Unger, County Clerk
unger.valerie@co.polk.or.us
(503) 623-9217

Implemented July 1995

Receipting
Indexing
Marriage Licensing
WebQuery
ActiveDoX
Assessment Work Queue
eRecording

San Juan County, Washington
F. Milene Henley, County Auditor
Mileneh@co.san-juan.wa.us
(360) 378-2161

Implemented December 2008

Receipting
Indexing
Marriage Licensing
WebQuery
ActiveDoX

Sherman County, Oregon
Jenine McDermid, County Clerk
countyclerk@shermancounty.net
(541) 565-3606

Implemented June 2010

Marriage Licensing
**Wasco County, Oregon**  
Linda Brown, County Clerk  
LindaB@co.wasco.or.us  
(541) 506-2534  
Implemented February 2005

Receipting  
Indexing  
Marriage Licensing  
WebQuery  
ActiveDoX

**Washington County, Oregon**  
Teresa Eakin, Cartography and Recording Manager  
teresa_eakin@co.washington.or.us  
(503) 846-3907  
Implemented December 2002

Receipting  
Indexing  
Marriage Licensing  
WebQuery  
ActiveDoX  
Assessment Work Queue  
Automated Indexing Implemented on 7/1/2009  
eRecording Implemented on 4/25/2012

**Wheeler County, Oregon**  
Barbara Sitton, County Clerk  
bsitton@co.wheeler.or.us  
(541) 763-2400  
Implemented May 2009

Receipting  
Indexing  
Marriage Licensing  
WebQuery  
ActiveDoX
2.7 System Support And Maintenance

___ Acknowledges and Complies without exception

___ Acknowledges and Complies with the following exceptions:

Helion Acknowledges and Complies with all of 2.7 with the following exceptions:

2.7.4. Helion’s normal support hours are 7am to 5pm PST. Scheduling of occasional support hours outside this range, with advance notice, is included in our base support. If there is a service call at the end of the day, our support technicians will continue to work on it until it is resolved or it has been determined by the County to postpone the work until the following business day. Also included in our base support is emergency contact information. This contact is available 24 hours a day, seven days a week.

Pricing for the additional support hours (6am to 7am and 5pm to 7pm) is included as an option.

2.7.5. Helion only offers a premium support plan. This plan includes all upgrades and new releases.

Provide answers to the following questions:

1. Whatcom County defines a major outage as the inability to record documents or collect fees. A minor outage is any other system failure. State the Vendor’s guaranteed service response time for a:
   a. Major Outage: A system “major” shall be considered an emergency and require an immediate response by a certified technician.
      Helion guarantees immediate response to calls received during support hours.
   b. Minor Outage: All other issues are considered a minor outage.
      Typical response is immediate. Guaranteed response time is 16 hours.

2. Are software upgrades and bug patches included in the maintenance costs?
   Yes
   a. If not, list the charges for these services in the pricing section.

3. What is the process for software upgrades? How is interruption of service avoided?
   Helion contacts the client when there is a new version available and provides a list of changes that are included. A mutually agreed upon time is scheduled to install to a county test environment. Once the county is satisfied with the new version, a production install date is mutually agreed upon and scheduled. Any database updates are performed by Helion the evening before the production date. The actual install occurs on each workstation the first time the user logs in on the scheduled date. Typical install time is from one to five minutes per workstation.

4. Where are the closest technicians certified to work on the proposed platform(s)?
   Salem, Oregon
   a. How many certified technicians are located at the site referred to in the question above?
      Eight
installing corrective codes and making additions, modifications or adjustments to the Software as necessary to keep the Software in operating order and in conformity with the warranties.

The corrective services provided by Helion may include:
- Providing a resolution to the problem immediately; following analysis, providing documented clear steps toward problem resolution; or
- Performing configuration changes to the Helion software.
All modifications or specialized features made at the request of Whatcom County and performed by Helion will be ported to and supported in all future versions and releases of the Software.

Helion will provide on-going consulting on procedures for the backup and restoration of all databases required to run the Helion software.

Helion will consult with Whatcom County technical staff as needed on the status of all databases required to run the Helion software and ensure that all database indexes and database features are configured appropriately to ensure the proper functioning of the Helion system.

Helion, if required by the County, will ensure that database backups are performed prior to any modification to the database structure and/or schema as part the implementation of new Helion software through new version release or problem resolution.

Helion will perform all database repair and recovery due to database corruption, malfunction, or inconsistency brought about by implementation of new Helion software through new version release or problem resolution, by defects in or improper functioning of the client software, or by third party software used within the Helion Systems.

Services NOT Covered by Helion

Helion is not responsible for support in instances in which Whatcom County has made significant changes to the computing environment without consultation with Helion or in which Whatcom County has made significant client workstation configuration changes, such as Operating System version updates without consultation with Helion.

Helion is not responsible for remote or on-site training assistance unless specifically arranged through a separate services contract with Helion.

Helion is not responsible for software support on any products that are not supplied by Helion.

User Group

The Washington Helion Software Recording User Group meets one time a year to discuss the direction of software development and any issues that need to be addressed. All clients are encouraged to attend. Helion software improvements and upgrades are determined by our users.
3 CURRENT ENVIRONMENT

3.1 Background

____ Yes____ Vendor acknowledges review and understanding of this section.

3.2 Computing Environment

____ Yes____ Vendor acknowledges review and understanding of this section.
4.2 Technical and Functional Specifications

4.2.1 Technical Computing Environment

The proposed Auditor's Document Recording and Imaging System is required to be compatible with the following technical computing environment:

### Desktop Technical Computing Environment

<table>
<thead>
<tr>
<th>Item</th>
<th>Current</th>
</tr>
</thead>
<tbody>
<tr>
<td>Desktop Computer</td>
<td>Dell OptiPlex 7010</td>
</tr>
<tr>
<td></td>
<td>• CPU: Intel Core i5-3470 Processor (Quad Core)</td>
</tr>
<tr>
<td></td>
<td>• RAM: 8GB</td>
</tr>
<tr>
<td></td>
<td>• Video: 1GB AMD Radeon HD 7470</td>
</tr>
<tr>
<td></td>
<td>• Hard Drive: 250GB SATA</td>
</tr>
<tr>
<td></td>
<td>• Network: 10 / 100 / 1000 Mbps</td>
</tr>
<tr>
<td></td>
<td>Microsoft Windows 7 Professional SP1 64-Bit</td>
</tr>
<tr>
<td></td>
<td>F-PROT Anti-Virus for Windows 6.x</td>
</tr>
<tr>
<td></td>
<td>Microsoft Office Professional Plus 2010 SP2 32-Bit</td>
</tr>
<tr>
<td></td>
<td>Dell P1913S 19&quot; Monitor (Dual monitors at each desktop computer)</td>
</tr>
<tr>
<td>Network Copier/Printer/Scanner</td>
<td>Canon ImageRUNNER 5050N</td>
</tr>
<tr>
<td>Network Printers</td>
<td>HP LaserJet 5200TN</td>
</tr>
<tr>
<td></td>
<td>HP LaserJet 4250N</td>
</tr>
<tr>
<td></td>
<td>HP LaserJet 500 M551</td>
</tr>
<tr>
<td>Scanners</td>
<td>Canon DR-6010C</td>
</tr>
<tr>
<td></td>
<td>Canon DR-G1100</td>
</tr>
</tbody>
</table>

### Enterprise Technical Computing Environment

<table>
<thead>
<tr>
<th>Item</th>
<th>Current</th>
<th>Planned</th>
</tr>
</thead>
<tbody>
<tr>
<td>Computer Servers</td>
<td>IBM System X3550</td>
<td>MS Windows Server 2012R2</td>
</tr>
<tr>
<td></td>
<td>MS Windows Server 2008R2</td>
<td></td>
</tr>
<tr>
<td>Network Directory Services</td>
<td>MS Active Directory 2008R2</td>
<td>MS Active Directory 2012R2</td>
</tr>
<tr>
<td>Enterprise File Services</td>
<td>MS Windows Server 2008R2</td>
<td>MS Windows Server 2012R2</td>
</tr>
<tr>
<td>Enterprise Database</td>
<td>MS SQL Server 2008R2</td>
<td>MS SQL Server 2012R2</td>
</tr>
<tr>
<td>Enterprise Backup System</td>
<td>Symantec Backup Exec 2012</td>
<td>Symantec Backup Exec 2014</td>
</tr>
<tr>
<td>Enterprise E-Mail Services</td>
<td>MS Office 365 Exchange Online</td>
<td></td>
</tr>
<tr>
<td>Data Network Access Switches</td>
<td>Cisco Catalyst 2960 (100 /1000 Mbps)</td>
<td></td>
</tr>
<tr>
<td>Data Network Cabling</td>
<td>CAT 5 / 5e / 6</td>
<td></td>
</tr>
<tr>
<td>Internet Access</td>
<td>50 Mbps</td>
<td></td>
</tr>
</tbody>
</table>

Requirements

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>The proposed system is compatible with the technical computing environment as listed.</td>
<td>0 1 3 5</td>
</tr>
</tbody>
</table>

If your response is other than a 3, please fully describe below:
The Auditor anticipates dedicated or standalone server architecture for all external communications such as with business partners and also citizens. Citizen access to the proposed system should not impact the Auditor's Office use of the core system. It is anticipated that the core system will replicate information to the dedicated system(s) for public access on at least a daily basis.

If your response is other than a 3, please fully describe below:

The Auditor requires the Vendor to specify new receipt printers compatible with the system and the Auditor's existing workstations.

If your response is other than a 3, please fully describe below:

The current receipt printers need to be replaced. The Auditor desires the Vendor to specify two solutions: traditional receipt printers, and small footprint standard printers to be used for receipt printing. The standard printer solution should also accommodate any other printing needs for that workstation.

If your response is other than a 3, please fully describe below:

### 4.2.5 Hardware Reliability

<table>
<thead>
<tr>
<th>Requirements</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>The core Auditor’s Document Recording and Imaging System must be a highly reliable system with little or no down time during office hours of 8:00 a.m. and 5:00 p.m. Web access to Official Documents and Marriage License application process must be a highly reliable system to support 24/7 access.</td>
<td>0 1 3 5</td>
</tr>
</tbody>
</table>

If your response is other than a 3, please fully describe below:

### 4.2.6 Operating systems

The proposed system needs to be certified to operate on current and planned operating systems as follows. Indicate your system's ability to support these requirements.

<table>
<thead>
<tr>
<th>Requirements</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>The current county desktop operating system standard is Windows 7 Professional 64-Bit. There are no immediate plans to migrate to Windows 8, but the proposed system needs to be compatible with Windows 8 and subsequent Microsoft desktop operating systems.</td>
<td>0 1 3 5</td>
</tr>
</tbody>
</table>

If your response is other than a 3, please fully describe below:
A full audit trail for all records is provided detailing any modifications to the record.  
If your response is other than a 3, please fully describe below:  
0 1 3 5

Industry standard secure communications protocol such as SSL and HTTPS will be used.  
If your response is other than a 3, please fully describe below:  
0 1 3 5

Multiple level security, completely contained within the application, and not reliant on the existing County network security or peer-to-peer connectivity is required.  
If your response is other than a 3, please fully describe below:  
0 1 3 5

Security in the system distinguishes authorizations separately for entry of new records, updating records, deleting records, and for inquiry (display) purposes.  
If your response is other than a 3, please fully describe below:  
0 1 3 5

All system access occurs by entry and validation of a user identifier (ID) and password.  
If your response is other than a 3, please fully describe below:  
0 1 3 5

The system shall utilize Whatcom County’s existing Microsoft Active Directory for authentication.  
If your response is other than a 3, please fully describe below:  
0 1 3 5

Helion is in the process of adding additional security options to our system. Active Directory integration will be in a release in 2015.  

Application inactivity (based on County definition) shall automatically log-off or suspend the application until the user logs back on or enters a password.  
If your response is other than a 3, please fully describe below:  
0 1 3 5

While some of our applications support timed lock outs, Helion encourages users to use the standard Windows lock out. Helion believes it is more encompassing and more secure than individual application timed lock outs.

<table>
<thead>
<tr>
<th>4.4 Recording</th>
</tr>
</thead>
<tbody>
<tr>
<td>Requirements</td>
</tr>
<tr>
<td>The system must include scanning as part of the recording/indexing workflow. Currently, we scan a document when the document is recorded and hand back over the counter. Mail documents are scanned as a batch the following morning.</td>
</tr>
<tr>
<td>If your response is other than a 3, please fully describe below:</td>
</tr>
</tbody>
</table>

| The system must provide the ability to suspend documents mid-process and return to finish them later. |
| If your response is other than a 3, please fully describe below: | 0 1 3 5 |
If your response is other than a 3, please fully describe below:
This feature is currently in our development roadmap and is expected in 2015.

An integrated document rejection database to log all rejected documents (electronic and paper) and the rejection reason is desirable. The Auditor is currently using an outdated Access database to log this information.

If your response is other than a 3, please fully describe below:

### 4.5 Cash Handling

<table>
<thead>
<tr>
<th>Requirements</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>The system must include a full drawer balancing/reconciliation process.</td>
<td>0 1 5 3</td>
</tr>
<tr>
<td>If your response is other than a 3, please fully describe below:</td>
<td></td>
</tr>
<tr>
<td>The system must provide the ability to over-ride fees, and to add a note regarding the reason for adjustment.</td>
<td>0 1 5 3</td>
</tr>
<tr>
<td>If your response is other than a 3, please fully describe below:</td>
<td></td>
</tr>
<tr>
<td>The system must include standard accounting controls.</td>
<td>0 1 5 3</td>
</tr>
<tr>
<td>If your response is other than a 3, please fully describe below:</td>
<td></td>
</tr>
<tr>
<td>The system must accept as payment AR/cash/checks/draw-down/credit card.</td>
<td>0 1 5 3</td>
</tr>
<tr>
<td>If your response is other than a 3, please fully describe below:</td>
<td></td>
</tr>
<tr>
<td>The system should provide a separate report to track voids.</td>
<td>0 1 5 3</td>
</tr>
<tr>
<td>If your response is other than a 3, please fully describe below:</td>
<td></td>
</tr>
<tr>
<td>The system must produce receipts with user configurable header information.</td>
<td>0 1 5 3</td>
</tr>
<tr>
<td>Ability to reprint receipts is required.</td>
<td></td>
</tr>
<tr>
<td>If your response is other than a 3, please fully describe below:</td>
<td></td>
</tr>
</tbody>
</table>

### 4.6 e-Recording

<table>
<thead>
<tr>
<th>Requirements</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>The system must include e-Recording functionality compliant with Property Records Industry Association (PRIA) standards.</td>
<td>0 1 5 3</td>
</tr>
<tr>
<td>If your response is other than a 3, please fully describe below:</td>
<td></td>
</tr>
<tr>
<td>The county must not incur any per-transaction fees for the e-Recording functionality.</td>
<td>0 1 5 3</td>
</tr>
</tbody>
</table>
### Desirable

<table>
<thead>
<tr>
<th>Functionality to cross-reference the application and marriage certificate is desirable. When the certificate is returned, user would enter the application AFN and all of the pertinent information would populate with the application number as the reference number and a new AFN assigned as the Marriage Certificate number.</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>If your response is other than a 3, please fully describe below:</strong></td>
<td>0 1 3 5</td>
</tr>
<tr>
<td>The system will be modified to meet Whatcom County's exact specifications at no charge.</td>
<td></td>
</tr>
<tr>
<td>Functionality to automatically send an email to the couple that the on-line application is about to expire is desirable.</td>
<td>Response</td>
</tr>
<tr>
<td><strong>If your response is other than a 3, please fully describe below:</strong></td>
<td>0 1 3 5</td>
</tr>
<tr>
<td>The system will be modified to meet Whatcom County's exact specifications at no charge.</td>
<td></td>
</tr>
<tr>
<td>The ability to print an envelope or an address label to put on an envelope when the Marriage Certificate is returned is desirable. The mailing address would be captured at the time the application is issued.</td>
<td>0 1 3 5</td>
</tr>
<tr>
<td><strong>If your response is other than a 3, please fully describe below:</strong></td>
<td></td>
</tr>
</tbody>
</table>

### 4.8 Accounts

<table>
<thead>
<tr>
<th>Requirements</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ability to generate statements and invoices with ability to add notes to invoice if necessary</td>
<td>0 1 3 5</td>
</tr>
<tr>
<td><strong>If your response is other than a 3, please fully describe below:</strong></td>
<td></td>
</tr>
<tr>
<td>Ability to system generate an image fee invoice based on number of documents/images recorded during specified time period exported and sold to title companies.</td>
<td>0 1 3 5</td>
</tr>
<tr>
<td><strong>If your response is other than a 3, please fully describe below:</strong></td>
<td></td>
</tr>
<tr>
<td>Currently the system provides reports on the number of images exported to a client and a charge receipt and invoice would be created by a user from those numbers. The system will be modified to meet Whatcom County's exact specifications at no charge.</td>
<td></td>
</tr>
<tr>
<td>The system must provide the ability to look up and view account information for specified time period by account.</td>
<td>0 1 3 5</td>
</tr>
<tr>
<td><strong>If your response is other than a 3, please fully describe below:</strong></td>
<td></td>
</tr>
<tr>
<td>The system must maintain accounts for government agencies (as accounts receivables) and escrow or EFT accounts for all others.</td>
<td>0 1 3 5</td>
</tr>
<tr>
<td><strong>If your response is other than a 3, please fully describe below:</strong></td>
<td></td>
</tr>
</tbody>
</table>

### 4.9 Auto-Indexing/Auto-Redact

<table>
<thead>
<tr>
<th>Requirements</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Integrate with existing auto-indexing/Auto-redact Vendor (Mentis).</td>
<td>0 1 3 5</td>
</tr>
</tbody>
</table>
If your response is other than a 3, please fully describe below:

System should provide search functionality that will help "normalize" data by ignoring special characters.

If your response is other than a 3, please fully describe below:

<table>
<thead>
<tr>
<th>Desirable</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>It is desirable that the system provide cross-referenced documents on the search screen once a specific document is selected with the ability to click on the cross-reference and see that document.</td>
<td>0 1 3 5</td>
</tr>
</tbody>
</table>

If your response is other than a 3, please fully describe below:

### 4.12 Web Access

<table>
<thead>
<tr>
<th>Requirements</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>The system must provide a web application or site for searching/displaying recorded documents.</td>
<td>0 1 3 5</td>
</tr>
</tbody>
</table>

If your response is other than a 3, please fully describe below:

The system must provide for images to be watermarked "Unofficial Record".

If your response is other than a 3, please fully describe below:

System must provide user configurable screen updates such as changing language from Bride to Spouse A, updating dates for document return, date range digital images are available, etc. without calling Vendor.

If your response is other than a 3, please fully describe below:

System must provide the ability to query and view database and images through any industry standard browser (Firefox, Netscape Navigator, Internet Explorer, etc.).

If your response is other than a 3, please fully describe below:

<table>
<thead>
<tr>
<th>Desirable</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>The ability to order a certified copy, or a copy of document for which there is no image, pay online, and send the request to a queue for staff to fulfill with an auto-email to customer when order goes out is desirable.</td>
<td>0 1 3 5</td>
</tr>
</tbody>
</table>

If your response is other than a 3, please fully describe below:

This feature is currently in our development roadmap and is expected in 2015.

Future functionality for a shopping cart, with ability to pay with credit card (currently working with VitalChek) is desirable.

If your response is other than a 3, please fully describe below:

This feature is currently in our development roadmap and is expected in 2015.
### 4.16 Images

<table>
<thead>
<tr>
<th>Requirements</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>The system is required to provide bulk extract functionality to sell images to title companies along with date, auditor file number, doc type.</td>
<td>0 1 3 5</td>
</tr>
<tr>
<td>If your response is other than a 3, please fully describe below:</td>
<td></td>
</tr>
<tr>
<td>The system is required to provide a non-proprietary image format that meets Washington State Archivist standards (TIFF 4).</td>
<td>0 1 3 5</td>
</tr>
<tr>
<td>If your response is other than a 3, please fully describe below:</td>
<td></td>
</tr>
<tr>
<td>The system must provide the ability to extract indexes and images.</td>
<td>0 1 3 5</td>
</tr>
<tr>
<td>If your response is other than a 3, please fully describe below:</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Desirable</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>The ability to automatically transfer the day's images to subscribers (title companies) using SFTP without staff having to trigger an extract process is desirable.</td>
<td>0 1 3 5</td>
</tr>
<tr>
<td>If your response is other than a 3, please fully describe below:</td>
<td></td>
</tr>
</tbody>
</table>

### 4.17 Maps

<table>
<thead>
<tr>
<th>Requirements</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ability to create cover sheet at the time of recording with basic indexing information (plat name, legal) and have it print automatically once transaction is complete. Recording label to be affixed to this cover sheet.</td>
<td>0 1 3 5</td>
</tr>
<tr>
<td>If your response is other than a 3, please fully describe below:</td>
<td></td>
</tr>
<tr>
<td>The system will be modified to meet Whatcom County's exact specifications at no charge.</td>
<td></td>
</tr>
<tr>
<td>Ability to import into system map images scanned off-site and append to cover sheet.</td>
<td>0 1 3 5</td>
</tr>
<tr>
<td>If your response is other than a 3, please fully describe below:</td>
<td></td>
</tr>
<tr>
<td>Ability to import old maps and come up with a naming system for maps where the name is available but the AF# is not.</td>
<td>0 1 3 5</td>
</tr>
<tr>
<td>If your response is other than a 3, please fully describe below:</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Desirable</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Desirable to have integrated plat name reservation system that provides for look-up by plat name and space to mark as reserved, who reserved for and reservation date. At the time of recording the plat, auto-fill in recording information (auditor file number, abbreviated legal, and grantor/grantee).</td>
<td>0 1 3 5</td>
</tr>
<tr>
<td>If your response is other than a 3, please fully describe below:</td>
<td></td>
</tr>
</tbody>
</table>
### 4.21 Archiving of Data and Business Continuity

<table>
<thead>
<tr>
<th>Requirements</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>The County currently utilizes WORM optical disks for permanent storage of images and desires to move off of that platform. Vendor is asked to propose archiving solution for permanent storage. Preference is for &quot;Silent Cube&quot; or other technology that would utilize hashing or similar in order to determine if data has been altered and/or degraded.</td>
<td>0 1 3 5</td>
</tr>
</tbody>
</table>

*If your response is other than a 3, please fully describe below:*

<table>
<thead>
<tr>
<th>Desirable</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>It is the desire of the Auditor to have off-site storage as a hot back up in the event of a disaster such that the Vendor could be used to restore system quickly. The Auditor would like a proposal for a &quot;hot site&quot; for images and index.</td>
<td>0 1 3 5</td>
</tr>
</tbody>
</table>

*If your response is other than a 3, please fully describe below:*

### 4.22 Test Environment

<table>
<thead>
<tr>
<th>Desirable</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Auditor desires a persistent test environment. Vendor is asked to provide specifications for the design and structure.</td>
<td>0 1 3 5</td>
</tr>
</tbody>
</table>

*If your response is other than a 3, please fully describe below:*

### 4.23 Supervisory Controls

<table>
<thead>
<tr>
<th>Requirements</th>
<th>Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ability for Supervisor to set up users and their appropriate levels of security.</td>
<td>0 1 3 5</td>
</tr>
</tbody>
</table>

*If your response is other than a 3, please fully describe below:*

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Ability to add customer codes, document codes, and to modify the recording fees as necessary.</td>
<td>0 1 3 5</td>
</tr>
</tbody>
</table>

*If your response is other than a 3, please fully describe below:*

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Ability for the supervisor, as an option, to move selected documents into a staff member's work queue.</td>
<td>0 1 3 5</td>
</tr>
</tbody>
</table>

*If your response is other than a 3, please fully describe below:*

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Ability to re-set users passwords.</td>
<td>0 1 3 5</td>
</tr>
</tbody>
</table>

*If your response is other than a 3, please fully describe below:*

---

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Response Form – Whatcom Co RFP #14-66/Page 39 of 48
1. Ammon Farris, PMP, will be the Project Manager and will be facilitate all project planning, scheduling, defining requirements, change control, escalation, risk management, implementation planning, implementation support, testing and acceptance, training, and documentation.

2. Helion will provide guidance on best practices that they have acquired through a long history of working with counties and applying them to the unique design requirements of Whatcom County.

3. Murray Giesbrecht will provide all training requirements described in Section 5.13. Murray is extremely knowledgeable regarding Helion products, with over 25 years of customer training experience. Steve Taylor will be the Project Engineer and function as the primary technical resource. Steve has over 15 years of experience with Helion Recording products.

5.3 Whatcom County Resources
Whatcom County will provide the following resources:

1. A primary contact / internal Project Manager to work closely with the Helion project team. This internal Project Manager’s responsibilities will be to facilitate all communication and meetings between Helion Project Manager and the client project team.

2. One or more resources to assist the Helion Project Engineer with design specifications, data gathering, and compilation of end-user database.

3. One or more technical resources to assist the Helion Project Engineer with implementation of hardware and software components, network configuration, and other technical requirements.

5.4 Project Plan/Schedule
The Helion Project Manager shall provide a detailed Project Plan/Schedule documenting all activities and timelines associated with the project including, but not limited to:

- Equipment needed
- Equipment ordered
- Equipment received
- System design and configuration
- Development needed
- Development status
- Development acceptance
- Site preparedness
- Data/Image exports
- Data/Image imports
- Equipment pre-programming and testing
- Test environment installation
- On-site training – timelines for system administration and end user training
- Production environment installation
- System testing and acceptance
- Data import acceptance
- On-site go-live support
- Post installation support

5.5 Project Management
Helion Project Manager shall:
1. Participate in planning meetings, weekly status meetings, weekly conference calls, and e-mail communications with Whatcom County to discuss the project and coordinate activities.
5.8 Training
Helion shall provide the following training:
1. Conduct knowledge transfer on all elements of the proposed solution for Whatcom County’s implementation team.
2. End user, supervisor, and administrative training at the Whatcom County site.
3. Work with Whatcom County Project Manager to determine training curriculum and schedules.
4. Classes will be conducted on test system with standard workstations at the Whatcom County site.
5. “Hands-on” instructor-led classes with no more than 4 users per class and include training on:
   - Receipting and cash handling
   - eRecording
   - Batch scanning
   - Indexing and Verification
   - Marriage License specifics
   - Search capabilities
   - Reports

Typical end-user training is three, half day sessions with one session in the morning and a repeat of that session in the afternoon. This allows Auditor’s office to remain open during training.

6. Specialized training will be provided for supervisors to include:
   - Review of available supervisor tools
   - Operation of system maintenance and utility applications
   - All workflow functions
   - Review of all standard reports
   - Creation of custom reports
   - Use of quality monitoring system
   - Train the trainer

Typical administrative training is one day.

7. Ongoing knowledge transfer to designated Whatcom County resources during system design, configuration, implementation, and support stabilization.

8. Specialized training will be provided for system administration and management. Typical system administration training for IT staff is one half day.

5.9 Installation Coordination
Helion shall be responsible for the following:
1. Work with Whatcom County Project Manager to determine site installation, deployment schedule, and cutover plan, and coordination of equipment delivery.
2. Helion shall provide cutover coordination and support that includes the following:
   - Helion Project Manager shall work with Whatcom County Project Manager to determine timeline and schedule for migration to new system.
   - Helion shall provide onsite and remote (as needed) resources to support migration schedule.
   - Helion shall provide resources for a minimum of two (2) days of onsite business support following cutover.

5.10 Pre – Go-Live Testing
6 PRICING

6.1 Proposal Summary - Whatcom County

Provide a total price for the proposed Auditor’s Document Recording and Imaging System. The total should include first year maintenance, labor for installation, training, and any equipment.

System Components (Silent Cube) $19,000
Desktop Components (Printers) $ 5,775
Software $20,000
Professional Services $31,000
Warranty / maintenance (Standard Plan*) $20,000

TOTAL $95,775

* Our Standard Plan includes the Premium services

6.2 Itemized System Costs - Whatcom County

An itemized list with per-item pricing for the installed cost of each and every component must be shown. The itemization must include all components and shall be detailed in a way to precisely match-up with the Vendor’s subsequent Bill of Materials (BOM). The total system price must include all charges (installation, hardware, software, and training) related to providing the system, including the cost for a one year warranty / paid maintenance coverage.

Whatcom County may modify the final configurations after submission of proposals and prior to installation, using the itemized pricing provided to determine contract price adjustments.

Provide the following information in an unlocked Excel Spreadsheet table format.

**System Components**

<table>
<thead>
<tr>
<th>Item</th>
<th>Qty</th>
<th>Description</th>
<th>Item Cost</th>
<th>Extended Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Silent Cube</td>
<td>1</td>
<td>4TB Effective Storage with 4C head</td>
<td>$19,000</td>
<td>$19,000</td>
</tr>
</tbody>
</table>

**Desktop Components**

<table>
<thead>
<tr>
<th>Item</th>
<th>Qty</th>
<th>Description</th>
<th>Item Cost</th>
<th>Extended Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Receipt Printer</td>
<td>5</td>
<td>Epson TM-T88V</td>
<td>$355</td>
<td>$1,775</td>
</tr>
<tr>
<td></td>
<td></td>
<td>HP1600 or P1100 series</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Desktop Laser Printer</td>
<td>5</td>
<td>Zebra GX430t</td>
<td>$600</td>
<td>$3,000</td>
</tr>
</tbody>
</table>

$5,775
### 6.3 Optional Pricing

Provide the information as required for any proposed optional features, functions, or equipment not identified in the primary quote. **Provide the details as shown below in an unlocked Excel Spreadsheet, using the column headings.**

<table>
<thead>
<tr>
<th>Item</th>
<th>Qty</th>
<th>Description</th>
<th>Item Cost</th>
<th>Extended Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Premium Support Plan</td>
<td></td>
<td>Our Standard Support Plan includes all Premium services.</td>
<td></td>
<td>$0</td>
</tr>
<tr>
<td>Extended Support Hours</td>
<td></td>
<td>Extend support hours from 6am to 7am and 5pm to 7pm. This is an annual cost.</td>
<td></td>
<td>$6,500</td>
</tr>
<tr>
<td>Plat Map Reservation System</td>
<td></td>
<td>As described in Section 4.17</td>
<td></td>
<td>$7,500</td>
</tr>
<tr>
<td>&quot;Hot Site&quot; Backup</td>
<td></td>
<td>This is an annual cost.</td>
<td></td>
<td>$7,500</td>
</tr>
<tr>
<td><strong>Historic Import Options</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Digital Research Room</td>
<td></td>
<td>Import of ~1031000 records</td>
<td></td>
<td>$10,310</td>
</tr>
<tr>
<td>Historic Bulk Import into Indexing</td>
<td></td>
<td>Import of ~1031000 records</td>
<td></td>
<td>$10,310</td>
</tr>
</tbody>
</table>
EXHIBIT B1
Helion Project Deliverables

Installation, Configuration and Project management

1. Helion will install the Helion Recording software onto the County hardware and configure it to meet the requirements of the County with the assistance of the County.
2. Helion will provide project management services to facilitate all project planning, scheduling, defining requirements, change control, escalation, risk management, implementation planning, implementation support, testing and acceptance, training, and documentation as described in the RFP.

Recording System Training

1. Helion will provide training for the Recording System.
2. Training will provide five (5) days of on-site at a location provided by COUNTY.
3. Helion will provide two (2) days of onsite go-live support.
4. COUNTY will also provide all necessary computer equipment.
5. Helion will provide all written training materials.
6. Actual training schedule will be developed by Helion and COUNTY staff.
7. Helion will establish a remote service procedure whereby a personal computer or similar equipment may be employed for service assistance.

Pre – Go-Live Testing

1. Helion will be on-site for one day of testing the Saturday before going live as described in the RFP.

Data Conversion and Importing

1. Helion will import all digital indexes currently kept by COUNTY into the Helion Software Recording database. COUNTY will provide an ascii formatted digital file for importing.
2. Helion will import all digital images (if any) currently kept by COUNTY into the Helion Software Recording System. COUNTY will provide digital images in TIFF Group 4 with either the file name containing the Year and Document Number or a cross index file showing the image file name and the Year and Document Number.

Custom Development of Plat Reservation Process

1. Helion will develop install and provide training for Plat Reservation process designed according to County requirements.
Whatcom County, Washington
DRAFT Recording Project Plan

Last Update: 16 March 2015
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  Software Enhancement ........................................................................................ 12
  Initial Data and Image Conversion ....................................................................... 12
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  Training .................................................................................................................. 15
  Go-Live ................................................................................................................ 15
  Final Data and Image Conversion ......................................................................... 15
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Version History

<table>
<thead>
<tr>
<th>Date</th>
<th>Change Description</th>
<th>Change By</th>
</tr>
</thead>
<tbody>
<tr>
<td>2/19/2015</td>
<td>Updated with new dates to reflect discussions between Whatcom and Helion</td>
<td>AF</td>
</tr>
<tr>
<td>2/9/2015</td>
<td>Initial creation</td>
<td>AF</td>
</tr>
</tbody>
</table>
Key Staff
The following staff members of Whatcom County and Helion are key participants in this project.

**Helion Software**
(503) 362-9394

<table>
<thead>
<tr>
<th>Staff</th>
<th>Title</th>
<th>Role</th>
<th>Contact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murray Giesbrecht</td>
<td>CEO</td>
<td>Primary Contract Contact</td>
<td><a href="mailto:murrayg@helionsoft.com">murrayg@helionsoft.com</a></td>
</tr>
<tr>
<td>Ammon Farris</td>
<td>Project Manager</td>
<td>Primary Project Contact</td>
<td><a href="mailto:ammonf@helionsoft.com">ammonf@helionsoft.com</a></td>
</tr>
<tr>
<td>Steve Taylor</td>
<td>Product Manager</td>
<td>Primary Technical Contact</td>
<td><a href="mailto:stevet@helionsoft.com">stevet@helionsoft.com</a></td>
</tr>
<tr>
<td>Leah Moser</td>
<td>Service Team Lead</td>
<td>Client Installation Contact</td>
<td><a href="mailto:leahm@helionsoft.com">leahm@helionsoft.com</a></td>
</tr>
<tr>
<td>Bryce Gardinier</td>
<td>Senior Software Engineer</td>
<td>Secondary Technical Contact</td>
<td><a href="mailto:bryceg@helionsoft.com">bryceg@helionsoft.com</a></td>
</tr>
</tbody>
</table>

**Whatcom County**

<table>
<thead>
<tr>
<th>Staff</th>
<th>Title</th>
<th>Role</th>
<th>Contact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Diana Bradrick</td>
<td>Chief Deputy Auditor</td>
<td>Primary Contract &amp; Project Contact</td>
<td><a href="mailto:DBradric@co.whatcom.wa.us">DBradric@co.whatcom.wa.us</a></td>
</tr>
<tr>
<td>Stacy Henthorn</td>
<td>Recording Supervisor</td>
<td>Functional Expert</td>
<td><a href="mailto:SHenthor@co.whatcom.wa.us">SHenthor@co.whatcom.wa.us</a></td>
</tr>
</tbody>
</table>
Expected Timeline
Helion and Whatcom County will meet (usually via GotoMeeting) every two weeks until project completion. Any additional communication will be scheduled as needed.

The following items are the major activity for this project. Each is listed with its expected start and completion dates.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Start Date</th>
<th>Completion Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Planning</td>
<td>April 1&lt;sup&gt;st&lt;/sup&gt;</td>
<td>April 17&lt;sup&gt;th&lt;/sup&gt;</td>
</tr>
<tr>
<td>Software Enhancement</td>
<td>April 20&lt;sup&gt;th&lt;/sup&gt;</td>
<td>September 4&lt;sup&gt;th&lt;/sup&gt;</td>
</tr>
<tr>
<td>Initial Data and Image Conversion</td>
<td>May 18&lt;sup&gt;th&lt;/sup&gt;</td>
<td>September 18&lt;sup&gt;th&lt;/sup&gt;</td>
</tr>
<tr>
<td>System Installation and Configuration</td>
<td>May 18&lt;sup&gt;th&lt;/sup&gt;</td>
<td>September 25&lt;sup&gt;th&lt;/sup&gt;</td>
</tr>
<tr>
<td>County Testing/Validation</td>
<td>July 6&lt;sup&gt;th&lt;/sup&gt;</td>
<td>September 26&lt;sup&gt;th&lt;/sup&gt;</td>
</tr>
<tr>
<td>Training</td>
<td>September 21&lt;sup&gt;st&lt;/sup&gt;</td>
<td>September 25&lt;sup&gt;th&lt;/sup&gt;</td>
</tr>
<tr>
<td>Go-Live with On-site Support</td>
<td>September 28&lt;sup&gt;th&lt;/sup&gt;</td>
<td>September 30&lt;sup&gt;th&lt;/sup&gt;</td>
</tr>
<tr>
<td>Final Data and Image Conversion</td>
<td>October 1&lt;sup&gt;st&lt;/sup&gt;</td>
<td>October 22&lt;sup&gt;nd&lt;/sup&gt;</td>
</tr>
<tr>
<td>Final Acceptance</td>
<td>September 28&lt;sup&gt;th&lt;/sup&gt;</td>
<td>October 29&lt;sup&gt;th&lt;/sup&gt;</td>
</tr>
</tbody>
</table>
Activity Detail
Each of the activities found on the expected timeline is described in more detail here along with any prerequisites.

Planning
Prerequisites:
None

Description:
Helion will work closely with Whatcom County to plan in greater detail the specifics of the Recording project.

Actions performed during Planning include:
- Identify Stakeholders and Key Staff
- Software Gap Analysis
  - Specify Detailed Requirements
- Hardware Gap Analysis
  - Specify Required Equipment
  - Specify Archive Equipment
- Determination of Change Control Process
- Specification of eReet, Mentis, and Assessor Integration
- Delivery Schedule Determination and Project Plan Finalization

Key Milestones:
- Kick-Off April 1st
- Accept Project Plan April 17th

Software Enhancement
Prerequisites:
- Planning

Description:
Helion will develop and enhance applications to meet the needs of Whatcom County. This development includes items identified during Software Gap Analysis as well as eReet, Mentis and Assessor Integration.

Initial Data and Image Conversion
Prerequisites:
- Planning
  - Initial Data and Image Exports by Whatcom County

Description:
Helion will take data exports and images provided by Whatcom County and import them into the Helion system. This activity is based off an initial data and image export by Whatcom County. The initial data and image exports can be sample subsets. The initial data and image export must be provided to Helion by April 27th to ensure the scheduled training date. The earlier the export can be provided, the better. This can be done any time as long as the data structure will not change before Go-Live.
Note: Helion is not particular about the data export format (cvs, tab delimited, etc.) as long as the
data can be properly imported into SQL Server.

We expect to import the following information:
- Recording Images and Indexes
- Marriage Records

Actions performed during Initial Data and Image Conversion include:
- Test Data Delivered from County
- Importing Testing Data for Testing
- Data Import and Acceptance

Key Milestones:
- Whatcom Delivers Initial Source Data May 18th

System Installation and Configuration
Prerequisites:
- Hardware Acquisition/Allocation by Whatcom County

Description:
This activity requires both Whatcom County staff and Helion staff.

Whatcom County staff will install and configure the operating system, database services, IIS
service(s) and network services for any servers. Whatcom County will also setup any backup
processes. Helion staff will install and configure applications, services and websites on the servers.

Whatcom County staff will install and configure the operating system, user accounts and network
services for any workstations. Any hardware or software prerequisites for Helion applications will be
handled by Whatcom County as well. Finally, most Helion applications can be deployed to
workstation via the centralized Helion Deployer application. Helion will need assistance or access to
install the Helion Deployer client on workstations.

Actions performed during Initial System Installation and Configuration include:
- Hardware Ordering and Installation
- Test System Installation and Configuration
- Production System Installation and Configuration
- Configure and Text Archive Process
- Installation of eReet, Mentis, and Assessor Integration

Additional Server Information:
The first priority for servers are the storage servers (database and files servers). These servers will
be used to start the conversion process. The application server can follow after the storage servers.

Whatcom County has expressed interest in converting an existing server for use as the DMZ
Database & Image Server. That should not be a problem and can happen after Go-Live if
necessary.
Key Milestones:
- Whatcom Makes Servers Available to Helion 18th  
  May
- Training Room Workstation and Deployer Installation Complete  
  September 11th
- Workstation (Hardware and Software) Installation Complete  
  September 25th

County Testing/Validation
Prerequisites:
- System Installation and Configuration
- Initial Data and Image Conversion

Description:
Helion will assist Whatcom County staff with the testing, validation and acceptance of the Helion applications and integration. Some testing and validate can be preform as soon as the required portion of the system is installed. More data will become available over time leading up to Go-Live.
Actions performed during Initial System Installation and Configuration include:

- Validation of Archive Integration
- Validation of Assessor Integration
- System Testing and Acceptance
- Acceptance of eReet, Mentis, and Assessor Integration

**Key Milestones:**

- County Testing Starts Using Initial Data Import: July 6th
- Full-Day Test: September 26th

**Training**

**Prerequisites:**

- County Testing/Validation

**Description:**

Helion will be onsite at Whatcom County to train staff. Training will take place over several days and cover all of the major functionality of the Helion system.

**Go-Live**

**Prerequisites:**

- Training

**Description:**

Helion will be onsite at Whatcom County to assist staff with the transition to Helion applications. This is also the point at which Helion transitions from the Project Team to Ongoing Support.

**Key Milestones:**

- Helion Recording is the Production System: September 28th

**Final Data and Image Conversion**

**Prerequisites:**

- Go-Live

- Final Data and Image Exports by Whatcom County

**Description:**

Helion will take the final data exports and images provided by Whatcom County and import them into the Helion applications. The data export and images should be a complete set of all data and images.
Final Acceptance

Prerequisites:
- Go-Live

Description:
Whatcom County officially signs off on the implementation of the Helion Recording system.

Key Milestones:
- Final Sign-off October 29th
# EXHIBIT C

## BILLING TABLE

<table>
<thead>
<tr>
<th>Bill/Invoice</th>
<th>Invoice Amount</th>
<th>Milestone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Invoice 1</td>
<td>$15,000</td>
<td>Final Project Plan Developed &amp; Accepted</td>
</tr>
<tr>
<td>Invoice 2</td>
<td>$10,000</td>
<td>Completion of Conversion</td>
</tr>
<tr>
<td>Invoice 3</td>
<td>$10,000</td>
<td>Completion of Training</td>
</tr>
<tr>
<td>Invoice 4</td>
<td>$16,000</td>
<td>Go Live</td>
</tr>
<tr>
<td>Invoice 5</td>
<td>$20,000</td>
<td>Final Acceptance</td>
</tr>
<tr>
<td>Invoice 6</td>
<td>$ 7,500</td>
<td>Completion of Custom Plat Reservation Module</td>
</tr>
</tbody>
</table>

Other Consulting services as requested, $125.00 per hour.
EXHIBIT D

HELION SOFTWARE LICENSING AGREEMENT (TERMS AND CONDITIONS)

This is a licensing agreement and is made and entered into effective as of the date the Contract for Services Agreement is signed by both parties (the “Effective Date”), and is by and between Whatcom County, hereinafter called “USER”, and Helion Software, Inc., hereinafter called “HELION”.

WHEREAS, HELION currently owns the product(s) specified in the agreement (therein referred to as “PRODUCT”) with the right to license and distribute the PRODUCT; and

WHEREAS, the USER is an individual, an organization, a corporation, a government entity or a member of a joint venture who will make lawful use of the PRODUCT in its business activity; and

WHEREAS, the USER desires a license to use the PRODUCT and HELION desires to grant such a license to the USER for the sole purpose of permitting the USER to use the PRODUCT in its business activity and for no other purpose whatsoever;

NOW, THEREFORE, in consideration of the mutual terms, covenants, and conditions set forth herein, the parties hereto agree as follows:

1. PRODUCT
   1.1. Licensed PRODUCT(s). This license applies to the PRODUCT(s) owned by HELION.
   1.2. Grant of License. For and in consideration of the USER’s covenant to make payments under Section 5 and the performance of the other covenants and obligations of the USER hereunder, HELION hereby conveys to USER a non-exclusive license to the PRODUCT.

2. USE
   2.1. Permitted Use. This license is granted for the sole purpose of permitting the USER to use the PRODUCT in its lawful business activity and for no other purpose whatsoever.
   2.2. Restrictions on Use.
      Copies. USER shall not duplicate the PRODUCT except for the following:
      (a) USER may make copies of the PRODUCT for protection purposes as long as the USER agrees not to use the backup copy for any purpose other than to replace original data if lost or damaged.
      (b) USER may translate the PRODUCT into other formats and/or media. These “reformats” shall be subject to the same restrictions as the PRODUCT under this agreement.
      (c) USER may install and use any number of copies of this product within the Auditor’s Department. In addition, the USER my install and use any number of copies of this product throughout other client departments in read-only mode.
   2.3. Reserved Rights. HELION shall retain all rights, title and interest in the PRODUCT, including the right to license the PRODUCT’s covered by this license to other USER’s.

3. MAINTENANCE OF SOFTWARE
   Updates. Maintenance, support and upgrades of software programs fall outside this license agreement.
4. TERM
4.1. The term of this agreement shall not be restricted as to time, except as set forth in 4.2 below, and shall commence the date the agreement is executed.
4.2. The term of the license shall expire at such time as the USER discontinues use of the PRODUCT, unless the USER fails to comply with any of the terms and conditions provided herein at which time the license shall be revoked. The license shall be revoked by HELION giving written notice of such revocation to the USER.

5. PAYMENT
5.1. Unpaid Fees. Any fees remaining unpaid more than 30 days after the date they are due shall be subject to an interest charge of 1% per month until paid.

6. DELIVERY
HELION shall deliver the PRODUCT to USER in good working condition.

7. WARRANTY
7.1. Limited Warranty
7.1.1. HELION shall use its best efforts to ensure that the PRODUCT is delivered free of physical defect.
7.1.2. HELION shall have the sole authority to determine whether the PRODUCT, at the time of delivery, was free of physical defect.
7.1.3. HELION disclaims any other warranties, express or implied, respecting this agreement or the PRODUCT.
7.2. Remedy
7.2.1. USER's sole and exclusive remedy for breach of this limited warranty will be to return the PRODUCT within 60 days of receipt.
7.2.2. HELION shall, at its discretion, retain the returned PRODUCT and refund the fee for the license, or replace the PRODUCT, or repair the PRODUCT and return it to the USER.

8. ASSIGNMENT AND TRANSFER
USER shall not disclose, lease, sell, distribute, make, transfer or assign the PRODUCT or engage in any other transaction that has the effect of transferring the right of use or part of the PRODUCT without prior written consent of HELION.

9. LIABILITY
HELION shall not be liable for any activity involving the PRODUCT with respect to the following:
(a) Lost profits, lost savings or any other consequential damages.
(b) The fitness of the PRODUCT for a particular purpose.
(c) The installation of the PRODUCT, its use or the results obtained.
(d) Any foreseeable or unforeseeable damages.

10. TERMINATION
10.1. USER Rights. Upon the expiration or revocation of this license, the rights of the USER shall cease.
10.2. Return of the PRODUCT and Copies. The PRODUCT and any copies of the PRODUCT shall be returned to HELION within 30 days from the date this license expires or immediately if revoked.

11. MISCELLANEOUS
11.1. **Applicable Law: Venue.** This license shall be constructed and interpreted under and pursuant to the laws of the state of Washington. The parties agree that venue for any action or claim arising out of or in connection with this license shall be in the Circuit Court for Whatcom County, Washington.

11.2. **Invalidity.** If any term or provision of this license or the application thereof to any person or circumstance shall to any extent be invalid or unenforceable, the remainder of this license shall be valid and enforced as written to the fullest extent permitted by law.

11.3. ** Entire Agreement.** This license contains the entire agreement of the parties hereto with respect to the matters covered hereby, and no other agreement or promise made by any party hereto, which is not contained herein, shall be binding or valid.

11.4. **Authority.** Persons whose signatures appear as “LICENSED USER” on the reverse represent that they are authorized to do so and represent and warrant that this licensing agreement is a legal, valid and binding obligation and is enforceable in accordance with its terms.

12. **TIMELINE**

   **Approximately September 28, 2015 — Software Live Date.**

13. **SOFTWARE INTEGRATION**

13.1. HELION, to the best of its ability, shall cooperate with the USER and any other USER vendors to integrate HELION’S software and data with other USER computer systems. HELION will provide database diagrams and assistance with data integration with other systems.

13.2. If any programming is required, HELION shall bill USER at our standard hourly rate for those additional services.
Helion Software License Agreement

License Number: 2015-035  Date: 3-16-2015
Contact Person: Diana Bradrick, Chief Deputy Auditor  Phone: 360-676-6740

Company/Agency: Whatcom County, WA
Address: 311 Grand Avenue, Suite 103
          Bellingham, WA 98225

Product Description

Recording
  X Recording System
  Version 2015 .
  (includes Receipting, eRecording & Web Query)

Marriage Licensing
  X Marriage Licensing
  Version 2015

TOTAL SOFTWARE COST - $20,000 + any applicable Washington State taxes.

This software license agreement is subject to the terms and conditions described previously. In witness whereof, this license is executed on the data set forth under the parties named. The anniversary date of the license shall be the latter of the dates set forth below.

Helion Software, Inc.
Signature: [Signature]
Name: Murray Giesbrecht
Title: Chief Executive Officer
Date: 3-16-2015

Whatcom County, WA
Signature: __________________________
Name: Jack Louws
Title: Whatcom County Executive
Date: __________________________
EXHIBIT E

HELION SOFTWARE SUPPORT AGREEMENT (TERMS AND CONDITIONS)

This is a Software Support agreement dated effective as of the date the Contract for Services Agreement is signed by both parties, abovd, is made and entered into by and between Whatcom County, hereinafter called "USER", and Helion Software, Inc., hereinafter called "HELION".

NOW, THEREFORE, in consideration of the mutual terms, covenants, and conditions set forth herein, the parties hereto agree to the following terms and conditions:

Supported Software: (Items marked, depending upon modules purchased)

Recording

__X__ Recording System (Includes Receipting, eRecording & Web Query)

Marriage Licensing

__X__ Marriage Licensing

Technical support is provided for listed versions and one version back. Support on older versions is on a limited, "best effort" basis.

1. SCOPE OF SERVICES
   1.1. Helion will help you to resolve your problems by providing telephone, electronic, remote and onsite assistance to your designated representatives. A resolution is the initial contact and any subsequent contact necessary to resolve the issue for you.
   1.1.1. USER will receive a letter after the purchase of a support contract to inform you of the phone number to be used for support
   1.1.2. HELION will use commercially reasonable efforts to provide the following Support services to you:
          ▪ Proposed corrections for error messages due to software listed under the contract
          ▪ Problem determination may include any of the following actions:
            ▪ Information gathering
            ▪ Analysis
            ▪ Research including reproducing systems
            ▪ Acquiring additional information
          ▪ Problem Resolution may include any of the following actions:
            ▪ Providing a resolution or steps towards a resolution
            ▪ Configuration changes
            ▪ Escalation of a bug report

   1.2. HELION will provide upgrades for error correction, legal requirements and enhancements as they are released.

   1.3. The Contract does not cover:
          ▪ Instances in which the compatibility of the system to the software is in question, or when the configuration is invalid
          ▪ Remote or on-site training assistance
• Software Support on any other products than specifically stated in the Supported Software section of this contract

2. USER RESPONSIBILITIES

2.1. General. To receive Support, the USER is responsible for complying with the following:

2.1.1. Access to Software Support. USER must confirm that the following conditions are true:

- The situation giving rise to the question is reproducible;
- The hardware and operating systems meet minimum HELION requirements;
- The designated USER representatives will submit all questions to HELION. The USER’s designated representatives must have knowledge regarding the facts and circumstances surrounding the incident;
- The full system, including software and hardware, is available to the representative and accessible by him or her without limit during any telephone discussions with HELION support personnel;
- The representative will follow the instructions and suggestions of HELION’s support personnel, using the full system.

2.1.2. Software/Data Backup. The USER understands and agrees that HELION is not responsible for any loss of software or data.

2.1.3. Payment. HELION must have received payment for Support within 30 days of the date of invoice. USER shall pay an additional fee of 1.5% per month for invoices not paid within such 30-day period.

2.1.4. Installation of newer versions. If the resolution of a problem requires the installation of a newer version of the product, USER agrees to install the new version as part of the resolution process.

2.2. How and When to Use.

2.2.1. Client Software Support services will generally be available 7am- 5pm (PST), Monday through Friday.

2.2.2. If at any time during which HELION is providing Client Software Support services, the USER has questions or concerns, please contact Helion at (503) 362-9394 or 1-866-HELION1.

2.2.3. The hours of Support shall not include regular holidays which include New Year’s Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas Day.

2.2.4. HELION is not liable for any failure or delay in performance due to any cause beyond its control.

2.3. Until USER has complied with each of the aforementioned conditions, HELION reserves the right to withhold Support. HELION will notify the USER representative of any corrective action necessary to obtain or continue Support.

3. GENERAL TERMS

3.1. Term and Renewal. USER may renew this agreement subject to approval and acceptance by HELION. HELION may change its rates, terms, and conditions for providing support at any time. HELION, at its discretion, may terminate this agreement on thirty (30) days notice to USER, in which case USER will be entitled to receive a pro-rated refund of any unearned support fees that USER has paid. USER, at its discretion, may terminate this agreement on thirty (30) days notice to HELION, in which case USER shall be entitled to receive a pro-rated refund of any unearned support fees that were paid.

3.2. Claims of Confidentiality or Proprietary Rights. USER agrees that any information or data disclosed or sent to HELION, over the telephone, electronically or otherwise, is not confidential or proprietary to USER.

3.3. Entire Agreement. This Contract is the entire agreement between USER and HELION with respect to its subject matter and none of HELION’s employees or agents may orally vary the terms and conditions of this Contract.
3.4. This contract is valid for one year from date of purchase as specified in the invoice. USER will be automatically invoiced for the next year, 30 days prior to expiration. Payment of the renewal invoice shall constitute an automatic renewal of this agreement.

Support Starting Date    10-1-2015
Support Ending Date     09-30-2016
Payment Due Date        10-1-2015
Total Contract Amount   $20,000 + any applicable Washington State tax

Helion Software, Inc.
Signature:               
Name:                   Murray Giesbrecht
Title:                  Chief Executive Officer
Date:                   3-16-2015

Whatcom County, Washington
Signature:              
Name:                   Jack Louws
Title:                  Whatcom County Executive
Date:                   

310
EXHIBIT F
Insurance

(See Following Page)
EXHIBIT F
CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 2/25/2015

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

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

PRODUCER
Huggins Insurance Services, Inc.
P.O. Box 270
1786 State Street
Salem OR 97308

INSURED
HELOIN SOFTWARE, INC.
PO BOX 3506
SALEM, OR 97302

CONTACT NAME: Jessica Deshler
PHONE: (503)585-2211
FAX: (503)399-4658
EMAIL: jessica@huggins.com

INSURER(S) AFFORDING COVERAGE
NAIC #
INSURER A: Hartford Casualty Ins Co 29424
INSURER B: Hartford Underwritrs Is Co 30104
INSURER C: Hartford Ins Co of the Midwest 37478
INSURER D: Lloyds of London

COVERAGES
CERTIFICATE NUMBER: CL144110001
REVISION NUMBER:

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

<table>
<thead>
<tr>
<th>INTRGR.</th>
<th>LTR</th>
<th>TYPE OF INSURANCE</th>
<th>ADD'L./SUB.</th>
<th>POLICY NUMBER</th>
<th>POLICY DATED</th>
<th>POLICY EXPIRING</th>
<th>LIMITS</th>
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<tr>
<td></td>
<td>X</td>
<td>COMMERCIAL GENERAL LIABILITY</td>
<td>X</td>
<td>OCCUR</td>
<td></td>
<td></td>
<td>EACH OCCURRENCE: $2,000,000</td>
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</table>

GENL AGRGATE LIMIT APPLIES PER:

POLICY PROJECT LOC

EXCESS LIMIT OCCUR CLAIMS-MADE

AUGUMENT LIABILITY

B

X ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS NON-OWNED AUTOS

UMBRELLA LIAB OCCUR CLAIMS-MADE

LIMITS:

COMBINED SINGLE LIMIT

BODY INJURY (Per person) $1,000,000

PROPERTY DAMAGE (Per accident) $1,000,000

Terrorism Coverage

C

WORKERS COMPENSATION AND EMPLOYERS LIABILITY

Y/N | X

N/A

DESCRIPTION OF OPERATIONS below

X 52WECRL9648


D

PROFESSIONAL LIABILITY

ESD00089634

8/1/2014 8/1/2015

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Certificate Holder is named additional insured.

CERTIFICATE HOLDER

WHATCOM COUNTY, WASHINGTON

AUDITOR'S OFFICE

ATTN: DIANA BRADICK

311 GRAND AVENUE

SUITE 103

BELLECHAM, WA 98225

CANCELLATION

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

AUTHORIZED REPRESENTATIVE

J. DESHLER/JESSIC

ACORD 25 (2010/05) © 1988-2010 ACORD CORPORATION. All rights reserved.
**WHATCOM COUNTY COUNCIL AGENDA BILL**

<table>
<thead>
<tr>
<th>CLEARANCES</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
<th>Assigned to:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Originator:</td>
<td>GSS</td>
<td>03/17/15</td>
<td></td>
<td>3/31/15</td>
<td>Finance/Council</td>
</tr>
<tr>
<td>Gary Stoyka</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Division Head:</td>
<td>GSS</td>
<td>03/17/15</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gary Stoyka</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dept. Head:</td>
<td>Joe Rutan</td>
<td>3/19/15</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Proc. Writer:</td>
<td>Dan Gibson</td>
<td>05/20/15</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Purchasing/Budget</td>
<td>BBB</td>
<td>3/20/15</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Executive:</td>
<td>Jack Louws</td>
<td>3/24/15</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**TITLE OF DOCUMENT:**

Amendment No. 2 to professional services contract with Foster Pepper PLLC to provide legal services related to the Lake Whatcom phosphorus and bacterial TMDL.

**ATTACHMENTS:**

Memorandum
Contract

<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>(X ) 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.)

Amendment No. 2 to professional services contract with Foster Pepper PLLC to provide legal representation for Whatcom County in dispute resolution with Washington Department of Ecology and other associated legal services related to the Lake Whatcom phosphorus and bacterial TMDL.

**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>
<tbody>
<tr>
<td></td>
<td>AB2015-037</td>
<td></td>
</tr>
</tbody>
</table>

*Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: [www.co.whatcom.wa.us/council](http://www.co.whatcom.wa.us/council).*
TO: The Honorable Jack Louws, County Executive and Honorable Members of the Whatcom County Council

THROUGH: Joseph P. Rutan, P.E., Interim Director

FROM: Gary S. Stoyka, Natural Resources Program Manager

RE: Amendment No. 2 to Lake Whatcom TMDL Legal Services Contract

DATE: March 17, 2015

Requested Action
Enclosed are two (2) originals of Amendment No. 2 to Whatcom County Contract No. 201308019 for Lake Whatcom TMDL Legal Services between Foster Pepper PLLC and Whatcom County for your review and signature.

Background and Purpose

DOE recently issued the final Lake Whatcom Watershed Total Phosphorus and Bacteria TMDLs Volume 2. Water Quality Improvement Report and Implementation Strategy. The final TMDL contains conditions which are of concern to Whatcom County. Whatcom County entered into Contract No. 201308019 on August 28, 2013 for legal services related to the TMDL. On December 9, 2014, the Whatcom County Council voted unanimously to file a request for dispute resolution with the Department of Ecology to attempt to resolve these issues. On December 19, 2014 Whatcom County filed the request for dispute resolution with the Department of Ecology. Amendment No. 1 to Contract No. 201308019 was executed on December 22, 2014. Legal services provided by Foster Pepper PLLC under Amendments No. 1 and 2 include services related to entering into the dispute resolution process. Approval of this contract will allow the County to compensate Foster Pepper for legal services related to entering into the dispute resolution process incurred prior to January 12, 2015. On January 12, 2015, Whatcom County entered into a separate new contract with Foster Pepper (Contract No. 201501007) for legal services related to participation in the dispute resolution process.

Funding Amount and Source
Total project cost for services under this contract is $39,122.00. These costs will be paid for out of the Stormwater Fund (Fund 123).

Please contact Gary Stoyka at extension 50618, if you have any questions or concerns regarding the terms of this agreement.

Encl.
<table>
<thead>
<tr>
<th>Originating Department:</th>
<th>Public Works/Natural Resources Division</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract or Grant Administrator:</td>
<td>Gary Stoyka, Natural Resources Manager</td>
</tr>
<tr>
<td>Contractor's / Agency Name:</td>
<td>Foster Pepper, PLLC</td>
</tr>
<tr>
<td>Is this a New Contract?</td>
<td>If not, is this an Amendment or Renewal to an Existing Contract? Yes <strong>X</strong> No <strong>_</strong></td>
</tr>
<tr>
<td>Is a grant agreement?</td>
<td>Yes <strong>_</strong> No <strong>X</strong> If yes, grantor agency contract number(s) ________________ CFDA # ________________</td>
</tr>
<tr>
<td>Is this contract grant funded?</td>
<td>Yes <strong>_</strong> No <strong>X</strong> If yes, associated Whatcom County grant contract number(s) ________________</td>
</tr>
<tr>
<td>Is this contract the result of a RFP or Bid process?</td>
<td>Yes <strong>_</strong> No <strong>X</strong> If yes, RFP and Bid number(s) ________________ Contract Cost Center: 123212</td>
</tr>
<tr>
<td>If yes, indicate exclusion(s) below:</td>
<td></td>
</tr>
<tr>
<td>x Professional services agreement for certified/licensed professional</td>
<td>□ Contract work is for less than 120 days</td>
</tr>
<tr>
<td>x Contract less than $100,000.</td>
<td>□ Contract for Commercial off the shelf items (COTS)</td>
</tr>
<tr>
<td>□ Contract work is all performed outside U.S.</td>
<td>□ Work related subcontract less than $25,000.</td>
</tr>
<tr>
<td>□ Interlocal Agreement (between Govt's)</td>
<td>□ Public Works - Local Agency/Federally Funded FHWA</td>
</tr>
<tr>
<td>Contract Amount: (sum of original contract amount and any prior amendments)</td>
<td>$ 29,500.00</td>
</tr>
<tr>
<td>This Amendment Amount:</td>
<td>$ 9,622.00</td>
</tr>
<tr>
<td>Total Amended Amount:</td>
<td>$ 39,122.00</td>
</tr>
<tr>
<td>Summary of Scope:</td>
<td>DOE recently issued the final Lake Whatcom Watershed Total Phosphorus and Bacteria TMDLs Volume 2. Water Quality Improvement Report and Implementation Strategy. Whatcom County has entered into dispute resolution with DOE to resolve several legal and technical issues in the final TMDL. Services provided by Foster Pepper include participation in the dispute resolution process and associated legal services.</td>
</tr>
<tr>
<td>Term of Contract: 15 months</td>
<td>Expiration Date: 03/30/15</td>
</tr>
<tr>
<td>Contract Routing Steps &amp; Signoff: sign or initial</td>
<td>Indicate date transmitted</td>
</tr>
<tr>
<td>1. Prepared by: <strong>_</strong> GSS</td>
<td>Date 03/17/15</td>
</tr>
<tr>
<td>2. Attorney reviewed: <strong>Daniel L. Gibson</strong></td>
<td>Date 03/15/15 See attached cover</td>
</tr>
<tr>
<td>3. AS Finance reviewed: <strong>_</strong></td>
<td>Date 3/20/15</td>
</tr>
<tr>
<td>4. IT reviewed if IT related:</td>
<td>Date 03/20/15</td>
</tr>
<tr>
<td>5. Attorney signoff: <strong>Daniel L. Gibson</strong></td>
<td>Date 3/20/15</td>
</tr>
<tr>
<td>7. Contractor signed:</td>
<td>Date 3/20/15</td>
</tr>
<tr>
<td>8. Submitted to Exec Office:</td>
<td>Date 3/20/15</td>
</tr>
<tr>
<td>9. Council approved (if necessary):</td>
<td>Date 3/20/15</td>
</tr>
<tr>
<td>10. Executive signed:</td>
<td>Date 3/20/15</td>
</tr>
<tr>
<td>11. Original to Council</td>
<td>Date 3/20/15</td>
</tr>
</tbody>
</table>
Gary Stoyka

From: Daniel Gibson
Sent: Tuesday, March 17, 2015 7:04 PM
To: Gary Stoyka
Subject: RE: Contract amendment for your review and approval
Attachments: image002.jpg

Gary:
It appears that the proposed amendment increases the amount of compensation by $9000+ to just under $40,000, with no change in the length of contract term (still set to expire at the end of this month). Is that correct? I take it that the work intended to be completed simply took more time and thus calls for a greater amount of compensation than originally approved. The form of the amendment is good to go.

______________________________
From: Gary Stoyka
Sent: Tuesday, March 17, 2015 4:15 PM
To: Daniel Gibson; Brad Bennett; Therese Zemel
Cc: Beth Bushaw; Tara Adrian
Subject: Contract amendment for your review and approval

Dan/Brad:

The attached contract amendment is provided for your review and approval. Please let me know if you have any questions. This issue was just recently brought to my attention and I'm trying to make the next agenda with an internal cut-off date of tomorrow (3/18). Thanks for your help.
AMENDMENT NO. 2 TO
AGREEMENT FOR PROFESSIONAL SERVICES
BETWEEN WHATCOM COUNTY AND
FOSTER PEPPER PLLC
FOR LAKE WHATCOM TMDL SERVICES

WHEREAS, AN AGREEMENT (Whatcom County Contract No. 201308019) was entered into between the Whatcom County, and Foster Pepper PLLC on August 28th, 2013 for legal services related to the Lake Whatcom Total Maximum Daily Load (TMDL); and,

WHEREAS, Amendment No. 1 to Whatcom County Contract No. 201308019 was entered into between the Whatcom County, and Foster Pepper PLLC on December 22, 2014 extending the term of the contract to March 30, 2015 and increasing the total compensation to $29,500.00; and,

WHEREAS, additional services are required; and,

WHEREAS, the parties are desirous of continuing the work intended under the original scope of work in Contract No. 201308019.

NOW BE IT THEREFORE AGREED, that Exhibit “B” of Contract No. 201308019 shall be amended to provide an additional $9,622.00 in compensation for a total compensation amount not to exceed $39,122.00.
IN WITNESS WHEREOF, the parties have signed this Amendment No. 2 to Contract No. 201308019 for Lake Whatcom TMDL services, this _____ day of ____________, 2015.

CONTRACTOR: Foster Pepper, PLLC

________________________________________
By: Lori Terry Gregory
Title: Member

STATE OF WASHINGTON    )
COUNTY OF WHATCOM     ) ss.

On this _____ day of ____________, 2015, before me personally appeared Lori Terry Gregory, to me known to be the person individually or jointly described in and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

________________________________________
NOTARY PUBLIC in and for the State of Washington, residing at _________________
My commission expires: _________________

WHATCOM COUNTY

________________________________________
Jack Louws
County Executive

STATE OF WASHINGTON    )
COUNTY OF WHATCOM     ) ss.

On this _____ day of ____________, 2015, before me personally appeared Jack Louws, to me known to be the person individually or jointly described in and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

________________________________________
NOTARY PUBLIC in and for the State of Washington, residing at _________________
My commission expires: _________________

APPROVED AS TO FORM:

Daniel L. Gibson, Chief Civil Deputy
Prosecuting Attorney

DEPARTMENTAL APPROVAL:

Joseph P. Rutan, Interim Director, Public Works
TITLE OF DOCUMENT:
Contract for Services – Geotest Services, Inc. – Amendment 1

ATTACHMENTS:
Memorandum, Contract Information Sheet, Contract Amendment No. 1, Exhibit A-1 Scope of Work, Exhibit B-1 Fee Schedule

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

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

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

This Contract Amendment No. 1 provides for a change in scope to add construction field inspection services to the material testing and geotechnical services contract and does not result in any changes to the original contract amount.

COMMITTEE ACTION:  
COUNCIL ACTION:

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

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

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

Through: Joseph P. Rutan, P.E., Interim Director / County Engineer

From: James P. Karcher, P.E., Engineering Manager

Date: March 16, 2015

Re: Material Testing and Geotechnical Services Contract
Whatcom County Contract No. 201404021
Contract Amendment No. 1

Enclosed for your review and signature are two (2) originals of Contract Amendment No. 1 associated with the Material Testing and Geotechnical Services contract between GeoTest Services, Inc. and Whatcom County.

Requested Action
Public Works respectfully requests that the County Executive, upon approval by the Whatcom County Council, execute Contract Amendment No. 1 with GeoTest Services, Inc..

Background and Purpose
This Contract Amendment No. 1 provides for a change in scope to add construction field inspection services to the material testing and geotechnical services contract. Due to the large number of construction projects proposed by Public Works for 2015, additional resources are needed to supplement existing County inspection personnel.

Funding Amount and Source
This Contract Amendment No. 1, adding construction field inspection services scope, does not result in any changes to the original contract amount. Sufficient Local Funds exist within the various Division budgets to cover anticipated material testing, inspection and geotechnical services on various projects.

Differences from Previous Contract
The original scope was supplemented to add ‘Construction Field Inspection Services’ and the original Fee Schedule was revised to add a new rate for ‘Construction Field Inspector’. Maximum amount payable on the contract remains $330,000.

Please contact Jim Karcher at extension 50633 if you have any questions or concerns regarding the terms of this contract or amendment no. 1.
### WHATCOM COUNTY CONTRACT INFORMATION SHEET

<table>
<thead>
<tr>
<th>Originating Department:</th>
<th>Public Works</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract or Grant Administrator:</td>
<td>James P. Karcher</td>
</tr>
<tr>
<td>Contractor's / Agency Name:</td>
<td>GeoTest Services, Inc.</td>
</tr>
</tbody>
</table>

**Is this a New Contract?** Yes ☒ No ☐  If not, is this an Amendment or Renewal to an Existing Contract? Yes ☐ No ☒  
If Amendment or Renewal, (per WCC 3.08.100 (a)) Original Contract #: 201404021

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

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

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

**Is this contract the result of a RFP or Bid process?** Yes ☐ No ☒  If yes, RFP and Bid number(s): RFQ # 13-01  
Contract Cost Center: Varies

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

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

**Contract Amount:** (sum of original contract amount and any prior amendments):  
$ 330,000.  
**This Amendment Amount:**  
$ N/A  
**Total Amended Amount:**  
$ 330,000.

**Contracts that require Council Approval (incl. agenda bill & memo)**  
- Professional Services Agreement above $20,000.  
- Bid is more than $50,000.  
- Amendments that have either an increase greater than 10% or provide a $10,000 increase in amount (whichever is greater)

**RENEWALS:** Council approval is not required when exercising an option to renew that is provided in the original contract.

**Summary of Scope:** This Contract Amendment No. 1 provides for a change in scope to add construction field inspection services to the material testing and geotechnical services contract. Due to the large number of construction projects proposed by Public Works for 2015, additional resources are needed to supplement existing County inspection personnel.

<table>
<thead>
<tr>
<th>Term of Contract:</th>
<th>Expiration Date: December 31, 2015</th>
</tr>
</thead>
</table>

**Contract Routing:**  
1. Prepared by: MJ/JPK  
2. Attorney signoff: RSB  
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:**  
- Prepared by: 3/11/15  
- RSB: 3/16/15  
- bbennett: 3/16/15  
- Date of Signing: 3/9/15  
- Date of Approval: 3/30/15  

**Last Edited:** 060414
CONTRACT AMENDMENT No. 1

Contract between GeoTest Services, Inc. and Whatcom County

Whatcom County Public Works Department desires to initiate Amendment No. 1 to the original contract entered into between GeoTest Services, Inc. (GeoTest) and Whatcom County (County) executed on May 6, 2014, (Wh Co Contract No. 201404021).

All provisions in the original contract remain in effect except as expressly modified by this amendment. Changes to the contract are described as follows:

Section 0.1 Scope of Services, is hereby amended as follows: addition of Construction Field Inspection Services. See attached Exhibit A-1 “Scope of Work”, which supplements the original contract scope of work, and outlines the additional services to be provided by GeoTest per Contract Amendment No. 1.

Section 20.1 Payment for Services shall be amended as follows: addition of a new job classification and associated hourly rate for "Construction Field Inspector". See attached Exhibit B-1 "Fee Schedule", which replaces the original fee schedule, and addresses the additional job classification and hourly rate for a construction field inspector. These construction field inspection services are to be provided by GeoTest per Exhibit A-1. The total maximum amount payable for the agreement will not be changed.

Justification: Amendment No. 1, associated with Construction Field Inspection Services, is required due to the large number of construction projects proposed by the Public Works Department for 2015, and the lack of available Public Works personnel to inspect the work.

The maximum amount payable under this contract, as amended, inclusive of all fees and other costs remains $330,000.

Vendor Name: GeoTest Services, Inc.,
741 Marine Drive
Bellingham, WA 98225

Endorsed by: [Signature]
3/9/2015
Print Name: Jeremy Wolf
Title: Operations Manager

Whatcom County:
Recommended for Approval:
[Signature] 3/9/15
Department Director

Approved as to form:
Daniel L. Gibson 03/20/15
Chief Civil Deputy Prosecutor

Whatcom Co. Approving Authority  Date
State of Washington  
County of Whatcom

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

Notary Public in and for the State of Washington,
Residing at ________________________________
My commission expires ____________________
## FEE SCHEDULE
Whatcom County Public Works - 2014-2015
Materials Testing & Inspection & Geotechnical Design Services
Revised March 2015 per Amendment No 1 to WCC No. 201404021

### ENGINEERING, GEOLOGICAL & ENVIRONMENTAL SERVICES

<table>
<thead>
<tr>
<th>Service</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Professional Engineer</td>
<td>$135.00 hour</td>
</tr>
<tr>
<td>Geotechnical Engineer</td>
<td>$135.00 hour</td>
</tr>
<tr>
<td>Technical Director</td>
<td>$120.00 hour</td>
</tr>
<tr>
<td>Engineering Geologist</td>
<td>$90.00 hour</td>
</tr>
<tr>
<td>Environmental Professional</td>
<td>$90.00 hour</td>
</tr>
<tr>
<td>Project Manager</td>
<td>$80.00 hour</td>
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<tr>
<td>Geotechnical Technician</td>
<td>$75.00 hour</td>
</tr>
<tr>
<td>Geologist</td>
<td>$75.00 hour</td>
</tr>
<tr>
<td>CESCL (Certified Erosion &amp; Sediment Control Lead)</td>
<td>$75.00 hour</td>
</tr>
</tbody>
</table>

### CONSTRUCTION INSPECTION SERVICES

<table>
<thead>
<tr>
<th>Service</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction Field Inspector</td>
<td>$75.00 hour</td>
</tr>
<tr>
<td>Concrete Inspection</td>
<td>$58.00 hour</td>
</tr>
<tr>
<td>Prestressed Concrete Inspection</td>
<td>$58.00 hour</td>
</tr>
<tr>
<td>Masonry Inspection</td>
<td>$58.00 hour</td>
</tr>
<tr>
<td>Grout Inspection</td>
<td>$58.00 hour</td>
</tr>
<tr>
<td>Fireproofing Inspection</td>
<td>$58.00 hour</td>
</tr>
<tr>
<td>Lateral Framing Inspection (Wood &amp; Steel)</td>
<td>$58.00 hour</td>
</tr>
<tr>
<td>Proprietary Anchor Inspection</td>
<td>$58.00 hour</td>
</tr>
<tr>
<td>Structural Steel Welding and Bolting Inspection</td>
<td>$65.00 hour</td>
</tr>
<tr>
<td>In-Place Density - Nuclear Gauge, Soils &amp; Asphalt</td>
<td>$65.00 hour</td>
</tr>
<tr>
<td>Soils Observation</td>
<td>$65.00 hour</td>
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<tr>
<td>Laboratory Technician</td>
<td>$58.00 hour</td>
</tr>
<tr>
<td>Field Technician</td>
<td>$58.00 hour</td>
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<tr>
<td>Field Sampling</td>
<td>$58.00 hour</td>
</tr>
<tr>
<td>Technical Review/Reporting</td>
<td>$65.00 hour</td>
</tr>
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</table>

### SPECIALTY SERVICES

<table>
<thead>
<tr>
<th>Service</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bolt Pull-out Tests</td>
<td>$90.00 hour</td>
</tr>
<tr>
<td>Ground Penetrating Radar (GPR)</td>
<td>$150.00 hour</td>
</tr>
<tr>
<td>Pachometer (Magnetic) Rebar Location</td>
<td>$90.00 hour</td>
</tr>
<tr>
<td>Concrete &amp; Asphalt Coring</td>
<td>$90.00 hour</td>
</tr>
<tr>
<td>Schmidt Hammer</td>
<td>$90.00 hour</td>
</tr>
<tr>
<td>Windsor Probe</td>
<td>$90.00 hour</td>
</tr>
<tr>
<td>Brick Shear Testing (2 man crew)</td>
<td>$150.00 hour</td>
</tr>
<tr>
<td>Floor Flatness Testing (Dipstick)</td>
<td>$100.00 hour</td>
</tr>
<tr>
<td>Moisture Emission Testing</td>
<td>$90.00 hour</td>
</tr>
</tbody>
</table>
### FEE SCHEDULE
Whatcom County Public Works - 2014-2015
Materials Testing & Inspection & Geotechnical Design Services

#### MATERIALS TESTING

##### CONCRETE
- Compressive Strength - Concrete ................................................. 22.00 ea  
- Compressive Strength - Concrete (cast by others) ......................... 30.00 ea  
- Compressive Strength - Drilled Cores (includes trimming and testing) 60.00 ea  
- Compressive Strength - Sawed Specimens (includes trimming and testing) 60.00 ea  
- Shotcrete Panel - 3 Cores Per Panel ........................................... 200.00 ea  
- Additional Shotcrete Cores .................................................... 75.00 ea  
- Flexural Strength - 6" x 6" Beams ................................................ 45.00 ea  
- Air Dry Unit Weight ............................................................. 35.00 ea  
- Trimming Specimens - Per End (when required) ................................. 15.00 ea

##### MASONRY
- Compressive Strength - Mortar, 2" x 4" Cylinder ............................. 22.00 ea  
- Compressive Strength - Grout, 4" x 4" x 8" Prism ............................ 22.00 ea  
- Compressive Strength - 2" x 2" Cubes (Cementitious Grout) ................. 22.00 ea  
- Compressive Strength - 2" x 2" Cubes (Epoxy Grout) ....................... 30.00 ea  
- Compressive Strength - Composite Prism ..................................... 100.00 ea  
- Compressive Strength - Masonry Units ...................................... 100.00 ea

##### AGGREGATE
- Sieve Analysis, with Wet Wash ................................................ 125.00 ea  
- Sieve Analysis, Dry Only ....................................................... 75.00 ea  
- Sieve Analysis, % Passing #200 Sieve ...................................... 75.00 ea  
- Specific Gravity and Absorption - Fine Aggregate ......................... 75.00 ea  
- Specific Gravity and Absorption - Coarse Aggregate ..................... 60.00 ea  
- Uncompacted Voids - Fine Aggregate ...................................... 150.00 ea  
- Unit Weight and Voids ......................................................... 40.00 ea  
- Sand Equivalent ................................................................. 80.00 ea  
- Moisture Content ............................................................... 35.00 ea  
- Percent Fracture ................................................................. 60.00 ea  
- Organic Impurities Test ....................................................... 40.00 ea  
- Clay Lumps and Friable Particles .......................................... 80.00 ea  
- Lightweight Pieces ............................................................ 75.00 ea  
- Flat/Elongated Particles ...................................................... 80.00 ea

##### ASPHALT
- Asphalt Content & Gradation (Ignition Furnace) .......................... 225.00 ea  
- Maximum Specific Gravity (Rice Density) .................................. 80.00 ea  
- Asphalt Core Density/Thickness ............................................. 40.00 ea  
  - Hot Mix Furnished, Set of 3 ............................................. 300.00 ea  
  - Lab Mixed, Set of 3 ...................................................... 350.00 ea
EXHIBIT B-1
Fee Schedule
GEO TEST SERVICES, INC.
Bellingham & Arlington, WA

FEE SCHEDULE
Whatcom County Public Works - 2014-2015
Materials Testing & Inspection & Geotechnical Design Services

<table>
<thead>
<tr>
<th>SOILS</th>
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</thead>
<tbody>
<tr>
<td>Sieve Analysis, with Wet Sieve..................</td>
<td>125.00 ea</td>
</tr>
<tr>
<td>Sieve Analysis, Dry Only..........................</td>
<td>75.00 ea</td>
</tr>
<tr>
<td>Sieve Analysis, % Passing #200 Sieve............</td>
<td>75.00 ea</td>
</tr>
<tr>
<td>Sieve Analysis w/ Hydrometer.......................</td>
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<td>Moisture Density Relationship (Proctor)...........</td>
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<td>Moisture Density Relationship (Proctor) w/ Sieve</td>
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<tr>
<td>Check Point...........................................</td>
<td>80.00 ea</td>
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<tr>
<td>Moisture Content.....................................</td>
<td>35.00 ea</td>
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<tr>
<td>Atterberg Limits (3 points).......................</td>
<td>125.00 ea</td>
</tr>
<tr>
<td>Specific Gravity......................................</td>
<td>75.00 ea</td>
</tr>
<tr>
<td>Consolidation - 5 Loads............................</td>
<td>350.00 ea</td>
</tr>
<tr>
<td>Permeability - Constant Head or Falling Head (each point)</td>
<td>250.00 ea</td>
</tr>
<tr>
<td>Organic Content......................................</td>
<td>80.00 ea</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>MISCELLANEOUS</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Fireproofing Density Test......................</td>
<td>60.00 ea</td>
</tr>
<tr>
<td>Floor Moisture Test Kit.......................</td>
<td>35.00 ea</td>
</tr>
<tr>
<td>Windsor Probe Pin (Set of 3)...................</td>
<td>40.00 ea</td>
</tr>
</tbody>
</table>

- GeoTest requests 24 hours advance notice for scheduling field services. GeoTest may not be able to provide service for same day call out.
- A daily four hour minimum charge per call applies to all GeoTest Services, Inc. (GTS) construction inspection services & specialty services (Engineering, Geological, and Environmental Services will be billed in accordance with a project specific proposal). Same day cancelations will incur a two-hour minimum charge.
- GeoTest standard operating hours are 7 AM to 5 PM, Monday through Friday, with the exception of holidays. A premium rate of 1.5 times the regular rate will be charged for all work in excess of 8 hours per day and Saturdays. Double-time rates will be applied to services provided on Sundays & legal Holidays.
- A one-hour minimum laboratory technician fee will be applied on Saturdays, Sundays & legal Holidays at 1.5 times the regular rate for any laboratory testing services.
- Night shift (work starting outside standard operating hours): An eight (8) hour minimum charge at 1.5 times the regular rate applies to field night work. A four (4) hour minimum charge at 1.5 times the regular rate applies to lab night work.
- Mileage charged at current Federal mileage rate ($/mile).
- Field testing equipment expenses are included in the hourly rates except where specifically noted on the fee schedule or a project specific proposal.
- Laboratory rush samples (less than 48hr turn-around time) will be invoiced at 1.5 times the standard test rate. Except as outlined in the contract document.
- Rental equipment, reimbursable expenses and subcontractor fees will be invoiced at cost plus 15%.
- Unless otherwise agreed, test specimens or samples will be disposed of immediately upon completion of the test.
- The ordering of work from GTS shall constitute acceptance of the Fee Schedule, General Conditions, and any project specific proposal.
GENERAL CONDITIONS

1. The client understands that no final letter of compliance will be issued to the building department for the project until all outstanding invoices have been paid.

2. Client acknowledges that GTS has explained the full range of services it offers and the manner in which they could be applied to this project. Client also avers that he/she understands the value and benefit of these services and has of his/her own accord decided upon those identified in the mutually agreed to scope of work. Client agrees to hold GTS harmless and indemnify GTS for claims, demand, suit, action or assertion of any kind that arise from any work performed by GTS, and/or arise from any source due to GTS’ failure to provide services that Client has specifically not included in the list of services identified in the mutually agreed to scope of work. Such duty extends to and applies to any claim, demand, suit, action or assertion raised by an employee of Client, and for this limited purpose Client waives the protection afforded by any exclusivity provision under any applicable workers’ compensation or industrial insurance act, including, but not limited to, RCW Title 51. Client further agrees to indemnify and pay GTS for the cost of defending any such claims and rewards or settlements resulting there from.

3. Unless otherwise stated in writing, Client assumes sole responsibility for determining whether the quantity and the nature of work ordered by Client is adequate and sufficient for Client’s intended purpose. Client shall communicate these General Conditions to each and every third party to whom Client transmits any part of GTS’s work. GTS shall have no duty or obligation to any third party greater than that set forth in GTS’s proposal, Client’s acceptance thereof and these General Conditions. The ordering of work from GTS shall constitute acceptance of the terms of GTS’s proposal and these General Conditions.

4. Client shall initiate all tests and inspections of the site, materials and work performed by GTS or others to be timely and properly performed in accordance with the plans, specifications and contract documents, and GTS’s recommendations. No claims for loss, damage or injury shall be brought against GTS by Client or any third party unless all tests and inspections have been so performed and unless GTS’s recommendations have been followed. Client agrees to indemnify, defend and hold GTS, its officers, employees and agents harmless from any and all claims, suits, losses, costs and expenses, including, but not limited to, court costs and reasonable attorney’s fees in the event that all such tests and inspections are not so performed, or GTS’s recommendations are not so followed except to the extent that such failure is the result of the negligence, willful or wanton act or omission of GTS, its officers, agents or employees.

5. GTS’s work shall not include determining, supervising or implementing the means, methods, techniques, sequences or procedures of construction. GTS shall not be responsible for evaluating, reporting of affecting job conditions concerning health, safety or welfare. GTS’s work or failure to perform same shall not in any way excuse any contractor, subcontractor or supplier from performance of its work in accordance with the contract documents.

6. Client shall be invoiced once each month for work performed during the preceding period. Client agrees to pay each invoice within thirty (30) days of its receipt. Client further agrees to pay interest on all amounts invoiced and not paid or objected to for valid cause within said thirty (30) day period at the maximum interest rate permitted under applicable law, whichever is the lesser) until paid. Client agrees to pay GTS’s cost of collection of all amounts due and unpaid after sixty (60) days, including court costs and reasonable attorney’s fees.

7. The extension of unit prices herein with quantities to establish a total estimated cost does not guarantee a maximum cost to complete the inspection and/or testing for a construction project. The quantities when given are estimated based on contract documents and construction schedules made available at the time of proposal preparation. Since construction schedules, performance, production and charges are directed and/or controlled by others, any quantity extensions must be considered as estimated and not a guarantee of maximum cost. The term “Cost Estimate” does not imply a maximum contract amount, but only the extension value of our unit prices at the time of proposal preparation.

8. GTS is covered by General Liability Insurance for bodily injury and property damage arising directly from our negligent acts or omissions, with a combined single limit of $2,000,000 dollars per occurrence. If Client requires additional coverage in excess of this amount, and if procurable, GTS will take out additional General Liability Insurance to the limits Client requires at Client’s expense.

9. GTS will provide its professional services to Client, as defined by its scope of work with that degree of care and skill ordinarily exercised under similar circumstances by members of its profession. This representation is in lieu of any warranties or other representations, either expressed or implied. It is also understood and agreed that statements made in GTS reports are opinions and/or interpretations based on professional judgment, and should not be construed to be conclusive representations of fact. If conditions different from what are indicated in the reports come to Client’s attention after receipt of the reports, it is recommended that Client contact GTS immediately to authorize further appropriate evaluation. GTS agrees to hold harmless and to indemnify Client on account of any damages due to bodily injury or property damage, or breach of contract, arising directly out of a negligent act or omission in the performance of professional services by GTS; provided, however, that any such liability to any third party arising out of GTS’s performance of professional services, shall not exceed Fifty Thousand Dollars ($50,000.00), or the total amount of the fee paid.

10. Except to the extent specifically addressed in Paragraph 9, Client agrees to indemnify, defend and hold GTS, its officers, employees, agents and independent contractors harmless from any and all claims, suits, losses, costs and expenses, including but not limited to, court costs and reasonable attorneys fees arising or alleging to have arisen out of the performance of GTS’s work. In the event that Client or Client’s principal shall bring any suit, cause of action, claim or counterclaim against GTS to the extent that GTS shall prevail in such suit, cause of action, claim or counterclaim, the party initiating such action shall pay to GTS the costs and expenses incurred by GTS to answer and/or defend such suit, cause of action, claim or counterclaim, including reasonable attorneys fees, court costs, witness fees and other related expenses.
EXHIBIT A-1
Scope of Services

CONTRACT AMENDMENT No.1

to Whatcom County Contract No. 201404021 between
GeoTest Services, Inc. and Whatcom County

This Exhibit A-1, supplements the original contract scope of work, and outlines the additional services to be provided by GeoTest Services, Inc. per Contract Amendment No. 1.

Construction Field Inspector to perform the following duties, as directed by Whatcom County Public Works’ Project Engineer, on each assigned project. Project Engineer (County) and Construction Field Inspector (GeoTest) will formalize the extent of duties required for each assigned project:

Daily Field Documentation – Inspector’s Daily Report
- Weather Conditions
- Description of Construction Activities – Include General Contractor and Subcontractors
- Inspections performed and results – Include any corrective actions taken.
- Type, location, and results of all tests performed – Reference test reports generated and general statement of results.
- Description of materials utilized – Include placement location, quantity, manufacturer or source, and RAM Number.
- Communications – Document conversations with Superintendent, Foreman, EOR, etc which occurred during the shift.
- Delays encountered – Include time of occurrence, duration and cause
- Document traffic control set-up – Reference plan sheets from the MOT and any inspections or corrective action taken.
- Any safety related problems and corrective action taken
- All non-conforming work and the corrective action taken (if any)
- Photos

Daily Documents Obtained from Outside Sources
- Traffic Control Reports (from TCS)
- Gravel/Aggregate Scale Tickets (for quantity tracking)
- Concrete Batch Tickets (required for acceptance as well as quantity tracking)
- Scaleman’s Certificates (if gravel was imported - required for acceptance)
- Material Invoices (if material was delivered)

Documents Generated by Field Inspector
- Material Receiving Reports, MRR (upon material delivery)
- Field Test Reports (concrete, field density, etc.)

Exhibit A-1: Contract Amendment No. 1
GeoTest Services, Inc. and Whatcom Co
WCC No. 201404021
EXHIBIT A-1
Scope of Services (cont)

- Wage Rate Interview Documentation
- Weekly Statement of Working Days
- Pre-Activity Meeting Documentation (Prior to commencement of new construction activity)

Examples:
1. Clearing and Grubbing
2. Drainage Installation
3. Excavation and Embankment
4. Electrical Installation – Illumination, Signalization, ITS
5. Concrete Placement
6. Paving

- Construction Hold Points

Examples:
1. Utility Relocations
   - Prior to any relocation of existing utilities.
   - Prior to backfill of utility relocations and as required by the Utility Owner’s permit.
   - See Embankments for utility backfilling.

2. Temporary Erosion and Sediment Control (TESC)
   - After installation of high visibility fencing around Environmentally Sensitive Areas
   - Areas, clearing limits, travel corridors, and stockpile sites.
   - After completion of placement of TESC devices, and prior to any construction operations.
   - Prior to any TESC dewatering operations.

3. Embankments (includes backfill behind walls, abutments, and trenches)
   - After completion of drainage structures and utility installations, and before backfill.
   - At intervals of embankment construction every 5 vertical feet.

4. Retaining Wall
   - After completion of soil foundation and before the placement of the leveling pad of a structural earth wall or the foundation of any other type of retaining wall.
   - Before installation of retaining wall formwork or blocks.
   - Before concrete placement of cast-in-place retaining walls.
   - See Embankments for drainage and retaining wall backfilling.

5. Drainage
   - After placement of pipe or box culvert, installation and placement of bands or
EXHIBIT A-1
Scope of Services (cont)

gaskets, or placement of catch basins and manholes, but before backfilling.

6. Stormwater Facility (including bioswales)
   • After excavation and prior to installation of drainage structures.
   • Prior to operation of facility.

7. Subgrade, Surfacing, and Pavement
   • After completion of subgrade and prior to surfacing placement.
   • After completion of surfacing placement and prior to asphalt treated base, HMA, and reinforcement for approach slab placement.

8. Signs
   • Prior to placement of concrete for sign base.
   • Prior to installation of sign.

9. Local Jurisdiction
   • Prior to any Work within local jurisdiction Right-of-Way.

10. Electrical, ITS, and Illumination
   • Prior to removal of existing ITS equipment and after new or temporary ITS equipment is in place and operational.
   • Prior to removal of existing CCTV cameras and after new or temporary CCTV cameras are in place and operational.
   • Prior to removal of existing illumination and after new or temporary illumination is in place or operational.

11. Landscaping and Aesthetics
   • After preparation of the planting area and prior to planting any plant material.

12. Traffic Control
   • After traffic control has been implemented.

13. Pavement Markings
   • Prior to installation of permanent pavement markings.
EXHIBIT A-1
Scope of Services (cont)

Document/Material Acceptance Responsibilities

Request for Approval of Material (RAM)
- Review of approval codes or Qualified Products List (QPL) numbers referenced on the RAM cover sheet by the Materials Approval Engineer (MAE).
- Perform Materials Approval Audits periodically (in-house form). This audit involves review of randomly selected RAM forms which have been completed by the Materials Approval Engineer (MAE) for accuracy.

Materials Acceptance
- Field inspectors are responsible for acceptance of materials utilized on the project. The following documents/information may be required for acceptance prior to installation –

1. Manufacturer's Certificate of Compliance (MCC)
2. Qualified Products List Cover Sheet (QPL)
3. Catalog Cut
4. Certificate of Materials Origin (CMO)
5. Satisfactory Test Report (either provided by manufacturer or tested by GeoTest)
6. Mill Reports
7. Concrete Batch Tickets
8. Scaleman's Certificate (gravel/aggregate import)
9. Lot or Roll Numbers
10. "WSDOT Inspected" Stamp (typically pre-cast concrete structures or luminaire poles)

It is important to note that some of the above reference documents/information will be included in the RAM submittal while others will be gathered in the field.

Record of Materials (ROM)
- Initial population of document
- Updating quantities utilized daily (for payment)
**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>
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**Division Head:** JPR  3/16/2015

**Dept. Head:** 3/18/15

**Prosecutor:** 3/30/15

**Purchasing/Budget:** 3/24/15

**Executive:** 3/24/15

**TITLE OF DOCUMENT:**

Construction Contract Award for 2015 Hot Mix Asphalt Prelevel at Various Locations, Bid #15-06

**ATTACHMENTS:**

1. Request Memo
2. Approval for Construction Contract Award (Endorsed by County Executive)
3. Project Location Summary with Quantities
4. Bid Tabulation
5. Low Bid Proposal

**SEPA review required?** □ YES ☑ NO  Should Clerk schedule a hearing? □ YES ☑ NO

**SEPA review completed?** □ 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.)

Construction Contract Award for 2015 Hot Mix Asphalt Prelevel at Various Locations, Bid #15-06, to WRS, as low bidder in the amount of $1,304,681.14.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

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

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

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

Through: Joseph P. Rutan, P.E., County Engineer/Interim Director

From: Jeff Gollen, PW Maintenance & Operations Superintendent

Date: March 16, 2014

Re: Bid #15-06, 2015 Hot Mix Asphalt Prelevel at Various Locations; Construction Contract Award (WRS)

Requested Action
Approval requested to award the bid and subsequent standard construction contract for the 2015 Hot Mix Asphalt Prelevel at Various Locations to the lowest responsive bidder, WRS (Western Refinery Services in Ferndale, Washington, in the amount of $1,304,681.14.

Attached for your review and signature is the standard construction contract award package consisting of:

- Agenda Bill
- Memo
- Approval for Contract Award (endorsed by the County Executive)
- Project Location Summary with Quantities
- Bid Tabulation (of all bids)
- Low Bid Proposal

Background and Purpose
Bids were duly advertised and submitted for the annual hot mix asphalt prelevel at various locations. As part of the annual maintenance and repair on various county roads and on county road projects, the Public Works Maintenance and Operations Division contracts out the prelevel project. Three bid responses were received Tuesday, March 10, 2015. See attached bid tabulation listing in further detail the three bid proposals received along with the Engineer’s estimate along with the Project Location Summary with Quantities sheet listing in further detail the specific locations around the County proposed for the prelevel project. Factoring in costs for mobilization, signing and traffic
control, pavement repair, seeded lawn installation, and hot mix asphalt prelevel 3/8” Whatcom Builders, Inc., is the overall lowest responsive bidder for the 2015 Hot Mix Asphalt Prelevel Project.

- **Funding Amount and Source**
  Adequate funds exist within the 2015 Budget Road Fund Expenditure. These are regularly budgeted expenditures for prelevel, which is used on an annual basis as needed and has been budgeted during the 2015-2016 Budget process.

- **Recommended Action**
  Please approve this purchase and forward to the Executive and the Whatcom County Council for approval at the March 31, 2015, Whatcom County Council Meeting. Please contact Jeff Gollen at extension 50660 if you have any questions or concerns.

Enclosures

In accordance with WCC 3.08.030, I concur with this recommendation.

/\[Signature\]  
Sara Winger, Purchasing Coordinator

[Date]

03/20/2015
2015 Hot Mix Asphalt Prelevel at Various Locations

Bid #15-06

APPROVAL FOR CONTACT AWARD

Approval is hereby granted to award the construction contact as follows:

PROJECT: 2015 Hot Mix Asphalt Prelevel at Various Locations

To: WRS (Western Refinery Services)

In the amount of their bid proposal of $1,304,681.14 including all taxes.

WHATCOM COUNTY
Approved:

__________________________
Jack Louws, Whatcom County Executive

__________________________
Daniel L. Gibson
Chief Civil Deputy Prosecutor

Date: 03/20/15
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Subtotal Proposed Roads 147,528.440  13.970  13,968.470

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<td>612,480</td>
<td>0.080</td>
<td>72.230</td>
</tr>
</tbody>
</table>

Subtotal Alternate Roads 49,368.000  4.675  4,439.561

Total Proposed and Alternate Roads 196,896.440  18.645  18,408.031
# BID TABULATION

## 2015 Hot Mix Asphalt Prelevel at Various Locations

**Bid #15-09**

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>QUANTITY</th>
<th>ITEM</th>
<th>ENGINEER ESTIMATE</th>
<th>WRS</th>
<th>GRANITE CONSTRUCTION</th>
<th>WHATCOM BUILDERS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>UNIT PRICE</td>
<td>TOTAL</td>
<td>UNIT PRICE</td>
<td>TOTAL</td>
</tr>
<tr>
<td>1</td>
<td>LUMP SUM</td>
<td>Mobilization</td>
<td>$35,000.00</td>
<td>$35,000.00</td>
<td>$20,000.00</td>
<td>$20,000.00</td>
</tr>
<tr>
<td>2</td>
<td>1500 HOURS</td>
<td>Signing and Traffic Control</td>
<td>$50.00</td>
<td>$50,000.00</td>
<td>$48.00</td>
<td>$72,000.00</td>
</tr>
<tr>
<td>3</td>
<td>FORCE ACCOUNT</td>
<td>Pavement Repair</td>
<td>$10,000.00</td>
<td>$10,000.00</td>
<td>$10,000.00</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>4</td>
<td>FORCE ACCOUNT</td>
<td>Seeded Lawn Installation</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
<td>$5,000.00</td>
</tr>
<tr>
<td>5</td>
<td>13,988 TONS</td>
<td>Hot Mix Asphalt Prelevel Class 3/8&quot; (Proposed Roads at Various Locations)</td>
<td>$76.00</td>
<td>$1,081,603.72</td>
<td>$71.00</td>
<td>$991,761.37</td>
</tr>
<tr>
<td>6</td>
<td>4,439 TONS</td>
<td>Hot Mix Asphalt Prelevel Class 3/8&quot; (Alternate Roads at Locations)</td>
<td>$74.00</td>
<td>$328,527.44</td>
<td>$67.00</td>
<td>$288,127.44</td>
</tr>
<tr>
<td><strong>TOTAL BID</strong></td>
<td></td>
<td></td>
<td>$1,515,131.16</td>
<td>$1,304,681.14</td>
<td>$1,396,211.89</td>
<td>$1,400,000.00</td>
</tr>
</tbody>
</table>
BID PROPOSAL

2015 HOT MIX ASPHALT PRELEVEL
AT VARIOUS LOCATIONS
BID 15-09

Date: February 11, 2015

TO: Whatcom County Executive and Council
Whatcom County Courthouse
311 Grand Avenue
Bellingham, Washington 98225

Gentlepersons:

This certifies that the Undersigned has examined the location of the project site and the conditions of work; and has carefully read and thoroughly understands the contract documents entitled: "2015 Hot Mix Asphalt Prelevel at Various Locations", Whatcom County, Washington, including the "Bid Procedures and Conditions", "Specifications and Conditions", "Contract Forms" and "Plans" governing the work embraced in this project, and the method by which payment will be made for said work.

The Undersigned hereby proposes to undertake and complete the work embraced in this project in accordance with said contract documents, and agrees to accept as payment for said work, the schedule of lump sum and unit prices as set forth in the "Bid" below.

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

Company Name: WRS

Submitted By: Ryan Likka
CEO
## 2015 HOT MIX ASPHALT PRELEVEL
### AT VARIOUS LOCATIONS
#### BID 15-09

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>APPROXIMATE QUANTITY</th>
<th>ITEM &amp; WRITTEN UNIT PRICE</th>
<th>UNIT PRICE</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>LUMP SUM</td>
<td>MOBILIZATION</td>
<td>Dollars</td>
<td>$20,000.00</td>
</tr>
<tr>
<td>2.</td>
<td>1500 HOURS</td>
<td>SIGNING AND TRAFFIC CONTROL</td>
<td>Dollars</td>
<td>$50.00</td>
</tr>
<tr>
<td>3.</td>
<td>FORCE ACCOUNT</td>
<td>PAVEMENT REPAIR</td>
<td>Ten Thousand Dollars &amp; No/100 Cents</td>
<td>F.A.</td>
</tr>
<tr>
<td>4.</td>
<td>FORCE ACCOUNT</td>
<td>SEEDED LAWN INSTALLATION</td>
<td>Five Thousand Dollars &amp; No/100 Cents</td>
<td>F.A.</td>
</tr>
<tr>
<td>5.</td>
<td>13,968.47 TONS</td>
<td>HOT MIX ASPHALT CLASS 3/8''</td>
<td>Dollars</td>
<td>$64.90</td>
</tr>
<tr>
<td>6.</td>
<td>4,439.56 TONS</td>
<td>HOT MIX ASPHALT CLASS 3/8''</td>
<td>Dollars</td>
<td>$64.90</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td></td>
<td></td>
<td></td>
<td><strong>$1,304,811.14</strong></td>
</tr>
</tbody>
</table>

### TOTAL BID - ITEMS 1 THROUGH 6

One Million, Three Hundred Four Thousand, Six Hundred Eighty One Dollars Fourteen Cents

(Written Total Price)
NON-COLLUSION DECLARATION

2015 HOT MIX ASPHALT PRELEVEL
AT VARIOUS LOCATIONS
BID 15-09

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

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

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

NOTICE TO ALL BIDDERS

To report bid rigging activities call:

1-800-424-9071

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

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

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

Firm Name: WRS

Address: 2380 GRANDVIEW RD

FERNDALE, WA 98248

Telephone Number: 360-3303  Fax Number: 360-3304

Contact Name: Loren Vandervecht

Contact Phone: 360-3303

Contact Email: loren@wrswed.com

Contractor's WA Registration Number: WESTERS.101.05

Contractor's WA UBI Number: 601 229 532

Contractor's WA Employment Security Department Number: 693 054 000

Contractor's WA Excise Tax Registration Number: 601 229 532

The Firm submitting this proposal is a:  ☐ Sole Proprietorship

☐ Partnership

☒ Corporation

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

Billy Vanzanten  Ryan Likkel

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

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

CASHIER'S CHECK □ ___________________________ DOLLARS

CERTIFIED CHECK □ ($ ________________) PAYABLE TO WHATCOM COUNTY

PROPOSAL BOND □ ($ ________________) IN THE AMOUNT OF 5% OF THE BID

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

SIGNATURE OF AUTHORIZED OFFICIAL(S)

(Proposal Must Be Signed) ______________________________

(Seal)

FIRM NAME: WRS

STATE OF WASHINGTON )
COUNTY OF WHATCOM )

On this 10 day of March, 2015, before me personally appeared

Ryan Likkel

to me known to be the person described in and who executed

the above instrument, who acknowledged to me the act of signing sealing thereof.

NOTARY PUBLIC
STATE OF WASHINGTON
LEAH ROORDA
COMMISSION EXPIRES 08/01/2018

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

KNOW ALL MEN BY THESE PRESENTS, that we Western Refinery Services, Inc.

of, Ferndale, Washington, as Principal, and The Ohio Casualty Insurance Company, a corporation organized and doing business under and by virtue of the laws of the State of New Hampshire, and duly licensed to conduct a general surety business in the State of Washington as Surety, are held and firmly bound unto Whatcom County, a Municipal Corporation and Charter County in the State of Washington, in the full and penal sum of five percent (5%) of the total amount of the bid proposal of said Principal for the work hereinafter described, for which payment, well and truly to be made, we firmly bind ourselves, our heirs, executors, administrators and assigns, and successors and assigns, jointly and severally by these presents.

The condition of this bond is such that, whereas, the Principal herein is herewith submitting his or its bid proposal for 2015 Hot Mix Asphalt Prelevel at Various Locations, said bid proposal, by reference thereto, being hereby made a part hereof.

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

SIGNED AND SEALED, this 10th day of March, 2015.

PRINCIPAL
Western Refinery Services, Inc.
Company Name
By Signature
(Seal)
Print
Ryan L. Hix, Secretary/Treas

ATTORNEY-IN-FACT, SURETY
The Ohio Casualty Insurance Company
Company Name
By Signature
Print
Karen J. Smith, Attorney-In-Fact
Print

The Attorney-in-Fact (Resident Agent) who executes this bond on behalf of the surety company must attach a copy of his Power-of Attorney as evidence of his authority.
POWERS OF ATTORNEY

KNOWN ALL PERSONS BY THESE PRESENTS: That American Fire & Casualty Company and The Ohio Casualty Insurance Company are corporations duly organized under the laws of the State of New Hampshire; that Liberty Mutual Insurance Company is a corporation duly organized under the laws of the State of Massachusetts, and that West American Insurance Company is a corporation duly organized under the laws of the State of Indiana (herein collectively called the "Companies"), pursuant to and by authority hereof set forth, does hereby name, constitute and appoint Brad Roberts, Joanna Reiniksmayer, Julie A. Craker, Karen Ingram, Karen J. Smith, and Thomas P. Hentschel

all of the city of Tacoma state of WA each individually if there be more than one named, its true and lawful attorney-in-fact to make, execute, seal, acknowledge and deliver, for and on its behalf as surety and as its act and deed, any and all undertakings, bonds, recognizances and other surety obligations, in pursuance of these presents and shall be as binding upon the Companies as if they have been duly signed by the president and attested by the secretary of the Companies in their own proper persons.

IN WITNESS WHEREOF, this Power of Attorney has been subscribed by an authorized officer or official of the Companies and the corporate seals of the Companies have been affixed thereto this 30th day of April 2014.

By: David M. Carey, Assistant Secretary

STATE OF PENNSYLVANIA
COUNTY OF MONTGOMERY

On this 30th day of April 2014, before me personally appeared David M. Carey, who acknowledged himself to be the Assistant Secretary of American Fire and Casualty Company, Liberty Mutual Insurance Company, The Ohio Casualty Insurance Company, and West American Insurance Company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes herein contained by signing on behalf of the Corporations by himself as a duly authorized officer.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal at Plymouth Meeting, Pennsylvania, on the day and year first above written.

By: Teresa Pastella. Notary Public

This Power of Attorney is made and executed pursuant to and by authority of the following By-laws and Authorizations of American Fire and Casualty Company, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company which resolutions are now in full force and effect reading as follows:

ARTICLE IV - OFFICERS - Section 12. Power of Attorney. Any officer or other official of the Corporation authorized for that purpose in writing by the Chairman or the President, and subject to such limitations as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact, subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to act thereon behalf of the Corporation.

ARTICLE XIII - Execution of Contracts - SECTION 5. Surety Bonds and Undertakings. Any officer of the Company authorized for that purpose in writing by the Chairman or the President, and subject to such limitations as the Chairman or the President may prescribe, shall appoint such attorneys-in-fact, as may be necessary to act in behalf of the Corporation to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations. Such attorneys-in-fact subject to the limitations set forth in their respective powers of attorney, shall have full power to bind the Corporation by their signature and execution of any such instruments and to act thereon behalf of the Corporation.

Certificate of Designation - The President of the Company, acting pursuant to the Bylaws of the Company, authorizes David M. Carey, Assistant Secretary to appoint such attorneys-in-fact as may be necessary to act on behalf of the Company to make, execute, seal, acknowledge and deliver as surety any and all undertakings, bonds, recognizances and other surety obligations.

Authorization - By unanimous consent of the Company's Board of Directors, the Company consents that facsimile or mechanically reproduced signature of any assistant secretary of the Company, wherever appearing upon a certified copy of any power of attorney issued by the Company in connection with surety bonds, shall be valid and binding upon the Company with the same force and effect as though manually affixed.

I, Gregory W. Davenport, undersigned, Assistant Secretary, of American Fire and Casualty Company, The Ohio Casualty Insurance Company, Liberty Mutual Insurance Company, and West American Insurance Company do hereby certify that the original power of attorney of which the foregoing is a full, true and correct copy of the Power of Attorney executed by said Companies, is in full force and effect and has not been revoked.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seals of said Companies this 30th day of April 2015.

By: Gregory W. Davenport, Assistant Secretary
TO BE SUBMITTED WITH THE BID PROPOSAL

Project Name: 2015 Hot Mix Asphalt Prelevel at Various Locations

Failure to list subcontractors who are proposed to perform the work of heating, ventilation and air conditioning, plumbing, as described in Chapter 18.106 RCW, and electrical work as described in Chapter 19.28 RCW will result in your bid being non-responsive and therefore void.

Subcontractor(s) that are proposed to perform the work of heating, ventilation and air conditioning, plumbing as described in Chapter 18.106 RCW, and electrical work as described in Chapter 19.28 RCW must be listed below. The work to be performed is to be listed below the subcontractor(s) name.

If no subcontractor is listed below, the bidder acknowledges that it does not intend to use any subcontractor to perform those items of work.

Subcontractor Name N/A
Work to be Performed

Subcontractor Name N/A
Work to be Performed

Subcontractor Name N/A
Work to be Performed
**TITLE OF DOCUMENT:** Approval to Purchase Asphaltic Emulsions (Road Oil)

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

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

Public Works is requesting approval to award bid 15-08, and approval for the Executive to enter into a contract for the supply of asphaltic emulsions (road oil) used by Maintenance and Operations for the chip sealing program. Two bids were received and the recommendation is for award to the low bidder, McAsphalt Industries, Ltd. This is a regularly budgeted item and estimated expenditures will be $1,120,000.00.

**COMMITTEE ACTION:**

**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](http://www.co.whatcom.wa.us/council).
DATE: March 20, 2015

TO: Jack Louws, County Executive

FROM: Brad Bennett, AS Finance Manager

SUBJECT: Award of Bid 15-08, Supply of Asphalitic Emulsions (Road Oil)

**Background & Purpose**
Bids were duly advertised for the supply of road oil used by Public Works Maintenance & Operations for the chip sealing program, as well as for additional work requests for chip sealing from other local governments on a reimbursable basis. Two bids were received on Tuesday, March 10, 2015, and are noted below.

<table>
<thead>
<tr>
<th>BIDDER</th>
<th>Emulsion Type</th>
<th>Price Per US Ton F.O.B. Plant (US Dollars)</th>
<th>Transportation Costs Price per US Ton (US Dollars)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paramount Petroleum Corp</td>
<td>CRS-2</td>
<td>No Bid</td>
<td>No Bid</td>
</tr>
<tr>
<td></td>
<td>CRS-2P</td>
<td>493.00</td>
<td>75.00</td>
</tr>
<tr>
<td>McAsphalt Industries Ltd</td>
<td>CRS-2</td>
<td>467.00</td>
<td>53.00</td>
</tr>
<tr>
<td></td>
<td>CRS-2P</td>
<td>507.00</td>
<td>53.00</td>
</tr>
</tbody>
</table>

Public Works is requesting approval to award the bid and subsequent contract with the lowest responsive and responsible bidder, McAsphalt Industries, Ltd. Product is used on an as-needed basis. Public Works is requesting approval for expenditures not to exceed $1,120,000.00.

**Funding**
Asphalitic emulsions (road oil) are used in the road chip sealing program. Funds for this purchase are included in the Road Maintenance & Operations budget. I concur with this recommendation.

[Signature]
AS Finance Manager

Approved as recommended:

________________________________________________________________________
County Executive

Date of Council Action __________
MEMORANDUM

TO: Brad Bennett, AS Finance Manager

THROUGH: Joe Rutan, Interim Public Works Director

FROM: Eric L. Schlehuber, PW Equipment Services Manager
       Jeff Gollen, PW Maintenance & Operations Superintendent

RE: Bid #15-08, 2015 Supply of Asphalitic Emulsions (Road Oil)

DATE: March 17, 2015

- Requested Action
I am requesting Executive and Council approval to award the bid and subsequent contract for the supply of asphalitic emulsions (road oil) to McAsphalt Industries, Ltd. of Langley, BC in the total amount of $1,120,000.00.

- Background and Purpose
Bids were duly advertised and submitted for the supply of asphalitic emulsions (road oil). The Public Works Maintenance and Operations Division will use the asphalitic emulsions during the annual chip sealing program of 2015. Two bid responses were received Tuesday, March 10, 2015. Factoring in delivery costs and specific locations for chip sealing work for 2015, McAsphalt Industries, Ltd. is the overall lowest responsive bidder for CRS-2 and CRS-2P.

<table>
<thead>
<tr>
<th>MATERIAL</th>
<th>CRS-2 (PER TON)</th>
<th>DELIVERY COSTS (PER TON)</th>
<th>CRS-2P (PER TON)</th>
<th>DELIVERY COSTS (PER TON)</th>
</tr>
</thead>
<tbody>
<tr>
<td>McAsphalt Industries, Ltd.</td>
<td>$467.00</td>
<td>$53.00</td>
<td>$507.00</td>
<td>$53.00</td>
</tr>
</tbody>
</table>

- Funding Amount and Source
These are regularly budgeted expenditures for material which is used on an annual basis as needed and has been budgeted during the 2015-2016 budget process.

<table>
<thead>
<tr>
<th>ANNUAL EXPENDITURE FOR ASHALTIC EMULSION (ROAD OIL)</th>
</tr>
</thead>
<tbody>
<tr>
<td>YEAR</td>
</tr>
<tr>
<td>ANNUAL COST</td>
</tr>
</tbody>
</table>

Based on prior and estimated usage, it is anticipated total expenditures will be approximately $1,120,000.00 and therefore requires Whatcom County Council approval. This amount also allows for additional work requests for chip sealing from other local governments on a reimbursable basis.

Please approve this purchase and forward to the Executive and Whatcom County Council for approval at the March 31, 2015 Whatcom County Council Meeting. Please contact Eric L. Schlehuber at extension 50607 or Jeff Gollen at extension 50660 if you have any questions or concerns.
Title of Document: Award Bid 15-14 Purchase of Two 1-Ton Cab & Chassis Trucks with 2-3 Yard Dump Body

Attachments: Memos from Finance and Public Works

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

Public Works Equipment Services is requesting approval to award bid 15-14 for the supply of two (2) 1-ton cab & chassis trucks with 2-3 yard dump body to the lowest bidder, Legacy Ford. The total cost is $80,941.75. This is a planned purchase and adequate funds are available in the current ER&R budget.

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.
DATE: March 20, 2015

TO: Jack Louws, County Executive

FROM: Brad Bennett, AS Finance Manager

SUBJECT: Award of Bid #15-14, 1-Ton Cab & Chassis with 2-3 Yard Dump Body

- Background & Purpose

Bids were advertised for two 1-ton cab & chassis trucks with 2-3 yard dump body for the Public Works Maintenance & Operations division (one replacement, one additional). Two bids were received on Tuesday March 17, 2015, and are noted below.

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Model</th>
<th>Base Price</th>
<th>Sales Tax</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Each</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Blade Chevrolet</td>
<td>2015 Silverado 3500</td>
<td>38,090.00</td>
<td>76,180.00</td>
<td>6,475.30</td>
</tr>
<tr>
<td>Legacy Ford</td>
<td>2016 F350 F3G</td>
<td>37,266.00</td>
<td>74,532.00</td>
<td>6,409.75</td>
</tr>
</tbody>
</table>

Public Works ER&R is requesting approval to award to the lowest bidder, Legacy Ford, in the amount of $80,941.75.

- Funding

This is a planned expenditure and funds for this purchase were approved in the current ER&R budget. I concur with this request.

\[Signature\]

AS Finance Manager

Approved as recommended:

_________________________
County Executive

Date of Council Action __________________________
MEMORANDUM

TO: Brad Bennett, AS Finance Manager

THROUGH: Joe Rutan, Interim Public Works Director

FROM: Eric L. Schlehuber, PW Equipment Services Manager
       Jeff Gollen, PW Maintenance & Operations Superintendent

RE: Bid 15-14, 1-Ton Cab and Chassis with 2-3 Yard Dump Body

DATE: March 19, 2015

- Requested Action
After researching the cost for a 1-ton cab and chassis with 2-3 yard dump body, I am requesting Executive and Council approval to purchase two 2016 Ford F350 Cab & Chassis DRW Patch Trucks to replace the following:

<table>
<thead>
<tr>
<th>DEPARTMENT</th>
<th>REPLACE UNIT</th>
<th>MAKE / MODEL</th>
<th>EST. MILEAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>PW – M&amp;O</td>
<td>238</td>
<td>1999 Ford F350 Patch Truck</td>
<td>106,669</td>
</tr>
<tr>
<td>PW – M&amp;O</td>
<td>ASR #2015-5358</td>
<td>Addition to Fleet</td>
<td>N/A</td>
</tr>
</tbody>
</table>

- Background and Purpose
These units were approved as replacements in the 2015-2016 Equipment Rental and Revolving Capital Equipment Budget. Public Works Maintenance & Operations Division will use these units as needed in the performance of county business on county road projects and road maintenance. Bids were duly advertised for these 1-ton cab and chassis with 2-3 yard dump body. Two bids were received on Tuesday, March 17, 2015. Listed below is the detailed bid tabulation for the lowest and most responsive bid that meets specific minimum specifications:

<table>
<thead>
<tr>
<th>VENDOR</th>
<th>MAKE / MODEL</th>
<th>QTY</th>
<th>PRICE EACH</th>
<th>SALES TAX TOTAL (6.6%)</th>
<th>EXTENDED TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legacy Ford</td>
<td>2016 Ford F350 Cab &amp; Chassis DRW Patch Truck</td>
<td>2</td>
<td>$37,266.00</td>
<td>$6,409.75</td>
<td>$80,941.75</td>
</tr>
</tbody>
</table>

- Funding Amount and Source
This amount has been budgeted during in the 2015-2016 Budget process. I am requesting Executive and Council approval to purchase these units from Legacy Ford in Pasco, Washington for the price of $37,266.00 per unit for a total of $74,532.00 for two units, plus sales tax of $6,409.75 for a total amount of $80,941.75.
- **Recommended Action**
  Please approve this purchase and forward to the Executive and the Whatcom County Council for approval at the March 31, 2015 Whatcom County Council Meeting. Please contact Eric L. Schlehuber at extension 50607, if you have any questions or concerns.
TITLE OF DOCUMENT: Award Bid 15-15 Replacement of Twelve ½-Ton Extended Cab 4WD Pickup Trucks

ATTACHMENTS: Memos from Finance and Public Works

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

Public Works Equipment Services is requesting approval to award bid 15-15 for the supply of twelve (12) ½-ton extended cab four-wheel drive pickups to the lowest bidder, Blade Chevrolet. The total cost is $353,479.98. This is a planned purchase and adequate funds are available in the current ER&R budget.
DATE: March 20, 2015
TO: Jack Louws, County Executive
FROM: Brad Bennett, AS Finance Manager
SUBJECT: Award of Bid #15-15, ½-Ton Extended Cab 4WD Pickups

- Background & Purpose

Bids were advertised for twelve replacement ½-ton extended cab 4-wheel drive pickup trucks for the Parks Department, Public Works Engineering division, and Maintenance & Operations division. Three bids were received on Tuesday March 17, 2015, and are noted below.

<table>
<thead>
<tr>
<th>Bidder</th>
<th>Model</th>
<th>Base Price</th>
<th>Sales Tax</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Each</td>
<td>12</td>
<td></td>
</tr>
<tr>
<td>Blade Chevrolet</td>
<td>Silverado 1500 Double Cab 4WD</td>
<td>27,149.00</td>
<td>325,788.00</td>
<td>27,691.98</td>
</tr>
<tr>
<td>Diehl Ford</td>
<td>F150 Super Cab 4WD</td>
<td>28,510.00</td>
<td>342,120.00</td>
<td>30,448.68</td>
</tr>
<tr>
<td>Legacy Ford</td>
<td>2015 Ford Ext Cab 4WD</td>
<td>29,086.00</td>
<td>349,032.00</td>
<td>30,016.75</td>
</tr>
</tbody>
</table>

Public Works ER&R is requesting approval to award to the lowest bidder, Blade Chevrolet, in the amount of $353,479.98.

- Funding

This is a planned expenditure and funds for this purchase were approved in the current ER&R budget. I concur with this request.

AS Finance Manager

Approved as recommended:

______________________________
County Executive

Date of Council Action _________________
MEMORANDUM

TO: Brad Bennett, AS Finance Manager

THROUGH: Joe Rutan, Interim Public Works Director

FROM: Eric L. Schlehuber, PW Equipment Services Manager

RE: Bid 15-15, ½-Ton Extended Cab 4WD Pickups

DATE: March 19, 2015

Requested Action

After researching the cost for a ½-ton extended cab four-wheel drive pickup, I am requesting Executive and Council approval to purchase twelve 2015 Chevrolet Silverado 1500 4WD extended cab pickups to replace the following:

<table>
<thead>
<tr>
<th>DEPARTMENT</th>
<th>REPLACE UNIT</th>
<th>MAKE / MODEL</th>
<th>EST. MILEAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>M&amp;O</td>
<td>38</td>
<td>2006 Ford F150 ½-Ton Extended Cab 4WD</td>
<td>119,451</td>
</tr>
<tr>
<td>M&amp;O</td>
<td>102</td>
<td>2007 Ford F150 ½-Ton Extended Cab 4WD</td>
<td>106,694</td>
</tr>
<tr>
<td>M&amp;O</td>
<td>114</td>
<td>2005 Chevrolet K1500 Silverado ½-Ton Extended Cab 4WD</td>
<td>129,644</td>
</tr>
<tr>
<td>M&amp;O</td>
<td>115</td>
<td>2005 Chevrolet K1500 Silverado ½-Ton Extended Cab 4WD</td>
<td>101,186</td>
</tr>
<tr>
<td>ENG</td>
<td>118</td>
<td>1998 Ford F150 ½-Ton Extended Cab 4WD</td>
<td>101,104</td>
</tr>
<tr>
<td>M&amp;O</td>
<td>119</td>
<td>2004 Ford F150 ½-Ton Extended Cab 4WD</td>
<td>137,883</td>
</tr>
<tr>
<td>M&amp;O</td>
<td>142</td>
<td>2002 Ford F150 ½-Ton Extended Cab 4WD</td>
<td>115,037</td>
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<tr>
<td>M&amp;O</td>
<td>148</td>
<td>2002 Ford F150 ½-Ton Extended Cab 4WD</td>
<td>122,603</td>
</tr>
<tr>
<td>ENG</td>
<td>181</td>
<td>2002 Ford F150 ½-Ton Extended Cab 4WD</td>
<td>101,124</td>
</tr>
<tr>
<td>M&amp;O</td>
<td>189</td>
<td>2002 Ford F150 ½-Ton Extended Cab 4WD</td>
<td>105,052</td>
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<tr>
<td>M&amp;O</td>
<td>190</td>
<td>2002 Ford F150 ½-Ton Extended Cab 4WD</td>
<td>123,339</td>
</tr>
<tr>
<td>PARKS</td>
<td>6856</td>
<td>2007 Dodge Ram 1500 ½-Ton Extended Cab 4WD</td>
<td>105,730</td>
</tr>
</tbody>
</table>

Background and Purpose

These units were approved as replacements in the 2015-2016 Equipment Rental and Revolving Capital Equipment Budget. The Parks Department, Engineering Department, and Public Works Maintenance & Operations Division will use these units as needed in the performance of county business on county road projects and road maintenance. Bids were duly advertised for these ½-ton extended cab 4wd pickups. Three bids were received on Tuesday, March 17, 2015. Listed below is the detailed bid tabulation for the lowest and most responsive bid that meets specific minimum specifications:
### Funding Amount and Source
This amount has been budgeted during in the 2015-2016 Budget process. I am requesting Executive and Council approval to purchase these units from Blade Chevrolet in Mount Vernon, Washington for the price of $27,149.00 per unit for a total of $325,788.00 for twelve units, plus sales tax of $27,691.98 for a total amount of $353,479.98.

### Recommended Action
Please approve this purchase and forward to the Executive and the Whatcom County Council for approval at the March 31, 2015 Whatcom County Council Meeting. Please contact Eric L. Schlehuber at extension 50607, if you have any questions or concerns.
### WHATCOM COUNTY COUNCIL AGENDA BILL

<table>
<thead>
<tr>
<th>CLEARANCES</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
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<tr>
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<td>3/21/15</td>
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</table>

**TITLE OF DOCUMENT:** Purchase of ER&R additional vactor truck (catch basin cleaner)

**ATTACHMENTS:** Memo from Finance and Public Works

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

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

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

**Requested Date:**

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

Public Work Equipment Services is requesting approval to use the Washington State Contract #01912 to purchase an additional vactor truck. The total cost is $467,217.69. This is a planned purchase and funds are available in their current budget.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

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

TO: Brad Bennett, AS Finance Manager

THROUGH: Joe Rutan, Interim Public Works Director

FROM: Eric L. Schlehuber, PW Equipment Services Manager
Jeff Gollen, PW Maintenance & Operations Superintendent

RE: State Bid Contract 01912 – Catch Basin Cleaners/Vactor Truck for NPDES

DATE: March 16, 2015

- Requested Action
After researching costs for a vactor truck (catch basin cleaner), I am requesting Executive and Council approval to purchase one 2015 Vactor 2110 J6 Plus Five Axle Kenworth Truck from the Washington State Bid Procurement List through Washington State Department of Transportation.

- Background and Purpose
This unit was approved as an addition under ASR2015-5358 (NPDES) in the Equipment Rental and Revolving Capital Equipment to be used by the Whatcom County Public Works Department. The Maintenance & Operations Division will use this unit in the performance of county business on county road projects and as part of their NPDES road maintenance program.

<table>
<thead>
<tr>
<th>Vactor Truck (Catch Basin Cleaner)</th>
<th>Owen Equipment</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Price Each</td>
</tr>
<tr>
<td>2015 Vactor 2110 J6 Plus Five Axle Truck</td>
<td>$425,517.02</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$467,217.69</strong></td>
</tr>
</tbody>
</table>

- Funding Amount and Source
Funding was approved during the 2015-2016 Budget process under ASR2015-5358. I am requesting Executive and Council approval to purchase this unit from the Washington State Bid Procurement List, through an agreement between WSDOT and Owen Equipment (Kent, WA) for the total amount of $467,217.69.

- Recommended Action
Please approve this purchase from the state contract and forward to the Executive and the Whatcom County Council for approval at the March 31, 2015 Whatcom County Council Meeting. Please contact Jeff Gollen at extension 50660 or Eric L. Schlehuber at extension 50607, if you have any questions or concerns regarding this request.

Encl.
DATE: March 20, 2015
TO: Jack Louws, County Executive
FROM: Brad Bennett, AS Finance Manager
SUBJECT: Approval to Purchase Vactor Truck (Catch Basin Cleaner)

· Background & Purpose

Public Works Equipment Services is requesting approval to purchase a 2015 Vactor 2110 J6 Plus Five Axle Kenworth Truck, using Washington State Contract #01912 (expires 08/20/2016). The vendor is Owen Equipment. The total price for this purchase is $467,217.69. Public Works will use this unit on county road projects as part of the road maintenance program.

· Funding

Funding for this purchase was approved during the 2015-16 budget process, ASR2015-5358. I concur with this request.

Approved as recommended:

[Signature]
AS Finance Manager

__________________________
County Executive

Date ______________________
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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<td>3/24/15</td>
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</table>

**TITLE OF DOCUMENT:** Approval to Purchase Light Bars and Accessories

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

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

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

Public Works is requesting approval to purchase Light Bars and Accessories for 2015 using the Oregon State Bid Procurement List. The vendor is McLoughlin & Eardley Corporation. Light bars and accessories are purchased on an as needed basis and the total expenditure for light bars and accessories could be up to $100,000.00. This is a regularly budgeted expenditure.

**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.
DATE: March 20, 2015

TO: Jack Louws, County Executive
FROM: Brad Bennett, AS Finance Manager
SUBJECT: Approval to Purchase Light Bars and Accessories

- Background & Purpose

Public Works is requesting approval to use the Oregon State Bid Procurement List Contract #8686 (expires 12/10/2015) for the purchase of light bars and accessories. The vendor is McLoughlin & Eardley Corporation.

Light bars and accessories are purchased on an as needed basis for the Sheriff’s Department vehicles, and the units are used regularly to maintain safety on our county roads and to comply with state regulations regarding traffic control. Total expenditure for light bars and accessories could reach $100,000.

- Funding

This is a regularly budgeted item and funds exist in the current budget. I concur with this recommendation.

[Signature]
AS Finance Manager

Approved as recommended:

____________________
County Executive

Date of Council Action _____________
MEMORANDUM

TO: Brad Bennett, AS Finance Manager
THROUGH: Joe Rutan, PW Interim Director
FROM: Eric L. Schlehuber, PW Equipment Services Manager
RE: Oregon State Contract 8686 (Light Bars and Accessories – Oregon)
DATE: March 10, 2015

- Requested Action
After researching costs for assorted vehicle public safety vehicle lighting system (light bars and lighting related accessories), I am requesting Executive and Council approval to purchase the following equipment as needed from the Oregon State Bid Procurement List during the remainder of 2015 period through December 10, 2015 (current state contract term is for the period of 11/21/2014 through 12/10/2015):

<table>
<thead>
<tr>
<th>MATERIAL</th>
<th>STATE CONTRACT #</th>
<th>EXPIRATION DATE</th>
<th>APPROXIMATE ANNUAL EXPENDITURE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Light Bars and Accessories</td>
<td>8686</td>
<td>December 10, 2015</td>
<td>$100,000</td>
</tr>
</tbody>
</table>

This state contract has been awarded to one vendor. These units will be purchased from McLoughlin and Eardley Corporation in Tigard, Oregon.

- Background and Purpose
The Sheriff’s Department uses these units on their vehicles to provide safety for county personnel and citizens. These units are used regularly to maintain safety on our county roads and to comply with state regulations regarding traffic control. Units will provide much needed visibility and are a safety reminder. These units were approved in the Equipment Rental and Revolving Capital Equipment 2015-2016 Budget.

- Funding Amount and Source
These are regularly budgeted expenditures for light bars and accessories, which are used on an annual basis as needed and have been budgeted during the 2015-2016 budget process. Expenditures were $5,882 for 2012, $9,361 for 2013, $67,365 for 2014.

- Recommended Action
Please approve this purchase from the state contract and forward to the Executive and the Whatcom County Council for approval at the March 31, 2015 Whatcom County Council Meeting. Please contact Eric L. Schlehuber at extension 50607, if you have any questions or concerns.

Encl.
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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<td>Executive:</td>
<td></td>
<td>3/24/15</td>
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</tbody>
</table>

**TITLE OF DOCUMENT:** A Resolution to Consider Vacating a Portion of Delta Line Road

**ATTACHMENTS:**
1. Cover Memo
2. Resolution
3. Neighboring Land Owner’s Petition
4. Map of Site

<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>
<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.)

The attached Resolution to Consider Vacating a Portion of Delta Line Road is submitted per RCW 36.87 and WCC 12-20.

Adoption of this resolution will trigger the County Engineer to report on the proposed vacation at a future Council meeting. Once the County Engineer’s report is submitted the road vacation will be considered by Council under a separate resolution and a public hearing will need to be scheduled.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

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

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

To: The Honorable County Executive Jack Louws and Honorable Members of the County Council

Through: Joseph P. Rutan, P.E., Interim Director

From: Andrew Hester, Real Estate Coordinator

Date: March 16, 2015

Re: A Resolution to Consider Vacating a Portion of Delta Line Road

The attached petition asks for vacation of approximately 15,440 square feet of right of way, more or less, of Delta Line Road.

**Recommended Action**

The attached petition for vacation meets all statutory requirements. It is recommended that the County Council direct the County Engineer to investigate and report his findings to the County Council.

Please contact me at extension 50571 if you have any questions regarding this action.

Encl.
RESOLUTION NO. __________

A RESOLUTION TO CONSIDER VACATING A PORTION OF DELTA LINE ROAD

WHEREAS, on January 28, 2015; Scott Loomer, Iris Loomer, Joseph Massett, and Dorothy Massett, submitted a petition for the vacation of a portion of Delta Line Road lying within the unincorporated area of Whatcom County, accompanied by the penal sum of $790.00, and,

WHEREAS, as described in RCW 36.87.010, when a county road or any part thereof is considered useless the Whatcom County Council may declare its intention to formally consider vacation, by resolution.

NOW, THEREFORE, BE IT RESOLVED that it is the intention of the Whatcom County Council to consider vacation of the following described right of way:

A tract of land within the southeast quarter of the southeast quarter of Section 1, Township 39 North, Range 1 East of W.M., and within the southwest quarter of the southwest quarter of Section 6, Township 39 North, Range 2 East of W.M. being more particularly described as follows:

Commencing at the Section corner common the Sections 6 and 7, Township 39 North, Range 2 East, W.M., and Section 1 and 12, Township 39 North, Range 1 East of W.M.; thence North 01°49’50” East, along the section line common to said Sections 6 and 1, a distance of 30.00 feet to a point on the North right-of-way of Grandview Road, said point being the True Point of Beginning; thence North 89°01’52” West, along the north right-of-way line of Grandview Road, a distance of 20.00 feet to an intersection with the west right-of-way line of Delta Line Road; thence North 01°49’50” East, along the west right-of-way line of Delta Line Road a distance of 317.05 feet; to a point on the south right-of-way line of that certain right-of-way granted to the public by deed dated August 3rd, 2005 and recorded under Whatcom County Auditor’s File Number 2050802925; thence Northeasterly along a curve to the left which radius point bears North 44°24’28” West 180.00 feet, an arc distance of 32.06 feet through a central angle of 10°12’16” to a point on the section line between aforesaid Sections 6 and 1; thence continuing along said curve to the left an arc distance of 97.17 feet through a central angle of 30°55’52” to a point on the east right-of-way line of Delta Line Road as depicted and dedicated on the “Grandview Light Industrial Park General and Specific Binding Site Plan” as per the map thereof recorded under Whatcom County Auditor’s File Number 920110138; thence South 01°46’36” West a distance of 201.31 feet to the southwest corner of Lot 21 of said “Grandview Light Industrial Park”; thence South 88°37’32” West a distance of 10.02 feet; thence South 01°49’50” West a distance of 229.97 feet to a point on the north right-of-way line of Grandview Road; thence South 88°30’04” West a distance of 20.03 feet to Point of Beginning. Containing 15,440 square feet more or less.

Subject to and/or together with all easements, covenants, restrictions and/or agreements of record or otherwise.
Also subject to Whatcom County retaining an easement in respect to the vacated portion of right-of-way for the construction, repair, and maintenance of any and all public utilities and services now located on or in the vacated portion.

AND BE IT FURTHER RESOLVED that the County Engineer investigate and report to the County Council on the matter of the proposed vacation of said portion of Delta Line Road so that the Council may set a public hearing on the matter.

APPROVED this _____ day of _____________, 2015

ATTEST:

Dana Brown-Davis, County Clerk

Carl Weimer, Council Chair

APPROVED AS TO FORM:

Chief Civil Deputy Prosecutor
BEFORE THE WHATCOM COUNTY COUNCIL

IN THE MATTER OF VACATION OF
THE COUNTY ROAD KNOWN AS

a portion of Delta Line Road No. 146

Petitioned for by:

Scott and Iris Loomer,
Marc R. Perry dba, Perry Pallet LLC,
Joseph & Dorothy Massett

PETITION FOR VACATION
OF PLATTED ROAD

(RCW 58.17 AND 36.87)

Pursuant to Whatcom County Ordinance No. 1-72, dated February 14, 1972, the undersigned and those signing attached petition; which bears signatures and property descriptions of five land owners residing in the vicinity of said road, request vacation of the county road hereinafter described, and agree with the statements below:

1. Petitioners are residents of Whatcom County and owners of real property in the vicinity of the road sought to be vacated.

2. The road sought to be vacated is legally described as follows:
   (see Exhibit A Road Vacation – Land description and Exhibit B Map)

3. The pertinent facts in support of this petition are:
   In February 2004, Whatcom County Ordinance 2004-008, Whatcom County closed Delta Line Road from SR548 to 0.13 miles north of SR548 to vehicular traffic. In 2005, Whatcom County was warranted a deed for public right-of-way to connect Delta Line Road with Vista Drive. The construction of road within this right-of-way continued to effectively abandon that portion of Delta Line Road from the new right-of-way south to Grandview Road. Scott and Iris Loomer are the owners of lands abutting the west side of this abandoned portion. Marc Perry dba, Perry Pallet LLC owns land abutting the northeast side of this abandoned portion. Joseph and Dorothy Massett are the owners of land abutting the southeast side of this abandoned portion.

4. The road to be vacated is useless as a part of the County road system and the public will benefit by its vacation and abandonment.

   According to Whatcom County Development Standards, Chapter 5, Road Standards, M (6)(b): Minimum centerline offset of adjacent roads/streets from an intersection or low speed curve: Access streets, neighborhood collectors and collector streets, crossing or connecting to any neighborhood collector, collector or arterial; or arterials intersecting arterials: 300 feet. This portion of Delta Line Road has only 217 feet of separation from the intersection of Vista Drive and Grandview Road. This does NOT meet Whatcom County Development Standards.

   Additionally, Grandview Road is State Route No. 548. It is listed as a Class 2, which the state requires 660 feet between access points (including roads.) The intersection of Delta Line Road and Grandview Road does NOT meet state guidelines.

Page 1 of 3
This portion of Delta Line Road is useless as part of the County and State road system, especially as it has been closed to vehicular traffic by Whatcom County Ordinance 2004-008. The public will benefit by its vacation and abandonment.

5. Petitioners will pay all costs and expenses incurred by the Count in examination, report, notice and proceedings pertaining to this petition.

6. A bond in the penal sum of $790.00, payable to Whatcom County Treasurer, accompanies this petition.

7. The application fee accompanies this petition.

WHEREFORE, petitioners request the County Road Engineer to report upon this petition, that a hearing take place on this report, and that an order be entered vacating and abandoning said road.

CONTACT PERSON:

Scott Harksell
Compass Point Survey Group, Inc.
360-354-8320

______________________________
Scott Loomer
Signed this 12th day of December, 2014.

______________________________
Iris Loomer
Signed this 12th day of December, 2014.

______________________________
Marc R. Perry, Perry Pallet LLC,
Signed this ___ day of ____________, 20___.

______________________________
Joseph Massett
Signed this ___ day of ____________, 20___.

______________________________
Dorothy Massett
Signed this ___ day of ____________, 20___.
This portion of Delta Line Road is useless as part of the County and State road system, especially as it has been closed to vehicular traffic by Whatcom County Ordinance 2004-008. The public will benefit by its vacation and abandonment.

5. Petitioners will pay all costs and expenses incurred by the County in examination, report, notice and proceedings pertaining to this petition.

6. A bond in the penal sum of $790.00, payable to Whatcom County Treasurer, accompanies this petition.

7. The application fee accompanies this petition.

WHEREFORE, petitioners request the County Road Engineer to report upon this petition, that a hearing take place on this report, and that an order be entered vacating and abandoning said road.

CONTACT PERSON:

Scott Harksell
Compas Point Survey Group, Inc.
360-354-8320

Scott Loomer
Signed this ___ day of __________, 20__.

Iris Loomer
Signed this ___ day of __________, 20__.

__________________________
Marc R Perry, Perry Pallet LLC,
Signed this ___ day of __________, 20__.

__________________________
Joseph Massett
Signed this 10 day of DEC., 2014.

__________________________
Dorothy Massett
Signed this 10 day of DEC., 20__.
WHEREFORE, petitioners request the County Road Engineer to report upon this petition, that a hearing take place on this report, and an order be entered vacating and abandoning said road. (NOTE: A minimum of five signatures is required by law; see statement near the beginning of page 1).

PETITIONERS’ NAMES: Property owned by petitioner (part of sec, or name of plat, see (lot), TWP, (Blk) Range):

James & Patricia Bliss:

[Signature]

Patricia L. Bliss

TPN 390112 526530:

Klaus Klix.

Delta Pacific LLC:

TPN 390101 510298:

Gerald Libolt.

LLV Investment Group, Inc.:

TPN 390206 166042:

Cirby Crisp & Gina Johnson:

TPN 390207 203083

T. Patrick & Lori Brown:

TPN 390207 119222

A map of the road proposed to be vacated and surrounding properties, with each of the above signed petitioners properties indicated thereon, shall be attached to this petition in order for it to be accepted in the County Council Office.

(See Exhibit C)
WHEREFORE, petitioners request the County Road Engineer to report upon this petition, that a hearing take place on this report, and an order be entered vacating and abandoning said road. (NOTE: A minimum of five signatures is required by law; see statement near the beginning of page 1).

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TPN 390207 203083

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TPN 390207 119222

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(See Exhibit C)
Exhibit A

Road Vacation – Land Description

A tract of land within the southeast quarter of the southeast quarter of Section 1, Township 39 North, Range 1 East of W.M., and within the southwest quarter of the southwest quarter of Section 6, Township 39 North, Range 2 East of W.M. being more particularly described as follows:

Commencing at the Section corner common the Sections 6 and 7, Township 39 North, Range 2 East, W.M., and Section 1 and 12, Township 39 North, Range 1 East of W.M.; thence North 01°49'50" East, along the section line common to said Sections 6 and 1, a distance of 30.00 feet; to a point on the North right-of-way of Grandview Road, said point being the True Point of Beginning; thence North 89°01'52" West, along the north right-of-way line of Grandview Road, a distance of 20.00 feet to an intersection with the west right-of-way line of Delta Line Road; thence North 01°49'50" East, along the west right-of-way line of Delta Line Road a distance of 317.05 feet; to a point on the south right-of-way line of that certain right-of-way granted to the public by deed dated August 3rd, 2005 and recorded under Whatcom County Auditor’s File Number 2050802925; thence Northeasterly along a curve to the left which radius point bears North 44°24'28" West 180.00 feet, an arc distance of 32.06 feet though a central angle of 10°12'16" to a point on the section line between aforesaid Sections 6 and 1; thence continuing along said curve to the left an arc distance of 97.17 feet through a central angle of 30°55'52" to a point on the east right-of-way line of Delta Line road a depicted and dedicated on the “Grandview Light Industrial Park General and Specific Binding Site Plan” as per the map thereof recorded under Whatcom County Auditor’s File Number 920110138; Thence South 01°46'36" West a distance of 201.31 feet to the southwest corner of Lot 21 of said “Grandview Light Industrial Park”; thence South 88°37'32" West a distance of 10.02 feet; Thence South 01°49'50" West a distance of 229.97 feet to a point on the north right-of-way line of Grandview Road; thence South 88°30'04" West a distance of 20.03 feet to Point of Beginning.

Together with and/or subject to: Covenants, conditions, restrictions and easements if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.
EXHIBIT B
MAP SHOWING AREA OF ROAD VACATION PORTION OF DELTA LINE ROAD

PERRY PALLET:
TAX PARCEL
390206 015071 0000
AREA OF VACATION:
4267 S.F.

LOOMER:
TAX PARCEL
390101 518015 0000
AREA OF VACATION:
6573 S.F.

MASSETT:
TAX PARCEL
390206 015014 0000
AREA OF VACATION:
4600 S.F.

GRANDVIEW ROAD

GRANGE

0 60 120
Property Search Results > 175073 SCOTT & IRIS LOOMER for Year 2013 - 2014

Property

Account
Property ID: 175073

Legal Description: THAT PTN OF E 1/2 SELLY NELY OF BLAINE FERNDALE RD (VISTA DR-CO RD 42)-SLY OF TR GRANTED WHATCOM CO FOR R/W UNDER AF 2050802925-LESS RDS

Geographic ID: 3901015180150000
Type: Real
Tax Area: 2025 - 502 F7 C7
Open Space: N
Historic Property: N
Multi-Family Redevelopment: N
Township: T39N
Range: R01E

Location
Address: 2504 GRANDVIEW RD FERNDALE, WQ
Neighborhood: 2120027200
Neighborhood CD: 2120027200

Mapsco:  
Map ID: 

Owner
Name: SCOTT & IRIS LOOMER
Mailing Address: PO BOX 2037 KAHULUI, HI 96733-2037
Owner ID: 70136
% Ownership: 100.0000000000%
Exemptions: 

Pay Tax Due
There is currently No Amount Due on this property.

Taxes and Assessment Details

Values

Map List

Taxing Jurisdiction

Improvement / Building

Property Image

Land

Roll Value History

Deed and Sales History

Payout Agreement

This website is under active development. Some functionality is not yet available and data is not guaranteed.
### Property

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<td>T39N</td>
<td>Section: 06</td>
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<tr>
<td>Range:</td>
<td>R02E</td>
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</tbody>
</table>

### Location

| Address:          | 6940 DELTA LINE RD FERNDALE, WA |
| Neighborhood:     | 2120027400                  |
| Neighborhood CD:  | 2120027400                  |
| Owner Name:       | PERRY PALLET LLC            |
| Owner ID:         | 87493                       |
| Owner ID:         | 87493                       |
| % Ownership:      | 100.000000000000%           |

### Pay Tax Due

### Taxes and Assessment Details

### Values

### Map List

### Taxing Jurisdiction

### Improvement / Building

### Property Image

### Land

### Roll Value History

### Deed and Sales History

### Payout Agreement

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379
Property Search Results > 89880 JOSEPH & DOROTHY A MASSETT for Year 2013 - 2014

Property

Account
Property ID: 89880
Legal Description: BEAP AT SW COR TH E ALG S
SEC LI 260 FT TH N PAR TO W
SEC LI 260 FT TH W PAR TO S
SEC LI 260 FT TH S ALG SEC LI
TO POB LESS RD

Geographic ID: 3902060150140000
Agent Code:

Type: Real

Tax Area: 2020 - 502 F7 C6
Land Use Code: 11

Open Space: N
DFL: N

Historic Property: N
Remodel Property: N

Multi-Family Redevelopment: N

Township: T39N
Section: 06

Range: R02E

Location
Address: 2450 GRANDVIEW RD
FERNDALE, WA

Mapuco:

Neighborhood: 212001100 SFR-AC

Map ID:

Neighborhood CD: 2120011000

Owner
Name: JOSEPH & DOROTHY A MASSETT
Owner ID: 73746

Mailing Address: 2450 GRANDVIEW RD
FERNDALE, WA 98248-9325
% Ownership: 100.0000000000%
Exemptions:

Pay Tax Due

Taxes and Assessment Details

Values

Map List

Taxing Jurisdiction

Improvement / Building

Property Image

Land

Roll Value History

Deed and Sales History

Payout Agreement

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Website version: 9.0.37.2400  Database last updated on: 10/31/2014 1:52 AM  © N. Harris Computer Corporation
Property Search Results > 86803 JAMES N & PATRICIA L BLISS for Year 2013 - 2014

Property

Account
Property ID: 86803

Legal Description: NLY 187 FT AS MEAS ALG ITS ELY LI OF TR DAF-BEAP 30 FT S OF NE COR OF NE 1/4-TH W 172 FT TO ELY LI OF BLAINE FERNDALE RD TH SELY ALG LI OF BLAINE FERNDALE RD 626 FT- TH E 8 FT-TH N 803 FT TO POB- LESS RDS-SUBJ TO LIFE ESTATE OF JAMES N BLISS RES

Geographic ID: 3901125265300000
Agent Code:

Type: Real

Tax Area: 2025 - 502 F7 C7
Land Use Code 11

Open Space: N
DFL N

Historic Property: N
Remodel Property: N

Multi-Family Redevelopment: N

Township: T39N
Section: 12

Range: R01E

Location
Address: 6886 VISTA DR
FERNDALE, WA
Mapsco:

Neighborhood: 2120012000 SFR-LOT
Map ID:

Neighborhood CD: 2120012000

Owner
Name: JAMES N & PATRICIA L BLISS
Owner ID: 18917

Mailing Address: PO BOX 1852
FERNDALE, WA 98248-1852
% Ownership: 100.000000000%
Exemptions:

Pay Tax Due

Taxes and Assessment Details

Values

Map List

Taxing Jurisdiction

Improvement / Building

Property Image

Land

Roll Value History

Deed and Sales History

Payout Agreement

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Website version: 9.0.37.2400  Database last updated on: 9/12/2014 1:51 AM  © N. Harris Computer Corporati

381
Property Search Results > 85472 DELTA PACIFIC LLC for Year 2013 - 2014

### Property

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<td>2120027400</td>
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<td>Owner ID:</td>
<td>34932</td>
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### Pay Tax Due

### Taxes and Assessment Details

### Values

### Map List

### Taxing Jurisdiction

### Improvement / Building

### Property Image

### Land

### Roll Value History

### Deed and Sales History

### Payout Agreement

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Website version: 9.0.37.2400  
Database last updated on: 9/12/2014 1:51 AM  
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Whatcom County Assessor & Treasurer

Property Search Results > 90052 LLV INVESTMENT GROUP INC for Year 2013 - 2014

Property

Account
Property ID: 90052  Legal Description: LOTS 12-13 GRANDVIEW LIGHT INDUSTRIAL PARK SPECIFIC BINDING SITE PLAN NO 2 AS REC BOOK 2 BINDING SITE PLANS PG 62- SUBJ TO COVENANT TO BIND PROPERTIES AF 2051203647

Geographic ID: 3902061660420000  Agent Code:
Type: Real
Tax Area: 2020 - 502 F7 C6  Land Use Code 66
Open Space: N  DFL N
Historic Property: N  Remodel Property: N
Multi-Family Redevelopment: N
Township: T39N  Section: 06
Range: R02E

Location
Address: 2380 GRANDVIEW RD FERNDALE, WA
Neighborhood: 2120027200  Mapsco:
Neighborhood CD: 2120027200

Owner
Name: LLV INVESTMENT GROUP INC  Owner ID: 69678
Mailing Address: 2380 GRANDVIEW RD FERNDALE, WA 98248-9325  % Ownership: 100.0000000000%

Pay Tax Due
There is currently No Amount Due on this property.

Taxes and Assessment Details

Values

Map List

Taxing Jurisdiction

Improvement / Building

Property Image

Land

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Property Search Results > 90305 CIRBY R CRISP & GINA JOHNSON for Year 2013 - 2014

Property

Account
Property ID: 90305
Legal Description: LOT C CRISP II CLUSTER
SHORT PLAT AS REC BOOK 32
SHORT PLATS PG 21

Geographic ID: 3902072030830000
Agent Code:
Type: Real
Tax Area: 2020 - 502 F7 C6
Land Use Code 11
Open Space: N
DFL: N
Historic Property: N
Remodel Property: N
Multi-Family Redevelopment: N
Section: 07
Township: T39N
Range: R02E
Location
Address: 6544 VISTA DR
FERNDALE, WA
Mapscco:
Neighborhood: 2120011000 SFR-AC
Map ID:
Neighborhood CD: 2120011000

Owner
Name: CIRBY R CRISP & GINA JOHNSON Owner ID: 32198
Mailing Address: 6544 VISTA DR
FERNDALE, WA 98248-8715
% Ownership: 100.0000000000%
Exemptions:

Pay Tax Due
There is currently No Amount Due on this property.

Taxes and Assessment Details

Values

Map List

Taxing Jurisdiction

Improvement / Building

Property Image

Land

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Deed and Sales History

Payout Agreement

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http://property.whatcomcounty.us/propertyaccess/Property.aspx?cid=0&year=2013&prcp_id=90305
Property Search Results > 90270 T PATRICK & LORI L BROWN for Year 2013 - 2014

Property

Account
Property ID: 90270
Legal Description: LOT 2 VISTA MAPLES SHORT PLAT AS REC AF 1971102912
Geographic ID: 3902071192220000
Agent Code:
Type: Real
Tax Area: 2020 - 502 F7 C6
Land Use Code 11
Open Space: N
DFL N
Historic Property: N
Remodel Property: N
Multi-Family Redevelopment: N
Township: T39N
Section: 07
Range: R02E
Location
Address: 2400 HALF MOON WAY
FERNDALE, WA
Mapco:
Neighborhood: 2120011000 SFR-AC
Map ID:
Neighborhood CD: 2120011000
Owner
Name: T PATRICK & LORI L BROWN
Owner ID: 23489
Mailing Address: 2400 HALF MOON WAY
FERNDALE, WA 98248-5409
% Ownership: 100.0000000000%
Exemptions:

Pay Tax Due
There is currently No Amount Due on this property.

Taxes and Assessment Details

Values
Map List
Taxing Jurisdiction
Improvement / Building
Property Image
Land
Roll Value History
Deed and Sales History
Payout Agreement

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http://property.whatcomcounty.us/propertyaccess/Property.aspx?cid=0&year=2013&prop_id=90270
WHATCOM COUNTY COUNCIL AGENDA BILL

<table>
<thead>
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<th>CLEARANCES</th>
<th>Initial</th>
<th>Date</th>
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<td>Public Works Committee/Introduction</td>
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SUBJECT:
Closure of a portion of Delta Line Road north of Grandview Road and south of the proposed new road alignment.

ATTACHMENTS:
1. Memo to County Executive and Council
2. Letter from Jones Engineering on behalf of Delta Pacific, LLC
3. Letter from Washington State Department of Transportation
4. Map
5. Proposed Ordinance

SEPA review required? ( ) Yes ( X ) NO
SEPA review completed? ( ) Yes ( ) NO
Should Clerk schedule a hearing? ( ) Yes ( ) NO
Requested Date: 2/24/04

SUMMARY STATEMENT:
Whatcom County has been requested by Jones Engineering on behalf of Delta Pacific, LLC and Washington State Department of Transportation to eliminate the intersection of Delta Line Road at Grandview Road. The construction of a new Delta Line Road alignment access onto Vista Drive 400 feet north of Grandview would allow for the closure of Delta Line Road from the new alignment south to Grandview Road.

COUNCIL ACTION TAKEN:

Related County Contract #: J

Related File Numbers: Ordinance or Resolution Number (this item): ORD. # 2004 - 008

Distribution Request
Indicate those who should receive a copy after Council action. List specific names to the right.

- AS Facilities Management
- AS Finance
- AS Human Resources
- AS Info Services
- Assessor
- Auditor
- Cooperative Extension
- District Court
- Executive
- Health
- Hearing Examiner
- Jail
- Juvenile
- Parks
- Planning
- Prosecutor
- Public Works
- Joe Rutan
- Sheriff
- Superior Court
- Treasurer
- Other
MEMO TO:  The Honorable Pete Kremen, County Executive, and Honorable Members of the Whatcom County Council

FROM:  Joseph P. Rutan, Asst. Director/County Road Engineer
        Jeffrey M. Monsen, Public Works Director

DATE:  January 27, 2003

SUBJECT:  Closure of Delta Line Road North of Grandview and South of the Proposed Delta Line Road Re-alignment

Requested Action:

The Public Works Division of Engineering requests that the proposed ordinance for a partial closure of Delta Line Road be forwarded to the Council for consideration and adoption, see attached map.

Background and Purpose:

Mr. Klaus Klix has proposed a light industrial park off Delta Line road. The current access is onto Grandview Road. The existing intersection of Grandview Road and Delta Line Road does not meet the exiting sight distance requirements within both Washington State Department of Transportation and Whatcom County Public Works standards. The improvements required by both the County and the State would not sufficiently improve the sight distance and related safety concerns at the intersection because of it's very close proximity to the intersection of Grandview Road and Vista Drive. The alternative is to construct a re-alignment of Delta Line Road so it intersects with Vista Drive about 400 feet north of the Grandview Road and Vista Drive intersection. This alternative route would satisfy the state, county, and the developer.

Information:

Sixteen feet of pavement would remain around the Grange building at the corner of Grandview Road and the existing Delta Line Road. The remaining pavement would be removed. No other property accesses would be affected. The new alignment of Delta Line Road, as shown on the attached map, would be constructed to the necessary width for full development of the industrial park as well as future development.

Enc.
ORDINANCE NO. 2004–008
ORDERING THE CLOSURE OF DELTA LINE ROAD,
FROM SR548 TO 0.13 MILES NORTH OF SR548

WHEREAS, the Whatcom County Council has been requested by Ferrotech Incorporated to close a portion of Delta Line Road from SR 548 to 0.13 miles north of SR548, and

WHEREAS, the intersection of Delta Line Road and SR548 lacks the minimum sight distance and minimal turning radius because of the close proximity to the intersection of Vista Drive and SR548, and

WHEREAS, Washington State Department of Transportation would like the intersection of Delta Line Road and SR 548 eliminated because of the above safety hazards, and

WHEREAS, Ferrotech Incorporated has constructed a roadway within dedicated County right-of-way connecting the northern portion of Delta Line Road to Vista Drive, and

WHEREAS, The County Council held a public hearing on the proposed closure on __Feb. 24th____, 2004, and is authorized to close the roads according to provisions of RCW 36.32.120.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the Public Works Department of Whatcom County is hereby directed, subject to further consideration for re-establishing access for adjoining property owners and the public, to close Delta Line Road from SR548 to 0.13 miles north of SR548 to vehicular traffic.

BE IT FURTHER ORDAINED that as a condition of closure, Ferrotech Incorporated will install proper signs and barriers approved by Whatcom County Public Works at the approved location allowing pedestrian and no-motorized vehicle access along said portions of closed roads.

ADOPTED this __24__ day of __February___, 2004.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

[Signatures]

Dana Brown-Davis, Council Clerk

Don McShane, Council Chair

Civil Deputy Prosecutor

Pete Kremén, County Executive

Page 1 of 1
Whatcom County Council

Delivered by fax to
Whatcom County Division of Engineering
Fax No. 676-6558

Dear Honorable Council Members,

I am writing this letter on behalf of our client Delta Pacific, LLC, in support of the proposed closing of that section of Delta Line Road from its intersection with Grandview Road to a point approximately 365 feet north of that intersection. This closure will coincide with the construction of a connector from Delta Line Road to Vista Drive.

Delta Pacific is in the process of building an industrial park that accesses Delta Line Road. Delta Line Road dead ends against the Burlington Northern Santa Fe rail road right of way, and all traffic from the proposed industrial park area currently must use the above mentioned intersection with Grandview. The Grandview-Delta Line intersection is approximately 200 feet east of the four-way stop at the intersection of Grandview and Vista Drive.

The southerly 600 feet of Delta Line Road has a pavement width of 20 feet. One of the conditions of the preliminary binding site plan is to widen this narrow portion of the road to 24 feet of pavement with 3-foot shoulders. During the review process of the these proposed improvements it became apparent that the close proximity of the Delta Line and Vista Drive intersections with Grandview would create an unsafe traffic situation especially with increased truck traffic using Delta Line Road.

Klaus Kliff, one of the principals of Delta Pacific, LLC, approached Robert Brandt about the possibility acquiring property for constructing the proposed bypass to Vista Drive. He agreed. The proposal change to the alignment of Delta Line Road is the result multi-party discussions involving the Delta Pacific group, the Whatcom County Engineering Division, Whatcom Land Services, the State Department of Transportation, and Jones Engineers, to arrive at a safe and economical means to access Delta Line Road.

The closure of the portion of Delta Line Road is an important part of the proposed change. With the closure, the paving will be removed from the road so that the Delta Line — Grandview intersection will be eliminated entirely, creating a safer condition for Whatcom County motorists.

On behalf of our client, Delta Pacific, LLC, and Jones Engineers, Inc., I urge you to approve the proposed closure of Delta Line Road.

Thank you for your time and consideration of this matter.

Sincerely,

David New
Jones Engineers, Inc.

4154 Meridian Street * Suite 200 * Bellingham, Washington 98226 * Phone (360) 733-8688 * Fax (360) 671-6665
January 27, 2004

Mr. Joseph P. Rutan, P.E.
Assistant Director
Whatcom County Public Works Department
5280 Northwest Drive, Suite C
Bellingham, WA 98226-9098

SUBJECT: SR-548 MP 0.93 Vic. CS 3750
Delta Tech Industrial Park
Vista Drive Connector/Delta Line Road Closure

Dear Mr. Rutan:

This letter serves to convey WSDOT’s support for the closure of Delta Line road, at its intersection with SR 542/Grandview Road, and the proposed alternative of constructing a new access to the affected property owners from Vista Drive.

As stated in previous correspondence regarding this issue, the intersection sight distance from the Delta Line Road stop bar onto SR 548 is substandard at 235 feet to the east and 185 feet to the west. The standard for intersection sight distance is 730 feet as per the WSDOT Design Manual, Figure 910-6. The standard (design) stopping sight distance is 460 feet as per WSDOT Design Manual, Figure 650-2.

Based on this information, and the intersections close proximity to the intersection of SR 548/Grandview Road and Vista Drive, WSDOT has serious reservations as to safety with the continued use of Delta Line Road.

WSDOT would like to thank you, and Ms. Mary White of your staff, for your continued efforts to identify and implement a long-term solution to improve highway safety in this location.

If you have any questions, please contact Mr. Roland Storme of our Development Services section at (360) 757-5961.

Sincerely,

[Signature]

Lee Conrad
Area Operations Manager
Northwest Region/Mount Baker Area
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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**TITLE OF DOCUMENT:**
Discussion of Whatcom County Code Title 19 - Code Enforcement

**ATTACHMENTS:**
1. Staff Memo
2. Proposed Ordinance

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

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

New ordinance proposal, Whatcom County Code Title 19 - Code Enforcement

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

PLN2015-00003

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 Whatcom County Council
THROUGH: J.E. "Sam" Ryan - Director
FROM: Garrett Faddis - Planner
DATE: March 16, 2015
SUBJECT: PLN2015-00003 - Ordinance Proposal
Whatcom County Code Title 19 - Code Enforcement

This new proposed code enforcement ordinance has been developed with a specific focus on the mission of the code enforcement office; to protect public health, safety, welfare, and the environment. The purpose and intent of this proposal is to provide clear consistent legal authority to enforce the applicable chapters of the Whatcom County Code. The proposed ordinance has been reviewed and approved by the Whatcom County Prosecuting Attorney's office.

Existing enforcement authority has been established and is separately contained within the following three chapters of the Whatcom County Code:

- Title 15 - Buildings and Construction
- Title 16.16 - Critical areas
- Title 20 - Zoning

The current language that establishes enforcement authority under these chapters lacks uniformity. This tends to create confusion for staff and the public, levels of system inefficiency, and in some cases, an inability to achieve resolution.

The intent and meaning contained within the current enforcement authority provided under Titles 15, 16.16, and 20 remains substantively unchanged in the new ordinance. The majority of change found within the proposed ordinance involves language clarity and consistency. The following items contained within the new ordinance are specific proposed additions and changes.

- **Appeal periods.** Currently, Titles 15, 16.16, and 20 have differing appeal periods depending on which section of the Whatcom County Code is applicable, and which process is being appealed within a given code enforcement action. The current appeal periods range from 14 days to 30 days.

The new proposed ordinance provides overall consistency and a reduction of confusion by requiring that all appeals to enforcement related administrative determinations be filed within 14 calendar days of the date of issuance.
Additional Enforcement Powers – Recording notices of violation. This is a new proposed section. In the event that a property owner refuses to remedy a violation, or bring the property into compliance with the Whatcom County Code, this section will allow the County to record the violation with the Auditor’s office. This will serve as an attempt to notify and protect a future party from purchasing the property without prior notification of existing violations. This section provides the mechanism to record a notice of compliance with the Auditor’s office when resolution has occurred.

In example: Under the circumstance where a property owner constructs a single family residence without obtaining required permits, and then refuses or fails to legally establish the residence through the permit process, the County may record a notice of violation with the Auditor’s office. This will act as notification that the violation exists during a title search associated with a potential future sale of the property.

Stop Work Orders. The County is currently authorized under existing code to issue notices of intent to issue a stop work order, and in emergency situations an immediate stop work order. Currently, pre-deprivation and post-deprivation meetings are a function of due process in such instances. This process provides the recipients of the notices or orders the ability to present information showing why the notice or order may not be warranted.

Under current code, in non-emergency situations the County is required to allow a period of ten days to pass following delivery or posting of a notice of intent to issue a stop work order prior to the actual issuance of the stop work order. The new ordinance provides the County with the ability to issue the stop work order three business days following issuance of the notice of intent to issue a stop work order.

Under current code, following the issuance of a notice of intent to issue a stop work order, the recipient has ten days to request a pre-deprivation meeting. Under the new ordinance the recipient will have three business days to request a pre-issuance meeting rather than ten days. The purpose of this meeting remains unchanged from that already provided in existing code.

Under current code, when the County issues an immediate or emergency stop work order, the recipient has three days to request a post-deprivation meeting. Under the new ordinance, the recipient will have three business days to request a post-issuance meeting. The purpose of this meeting remains unchanged from that already provided in existing code.

In conclusion, this new ordinance attempts to gain procedural clarity, a reduction in confusion, and a more efficient process for administering the functions of the code enforcement office. In combining the authority for enforcing the applicable regulations within one chapter of the Whatcom County Code, a consistent process for obtaining compliance with the applicable regulations will be established.
TITLE 19
CODE ENFORCEMENT
Sections:
19.04 Purpose
19.08 Applicability
19.16 Stop Work Orders
19.20 Penalty Assessments
19.24 Requests for Reduction of Penalty Assessments
19.28 Appeals
19.32 Liability
19.36 Joint and several responsibility and liability
19.40 Severability

19.04 Purpose.
The purpose of this chapter is to provide clear consistent legal authority to enforce the provisions of the applicable chapters of the Whatcom County Code. It is the expressed and specific intent of this chapter to protect public health, safety, welfare, and the environment.

19.08 Applicability.
A. This chapter shall be applicable to any development, land use, or activity on a property taken contrary to any provision of the following regulations. Enforcement authority for the Shoreline Management Program shall be contained within the provisions of WCC Title 23.

WCC Title 15 - Buildings and Construction
WCC Title 16.16 – Critical Areas
WCC Title 20 – Zoning

B. Any development, land use, or activity, in violation of the applicable regulations shall be declared to be a civil offence and subject to the provisions contained within this Chapter.

A. Notices of Violation, Required Corrective Action, Required Restoration, Required Mitigation, or Any Other Written Order.

1. The Director or designee is hereby authorized to issue a notice of violation, required corrective action, required restoration, required mitigation or any other written order when any person, firm, corporation, entity, association or agent thereof has engaged in any development, land use, or activity contrary to any provision of the applicable regulations.

2. The notice or order may be directed to the person, firm, corporation, entity, association or agent thereof who committed the violation and/or to the property owner of the property where the violation occurred.

3. Notices of violation, required corrective action, required restoration, required mitigation or any other written notice or order shall be obeyed upon issuance of the order. Such notices or orders shall specify violations by reference to the applicable code Section, or by reference to the approved permit. Every written notice or order shall describe the violation and shall order appropriate corrective action to be taken within a specified time period.
4. Any written notice or order shall be served by any one or combination of the following methods:

a. By certified mail with a return receipt requested.

b. By posting the notice or order in a conspicuous location on the property where the violation occurred.

c. By posting the notice or order in a conspicuous location at the known residence of the responsible party.

d. In the event that a private road serving one or more properties is posted with a no trespassing sign, or similar sign conveying no unauthorized admittance or an exercise of privacy rights, the notice or order may be posted in a conspicuous location at the private road access point, or location of such signage.

e. By personal service.

B. Additional Enforcement Powers.

The provisions of this subsection are in addition to, and not in lieu of, any other penalty, sanction, or right of action provided by law.

1. The County may require the owner to remove any unpermitted development and/or restore the property to the pre-development condition.

2. When a violation of any provision of the applicable regulations has been determined to exist on a property, the Director or designee may require the property owner as part of required corrective action, or as a condition of permit issuance to record a covenant or agreement against the deed. This will be done in order to inform future property owners of the current restrictions or approved land uses. The county may draft the covenant or agreement upon whatever terms the county in its discretion deems proper.

3. If any person, firm, corporation, entity, association or agent thereof fails to comply with any notice or order, the Director or designee is hereby authorized and may record any applicable notice of violation or order with the Whatcom County Auditor against the property on which a violation has taken place. This shall be applicable to any violation including any outstanding violation determined prior to the adoption of this chapter. A notice of violation or order is recorded on title to notify any interested parties or lenders that a violation exists on the property provided that:

a. When any monetary penalty assessed for the violation has been paid and the violation has been remedied, the property owner may request a notice of compliance from Whatcom County Planning and Development Services. The property owner shall have the burden of proof in showing that required corrective actions have been met, and that the site is in compliance with the Whatcom County Code.

b. The property owner shall be responsible for the cost of any special inspection necessary to verify compliance as allowed under the Uniform Fee Schedule. Following verification that corrective actions have been met, Whatcom County Planning and Development Services shall prepare a notice of compliance for the property owner. It shall be the property owner's responsibility to obtain the notice of compliance from the County and have the notice recorded with the Auditor's office. The owner shall be responsible for paying the original cost of recording the notice of violation or order, and the cost of recording the notice of compliance.
4. In instances of repeated failure to comply with notices or orders, the Director or designee is authorized to refer such cases to the Whatcom County Prosecuting Attorney for prosecution.

5. Violation of and/or failure to comply with any provision of the applicable regulations shall be cause for withholding or withdrawing approval of overall project plans, denial of any permit applications, and/or revocation of approvals or permits.

19.16 Stop Work Orders

A. The Director or designee is hereby authorized to issue a notice of intent to stop work and stop work orders when any person, firm, corporation, entity, association or agent thereof has engaged in any development, land use, or activity contrary to any provision of the applicable regulations. The notice of intent to stop work and/or the stop work order shall be issued by any one or combination of the methods listed in WCC 19.12.

1. In a non-emergency situation where it may become necessary to issue a stop work order, a notice may be issued with language specifying the intent to issue a stop work order no less than 3 business days following the date of notification. The notice of intent to stop work may be included within a notice of violation or as a separate document. The notice of intent to stop work shall provide for an administrative pre-issuance meeting if requested within 3 business days following the date of notification. This meeting shall serve as an opportunity to present factual information supporting why a stop work order is not warranted.

2. In an emergency situation, where the county has determined that there may be a significant threat to public safety or the environment, the county may order all and/or specific aspects of work activity to cease until authorized to proceed. The stop work order shall provide for an administrative post-issuance meeting if requested within 3 business days following the date of notification. This meeting shall serve as an opportunity to present factual information supporting why a stop work order is not warranted.

B. The notice of intent to stop work and/or the stop work order may be directed to the person, firm, corporation, entity, association or agent thereof who committed the violation and/or to the property owner of the property where the violation occurred.

C. Such notices or orders shall specify the violation by reference to the specific code section, or by reference to the approved permit. Every written notice or order shall describe the violation and shall order appropriate corrective action to be taken within a specified time period.

D. While a stop work order is in effect, the County may require specific corrective actions to secure the property and/or bring the property into compliance with the provisions of the regulations listed in this chapter.

E. Failure to comply with a stop work order may result in one or both of the following:

1. A minimum civil penalty assessment of $1000.00 per day for the unauthorized continuation of a violation once a stop work order has been issued.

2. Failure to comply with a stop work order shall be a gross misdemeanor punishable upon conviction by a minimum fine of $500.00 up to a maximum fine of $1000.00 or up to one year in jail, or both. Under no circumstance may the court defer or suspend any portion of the minimum $500.00 fine for any conviction under WCC Title 19. Each day or part thereof of noncompliance with said stop work order shall constitute a separate offense.
19.20 Penalty Assessments.

The purpose of penalty provisions is to discourage violations of existing codes and regulations.

A. Civil Penalty.

The provisions of this subsection are in addition to and not in lieu of any other penalty, sanction, or right of action provided by law. Any person, firm, corporation, entity, association or agent thereof who:

1. Fails to obtain a necessary permit prior to conducting activities governed by any provision of the applicable regulations.

2. Has engaged in any development, land use, or activity contrary to any provision of the applicable regulations.

3. Fails to comply with a written notice or order.

4. Fails to comply with any permit condition or requirement.

May be assessed a civil penalty as follows:

a. The Director or designee is hereby authorized and may assess the violator and/or property owner where the violation occurred, a civil penalty not to exceed $1000.00 for each violation.

b. Each violation or each day of continued unlawful activity shall constitute a separate offense. Each day that any person, firm, corporation, entity, association or agent thereof fails to comply with the terms of a written notice or order shall constitute a separate offense.

c. Any person, firm, corporation, entity, association, or agent thereof who, through an act of commission or omission, aids in a violation shall be considered to have committed the violation for purposes of the civil penalty.

d. The Director or designee shall impose the penalty provided for in this Section by sending a written notice to the person, firm, corporation, entity, association, or agent thereof incurring the penalty by any one or combination of the methods listed in WCC 19.12.

e. The assessment and/or the payment of a civil penalty for any violation shall not excuse the violation or allow it to continue.

5. The County’s Prosecuting Attorney may bring such injunctive, declaratory or other actions as deemed necessary to ensure that violations of any provision of the applicable regulations are prevented or cease, and to otherwise enforce such provisions.

a. It shall be a misdemeanor for any person, firm, corporation, entity, association or agent thereof to knowingly perform any act in violation of any of the provisions of the applicable regulations, or to knowingly fail to comply with the terms of a written notice or order after being served with a copy of the notice or order.
Service of the notice or order shall be by any one or combination of the methods listed in WCC 19.12.

b. A misdemeanor under this Code shall be punishable by a fine of not more than $1000.00 or by imprisonment of not more than 90 days, or both.

c. The imposition of a penalty for any violation shall not excuse the violation or allow it to continue.

d. Each person found guilty of a misdemeanor shall be deemed guilty of a separate offence for each day during any portion of which any violation of any provision of the applicable regulations is committed, continued, or permitted by such person.

19.24 Requests for Reduction of Penalty Assessments

A. To be valid, penalty reduction applications shall be submitted under the following criteria:

1. An application to request reduction of an assessed penalty must be made by a person with legal standing to represent the involved party.

2. The application shall contain language specifying that the involved party agrees that the attending violation has occurred.

3. The application to request the reduction of an assessed penalty must be submitted to Whatcom County Planning and Development Services within 14 calendar days of receipt, delivery, and/or posting of the notice of penalty.

4. Reduction shall be barred, and the Hearing Examiner and/or County Council may not grant review, if a penalty reduction application is not submitted within 14 calendar days of receipt of the notice of penalty for which reduction is sought.

5. The assessed penalty may or may not be reduced as a result of entering into this process.

6. At the County's discretion, reduction of an assessed penalty may be contingent upon completion of corrective actions to bring the subject property into compliance with the provisions of the applicable regulations.

7. Entering into this process shall not excuse, or allow continuance of any violation of any provision of the applicable regulations.

8. The County shall issue a penalty reduction request determination letter to the applicant by any one or combination of the methods listed in WCC 19.12.
19.28 Appeals

A. Pursuant to WCC 20.92 the Whatcom County Hearing Examiner shall have the authority to hear and decide, in conformity with WCC Titles 16.16 and 20, Appeals from any notice, penalty assessment, order, requirement, permit decision or determination.

B. Pursuant to WCC 2.80 the Whatcom County Board of Appeals shall have the authority to hear and decide, in conformity with WCC Title 15, appeals from any notice, penalty assessment, order, requirement, permit decision or determination, with the exception of request for penalty reduction determinations.

C. The Whatcom County Council shall have the authority to hear and decide on appeals from request for penalty reduction determinations for penalties issued for violation of WCC Title 15.

D. To be valid, appeal applications shall be made under the following criteria:

1. An application for appeal shall be based on a claim that the true intent of the provisions of the applicable regulations has been incorrectly interpreted.

2. A complete appeal application must be submitted to Whatcom County Planning and Development Services within 14 calendar days of receipt, delivery, and/or posting of the notice, penalty, or order to be appealed.

3. Appeal shall be barred, and the Hearing Examiner, Board of Appeals, and the County Council may not grant review, if an appeal application is not submitted within 14 calendar days of any notice, penalty assessment, order, requirement, permit decision, or determination for which appeal is sought.

4. The appeal application must be submitted to Whatcom County Planning and Development Services by a person with legal standing to represent the involved property.

5. In order for the appeal application to be filed, full payment of the appeal fee as defined in the Whatcom County Unified Fee Schedule shall be made at the time of appeal application.

6. The application for appeal must be complete, and shall contain language specifying what is being appealed.

7. In an appeal to the Hearing Examiner or Board of Appeals, the County has the burden of proving the alleged violation.

8. If a valid appeal is not filed within the specified appeal period, the determination of violation shall be considered final, and the violation shall be deemed to have been committed.
19.32 Liability

A. The Director, member of a hearing body, or employee charged with the enforcement of the provisions of the applicable regulations, while acting for the County in good faith and without malice in the discharge of such duties or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.

B. Any suit instituted against the Director, member of a hearing body, or employee because of an act performed in the lawful discharge of duties and under the provisions of the applicable regulations, or other pertinent law or ordinance shall be defended by legal representative of the jurisdiction until the final determination of the proceedings.

C. The Director, member of a hearing body, or employee shall not be liable for cost in any action, suit, proceeding, or judgment that is instituted in pursuance of the provisions of the applicable regulations, or any pertinent law or ordinance.

19.36 Joint and several responsibility and liability

A. Responsibility for violations of the codes enforced in this chapter is joint and several, both as to duty to correct and to payment of monetary penalties, and the county is not prohibited from taking action against a party where other persons may also be potentially responsible for a violation, nor is the county required to take action against all persons potentially responsible for a violation.

19.40 Severability

A. Should any section, subsection, paragraph, sentence, clause or phrase of this chapter be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this chapter.
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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**TITLE OF DOCUMENT:**
Approval of extension request filed by Brad Swanson for Mayflower Equities, Inc.

**ATTACHMENTS:**

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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.)
Approval of extension request filed by Brad Swanson for Mayflower Equities, Inc. - Monterey Heights

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

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<th>Related File Numbers:</th>
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**Please Note:** Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: [www.co.whatcom.wa.us/council](http://www.co.whatcom.wa.us/council).
March 17, 2015

Whatcom County Council
311 Grand Avenue, Suite 105
Bellingham, Washington 98225

RE: Mayflower Equities, Inc. – Monterey Heights
PUD2007-0001, LSS2005-0004, and APL2008-0015
Extension Request

Dear Council Members:

On March 17, 2010, the Whatcom County Council approved the Monterey Heights project (the “Project”), pursuant to the recommendation of the Whatcom County Hearing Examiner. The Hearing Examiner’s decision (the “Decision”) indicates that the Project expires in five (5) years from preliminary subdivision approval, unless an extension request is made to the Whatcom County Council. As such, to avoid any chance of expiration, Mayflower Equities, Inc. (the “Applicant”) respectfully requests that the Whatcom County Council extend the time to finish the Project.

Since 2010, the Applicant has been working on the Project. Unfortunately, due to ongoing litigation related to on-site wetlands and hard economic times, the Project is not yet constructed. Since beginning this process, the Applicant spent significant sums of money on this property and the Project. If the Project expires, the Applicant will suffer substantial hardship. By the Project expiring, the Applicant will lose all the time, effort, and expense it has put forth over the last several years for the Project. As such, an extension is justified. However, it is unclear if an extension is even necessary in this situation.

First, condition A.4. of the Decision establishes the five (5) year period prior to expiration. Condition A.9. of the Decision gives ten (10) years to complete the Project if it was phased. Well, the Project was phased. It is simply not clear whether the five (5) year expiration is applicable.

Second, since 2010, the Washington State Legislature has amended RCW 58.17 to extend the time to complete plats three times. With the most recent legislation, a preliminary plat has ten (10) years to be submitted for final approval. The Whatcom County Council took similar action when it adopted Ordinance No. 2013-049, which adopted identical language for the Whatcom County Code (the “WCC”) as the Legislature adopted for State law.
Based on the above, the Applicant does not believe this extension request is necessary. However, to err on the side of caution, the Applicant hereby respectfully requests that the Project be extended as provided in WCC 21.05.030(5). If the Applicant discovers that this extension request is not necessary, it will withdraw it, as soon as reasonably practicable.

WCC 21.05.030(5) affords the Whatcom County Council the discretion to grant up to three one-year extensions when there is reasonable justification for the extension after taking into consideration technical, economic or other matters beyond the applicant’s control. Here, the Applicant is in a terrible position. The Applicant worked very hard to get to this position only to have a circumstance, which is entirely out of its control, thwart its best efforts. This is the reasonable justification contemplated by WCC 21.05.030(5), and an extension is warranted.

As such, the Applicant requests that the Whatcom County Council extend the Project.

Thank you for your consideration of this request. We look forward to hearing from you.

Very truly yours,

BELCHER SWANSON LAW FIRM

BRADLEY D. SWANSON
Attorney at Law
BDS:hc
Encl.
Cc: Client
Craig Parkinson, P.E., Cascade Engineering Group, P.s., Inc.
Whatcom County Hearing Examiner
Whatcom County Planning and Development Services
**WHATCOM COUNTY COUNCIL AGENDA BILL**

**CLEARANCES**

<table>
<thead>
<tr>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
<th>Assigned to</th>
</tr>
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<tbody>
<tr>
<td>twh</td>
<td>03.19.15</td>
<td></td>
<td>03.31.15</td>
<td>COTW</td>
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**Division Head:**

**Dept. Head:**

**Prosecutor:**

**Purchasing/Budget:**

**Executive:** 03/15/15

**TITLE OF DOCUMENT:** New Jail Project Update – COTW Presentation

**ATTACHMENTS:**

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

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

**Requested Date:**

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

Executive Louws respectfully requests the opportunity to present the progress of the New Jail Project to Council.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

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

TO: Whatcom County Council Members
FROM: Jack Louws, County Executive
DATE: March 19, 2015
SUBJECT: New Jail Project Update and Schedule

As the Council is aware, I have been working diligently on developing a Jail Facility Use Agreement in preparation for asking the County Council to authorize a voter approved sales tax measure to be properly placed on the Primary ballot election. This memo is intended to provide an update on the progress of that agreement and a schedule of proposed Council updates prior to the May 8th ballot submission deadline.

Over the last few weeks several meetings and interactions with the Whatcom County cities have taken place regarding the proposed new jail funding interlocal. By April 6th, my leadership team and I will have presented the proposed jail inter-local to every Whatcom County city. These meetings have been productive with valuable comments and coordination from the Mayors and respective City Councils. As we continue to move forward with this regional solution for a new jail I would like to engage the Council on our progress.

The proposed inter-local agreement is to provide the needed funding to build and support the new jail for our community. The proposed inter-local agreement accomplishes the following:

- Designates a portion of the new sales tax revenue to repaying the bonds needed for the Jail project development and construction costs;
- Designates a projected amount and method for apportioning sales tax revenue from all the cities to the County during the bond repayment period.
- Remaining County and City revenues will assist in supporting the ongoing costs for jail services;
- Provides a long term method for fairly apportioning the maintenance and operation costs associated with adult correctional services.
To provide the Council with a more thorough update on the progress I propose the following timeline for future council updates:

March 31 – Council of the Whole presentation to provide an overview of the need for the new jail, the design and permitting process, budget of project, and introductory review of the proposed inter-local agreement.

April 14 – Council of the Whole presentation to provide specific details of the inter-local agreement and development of the ballot measure resolution.

April 28 - Council of the Whole presentation for discussion and potential consideration of the Resolution to approve the new sales tax ballot measure.

I thank you in advance for the opportunity to present to you the progress of this important work. We appreciate your support of our efforts to establish funding for the new jail designed to serve our entire community for many decades to come.

If you have any questions on the New Jail project status or proposed schedule please feel free to contact myself and members of my office, Dewey Desler and Tyler Schroeder.
### TITLE OF DOCUMENT:

Behavioral Health Revenue Advisory Committee 2015 1st quarterly report to County Council.

### ATTACHMENTS:

Memo to Executive

<table>
<thead>
<tr>
<th>SEPA review required?</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>SEPA review completed?</td>
<td>Yes</td>
<td>No</td>
</tr>
</tbody>
</table>

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.)

Behavioral Health Revenue Advisory Committee 2015 1st quarterly report to County Council.

### COMMITTEE ACTION:

### COUNCIL ACTION:

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

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

TO: JACK LOUWS

FROM: Bill Elfo, Sheriff and Committee Chair
       Chris Phillips, Committee Vice-Chair

DATE: March 31, 2015

RE: First Quarterly Report to County Council from the Behavioral Health Revenue Advisory Committee (BHRAC) for 2015

The Behavioral Health Revenue Advisory Committee will present a quarterly report of the Behavioral Health Fund activities, collected by the 1/10th of 1% sales tax, to the County Council on March 31, 2015.

The focus of this quarter's report is on the Jail Behavioral Health Program which is one component of a multi-faceted continuum of care model, entitled PITA (Prevention, Intervention, Treatment and Aftercare).

All mental health and substance abuse services funded with our local dollars fit within the PITA model. This model was originally developed by the Institute for Medicine and it recognized that a system can only address the behavioral health needs of the community when services are designed across a broad spectrum continuum of care. These services are most effective when they are integrated and coordinated. The spectrum must touch the lives of many people in need of behavioral health services throughout various developmental levels in order to be beneficial.

We have incorporated this PITA model with another national model, the “Sequential Intercept” Model, for those programs targeted to individuals who interface with the criminal justice system. This model demonstrates that services can be provided to justice involved individuals at many different points, or “intercepts”, promoting diversion from the criminal justice system toward treatment and effective supports.

The goal of our programs is to provide appropriate and effective services at an optimal time with the intent of improving serious behavioral health conditions. The expected result is a reduction in expensive hospitalizations and/or return
This report highlights the Jail Behavioral Health Program (JBHP), the effectiveness of the services in crisis and non-crisis situations, and the challenges of providing the services inside the existing jail facility.

JBHP services take place inside the Whatcom County Jail. The Whatcom County Jail is designed to hold 298 inmates, but the average daily census in 2014 was 407 people. The current jail facility was built for a smaller population with fewer behavioral health needs.

Because of overcrowding and the design of the facility, there is limited confidential treatment space in the jail.

These limitations impact the quality of the behavioral health services in the jail.

Nevertheless, our team of highly skilled professionals has adapted to the challenges and provides an impressive set of services in this complex environment.

### Jail Data 2014

<table>
<thead>
<tr>
<th>JAIL DATA</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of jail bookings*</td>
<td>7624</td>
</tr>
<tr>
<td>Total referrals for behavioral health services*</td>
<td>4487</td>
</tr>
</tbody>
</table>

*JBHP provided over 4400 services in 2014. Each time an inmate or corrections staff sent a referral the team responded. Many times there were multiple referrals for the same person.

### Jail Behavioral Health Program (JBHP) Crisis Services

The jail provides medical care, behavioral health services and specialized housing for inmates, when necessary.

Our JBHP team acts as a specialty arm of corrections staff. The goals of the program are to stabilize behavioral health symptoms for distressed jail inmates and to ensure connection to community services after release. The team is increasingly occupied with triage, suicide management and other crisis work. This leaves little time for in-depth treatment or motivational work.

The total number of people served in 2014 was 1341. The team provided crisis stabilization services to 555 people. Sixty-three (63) people were hospitalized as a result of acute symptoms. These 63 people represent a significant amount of the team's time.

Team members coordinate crisis treatment planning with community mental health services.

The team discusses inmate care with corrections staff on a daily basis and makes recommendations as to the best housing unit for specific inmate needs. A corrections officer accompanies the team to housing units on a weekly basis. This allows clinicians to assess symptoms or conduct follow up after a psychiatric evaluation.

In general, more and timely access to inmates would allow the team to conduct effective interventions and follow up services.

JBHP staff have similar challenges in their efforts to follow up with inmate behavioral health issues in non-crisis situations.

### Jail Behavioral Health Program (JBHP) Data—2014

<table>
<thead>
<tr>
<th>Data (All Unduplicated)</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total people served in the program (excludes one time information and referrals)</td>
<td>1341</td>
</tr>
<tr>
<td>People who received crisis services</td>
<td>555</td>
</tr>
<tr>
<td>People hospitalized (PeaceHealth, E&amp;T, or Western State Hospital)</td>
<td>63</td>
</tr>
</tbody>
</table>
Whatcom County Jail is one of two jails in Washington State which is certified by the National Commission on Correctional Healthcare (NCCHC). As a result of this certification, the standards for behavioral health care in our jail are higher than in most jails. One of the standards is 24 hours response to referrals for behavioral services.

Rapid response to behavioral health issues is the first step towards stabilization because it can prevent further difficulties with symptoms. In 2014 the total referrals and responses exceeded 2013 levels. Although the number of referrals increased, the decrease in percentage of responses from 2013 to 2014 was due to staff shortages. The team is creative in finding ways to manage the workload despite space and staff shortages.

<table>
<thead>
<tr>
<th>Outcome: Referrals and Response Time</th>
<th>2013</th>
<th>2014</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-crisis referrals*</td>
<td>3867</td>
<td>4487</td>
</tr>
<tr>
<td>Number of responses to non-crisis referrals within 24 hours.*</td>
<td>3317</td>
<td>3650</td>
</tr>
<tr>
<td>Percentage of responses for total referrals within 24 hours.</td>
<td>86%</td>
<td>82%</td>
</tr>
</tbody>
</table>

Whatcom County Sequential Intercept Model

The "Sequential Intercept" (SI) model shows points along the criminal justice system where effective interventions can occur. The theory behind SI is that services delivered along these points of intercept can prevent recidivism.

The "Sequential Intercept" model promotes an array of services to prevent intervene and treat inmates with behavioral health disorders. Our intention was to build services at several different points. Examples of our SI services are:

- Crisis Intervention Training (CIT) and Triage services.
- Specialty courts such as Drug Court, Mental Health Court
- Jail Behavioral Health Services.
- Case management to connect people to community services.
- Community treatment and housing
- Behavioral Health Unit—District Court Probation

**WHAT WE NEED:**

- Confidential treatment space.
- Additional professional staff for jail treatment and case management.
- Enhanced Triage Facility.
- Additional community treatment capacity.
- Supported housing for people with addictions.
- Re-establish addiction services in the work center.

For example, the team and corrections staff meet weekly to talk about assisting inmates with symptoms and to problem-solve refusal to take medications. The coordination allows staff to set up behavioral plans for inmates and discuss short-term treatment plans.

The keys to stabilizing inmates in the community are: to get them stabilized in jail and to ensure connections to resources upon release from jail.

These are challenging goals given the lack of program space and staffing. An additional licensed clinician would allow more effective behavioral interventions and programs designed to help offenders develop moral reasoning and judgment. Finding placement in community treatment and housing for offenders with addiction is an added struggle.

JBHP is only one aspect of a strategic plan which relies on a stream of services to prevent and reduce incarceration of behaviorally disordered offenders. The model we use to design services for offenders is described below.

Sequential Intercept Model

Prevention and Clinical Best Practice

- Crisis/Pre-Arrest
- Post Arrest/Initial Court Appearance
- Post Initial Hearing/Jail
- Post-jail/Re-entry
- Community Services

*Sequential Intercept Model adapted from Munetz & Griffin
Psychiatric Services, 57, 544-549, 2006
CALL TO ORDER

Council Chair Carl Weimer called the meeting to order at 10:30 a.m. in the County Council Chambers, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

Present: Barbara Brenner, Ken Mann, Sam Crawford, Carl Weimer, Pete Kremen, Rud Browne and Barry Buchanan.

Absent: None.

1. PUBLIC SESSION

No one spoke.

2. DIRECTOR’S REPORT/HEALTH OFFICER’S REPORT – EMERGING ISSUES

Regina Delahunt, Health Department Director, referenced the report in the Board’s packet.

Crawford asked about the status of hiring a replacement for Dr. Gonzalez. Delahunt stated she is beginning the hiring process. In the meantime, she and Dr. Stern are covering his responsibilities. She described the difference between the position held by Dr. Gonzalez and Dr. Stern’s position.

Weimer asked if there are problems filling the vacant positions. Delahunt stated it depends on the positions. They are getting good applicants for most of the vacancies. The position held by Dr. Gonzalez typically takes a long time to fill.

Mann referenced the mental health court and asked how involved the Health Department is with designing the new jail and how the mental health court will work. Delahunt stated Health Department staff person Ann Deacon is involved in jail development.

Ann Deacon, Health Department, described the mental health court purpose. Identify those who are often in jail and who clearly have mental health problems, and get them into services. Cases are usually identified by the public defender or prosecuting attorney.

Mann asked what officers do for someone who is clearly suffering a mental health crisis. Deacon stated it is not funded adequately to do what they want, but they are addressing the funding problem and other issues with a local committee. The hope is for officers to divert people from jail through a pre-arrest diversion and to place someone on an involuntary hold for evaluation and treatment. That doesn’t happen anywhere in the State.
now. The Washington Administrative Code (WAC) requirements have made it too expensive for such a facility to operate. There are different efforts in the state to make this process more workable.

Mann asked if the jail project is the time to think about things like triage and diversion. He worries they are not developing a comprehensive package of law and justice right now, before going to the voters. They must think of everything. Deacon stated the jail has to be part of an entire system of responses. She can bring forward ideas for creating a system of services that might impact the burden on the jail, addressing people who would be better served elsewhere.

Weimer asked how to weave those levels of service into the request of the voters. Deacon stated she will check with the Sheriff and Facilities Division about that status.

Brenner stated there is a lot of confusion about who is and is not eligible. There are no services for people who are charged with felonies. A huge number of mentally ill people will not be addressed. They need to do better at getting that message out. Deacon stated she is preparing an opinion editorial (op-ed) and public service announcements for the community. The mental health court is one component in a series of services. There are services to treat people in jail.

Kremen stated he was concerned about the original ordinance for the one-tenth of one percent sales tax for mental health, because it would not be enough to adequately address the critical issues of mental health in Whatcom County. It will be difficult to get the State to accept the responsibilities it used to have regarding mental health issues, particularly when the County passed the mental health tax, which generates only a small fraction of the money needed to thoroughly address the problems. Deacon stated they are specific and purposeful in how they developed programs and services, to make sure they are effective. They've shown some great outcomes. They have also worked with other funding sources to help leverage more money coming in. Third, they meet with the State regularly. Some of the healthcare reform is helping now. On a statewide level, they are talking about it a lot and making it clear.

Kremen stated the State closed Northern State and other mental facilities around the state. Those clients ended up in the community, which has the final burden to address their needs. The State has a history of backing out of these issues. The local community has been resourceful and cost-effective. The County is the role model for the entire state in achieving results with limited funds. He praises the Whatcom County Health Department on this and many other issues.

Browne stated law enforcement officers aren’t clear on what to do when they pick up someone who is too drunk or otherwise incapacitated. He asked what the assessment process is. Deacon stated they attempt to get someone into treatment and look for resources for them. For every program they fund, they try to make sure it’s a hub for getting people on the road to recovery. She described the officer assessment process. There currently isn’t any diversion option other than the hospital and jail. The triage facility is underutilized.

Delahunt stated they would like a third option to take people to a place where they can engage in treatment.
Browne stated they are relying on the officers to make the initial evaluation, which they’re not trained to do. Deacon stated they are doing everything they can to plug the holes in a broken system. She will prepare a more detailed presentation for the Board.

Brenner stated she has a list of questions about elder care, healthcare from a naturopath, whether the flu shots include the new flu, and whether duck hunters can get the avian flu.

Dr. Greg Stern, Health Department, gave the Board an update on the flu, avian flu, and measles. Everyone should get a flu vaccine. This season, there is a predominance of two strains of flu. The vaccine strain matches about a third of the strains that are circulating. There is not a mid-season adjustment to the vaccine. It takes a year to develop the vaccine. The flu seasons vary between the northern and southern hemispheres. The effectiveness this year at preventing disease is only 23 percent. The effectiveness depends on how well the vaccine generates immune response in addition to how well it matches the virus. Also, there are different waves of viruses and different times of the season. The Centers for Disease Control and Prevention (CDC) has asked providers to use the antiviral medications sooner. It’s important that people use their sick leave if necessary to keep other people from getting sick and to wash hands.

Buchanan asked about the decisions made regarding the flu formula developed each year. Stern stated many factors go into choosing the vaccine strains. It is based on anticipating the prevalent strain next year.

Weimer asked if there have been any local measles outbreaks. Stern stated there are two cases in Washington state. He’s concerned about the vaccine exception rates in the schools. They are measles cases waiting to happen. He has data on documentation of vaccination of school children.

Crawford asked if the trend is against vaccination, and if there is any education the Health Department can engage in. Stern stated the trend to not vaccinate is increasing. Research on evaluating vaccine hesitancy indicates that information isn’t sufficient to educate people about vaccines, and may be counterproductive. It’s not that people are uninformed. The issue is that they don’t trust unvetted sources.

Delahunt stated each program is putting together improvement reports. They are focusing on immunization rates for kids through the immunization program.

Crawford asked if a school board in Washington state is allowed to require vaccinations of all its students. Stern stated he’s not sure about the legality of that authority. If there is an outbreak, as the County Health Officer, he has authority to not allow people to attend school without proof of vaccination. It would be helpful for the Health Board to make statements supporting vaccination. It’s a cultural issue. There are key issues to discuss further.

Browne stated people need to hear about the consequences of non-vaccination.

3. PUBLIC HEALTH ADVISORY BOARD (PHAB) ANNUAL REPORT
Ben Schultz, Public Health Advisory Board (PHAB) Chair, stated the PHAB focused last year on healthy planning, decontamination of drug use sites and manufacturing sites, the water action plan, the Health Department budget and strategic plan, and the PHAB work plan. For next year, the PHAB wants to link individual meetings into a more coherent whole, so they can explore issues over time. The Board members have agreed to link all the meetings for 2015 to the Community Health Improvement Plan (CHIP) and Health Department Strategic Plan. His message to the Board of Health is that the PHAB’s purpose is to respond to Board of Health requests. They also respond to requests from the Health Department and staff. The third purpose is to make sure the Board collects the best advice possible. Build agendas that allow individual members to share their best input. The biggest impact for creating productive meetings is setting the agenda. The Board can make requests for their agenda topics. The second impact for productive meetings is the process of how they conduct business during the meetings. The third impact is to share and act on the information that the PHAB discussed.

Weimer asked if the PHAB has discussed whether six meetings is enough. Schultz stated they can add more meetings if needed.

Brenner asked if the PHAB considers suggesting topics for the Board of Health. Schultz stated the PHAB agenda will include board member-initiated topics. The role of advising is to identify key points. The PHAB can set an agenda to allow members to share their expertise on particular issues. A second issue is how the information from the PHAB gets forwarded to the Board of Health. It’s a learning process for the PHAB.

Mann asked if the PHAB would like to talk about a comprehensive approach for dealing with mental health issues and the jail. Schultz stated the PHAB can adapt to emergency topics, such as mental health issues and the jail.

Delahunt stated the strategic work plan for the Public Health Advisory Board includes a policy agenda for the Board of Health.

4. HOMELESS HOUSING UPDATE

Ann Deacon, Health Department, submitted and read through a handout (on file) on homeless housing information. The end goal is to get the homeless into permanent housing. It saves the County money. They just finished the annual point-in-time count last week. The number of homeless children is more than last year. Whatcom County is doing better than average. She read through the handout and described the demographics.

Greg Winter, Opportunity Council Homeless Service Center Director, stated the statistics from the Department of Commerce are based on housing affordability. For housing to be affordable, the person or family must spend no more than 30 percent of their total income on housing costs. When helping any household, they must align an available housing unit, rent subsidy, and a case management opportunity. That’s what they do for every one of the 3,000 households they’ve served since 2008.
Deacon continued to read through the handout and described current activities, which include mental health services in homeless housing programs, training first responders, mental health court, outreach to opiate addicts, case management, and working with the City of Bellingham. Effective mental health programs must address criminal thinking and behavior and also address housing issues. She asked what additional information the Board needs to understand the complex issue, knowing that there are no more dedicated funds.

Weimer asked how stable the State and federal funds are and whether the County is taking advantage of block grant proposals. Deacon stated there is no new money or stable money. The County and City work closely on proposals. They try to plan on using resources together. Whatcom County Health Department doesn’t have any matching funds to offer.

Weimer asked if they’ve considered funding sources they normally wouldn’t consider, such as using rural sales tax or economic development investment (EDI) money, since homeless people affect downtown businesses. He asked if they’ve looked at alternative options for housing, such as micro housing projects. Deacon stated they have looked at those things. The biggest challenge is the lack of resources. They follow national best practices closely.

Mann asked how the decision is made about mental health sales tax set aside for diversion. Deacon stated there were four main goals in the ordinance that implemented the tax. Also, the communitywide stakeholder forum in 2009 identified the triage facility as the priority concern.

Browne stated zoning regulations are the biggest barrier to affordable housing and micro-housing. It may be something that staff can look into making more viable. The Bellingham rental housing issue is concerning. There is quite a bit of illegal housing, which are apartments in areas not zoned for that use. He is concerned about losing that inventory if they have a rental registration program. He would like to know the impact and whether the City of Bellingham has examined that impact. According to the report, a person must spend $781 per month for rent for a single person and $1,290 per month for a family, based on the numbers in the report. The data is great. The report should include those numbers.

Brenner stated neither the mental health services at homeless housing programs nor the outreach to opiate addict program sound very effective. Deacon stated they have gotten quite a few people in treatment because of the opiate addict program.

Brenner asked if staff works with other veterans organizations or offers grants to those organizations. Deacon stated they work with a number of veterans organizations.

Crawford asked if these programs are currently funded. Deacon stated they are. She described the funding provided for the case management central registry.

Crawford asked how the County is doing on ending homelessness. He’s skeptical that legislation can eliminate homelessness. He’s hearing anecdotally that the homeless situation locally has gotten worse. Cities in California are banning encampments altogether, and it seems to be working. They’re saying the opposite here by saying that housing is the
solution. He's not sure they've accomplished a lot. He would like to see some evidence of the progress. Deacon stated they must balance the criminalization of homelessness with laws that help promote long-term solutions. Criminalizing homeless or mental illness is not effective. It doesn't make the problem go away. They are not going to end homelessness this year. When the program started in 2005, the recession was not helpful. She will make a presentation about their successes. This is a very complex issue. They do what they can with their current resources.

Crawford stated he would like to know how long service recipients have lived in Whatcom County, which is the end of the line at the Canadian-American border. Deacon stated they've formed a task force that includes the major stakeholders to address the residency issue in response to a recent request. They are aware of the concerns. They don't want to invite anyone and everyone to Whatcom County. They are paying attention to the concern. They hope to have a response to the issue this summer.

Crawford stated use the housing numbers from 2005, subtract the amount of housing alternatives they've provided in the last decade, and determine if that's the full reduction. He's concerned that it is backfilled from people new to the area or local folks who give up trying to earn an income. Trying to end homelessness is a noble gesture. He will watch the experiment in California to see how that goes. They don't know which method is more effective. Deacon stated issues this complicated require a multitude of coordinated responses based on best practices. They are trying to use science to the extent that it's available.

Weimer stated he would like information on the diversity of people who are homeless and the trends of who has become homeless in the last ten years, to see if they are making progress in some areas and not in others.

Browne stated the more they can put a face on homelessness, the more public support they'll receive. Deacon stated a local videographer has produced a series of videos about the face of homelessness. Very talented and skilled people have ended up homeless. She will make a more comprehensive presentation this summer.

Weimer stated they also want to talk soon about diversion and the jail. They must start making decisions on the jail soon.

Browne stated the public's support of jail funding will depend on the County's comprehensive approach to dealing with these issues, instead of creating another warehouse for offenders.

**ADJOURN**

The meeting adjourned at 12:14 p.m.

The Council approved these minutes on __, 2015.
WHATCOM COUNTY COUNCIL  
Regular County Council Meeting  
February 10, 2015  

CALL TO ORDER  
Council Chair Carl Weimer called the meeting to order at 7:00 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.  

ROLL CALL  
(7:01:34 PM)  
Present:  Barbara Brenner, Ken Mann, Sam Crawford, Carl Weimer, Pete Kremen, Rud Browne and Barry Buchanan.  
Absent:  None.  

FLAG SALUTE  

ANNOUNCEMENTS  
Weimer announced that this is Councilmember Crawford’s last meeting. He presented a plaque of appreciation and thanks from the councilmembers and staff.  

MINUTES CONSENT  
Brenner moved to approve Minutes Consent items one and three.  
The motion carried by the following vote:  
Ayes:  Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)  
Nays:  None (0)  

1.  SPECIAL COMMITTEE OF THE WHOLE FOR OCTOBER 14, 2014  
2.  SPECIAL COMMITTEE OF THE WHOLE FOR OCTOBER 23, 2014  
   This item was withdrawn from the agenda and will be rescheduled at a later date.  
3.  SPECIAL COMMITTEE OF THE WHOLE FOR NOVEMBER 12, 2014  

OPEN SESSION  
The following people spoke:
DISCLAIMER: This document is a draft and is provided as a courtesy. This document is not to be considered as the final minutes. All information contained herein is subject to change upon further review and approval by the Whatcom County Council.

- Greg Brown stated he thanks Councilmember Crawford for his help and wishes him well in his new career.
- Larry Helm spoke about Nooksack River pollution and cleanup efforts.
- Seth Fleetwood stated he wishes Councilmember Crawford the best of luck.

CONSENT AGENDA

Browne reported for the Finance and Administrative Services Committee and moved to approve Consent Agenda items one through seven.

Brenner withdrew item five.

Mann withdrew item six.

Motion to approve Consent Agenda items one through four and seven carried by the following vote:

Ayes: Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)

Nays: None (0)

1. RESOLUTION ACCEPTING THE TREASURER’S LIST OF PETITIONS FOR PROPERTY TAX REFUNDS (AB2015-058)

2. RESOLUTION CANCELING UNCOLLECTIBLE PERSONAL PROPERTY TAXES (AB2015-059)

3. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND WASHINGTON STATE DEPARTMENT OF SOCIAL AND HEALTH SERVICES FOR MENTAL HEALTH PROMOTION AND SUICIDE PREVENTION SERVICES, IN THE AMOUNT OF $65,000 (AB2015-060)

4. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A LEASE AGREEMENT BETWEEN WHATCOM COUNTY AND COMPASS HEALTH, A WASHINGTON HEALTH CARE PROVIDER, FOR THE PURPOSE OF LEASING THE FACILITY LOCATED AT 3645 E. MCLEOD ROAD, IN THE AMOUNT OF $10 PER YEAR FOR THREE YEARS (AB2015-061)

5. RESOLUTION REQUESTING COUNCIL APPROVAL FOR AN INTERLOCAL AGREEMENT FOR PARTICIPATION IN THE WHATCOM COUNCIL OF GOVERNMENTS (AB2015-062)

Browne reported for the Finance and Administrative Services Committee and moved to approve the resolution.

Brenner stated the Council only received this copy, without showing the previous version. She requested, but did not receive, a copy of the changes from the previous agreement.
Jack Louws, County Executive, stated the Council of Governments had the original
and sent the changes to the County, which Deputy Prosecutor Dan Gibson reviewed and
approved. He was unable to obtain a copy of the changes this afternoon. If the Council
wishes to hold this item, he can get that information for Councilmember Brenner.

Brenner stated the attorney reviews it for form, not for a decision on whether it
should change from the previous version. She appreciates that the Executive tried to
explain the changes, but she would really like to see the changes.

Louws stated the staff at the Council of Governments specifically asked the
Bellingham attorney and the County attorney to go through the agreement word-by-word.
The County attorney made specific changes and notes. He is more than happy to get the
agreement to the Council.

Brenner stated the attorneys look at the agreement for a certain reason, not to
determine if it’s the right approach. It’s about form. She appreciates that the attorneys
made changes, but she would still like to see the agreement that shows the changes. When
the Council is asked to approve something that is changed, they usually or always get to
see the changes. She would like to see it, even if it’s not a big deal.

She moved to hold in Council until the administration provides a copy showing the
changes.

The motion failed by the following vote:
Ayes: Brenner and Mann (2)
Nays: Crawford, Browne, Buchanan, Weimer and Kremen (5)

The motion to approve carried by the following vote:
Ayes: Crawford, Browne, Buchanan, Weimer and Kremen (5)
Nays: Brenner and Mann (2)

6. REQUEST AUTHORIZATION FOR THE APPROVAL OF THE CITY OF
NOOKSACK’S SUPPLEMENTAL REQUEST FOR ADDITIONAL EDI FUNDING IN
THE AMOUNT OF $180,000, AS RECOMMENDED BY THE EDI BOARD, AND
AUTHORIZATION FOR THE COUNTY EXECUTIVE TO AMEND THE INTERLOCAL
AGREEMENT WITH THE CITY OF NOOKSACK TO REFLECT THE ADDITIONAL
MONIES (AB2015-063)

Browne reported for the Finance and Administrative Services Committee and
moved to approve the request.

Mann stated he is against the request because the cities should pay for their own
wastewater and water treatment plants. Those costs are on the people of the city, not the
people of the rest of the county. Also, delaying the project by a year and a half and having
the project cost go up by 50 percent is dramatic. These huge increases over a short period
of time raise questions.

Weimer stated he shares the concerns but he supports the request. There used to
be a lot of grant money available for these types of wastewater treatment plants through
the State Department of Ecology, but a lot of that money is dried up, so a small city like
Nooksack has a hard time coming up with the money. Many of the cost overruns were out of the City’s control, because this is actually in Everson.

Brenner stated the Economic Development Investment (EDI) Board recommended this request. She has faith in what they’re doing and why they’re doing it. This is very necessary to create more business. Nooksack will grow, and the extra water is needed to create more business.

Browne stated he supports this, but EDI money should be directed to projects that create jobs instead of building wastewater treatment plants, unless it’s directly tied to job growth.

Mann stated the EDI standards and the Nooksack application indicate this treatment plant is for the entire city and all the residents. Economic Development Investment money is meant for something that is tied to jobs. The EDI handbook examples allow a wastewater treatment plant for a business park, but not for an entire city to make up for maintenance or to expand. He also voted against the one for Lynden. If they justify this, then they can justify anything as meeting the EDI purpose. They should be more selective.

Brenner stated a city can’t have business if there isn’t water. They can’t put in any new businesses and grow without upgrading the water. She also supported the request from Lynden, which the EDI Board also recommended.

The motion to approve carried by the following vote:

Ayes: Brenner, Crawford, Browne, Buchanan, Weimer and Kremen (6)

Nays: Mann (1)

7. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A RESIDENTIAL LEASE AGREEMENT BETWEEN WHATCOM COUNTY AND MATTHEW AND LAUREN GRUND FOR THE NESSET CARETAKER HOUSE LOCATED AT 6176 SAXON ROAD, IN THE AMOUNT OF $485 PER MONTH (AB2015-064)

OTHER ITEMS

1. RESOLUTION RECOGNIZING THAT LEED (LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN) “SILVER” CERTIFICATION FOR THE NEW JAIL AND SHERIFF’S HEADQUARTERS IS NOT FEASIBLE (AB2015-047A)

Browne reported for the Finance And Administrative Services Committee and stated this item has been postponed until next year.

Crawford stated planning will go forward without the jail thermal pump, final decisions don’t need to be made at this stage.

Brenner stated someone testified that the County can develop the LEED without the geothermal pump. Tyler Schroeder will work on that. They will also get a presentation on LEED standards versus Eagle standards.
2. ORDINANCE AMENDING WHATCOM COUNTY CODE 3.08, PURCHASING SYSTEM (AB2015-042)

Browne reported for the Finance And Administrative Services Committee and stated this item is held in committee until the last meeting in March.

Brenner stated she is opposed to the project-based system that allows the Council only one review and doesn’t require Council approval of the contracts. There’s no transparency for the public. The public would choose transparency over efficiency.

3. REQUEST CONFIRMATION OF THE COUNTY EXECUTIVE’S REAPPOINTMENT OF DAVID KINCHELOE, MIKE MASSANARI, LARRY RICHARDSON, MARK MCDONALD AND NEW APPOINTMENT OF RACHEL HERMAN (COX) TO THE NORTH SOUND MENTAL HEALTH ADVISORY BOARD (AB2015-066)

Browne moved to confirm the appointments.

The motion carried by the following vote:
Ayes: Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)
Nays: None (0)

4. APPOINTMENT OF INTERIM COMMITTEE MEMBERS TO SERVE ON THE COUNCIL’S NATURAL RESOURCES AND FINANCE AND ADMINISTRATIVE SERVICES COMMITTEES UNTIL THE SOON-TO-BE COUNCIL DISTRICT 2 VACANCY HAS BEEN FILLED (AB2015-021)

Mann volunteered to serve on the Finance and Administrative Services Committee.

Browne volunteered to serve on the Natural Resources Committee.

5. COUNCIL TO APPROVE AN INTERVIEW AND NOMINATION PROCESS FOR FILLING THE SOON-TO-BE VACANT DISTRICT 2 POSITION ON THE WHATCOM COUNTY COUNCIL, USING THE COUNTY CODE AND COUNTY CHARTER AS GUIDANCE (2015-071)

The councilmembers each indicated whether they wanted to receive the applications all at once or as they are submitted.

Weimer stated they must decide on what to do at the meeting on March 3. He suggests having applicants attend the Council meeting to give a five-minute stump speech.

Browne stated he would also like an opportunity to reach out and speak to the applicants.

Mann stated he agrees. He would also like to meet them in private to have a personal conversation and get to know them.

Kremen stated he prefers the public process rather than meeting behind closed doors individually.
Buchanan stated he likes a combination of both processes.

Kremen stated he agrees with a combination of processes, but the public process should come first. After the applicants have spoken to the Council in public, it would be good to go to lunch or coffee.

Browne said there must be a conversation to allow applicants to talk to councilmembers and ask about the requirements of the job and what it’s like to be a councilmember.

Brenner moved to appoint on March 17 and to give all candidates the opportunity for comments, with a five-minute limit, on March 3. People can meet with them as soon as the Council receives an application.

The motion carried by the following vote:

Ayes:  Brenner, Mann, Browne, Buchanan, Weimer and Kremen (6)
Nays:  None (0)
Abstains:  Crawford (1)

COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. APPOINTMENT TO FILL A VACANCY ON THE LUMMI ISLAND FERRY
   ADVISORY COMMITTEE-RESIDENT/PROPERTY OWNER VACANCY,
   APPLICANT: STU CLARK (AB2015-044)

Brenner moved to appoint Stu Clark.

The motion carried by the following vote:

Ayes:  Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)
Nays:  None (0)

INTRODUCTION ITEMS

Mann moved to accept the Introduction Items.

Browne withdrew item one.

The motion to accept Introduction Items two through five carried by the following vote:

Ayes:  Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)
Nays:  None (0)

1. ORDINANCE AMENDING WHATCOM COUNTY CODE TITLE 20 AND THE
   COMPREHENSIVE PLAN REGARDING SURFACE MINE PERMITTING, THE
   MINERAL RESOURCE LANDS DESIGNATION PROCESS, AND MINERAL
   RESOURCE LANDS DESIGNATION CRITERIA (AB2014-344)
Browne submitted a handout (on file) and moved to include the changes proposed by Civil Deputy Prosecutor Karen Frakes. He read the changes into the record.

Brenner stated she will support the motion, but will pass along a concern from Peter Willing. These kinds of concerns should be discussed in committee.

Kremen stated he appreciates Councilmember Browne’s astuteness, but it’s very atypical and not customary to take action on an Introduction Item. This is the second time they’ve done so. The agenda explicitly says the Council will take no action. In this particular instance, there isn’t a problem with it, but there’s no need to take any action on any Introduction Item. Any necessary changes are done when the Council takes up the issue before the public and in committee. He appreciates Councilmember Browne’s work, but there’s no compelling reason to take action on any Introduction Item.

Weimer stated the Council asked legal counsel to review the language and present ideas. This item should have been scheduled in committee to have this discussion today. It’s scheduled for a hearing on March 3. If they didn’t make the changes this evening, had another hearing, and then made the changes, the Council would have to have another hearing.

Brenner stated the Council has introduced substitute ordinances that have been amended and changed for clarification on the record. They aren’t taking action.

Kremen stated amending is the same as taking action. This is the second time they’ve taken action on an Introduction Item. He understands the urgency and rationale for taking action, but it would have been nice to be apprised that this needed to be done.

Browne stated his motivation is to maximize transparency and get the changes out there for the public to review.

The motion to amend carried by the following vote:

Ayes:   Brenner, Mann, Browne, Buchanan, Weimer and Kremen (6)

Nays:   Crawford (1)

The motion to accept for Introduction as amended carried by the following vote:

Ayes:   Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)

Nays:   None (0)

2. RECEIPT OF APPLICATION FOR THE SURFACE MINING ADVISORY COMMITTEE, SURFACE MINING MATERIAL USER REPRESENTATIVE, APPLICANT: KYLE STRENGHOLT (AB2015-044A) (APPLICATION DEADLINE FOR ANY OTHER APPLICANTS TO THIS VACANCY IS 10 A.M. ON FEBRUARY 24, 2015)

3. ORDINANCE AMENDING THE 2015 WHATCOM COUNTY BUDGET, SECOND REQUEST, IN THE AMOUNT OF $2,364,947 (AB2015-067)

4. ORDINANCE AMENDING (AMENDMENT NO. 1) ORDINANCE NO. 2013-060 ESTABLISHING THE STATE STREET BUILDING ACQUISITION AND
IMPROVEMENT FUND AND RELATED CAPITAL BUDGET APPROPRIATION
(AB2015-068)

5. ORDINANCE AMENDING WHATCOM COUNTY HEALTH CODE WCC 24.13,
DECONTAMINATION OF ILLEGAL DRUG MANUFACTURING OR STORAGE
SITES (AB2015-069)

COMMITTEE REPORTS

Buchanan reported for the Natural Resources Committee on the presentation by
Washington State Department of Fish and Wildlife and discussion of the Puget
Sound Nearshore Ecosystem Restoration Project (PSNERP) (AB2015-057).

Mann reported for the Planning and Development Committee on the briefing
relating to the 2016 Comprehensive Plan Update and Urban Growth Area Review
process (AB2015-065).

Browne reported for the Finance and Administrative Services Committee on the
update and status of the new County website from the County Executive. He also reported
on the recent parliamentary procedure training.

Brenner stated the parliamentary procedure training was fun, but the Council should
decide what changes, if any, are necessary. Also, there has been discussion about changing
the purchasing code. She is working on those changes.

OTHER ITEMS AND COUNCILMEMBER UPDATES

Kremen stated he attended an annual gathering hosted by the Lummi Indian
Business Council, which was well attended. It was an opportunity to meet with other
elected officials and work together to develop relationships. Lummi Nation Chairman Tim
Ballew invited him to distribute honor coins to the County councilmembers who were unable
to attend.

Brenner stated the Council was invited to All American Marine Inc. in Fairhaven. It’s
an incredible business. She was invited to ride on one of their brand new ferries.

Browne stated he hosted a meeting last week with Executive Louws, Councilmember
Weimer, the Mayor, and representatives from the Lummi Nation to try to identify areas
where their interests are closely aligned and set up a program to spend time working on
those issues. Also, this Friday is the 200th anniversary of the U.S. signing and ratification of
the Treaty of Ghent. There will be a celebration at the Peace Arch.

Buchanan stated he wishes Councilmember Crawford well.

Mann stated he also wishes Councilmember Crawford well.

Kremen stated it has been an honor to work alongside Councilmember Crawford,
who will be missed.
Jack Louws, County Executive, stated he thanks Councilmember Crawford for his service to Whatcom County.

Crawford stated he is humbled by everyone’s comments. He requested the honor of adjourning the meeting.

Weimer passed the gavel to Councilmember Crawford, who adjourned the meeting.

**ADJOURN**

The meeting adjourned at 8:05 p.m.

The County Council approved these minutes on ______, 2015.

**ATTEST:**

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

______________________________  ___________________________
Dana Brown-Davis, Council Clerk   Carl Weimer, Council Chair

______________________________
Jill Nixon, Minutes Transcription
WHATCOM COUNTY COUNCIL  
Committee Of The Whole  

March 3, 2015  

CALL TO ORDER  
Council Chair Carl Weimer called the meeting to order at 6:00 p.m. in the Council  
Conference Room, 311 Grand Avenue, Bellingham, Washington.  

ROLL CALL  
Present: Barbara Brenner, Rud Browne, Barry Buchanan, Ken Mann, Pete Kremen  
and Carl Weimer  
Absent: None  

COMMITTEE DISCUSSION  
1. DISCUSSION WITH CHIEF CIVIL DEPUTY PROSECUTOR DANIEL GIBSON REGARDING  
LEGAL ISSUES RELATED TO PROPOSED LAKE WHATCOM TMDL (TOTAL MAXIMUM  
DAILY LOAD) (AB2014-018)  
Attorney Present: Lori Terry Gregory  
2. DISCUSSION WITH SENIOR CIVIL DEPUTY PROSECUTOR KAREN FRAKES  
REGARDING COURT OF APPEALS CASE NO. 70796-5-I, WHATCOM COUNTY V. ERIC  
HIRST, ET AL (AB2015-018)  
Attorney Present: Karen Frakes  

Weimer stated that discussion of agenda items one and two may take place in  
executive session pursuant to RCW42.30.110 (1)(i). Executive session will conclude no  
later than 7:00 p.m. If the meeting extends beyond the stated conclusion time, he will step  
out of the meeting to make a public announcement.  

Kremen moved to go into executive session until no later than 7:00 p.m. to discuss  
the agenda items pursuant to RCW citations as announced by the Council Chair.  

The motion carried by the following vote:  
Ayes: Brenner, Browne, Buchanan, Mann, Kremen and Weimer (6)  
Nays: None (0)  

OTHER BUSINESS  

ADJOURN  
The meeting adjourned at 6:59 p.m.
DISCLAIMER: This document is a draft and is provided as a courtesy. This document is not to be considered as the final minutes. All information contained herein is subject to change upon further review and approval by the Whatcom County Council.

The Council approved these minutes on ______ 2015.

ATTEST: WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

______________________________  ______________________________
Dana Brown-Davis, Council Clerk   Carl Weimer, Council Chair

______________________________
Jill Nixon, Minutes Transcription
CALL TO ORDER

Council Chair Carl Weimer called the meeting to order at 7:00 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

(7:04:14 PM)

Present: Barbara Brenner, Ken Mann, Carl Weimer, Pete Kremen, Rud Browne and Barry Buchanan.

Absent: None.

FLAG SALUTE

ANNOUNCEMENTS

Weimer announced there was discussion with Chief Civil Deputy Prosecutor Daniel Gibson regarding legal issues related to proposed Lake Whatcom TMDL (total maximum daily load) (AB2014-018) and discussion with Senior Civil Deputy Prosecutor Karen Frakes regarding Court of Appeals Case No. 70796-5-I, Whatcom County v. Eric Hirst, et al (AB2015-018) in executive session during the Committee of the Whole meeting.

SPECIAL ORDER OF BUSINESS

1. PUBLIC STATEMENTS OF QUALIFICATIONS AND DESIRES BY APPLICANTS FOR THE OPEN DISTRICT 2 POSITION ON THE WHATCOM COUNTY COUNCIL (AB2015-071)

Jim Cozad stated he does not desire full-time work or to be a professional politician. He will not seek election to the office in November. He described his interest in several community issues and referenced a publication from the League of Women Voters that can be used to solve problems. He described his professional experience as a teacher and social worker, his experience volunteering in the community, and his leadership skills.

Jessica Elenbaas read a statement for Kathy Kershner who was unable to attend the meeting.

Satpal Sidhu spoke about his reasons for serving on the County Council, including giving back to the community. He described his interest in several community issues,
political perspective as a collaborator and team player, and skills he will bring to the Council.

MINUTES CONSENT

Brenner moved to approve Minutes Consent items one through seven.

The motion carried by the following vote:

Ayes: Brenner, Mann, Browne, Buchanan, Weimer and Kremen (6)
Nays: None (0)

1. SPECIAL COMMITTEE OF THE WHOLE FOR OCTOBER 23, 2014
2. SPECIAL COMMITTEE OF THE WHOLE FOR OCTOBER 27, 2014
3. SURFACE WATER WORK SESSION FOR NOVEMBER 18, 2014
4. COMMITTEE OF THE WHOLE FOR JANUARY 13, 2015
5. REGULAR COUNTY COUNCIL FOR JANUARY 13, 2015
6. COMMITTEE OF THE WHOLE FOR JANUARY 27, 2015
7. REGULAR COUNTY COUNCIL FOR JANUARY 27, 2015

PUBLIC HEARINGS


Weimer opened the public hearing, and the following people spoke:

Dan Cox, Concrete Nor’West, submitted a handout (on file) and stated he asks that the Council slow down in amending the process until the Surface Mining Advisory Committee finishes its work. The ordinance includes requirements they are opposed to. If the Council chooses areas for mineral resources lands (MRLs), it will be difficult to meet the criteria. The County is not able to agree to mitigation or know detailed mining plans. Consider how the County will suggest designating mineral resource lands.

Brad Davis, Surface Mining Advisory Committee Member, stated the Council should consider the recommendations from the Advisory Committee. As proposed, the Council will have to fund all the environmental reviews before determining mineral resource land areas.

Hearing no one else, Weimer closed the public hearing.
**Mann moved** to forward for concurrent review with other Comprehensive Plan amendment proposals.

Brenner asked if there is a County determination that the County will run out of mineral resources by 2042 and whether it includes variables such as aggregate that is imported and exported.

Josh Fleishmann, Planning and Development Services, stated the aggregate resource update included just the aggregate that is in the ground.

Brenner stated the County should include environmental impact information when it designates mineral resource lands. It’s a problem to designate mineral resource land without any environmental information. Applicants in a designated area feel they have a right to get a permit. She would like the environmental review at the beginning of the process to answer questions and be confident that land designated as a mineral resource land can actually be used as a mineral resource land. She could modify her position if the gravel mining industry can provide information on how much aggregate is imported to and exported from Whatcom county. She agrees with some of the Surface Mining Advisory Committee recommendations, but applicants and attorneys do believe that designated areas should be permitted and mined.

**Browne** stated it’s difficult to ask a business to invest in an environmental review for a project they may not start for ten or 20 years. Connect the expense of an environmental review to revenue. He shares the industry’s concern. He would like to hold this item and have a discussion with the industry. He moved to hold in Council.

The motion to hold in Council carried by the following vote:

**Ayes:** Brenner, Kremen, Browne and Buchanan (4)

**Nays:** Mann and Weimer (2)

### 2. ORDINANCE AMENDING WHATCOM COUNTY HEALTH CODE WCC 24.13, DECONTAMINATION OF ILLEGAL DRUG MANUFACTURING OR STORAGE SITES (AB2015-069) (7:33:32 PM)

John Wolpers, Health Department, gave a staff report and stated the Board of Health directed staff to come up with language and bring forward amendments to address problems. He submitted proposed amendments (on file) that mention distribution when referencing illegal manufacturing and storage.

Brenner asked how distribution of illegal drugs affects areas. Wolpers stated that when drugs are distributed, usually there is also associated drug use.

Weimer opened the public hearing, and the following people spoke:

Dick Conoboy stated the State contamination levels should be lowered. There is no safe level of contamination. There is no empirical evidence to show that there is a decrease of financial barriers to self-reporting and cleanup or that the current ordinance is onerous. This is an attempt to push the cost onto local jurisdictions. The people who live in these places will lose. Don’t adopt this ordinance.
Hearing no one else, Weimer closed the public hearing.

**Mann moved** to refer to the Public Works, Health, and Safety Committee to deal with issues that include the definition of an illegal use site. Given the level of complexity and controversy, it’s good to discuss this in committee.

The motion to refer to committee carried by the following vote:

**Ayes:** Brenner, Mann, Browne, Buchanan, Weimer and Kremen (6)

**Nays:** None (0)

**OPEN SESSION**

(7:43:56 PM)

The following people spoke:

- Wendy Harris spoke on the issue of forming a wildlife management and planning committee in time to inform the Comprehensive Plan update.
- Charles Law spoke on the issue of forming a wildlife management and planning committee in time to inform the Comprehensive Plan update.

Weimer stated councilmembers are interested in the possibility of forming a wildlife management committee and are working on it.

Browne stated he encourages people to submit their names if they are interested in participating.

Kremen stated the committee should have definitive goals and objectives.

Brenner stated she supports the concept, but it will be a complex issue.

- Joseph McDonald submitted and read from a presentation *(on file)* and spoke about animal control issues and unleashed dogs.
- Keith Glading submitted and read from a handout *(on file)* regarding fundraising efforts for the Point Roberts library expansion.
- Ryan Erickson spoke about creating a wildlife management committee.
- Nicholas Kunkel spoke about creating a wildlife management committee.
- Eleanor Hinz, North Sound Bay Team, spoke about creating a wildlife management committee.
- John Lesow submitted a handout *(on file)* and spoke about creating a wildlife management committee and creating and preserving wildlife corridors.
- Ruth Higgins spoke about appointing Satpal Sidhu to the vacant County Council position.
- Mike Kaufman spoke about the utility chapter of the Comprehensive Plan.
- Kris Halterman submitted and read from a handout *(on file)* and spoke about planning for mineral resource lands and appointing Kathy Kershner to the vacant County Council position.
- Donna Kelleher spoke about creating a wildlife management committee and identifying existing wildlife corridors.
- Pat Alesse spoke about the connectedness of ecology and the economy.
Scott Hackett, Pomona Granges, submitted and read from a resolution (on file) and spoke about the Puget Sound Nearshore Ecosystem Restoration Project (PSNERP) and the Council meeting schedule.

Marion Beddill spoke about public education for Lake Whatcom shoreline residents regarding phosphorous pollution in Lake Whatcom.

Greg Brown spoke about appointing Kathy Kershner to the vacant County Council position.

Patricia Small spoke about the criteria for appointing someone to the vacant County Council position.

Brooks Anderson spoke about appointing Satpal Sidhu to the vacant County Council position, accepting public comments during committee meetings, and creating a wildlife management committee.

CONSENT AGENDA

Browne reported for the Finance and Administrative Services Committee and moved to approve Consent Agenda items one and two.

Brenner withdrew item two.

The motion to approve Consent Agenda item one carried by the following vote:

Ayes: Brenner, Mann, Browne, Buchanan, Weimer and Kremen (6)

Nays: None (0)

1. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO AN ECONOMIC DEVELOPMENT INVESTMENT PROGRAM INTERLOCAL LOAN AND GRANT AGREEMENT BETWEEN WHATCOM COUNTY AND THE PORT OF BELLINGHAM FOR THE C STREET TERMINAL INFRASTRUCTURE REHABILITATION PROJECT, IN THE AMOUNT OF $2,000,000 LOAN AND $1,000,000 GRANT (AB2015-083)

2. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO APPROVE THE PURCHASE OF A REPLACEMENT FRONT LOADER, USING THE WASHINGTON STATE CONTRACT, IN THE AMOUNT OF $147,978.70 (AB2015-084)

Brenner stated this is for a second, backup front loader. They don’t need an expensive piece of equipment for a backup. The County has an entire department dedicated to keeping things running and in shape. There are many people in the county who help the County manage snow events. The County doesn’t need to spend this kind of money.

Browne stated the second front loader is used offsite for projects. It’s not a backup unit that sits idle.

Mann stated this seems like an expensive luxury. He would like to see information on the number of hours the machine is used. Staff did not make a strong case today for purchasing the item.
Kremen stated staff told the committee that a reason for the request is because the current front loader is obsolete and parts are difficult to stock. They would like two pieces of machinery that use the same parts. He has reservations about the purchase, but the County would be able to get some revenue by surplusing the obsolete front loader, and the County would be set for many years if it makes this purchase.

Weimer stated the front loader is out in the field being used for road projects. They have gotten the vendor to hold the price at last year’s price, which saves the County about $6,000.

Brenner stated the unit that the County currently owns is capable of doing the work at this point. Staff indicated the equipment was a backup unit. She asked for more information about the cost of repairs, but the costs have remained steady. It’s not a significant reason for replacement. If the County needs backup work, it can contract for the equipment and the service. Don’t replace something just because of its age. There was no information that showed the equipment is falling apart.

Kremen stated he’s not totally convinced about the purchase. He asked why he should support the request.

Tyler Schroeder, Executive’s Office, gave a staff report and stated this model is similar to the front loader the County purchased recently, so they can achieve efficiency by stocking the same parts for both. The Public Works Department doesn’t lightly request replacement of an item this large. He described the Equipment Rental and Revolving (ER&R) fund. The County has had two front loaders since 1993. It’s reasonable to continue that work.

Brenner stated the fact that they’ve always done it this way isn’t a good enough reason for purchasing new equipment. The County can order extra parts of things that need to be replaced rather than having two huge expenditures to share parts.

Browne stated having only one front loader will wear the machine out twice as quickly. Two machines of the same time requires fewer spare parts, operator training, and maintenance.

The motion carried by the following vote:

**Ayes:** Weimer, Kremen, Browne and Buchanan (4)

**Nays:** Brenner and Mann (2)

**OTHER ITEMS**

1. **RESOLUTION PROVIDING GUIDANCE TO THE WATER RESOURCE INVENTORY AREA 1 (WRIA 1) PLANNING UNIT (AB2015-081)**

   Buchanan reported for the Natural Resources Committee and moved to approve the resolution with an amendment to delete the last sentence from the Resource Needs section in Exhibit A, “The County Council has appropriated...as reasonably requested. We believe that the reviews requested above should not require any additional funding for Planning Unit completion, but if that assumption turns out to be incorrect please let us know..."
and provide a detailed budget request as early as possible. The Council cannot unilaterally appropriate more money outside of the normal budget process, but if a good case can be made for the need we are certainly willing to engage the County Executive in discussions to try to make that happen.”

Brenner moved to reinstate the language that the committee recommends striking.

Browne stated that they’ve been funding the Planning Unit for 20 months, and have not gotten any productive work product. He’s reluctant to provide open-ended continuing funding until the Planning Unit members demonstrate that they can govern themselves and produce something the County can use. He’s not opposed to future funding if they can deliver.

Weimer stated that if the Planning Unit needs more money, it will ask. One of the water districts pointed out that much of the money is from the Flood Control Zone District.

Brenner stated the language says the Planning Unit has to make a good case for requesting more funding. This is not the first Planning Unit that’s taken time to come up with a final product. The resolution includes a goal. This language should reassure everyone that the Council is willing to listen to the Planning Unit. Add language to the sentence, “...engage the County Executive when necessary...”

Councilmember Brenner’s motion failed by the following vote:

Ayes: Brenner (1)
Nays: Mann, Weimer, Kremen, Browne and Buchanan (5)

The motion to approve with the amendment carried by the following vote:

Ayes: Brenner, Mann, Browne, Buchanan, Weimer and Kremen (6)
Nays: None (0)

2. ORDINANCE AMENDING THE 2015 WHATCOM COUNTY BUDGET, SECOND REQUEST, IN THE AMOUNT OF $2,364,947 (AB2015-067)

Browne reported for the Finance and Administrative Services Committee and moved to adopt the ordinance.

The motion carried by the following vote:

Ayes: Brenner, Mann, Browne, Buchanan, Weimer and Kremen (6)
Nays: None (0)

3. ORDINANCE (AMENDMENT NO. 1) AMENDING ORDINANCE 2013-060 ESTABLISHING THE STATE STREET BUILDING ACQUISITION AND IMPROVEMENT FUND AND RELATED CAPITAL BUDGET APPROPRIATION (AB2015-068)

Browne reported for the Finance and Administrative Services Committee and moved to adopt the ordinance.

Brenner stated she is opposed to project-based budgets because the contracts don’t come back before the Council for approval. It’s less transparent for the public.
Browne stated the issue of transparency is a concern. The Executive’s Office is preparing a proposal to address the issue, which will come before the Council soon.

Brenner stated she and Councilmember Weimer wrote a draft ordinance that would have taken care of it in the interim. They don’t know what the Executive’s proposal will say. The Council is giving up more and more of its responsibility.

Browne stated he voted against the draft ordinance from Councilmember Brenner because it didn’t address the issue. The proposal didn’t cover project-based funding.

Brenner stated the ordinance did address project-based funding. It removed the clause that gave the County Executive the ability to move forward with project-based budgeting.

Mann stated he wants to reconsider the oversight of project-based budgets, but that won’t prevent him from supporting this ordinance and project.

Buchanan stated he agrees with Councilmember Mann. He looks forward to the discussion about project-based budgets, but he won’t hold up this project, because it is necessary.

**Brenner moved** to amend to remove this item as a project-based budget.

Weimer stated the motion is out of order because they’ve already designated it as a project-based budget.

Kremen asked if the original budget included contingencies.

Tyler Schroeder, Executive’s Office, stated there are contingencies. The money for soil remediation was discussed with Council when they purchased the property. This is just the paperwork to accomplish that funding source into the project fund budget.

The motion carried by the following vote:

- **Ayes:** Mann, Weimer, Kremen, Browne and Buchanan (5)
- **Nays:** Brenner (1)

4. **RESOLUTION INITIATING PROPOSED WHATCOM COUNTY COMPREHENSIVE PLAN AND ZONING ORDINANCE AMENDMENTS (AB2015-085)**

**Mann** reported for the Planning and Development Committee and **moved** to approve the substitute resolution.

Mark Personius, Planning and Development Services Department, stated there is also a request for the Council to grant a fee waiver for the Point Roberts Character Plan.

**Brenner moved** to amend the motion to waive the fee for the Point Roberts Character Plan.
Mann asked what the fee is and what criteria are used to consider waiving the fee. Personius read through the criteria for considering waiving the fee, which is $8,860.

Browne stated this request doesn’t benefit any item or individual, but it benefits the community. He supports the fee waiver.

The motion to amend carried by the following vote:
Ayes: Brenner, Mann, Weimer, Kremen, Browne and Buchanan (6)
Nays: None (0)

The motion to adopt the substitute as amended carried by the following vote:
Ayes: Brenner, Mann, Weimer, Kremen, Browne and Buchanan (6)
Nays: None (0)

COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. APPOINTMENT TO FILL A VACANCY ON THE SURFACE MINING ADVISORY COMMITTEE, SURFACE MINING MATERIAL USER REPRESENTATIVE, APPLICANT: KYLE STRENGHOLT (AB2015-044A)

Brenner moved to appoint Kyle Strengholt.

The motion carried by the following vote:
Ayes: Brenner, Mann, Browne, Buchanan, Weimer and Kremen (6)
Nays: None (0)

EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. REQUEST CONFIRMATION OF THE COUNTY EXECUTIVE’S REAPPOINTMENT OF RICHARD YODER TO THE WHATCOM COUNTY AGRICULTURAL ADVISORY COMMITTEE (AB2015-086)

Brown moved to confirm the appointment.

The motion carried by the following vote:
Ayes: Brenner, Mann, Browne, Buchanan, Weimer and Kremen (6)
Nays: None (0)

APPROVAL OF COMPREHENSIVE PLAN AMENDMENTS

Weimer asked if the Council has a deadline for approving all the amendments.

Mark Personius, Planning and Development Committee, stated they don’t have a deadline. He will schedule the Surface Mining Advisory Committee soon.
1. ORDINANCE REPEALING THE 1994 ELIZA ISLAND PLAN AND AMENDING PROVISIONS IN THE WHATCOM COUNTY COMPREHENSIVE PLAN AND ZONING CODE RELATING TO THE PLAN (AB2014-196)

2. ORDINANCE REPEALING THE 1991 SOUTH FORK VALLEY SUBAREA PLAN AND AMENDING PROVISIONS IN THE WHATCOM COUNTY COMPREHENSIVE PLAN RELATING TO SUBAREA PLANS (AB2014-197)

3. ORDINANCE REPEALING THE 1982 LAKE WHATCOM SUBAREA PLAN AND AMENDING PROVISIONS IN THE WHATCOM COUNTY COMPREHENSIVE PLAN RELATING TO SUBAREA PLANS (AB2014-198)


**INTRODUCTION ITEMS**

Buchanan moved to accept the Introduction Items.

The motion carried by the following vote:

**Ayes:** Brenner, Mann, Browne, Buchanan, Weimer and Kremen (6)

**Nays:** None (0)

1. RECEIPT OF AN APPEAL OF A HEARING EXAMINER DECISION FILED BY JULIE CARNEY AND MICHAEL REID REGARDING LINCOLN PARK RETIREMENT HOME CENTER, CUP2009-0021, LSS 2010-0002 (AB2015-070)


3. RECEIPT OF APPLICATION FOR THE SOLID WASTE ADVISORY COMMITTEE-WASTE COLLECTION INDUSTRY REPRESENTATIVE, APPLICANT: TROY LAUTENBACH (AB2015-079) (APPLICATION DEADLINE FOR ANY OTHER APPLICANTS TO THIS VACANCY IS 10 A.M. ON MARCH 10, 2015)

4. RESOLUTION REGARDING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING REPORT AND NEW APPLICATION (AB2015-087)

**COMMITTEE REPORTS AND OTHER ITEMS**

Brenner stated the paint markers at the roundabout at Slater Road and the freeway are fading, and it’s dangerous.

Tyler Schroeder, Executive’s Office, stated he will look into it.
Letter of support for funding two positions to expand Juvenile Detention Alternative Initiative

Browne stated he submitted a proposed letter (on file) and proposes sending it to the legislative delegation from the 40th and 42nd legislative districts. Sheriff Elfo is requesting this letter. Whatcom County is one of ten counties doing this. He moved to approve the letter.

The motion carried by the following vote:
Ayes: Brenner, Mann, Weimer, Kremen, Browne and Buchanan (6)
Nays: None (0)

COUNCILMEMBER UPDATES

Mann reported on the consequences of the lack of snow in the mountains this year, which will result in a low level of snow melt.

Kremen reported on the recent National Association of Counties (NACO) conference in Washington D.C. and an upcoming meeting about the distribution of tax collected from the marijuana industry in substitute house bill 2136.

Brenner moved to support Councilmember Kremen and the County’s efforts regarding funding associated with marijuana and Substitute House Bill 2136.

The motion carried by the following vote:
Ayes: Brenner, Mann, Weimer, Kremen, Browne and Buchanan (6)
Nays: None (0)

Brenner reported on a recent 4H presentation she judged, information from the League of Women Voters regarding economic insecurity, the opening of the Drayton Harbor Oyster House in Blaine, and a recent award ceremony sponsored by Phillips 66 for middle school math students.

Browne reported on the NACO conference in Washington D.C. and sessions he attended on alternative justice options and the growing issue of cyber security.

Weimer reported on a recent meeting of the Lake Whatcom Policy Group and the possibility of scheduling presentations from nonprofit groups during committee meetings throughout the year.

ADJOURN

The meeting adjourned at 9:27 p.m.

The County Council approved these minutes on _______, 2015.
DISCLAIMER: This document is a draft and is provided as a courtesy. This document is not to be considered as the final minutes. All information contained herein is subject to change upon further review and approval by the Whatcom County Council.

ATTEST: WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

______________________________  ___________________________
Dana Brown-Davis, Council Clerk   Carl Weimer, Council Chair

______________________________
Jill Nixon, Minutes Transcription

Regular County Council Meeting, 3/3/2015, Page 12
CALL TO ORDER

Council Chair Carl Weimer called the meeting to order at 7:00 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

(7:01:23 PM)

Present: Barbara Brenner, Ken Mann, Carl Weimer, Pete Kremen, Rud Browne and Barry Buchanan.

Absent: None.

FLAG SALUTE

ANNOUNCEMENTS

SPECIAL ORDER OF BUSINESS

1. NOMINATION AND APPOINTMENT TO FILL DISTRICT 2, POSITION B, VACANCY ON THE WHATCOM COUNTY COUNCIL (AB2015-071)

Mann nominated all three applicants.

Brenner stated all candidates are extremely qualified. She will support someone who has stated he won’t run for County Council, because she does not want to give someone an advantage at the election.

Mann stated he agrees that all candidates are qualified, and he appreciates their willingness to volunteer.

Weimer stated he also agrees that all candidates are well qualified.

Browne voted for Sidhu.

Mann voted for Sidhu.

Brenner voted for Cozad.

Kremen voted for Sidhu.
Buchanan voted for Sidhu.

Weimer voted for Sidhu.

The Council appointed Satpal Sidhu.

ANNOUNCEMENTS

Weimer thanked James Gibson for attending.

CITIZEN BOARD AND COMMITTEE VACANCIES

Weimer announced four vacancies on the Noxious Weed Control Board.

PUBLIC HEARINGS

1. RESOLUTION REGARDING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDING REPORT AND NEW APPLICATION (AB2015-087)

(Clerk’s Note: The CDBG required handouts were included in the Council’s packet and available to the public at the public hearing.)

Weimer opened the public hearing, and the following people spoke:

Sherry Emerson stated she thanks the Council for approving the grant last year. This is a renewal. The grant helps provide services to rural Whatcom county, including the East Whatcom Regional Resource Center.

Paul Schissler stated the County brings in nonlocal matching funds and passes them through to matching projects. The County works with public and private sector partners to compete for this funding. The program with the Opportunity Council works well. There are other opportunities for the County to bring in funds for other projects. It’s possible the funding can be used for housing affordability. Whatcom County and Skagit County can work together to make homes affordable.

Hearing no one else, Weimer closed the public hearing.

Buchanan moved to approve the resolution.

Brenner referenced the resolution and asked whether Jack Louws should be designated as the chief administrative official for the County for the term of the grant, since his term of office ends this year. She moved to amend the last paragraph of the resolution, “Whatcom County designates Jack Louws, the County Executive as the authorized....”

Weimer stated he doesn’t know if a name is required for the grant, and it can be changed if necessary.
The motion to amend failed by the following vote:

**Ayes:** Brenner and Kremen (2)

**Nays:** Mann, Weimer, Browne and Buchanan (4)

The motion to approve the resolution carried by the following vote:

**Ayes:** Brenner, Mann, Weimer, Kremen, Browne and Buchanan (6)

**Nays:** None (0)

**OPEN SESSION**

The following people spoke:

- Kathy Bovencamp spoke about the discussion regarding citizen interest in establishing railroad quiet zones (AB2015-088).
- Bob Earl spoke about the discussion regarding citizen interest in establishing railroad quiet zones (AB2015-088).

**CONSENT AGENDA**

Browne reported for the Finance and Administrative Services Committee and moved to approve Consent Agenda items one through three.

The motion carried by the following vote:

**Ayes:** Brenner, Mann, Browne, Buchanan, Weimer and Kremen (6)

**Nays:** None (0)

1. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A LOCAL AGENCY STANDARD CONSULTANT AGREEMENT BETWEEN WHATCOM COUNTY AND TRANTECH ENGINEERING LLC FOR PRELIMINARY ENGINEERING WORK AND AN ALTERNATIVE ANALYSIS TO AID IN SELECTING A PERMANENT REPLACEMENT OPTION FOR THE EXISTING SLATER ROAD/JORDAN CREEK CULVERT, IN THE AMOUNT OF $99,720.50 (AB2015-093)

2. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO APPROVE THE PURCHASE OF WATERBORNE TRAFFIC LINE PAINT FOR 2015 USING THE WASHINGTON STATE CONTRACT, FROM VENDOR ALPINE PRODUCTS, IN AN AMOUNT UP TO $500,000 (AB2015-094)

3. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO APPROVE THE PURCHASE OF RETRO-REFLECTIVE MATERIALS, USING THE WASHINGTON STATE CONTRACT, FROM VENDOR ALPINE PRODUCTS, IN AN AMOUNT UP TO $100,000 (AB2015-095)

**OTHER ITEMS**
1. RESOLUTION SETTING HEARING AND NOTICE OF HEARING OF THE SALE OF COUNTY TAX TITLE PROPERTY BY NEGOTIATION - REQUEST NO. TR2015-01 (AB2015-091)  
   Browne reported for the Finance and Administrative Services Committee and moved to approve the resolution.  
   The motion carried by the following vote:  
   Ayes: Brenner, Mann, Browne, Buchanan, Weimer and Kremen (6)  
   Nays: None (0)  

2. RESOLUTION SETTING HEARING AND NOTICE OF HEARING OF THE SALE OF COUNTY TAX TITLE PROPERTY BY NEGOTIATION - REQUEST NO. TR2015-02 (AB2015-092)  
   Browne reported for the Finance and Administrative Services Committee and moved to approve the resolution.  
   The motion carried by the following vote:  
   Ayes: Brenner, Mann, Browne, Buchanan, Weimer and Kremen (6)  
   Nays: None (0)  

3. RESOLUTION APPROVING A CHANGE TO THE COLOR OF ROAD NAME SIGNS (AB2015-096)  
   Brenner reported for the Public Works, Health, and Safety Committee and moved to approve the resolution.  
   The motion carried by the following vote:  
   Ayes: Brenner, Mann, Browne, Buchanan, Weimer and Kremen (6)  
   Nays: None (0)  

COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES  

1. APPOINTMENT TO THE SOLID WASTE ADVISORY COMMITTEE-WASTE COLLECTION INDUSTRY REPRESENTATIVE, APPLICANT: TROY LAUTENBACH (AB2015-079)  
   Brenner moved to appoint Troy Lautenbach.  
   The motion carried by the following vote:  
   Ayes: Brenner, Mann, Browne, Buchanan, Weimer and Kremen (6)  
   Nays: None (0)  

EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES
1. REQUEST CONFIRMATION OF THE COUNTY EXECUTIVE’S REAPPOINTMENTS TO VARIOUS EXECUTIVE BOARDS AND COMMITTEES (AB2015-097)

*Browne moved* to confirm the appointments.

The motion carried by the following vote:
- **Ayes:** Brenner, Mann, Browne, Buchanan, Weimer and Kremen (6)
- **Nays:** None (0)

**INTRODUCTION ITEMS**

*Mann moved* to accept the Introduction Items, including a substitute ordinance for item two. He reported for the Planning and Development Committee about the changes in the substitute ordinance.

The motion carried by the following vote:
- **Ayes:** Brenner, Mann, Browne, Buchanan, Weimer and Kremen (6)
- **Nays:** None (0)

1. RECEIPT OF APPLICATION FOR THE SUMAS/EVERSON/NOOKSACK FLOOD SUBZONE, APPLICANT: CHUCK GELWICKS (AB2015-089) (APPLICATION DEADLINE FOR ANY OTHER APPLICANTS TO THIS VACANCY IS 10 A.M. ON MARCH 24, 2015)

2. ORDINANCE ALLOWING MARIJUANA PRODUCTION, PROCESSING AND RETAILING AS AUTHORIZED BY WASHINGTON STATE INITIATIVE 502 (AB2015-099)

3. ORDINANCE AMENDING THE 2015 WHATCOM COUNTY BUDGET, THIRD REQUEST, IN THE AMOUNT OF $304,500 (AB2015-098)

4. RESOLUTION AUTHORIZING THE SALE OF COUNTY TAX TITLE PROPERTY BY NEGOTIATION - REQUEST NO. 2015-01 (AB2015-091A)

5. RESOLUTION AUTHORIZING THE SALE OF COUNTY TAX TITLE PROPERTY BY NEGOTIATION - REQUEST NO. 2015-02 (AB2015-092A)

6. ORDINANCE FINALIZING A REVISED SYSTEM OF ASSESSMENT FOR CONSOLIDATION DRAINAGE IMPROVEMENT DISTRICT NO. 21 (AB2015-100)

**COMMITTEE CHAIR REPORTS**

Buchanan reported for the Natural Resources Committee on the *overview of the GreenLink project and potential County participation (AB2015-101)* and stated this item will be discussed at a later date.
Brenner reported for the Public Works, Health, and Safety Committee about the discussion regarding citizen interest in establishing railroad quiet zones (AB2015-088). This item was discussed at the request of residents near the Yacht Club Road railroad crossing, who have said they want to help pay for the County and Burlington Northern Santa Fe (BNSF) Railroad to create a safer crossing and designate the area a quiet zone. She moved to recommend that the Council request the administration to engage BNSF to determine necessary safety improvements and develop a preliminary cost estimate to create a quiet zone.

The motion carried by the following vote:

Ayes: Brenner, Mann, Weimer, Kremen, Browne and Buchanan (6)
Nays: None (0)

OTHER COUNCIL BUSINESS

Browne submitted a handout (on file) on project prioritization for flood control construction cost-share programs. The Council will discuss it at the next Surface Water Work Session. He fully supports all items, and particularly supports the DeBoer culvert/gate projects. He discovered on a site visit that they really need to be fixed. When the river level is up, it currently floods more than 300 acres. Also, he suggests that the Flood Control Zone District Advisory Committee alter its membership to include former member Harry Williams, who has provided very good service. He would like to make sure they get to keep everyone who wants to serve.

Brenner stated the Planning Department put together very entertaining videos on the critical areas ordinance and wetlands. The staff are very talented.

Weimer stated the County has a new website that launched this week.

Brenner stated she attended a recent meeting with other elected officials about housing and the Growth Management Act. The Municipal Research and Services Center (MRSC) research shows that accessory dwelling units (ADUs) are a good idea and are important for infill. Like other counties and cities have done, the County should create engineered, off-the-shelf designs that neighborhoods can choose from. It’s important to encourage and incentivize them in areas where they want growth.

COUNCILMEMBER UPDATES

Mann stated he’s been reaching out to the law enforcement and the criminal justice community through the new jail project, and he has learned how much mental health is a factor in criminal justice. He appreciates the new mental health court. He is a member of the North Sound Mental Health Administration Board, which is very interested in helping the County to find solutions to mental health and the criminal justice system. Jails shouldn’t be last-ditch mental health institutions. North Sound Mental Health Administration may be able to find funding and help contribute to a mental health crisis center. They will have a presentation and discussion with the Council.
Weimer stated he is on the Northwest Clean Air Agency, which recently awarded Tony’s Coffee in Fairhaven the platinum award for reducing air pollution.

Brenner stated the Behavioral Health Advisory Committee also had a discussion on mental health and criminal justice. She is concerned about what the public thinks was the purpose of the last one-tenth of one percent sales tax. The County must thoroughly educate the public on the numbers, and why the County needs additional funding. People should feel empowered with good information throughout this process. In addition to the jail, the County could implement a lot of diversion options.

Kremen stated he’s been working with the Washington State Association of Counties (WSAC) and their transportation analyst regarding state legislation for ferry funding. The Lummi Island Ferry Advisory Committee will be making fee structure recommendations. He’s working with the WSAC staff to change the language currently proposed in the state legislation that prohibits the County from altering its ferry fee schedule, so that the effective date will be July 1, 2015 instead of January 1, 2015.

Brenner stated she’s attended the Lummi Island Ferry Advisory Committee meetings, and didn’t realize WSAC was doing that. She wrote to the local legislative designation to suggest that they exempt surcharges.

ADJOURN

The meeting adjourned at 7:38 p.m.

The County Council approved these minutes on ______, 2015.

ATTEST:

WHATCOM COUNTY COUNCIL

WHATCOM COUNTY, WASHINGTON

______________________________  ___________________________
Dana Brown-Davis, Council Clerk   Carl Weimer, Council Chair

______________________________
Jill Nixon, Minutes Transcription
### TITLED OF DOCUMENT:
An Ordinance allowing for marijuana production, processing and retailing as authorized by Washington State Initiative 502, and replacing Interim Ordinance 2014-053 that was adopted on October 14, 2014.

### ATTACHMENTS:
1. Cover Letter
2. Ordinance – track changes
3. Ordinance – non-track changes
4. Planning Commission Findings
5. PDS Staff Report, February 3, 2015

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

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

An Ordinance allowing for marijuana production, processing and retailing as authorized by Washington State Initiative 502, and replacing Interim Ordinance 2014-053 that was adopted on October 14, 2014.

### COMMITTEE ACTION:
3/17/2015: Amended and Approved

### COUNCIL ACTION:
3/17/2015: Substitute Introduced 6-0

### 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)
MEMORANDUM

TO: Honorable members of the Whatcom County Council

FROM: Nick Smith, Permit Center Specialist  
Amy Keenan, AICP Senior Planner

THROUGH: Mark Personius, Long Range Planning Manager

DATE: March 3, 2015

SUBJECT: Amend Whatcom County Code Title 20 to define and regulate recreational marijuana type uses as allowed by Washington State Initiative 502.

Background:
On April 22, 2014, the Whatcom County Council adopted interim Ordinance 2014-027, which put in place (for a period of six months) interim zoning regulations for recreational marijuana type uses (production, processing and retailing) as authorized by Washington State Initiative 502. On October 14, 2014, the Whatcom County Council extended the interim regulations with the adoption of Ordinance 2014-053. Ordinance 2014-053 is set to expire on April 25, 2015.

Currently, Whatcom County has accepted nine administrative use permits, 15 commercial building permits and four commercial tenant improvement permits for marijuana production, processing and retail facilities. PDS staff has contacted the Whatcom County Sheriff's Office requesting information on law enforcement activity associated with recreational marijuana facilities. To date, staff has received no information regarding law enforcement activity.

Proposal:
The proposal is to permanently adopt the current requirements of the interim code (Whatcom County Ordinance: 2014-053) and make the following minor modifications:

- Clarify how the setback is measured from a marijuana facility to a community center, to be consistent with WAC 314-55-050(10);
- Clarify how the measurement is taken from a marijuana facility to a residential structure;
- Allow the zoning administrator to require a landscape buffer consistent to WCC 20.80.345 for marijuana production and processing facilities in the Rural Residential, Rural Residential-Island, Rural, Agriculture and Rural Forestry zone districts;
• Require all indoor marijuana production and processing facilities to install a mechanical ventilation system that is prepared by a Washington State Licensed Engineer to control odor.
• Amend the definitions of marijuana processing, production and retail to include “facility.”
• Include additional requirements for marijuana signage to be consistent with WAC 314-55-155, which requires the signage to be less than 1600 square inches.

Please feel free to contact me with any questions about this proposal at 360- 676-6907 x 50216 or at nsmith@whatcomcounty.us.
ORDINANCE NO. 2015-_______

ORDINANCE ALLOWING MARIJUANA PRODUCTION, PROCESSING AND RETAILING AS AUTHORIZED BY WASHINGTON STATE INITIATIVE 502

WHEREAS, on November 6, 2012, Initiative 502 was passed by the voters of the State of Washington, thereby amending Chapter 69.50 RCW and providing the regulatory framework for marijuana producers, processors, and retailers to become licensed by the Washington State Liquor Control Board ("WSLCB"); and

WHEREAS, on November 16, 2013, the WSLCB adopted final marijuana licensing rules as codified in Chapter 314-55 WAC; and

WHEREAS, during the period between November 18, 2013 and December 20, 2013, the WSLCB accepted marijuana license applications for marijuana production, processing and retail facilities; and

WHEREAS, Whatcom County began receiving notifications of proposed marijuana facilities from the WSLCB in mid-December, 2013; and

WHEREAS, the WSLCB began issuing marijuana producer, processor, and retail licenses to qualified applicants starting in April, 2014; and

WHEREAS, marijuana facilities as authorized under Initiative 502, are currently not specifically addressed in Whatcom County Code; and

WHEREAS, on September 28, 2013, Whatcom County Planning and Development Services adopted Zoning Interpretation Policy: PL1-73-003Z which determined that marijuana proposed uses, as allowed by Initiative 502, would be regulated in the same way as any other commodity that is grown, processed, or sold in Whatcom County; and

WHEREAS, on January 16, 2014, the Washington State Attorney General issued an opinion stating that Initiative 502 does not preempt counties from banning or placing additional regulatory requirements on marijuana related businesses within their jurisdictions; and

WHEREAS, on February 11, 2014, the Whatcom County Council adopted Ordinance 2014-011, an emergency ordinance imposing a moratorium on the acceptance of all building and/or land use applications that pertain to marijuana producers, processors, and retailers; and

WHEREAS, on March 25, 2014, the Whatcom County Council adopted Ordinance 2014-019, an interim ordinance removing the moratorium and enacting interim regulations pertaining to marijuana producers, processors, and retailers; and

WHEREAS, on April 22, 2014, the Whatcom County Council adopted Ordinance 2014-027, an interim ordinance replacing Ordinance 2014-019 and enacting revised interim regulations pertaining to marijuana producers, processors, and retailers; and
WHEREAS, on October 14, 2014, the Whatcom County Council extended the interim regulations pertaining to marijuana producers, processors, and retailers of Ordinance 2014-027 with the adoption of Ordinance 2014-053; and

WHEREAS, this ordinance would adopt permanent regulations to provide protection to communities and residential uses surrounding marijuana related businesses, as well as provide WSLCB applicants the opportunity to apply for building and/or land use permits; and

WHEREAS, on March 31, 2015, the Whatcom County Council held a public hearing; and

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

FINDINGS

1. Notice of the proposed amendment was sent to the Department of Commerce and other state agencies on February 3, 2015.

2. On February 5, 2015 the Whatcom County State Environmental Policy Act (SEPA) Official issued a SEPA threshold Determination of Non-Significance (DNS); a non-project action. The comment period for this determination ended on February 19, 2015 and no comments were received.

3. Notice of the Planning Commission hearing for the proposed text amendment was published in the Bellingham Herald on January 30 and February 16, 2015.

4. The Planning Commission held two public hearings on the proposed amendments on February 12 and February 26, 2015.

5. The proposal adopts the development regulations as outlined in Interim Ordinance 2014-053 with the following changes:

   • Defines marijuana processing, production and retail to include “facility;”

   • Requires marijuana signage for retail facilities to be consistent with WAC 314-55-155;

   • Clarifies how the setback is measured from a marijuana facility to a community center, to be consistent with WAC 314-55-050(10);

   • Clarifies how the measurement is taken from a marijuana facility to a residential structure;

   • Allows the zoning administrator to require a landscape buffer consistent to WCC 20.80.345 for marijuana production and processing facilities in the Rural, Agriculture and Rural Forestry zone districts; and

   • Requires that all indoor marijuana production and processing facilities to install a mechanical ventilation system that is designed by a Washington State Licensed Engineer to control odor;

   • Remove marijuana processing and production from the Rural Residential and Rural Residential – Island zones and remove marijuana retail from Resort Commercial zone.
6. Pursuant to Whatcom County Code (WCC) 20.90.050, Whatcom County Planning and Development Services has: evaluated the proposed amendment in relationship to the goals, objectives and policies of the Whatcom County Comprehensive Plan as authorized by the Washington State Growth Management Act (GMA) – RCW 36.70A; and considered possible environmental impacts that have been identified by the lead agency designated SEPA official through the State Environmental Policy Act (SEPA) threshold determination process.

CONCLUSIONS

1) The proposed amendments are consistent with the Comprehensive Plan, and are in the public interest.

2) The proposed amendments should not result in any significant environmental impacts.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the Whatcom County Zoning Code is hereby amended as shown in Exhibit A.

BE IT FINALLY ORDAINED that if any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional; such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have passed this code and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

ADOPTED this _____ day of __________________________, 2015.

ATTEST:

___________

Dana Brown-Davis, County Clerk

APPROVED AS TO FORM:

[Signature]

Civil Deputy Prosecutor

WHATCOM COUNTY COUNCIL

WHATCOM COUNTY, WASHINGTON

___________

Carl Weimer, Council Chair

( ) Approved    ( ) Denied

Date: __________________
EXHIBIT A (Revised 3/17/2015)

Chapter 20.32 Rural Residential (RR) District

20.32.050 Permitted uses:

058 Marijuana production, provided:

(1) The facility shall not be located within 1,000 feet of a community center. The distance to a community center shall be measured along the most direct route over or across established public walks, streets, or other public passageways between the proposed facility and the nearest property line of a parcel on which a community center is located.

(2) The facility shall not be located within 300 feet of any existing residential unit not located on the same parcel as the facility, the closest point of a single-family dwelling (structure) to any structure or fence used for the production of marijuana. The zoning administrator may waive this spacing requirement from residential units if the owners of all existing residential units within 300 feet provide a notarized written agreement as provided by the department consenting to the facility, and the waiver is approved through an administrative approval process per WCC 20.84.235.

(3) The facility shall not exceed a total of 2,000 square feet, except where the facility is contained within a building that existed on the effective date of this ordinance.

20.32.130 Administrative approval uses:

136, provided:

(1) The facility is accessory to the on-site production of marijuana.

(2) The facility shall not be located within 1,000 feet of a community center. The distance to a community center shall be measured along the most direct route over or across established public walks, streets, or other public passageways between the proposed facility and the nearest property line of a parcel on which a community center is located.

(3) The facility shall not be located within 300 feet of any existing residential unit not located on the same parcel as the facility, the closest point of a single-family dwelling (structure) to any structure or fence used for the processing of marijuana. The zoning administrator may waive this spacing
requirement if the owners of all existing residential units within 300 feet provide a notarized written agreement as provided by the department consenting to the facility.

(4) The facility employs no more than 10 permanent employees.

(5) The total area used for marijuana processing and production shall not exceed 2,000 square feet, except where the facility is contained within a building that existed on the effective date of this ordinance.

Chapter 20.34 Rural-Residential—Island (RRI) District

20.34.050 Permitted uses:

.060 Marijuana production, provided

(1) The facility shall not be located within 1,000 feet of a community center. The distance to a community center shall be measured along the most direct route over or across established public walks, streets, or other public passageways between the proposed facility and the nearest property line of a parcel on which a community center is located.

(2) The facility shall not be located within 300 feet of any existing residential unit not located on the same parcel as the facility. The closest point of a single-family dwelling (structure) to any structure or fence used for the production of marijuana. The zoning administrator may waive this spacing requirement from residential units if the owners of all existing residential units within 300 feet provide a notarized written agreement as provided by the department consenting to the facility, and the waiver is approved through an administrative approval process per WCC 20.84.235.

(3) The facility shall not exceed a total of 2,000 square feet, except where the facility is contained within a building that existed on the effective date of this ordinance.

20.34.130 Administrative approval uses:

.136 provided:
(1) The facility is accessory to the on-site production of marijuana.
(2) The facility shall not be located within 1,000 feet of a community center. The distance to a community center shall be measured along the most direct route over or across established public walks, streets, or other public passageways between the proposed facility and the nearest property line of a parcel on which a community center is located.
(3) The facility shall not be located within 300 feet of any existing residential unit not located on the same parcel as the facility, the closest point of a single-family dwelling (structure) to any structure or fence used for the processing of marijuana. The zoning administrator may waive this spacing requirement if the owners of all existing residential units within 300 feet provide a notarized written agreement as provided by the department consenting to the facility.
(4) The facility employs no more than 10 permanent employees.
(5) The total area used for marijuana processing and production shall not exceed 2,000 square feet, except where the facility is contained within a building that existed on the effective date of this ordinance.

Chapter 20.36 Rural (R) District

.062 Marijuana production facility, provided that in addition to the criteria found in WCC 20.80.690-694:

(1) The facility shall not be located within 1,000 feet of a community center. The distance shall be measured as the shortest straight line distance from the property line of the proposed building/business location to the property line of the community center.
(2) The facility shall not be located within 300 feet of any existing residential unit not located on the same parcel as the facility. The distance shall be measured as the shortest straight line distance from the closest point of a single-family dwelling (structure) to any structure or fence used for the production of marijuana. The zoning administrator may waive this spacing requirement from residential units if the owners of all existing residential units within 300 feet provide a notarized written agreement as provided
by the department consenting to the facility, and the waiver is approved through an administrative approval process per WCC 20.84.235.

(3) On parcels smaller than 4.5 acres the facility shall not exceed a total of 2,000 square feet, except where the facility is contained within a building that existed on the effective date of this ordinance.

20.36.130 Administrative approval uses.

.137 Marijuana processing facility, provided that in addition to the criteria found in WCC 20.80.690-694 and WCC 20.84.235:

(1) The facility is accessory to the on-site production of marijuana.

(2) The facility shall not be located within 300 feet of any existing residential unit not located on the same parcel as the facility. The distance shall be measured as the shortest straight line distance from the closest point of a single-family dwelling (structure) to any structure or fence used for the processing of marijuana. The zoning administrator may waive this spacing requirement if the owners of all existing residential units within 300 feet provide a notarized written agreement as provided by the department consenting to the facility.

(3) On parcels smaller than 4.5 acres the total area used for marijuana processing and production shall not exceed 2,000 square feet, except where the facility is contained within a building that existed on the effective date of this ordinance.

Chapter 20.40 Agriculture (AG) District

20.40.050 Permitted uses.

.059 Marijuana production facility, provided that in addition to the criteria found in WCC 20.80.690-694:
(1) The facility shall not be located within 1,000 feet of a community center. The distance shall be measured as the shortest straight line distance from the property line of the proposed building/business location to the property line of the community center.

(2) The facility shall not be located within 300 feet of any existing residential unit not located on the same parcel as the facility. The distance shall be measured as the shortest straight line distance from the closest point of a single-family dwelling (structure) to any structure or fence used for the production of marijuana. The zoning administrator may waive this spacing requirement from residential units if the owners of all existing residential units within 300 feet provide a notarized written agreement as provided by the department consenting to the facility, and the waiver is approved through an administrative approval process per WCC 20.84.235.

20.40.100 Accessory uses.

.115 Marijuana processing facility, provided in addition to the criteria found in WCC 20.80.690-694:

(1) The facility is accessory to the on-site production of marijuana.

(2) The facility shall not be located within 300 feet of any existing residential unit not located on the same parcel as the facility. The distance shall be measured as the shortest straight line distance from the closest point of a single-family dwelling (structure) to any structure or fence used for the processing of marijuana. The zoning administrator may waive this spacing requirement if the owners of all existing residential units within 300 feet provide a notarized written agreement as provided by the department consenting to the facility, and the waiver is approved through an administrative approval process per WCC 20.84.235.

Chapter 20.42 Rural Forestry (RF) District

20.42.050 Permitted uses.
.070 Marijuana production facility, provided that in addition to the criteria found in WCC 20.80.690-694:

(1) The facility shall not be located within 1,000 feet of a community center. The distance shall be measured as the shortest straight line distance from the property line of the proposed building/business location to the property line of the community center.

(2) The facility shall not be located within 300 feet of any existing residential unit not located on the same parcel as the facility. The distance shall be measured as the shortest straight line distance from the closest point of a single-family dwelling (structure) to any structure or fence used for the production of marijuana. The zoning administrator may waive this spacing requirement from residential units if the owners of all existing residential units within 300 feet provide a notarized written agreement as provided by the department consenting to the facility, and the waiver is approved through an administrative approval process per WCC 20.84.235.

......

20.42.100 Accessory uses.

......

.106 Marijuana processing facility, provided that in addition to the criteria found in WCC 20.80.690-694:

(1) The facility is accessory to the on-site production of marijuana.
(2) The facility shall not be located within 300 feet of any existing residential unit not located on the same parcel as the facility. The distance shall be measured as the shortest straight line distance from the closest point of a single-family dwelling (structure) to any structure or fence used for the processing of marijuana. The zoning administrator may waive this spacing requirement if the owners of all existing residential units within 300 feet provide a notarized written agreement as provided by the department consenting to the facility, and the waiver is approved through an administrative approval process per WCC 20.84.235.

......

Chapter 20.51 Lake Whatcom Watershed Overlay District

......

20.51.080 Prohibited uses.
In addition to the uses prohibited in the underlying zone districts, the following uses are prohibited, except as per Chapter 20.83 WCC:

.102 Marijuana production or processing facility.

Chapter 20.59 Rural General Commercial (RGC) District

20.59.050 Permitted uses.

.051 Retail and office type uses.

(4) Retail establishments including but not limited to grocery, liquor, drug, sundries, variety, building supplies, clothing, florist, nurseries, optical, sporting goods, appliance, music, pet stores and marijuana retail facilities.

Chapter 20.60 Neighborhood Commercial Center (NC) District

20.60.050 Permitted uses.

.051 Retail and office type uses.

(7) Marijuana retail facility, not greater than 2,500 square feet.

(8) Other convenience retail shops not greater than 2,500 square feet per shop.

(9) Professional offices not greater than 2,500 square feet per business.
Chapter 20.61 Small Town Commercial (STC) District

20.61.050 Permitted uses.

.051 Retail and office type uses.

(4) Retail establishments with less than 2,500 square feet of retail floor area per establishment, including but not limited to liquor, drug, sundries, variety, clothing, florist, optical, sporting goods, appliance, craft, music, pet stores and marijuana retail facilities.

Chapter 20.62 General Commercial (GC) District

20.62.050 Permitted uses.

.059 Retail establishments including but not limited to grocery, liquor, drug, sundries, variety, building supplies, clothing, florist, nurseries, optical, sporting goods, appliance, music, pet stores and marijuana retail facilities.

Chapter 20.64 Resort Commercial (RC) District

20.64.050 Permitted uses.

.059 Retail establishments including but not limited to grocery, liquor, drug, sundries, variety, building supplies, clothing, florist, nurseries, optical, sporting goods, appliance, music, pet stores and marijuana retail.
Chapter 20.66 Light Impact Industrial (LII) District

20.66.050 Permitted uses.

.087 Marijuana production or processing facility.

20.66.700 Performance standards.

.709 Marijuana Odor

For indoor facilities no odor or smoke shall be emitted that is detectable at or beyond the walls of the facility, in such a concentration or of such duration as to cause a public nuisance, or threaten health or safety, or to unreasonably infringe upon the use and enjoyment of neighboring use. The applicant shall install an exhaust system that is designed and constructed to capture sources of contaminants to prevent spreading of contaminants or odors to other occupied parts of the building or surrounding area. The system must be designed by a licensed Washington State Professional Engineer.

Chapter 20.68 Heavy Impact Industrial (HII) District

20.68.050 Permitted uses.

.066 Marijuana production or processing facility.

.709 Marijuana Odor

For indoor facilities no odor or smoke shall be emitted that is detectable at or beyond the walls of the facility, in such a concentration or of such duration as to
cause a public nuisance, or threaten health or safety, or to unreasonably infringe upon the use and enjoyment of neighboring use. The applicant shall install an exhaust system that is designed and constructed to capture sources of contaminants to prevent spreading of contaminants or odors to other occupied parts of the building or surrounding area. The system must be designed by a licensed Washington State Professional Engineer.

Chapter 20.69 Rural Industrial Manufacturing (RIM) District

20.69.050 Permitted uses.

.053 Agriculture type uses.

Uses related to agriculture including, but not limited to:

(10) Marijuana production facility.

(11) Marijuana processing facility.

20.69.700 Performance standards.

.708 Marijuana Odor

For indoor facilities no odor or smoke shall be emitted that is detectable at or beyond the walls of the facility, in such a concentration or of such duration as to cause a public nuisance, or threaten health or safety, or to unreasonably infringe upon the use and enjoyment of neighboring use. The applicant shall install an exhaust system that is designed and constructed to capture sources of contaminants to prevent spreading of contaminants or odors to other occupied parts of the building or surrounding area. The system must be designed by a licensed Washington State Professional Engineer.

Chapter 20.71 Water Resource Protection Overlay District
20.71.200 Prohibited uses.

In addition to the uses prohibited in the underlying zone districts, the following uses are prohibited, except as per Chapter 20.83 WCC:

.222 Marijuana production facility.

Chapter 20.80 Supplementary Requirements

20.80.210 Minimum setbacks.

<table>
<thead>
<tr>
<th>Resource Lands Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Agricultural (AG)</strong></td>
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</tr>
<tr>
<td><strong>Road Type</strong></td>
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<tr>
<td>Commercial, Industrial,</td>
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<tr>
<td>I-5, State Hwys,</td>
</tr>
<tr>
<td>Principal &amp; Minor</td>
</tr>
<tr>
<td>Arterials</td>
</tr>
<tr>
<td>50'</td>
</tr>
</tbody>
</table>

1. The 50-foot front yard setback requirement for new buildings or additions may be waived if the zoning administrator finds the new building or addition is located along the same building line(s) of existing structures and will result in no additional encroachment and the public interest, safety and health are protected; provided, that for a new building the applicant shall also demonstrate that the proposed location is necessary for the economic viability and the continued operation of the agricultural use.

2. The minimum separation between new residences not located on the same property and farm uses such as barns, pens, milking sheds, or areas used to contain, house or feed animals or store manure or feed shall be 300 feet. New farm uses such as barns, pens,
milking sheds, or areas used to contain, house or feed animals or store manure or feed shall be situated at least 150 feet from existing residences not located on the same property. Expansion of existing facilities within the 150-foot buffer, providing such expansion is not closer to a neighbor’s residence, and pastures are excluded from this section’s requirements.

3. Parcels of less than five nominal acres shall have the following minimum setbacks:

Front yards:
- Primary arterials and secondary arterials: 45 feet.
- Collector arterials: 35 feet.
- Neighborhood collectors, local access streets: 25 feet.
- Minor access streets: 20 feet.

Minimum front yard requirements can be reduced by the zoning administrator for boundary line adjustments or farmstead parcels established through WCC 20.40.253 and 20.40.254 if the proposed placement of the structures will result in a better fit with critical areas or prime soils and goes through the approval process in Chapter 21.03 WCC. In no case shall front yard depth be less than 20 feet.

Side yards: minimum side yard setbacks shall be five feet. For boundary line adjustments or farmstead parcels established through WCC 20.40.253 and 20.40.254, the exterior side yard and exterior rear yard requirements of habitable structures shall be 30 feet.

Rear yards: minimum rear yard setbacks shall be five feet.

4. A marijuana production or processing facility shall not be located within 1,000 feet of a community center. The distance shall be measured as the shortest straight line distance from the property line of the proposed building/business location to the property line of the community center.

5. A marijuana production or processing facility shall not be located within 300 feet of any existing residential unit not located on the same parcel as the facility. The distance shall be measured as the shortest straight line distance from the closest point of a single-family dwelling (structure) to any structure or fence used for the production or processing of marijuana. The zoning administrator may waive this spacing requirement from residential units if the owners of all existing residential units within 300 feet provide a notarized written agreement as provided by the department consenting to the facility, and the waiver is approved through an administrative approval process per WCC 20.84.235.

46. A 10-foot setback from the international border between Canada and the United States shall be maintained as an open space vista. The 10-foot setback area may be used for
landscaping, agriculture, and natural vegetation. Structures may only be built within the 10-foot setback area after approval from the International Boundary Commission.

### Commercial Forestry (CF)

<table>
<thead>
<tr>
<th>Road Type</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial, Industrial, I-5, State Hwys, Principal &amp; Minor Arterials</td>
<td>Collector Arterials or Major Collectors</td>
</tr>
<tr>
<td>45'</td>
<td>35'</td>
</tr>
</tbody>
</table>

#### Water Resource Protection Overlay

| 30' | 30' | 20' | 20' | 20' | 20' | 100' | 100' |

1. Parcels utilized solely for community centers shall observe the following minimum setback requirements: front yard: 50 feet; side yard: 25 feet; rear yard: 25 feet.

### Rural Forestry (RF)

<table>
<thead>
<tr>
<th>Road Type</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial, Industrial, I-5, State Hwys, Principal &amp; Minor Arterials</td>
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</tr>
<tr>
<td>45'</td>
<td>35'</td>
</tr>
</tbody>
</table>

#### Water Resource Protection Overlay

| 30' | 30' | 20' | 20' | 20' | 20' | 20' | 20' |

1. Setbacks shall be increased to 100 feet for those parcels in the Rural Forestry Zone situated adjacent to the Commercial Forestry Zone, except that such parcels whose owners have filed
an agreement with the county auditor as specified in WCC 20.42.651 shall be subject to the standard setback of the Rural Forestry Zone. Forest industry buildings, stationary equipment or storage areas excluding scaling stations and watchman’s stations shall not be located within 100 feet of any other zone district.

2. Parcels utilized solely for community centers shall observe the following minimum setback requirements: front yard: 50 feet; side yard: 25 feet; rear yard: 25 feet.

3. When a permitted residence (WCC 20.42.056) adjoins an existing parcel of 20 acres or more in size or a parcel that is being cultivated for commercial forestry production, a minimum building setback of 100 feet shall be established from the common property line.

4. Lummi Island scenic estates setbacks shall be administered under the Rural Residential Island setback standards.

5. A 10-foot setback from the international border between Canada and the United States shall be maintained as an open space vista. The 10-foot setback area may be used for landscaping, agriculture, and natural vegetation. Structures may only be built within the 10-foot setback area after approval from the International Boundary Commission.

6. A marijuana production or processing facility shall not be located within 1,000 feet of a community center. The distance shall be measured as the shortest straight line distance from the property line of the proposed building/business location to the property line of the community center.

7. A marijuana production or processing facility shall not be located within 300 feet of any existing residential unit not located on the same parcel as the facility. The distance shall be measured as the shortest straight line distance from the closest point of a single-family dwelling (structure) to any structure or fence used for the production or processing of marijuana. The zoning administrator may waive this spacing requirement from residential units if the owners of all existing residential units within 300 feet provide a notarized written agreement as provided by the department consenting to the facility, and the waiver is approved through an administrative approval process per WCC 20.84.235.
<table>
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<tr>
<th>State Hwys, Principal &amp; Minor Arterials</th>
<th>Major Collectors</th>
<th>Streets</th>
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<thead>
<tr>
<th>Water-Resource-Protection Overlay</th>
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</thead>
<tbody>
<tr>
<td>30(^1)</td>
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</tbody>
</table>

1. Setbacks shall be increased to 100 feet for those parcels situated adjacent to the Forestry Zone District, except that such parcels whose owners have filed an agreement with the county auditor as specified in WCC 20.32.651 shall be subject to the standard setback in WCC 20.80.210.

2. A 10-foot setback from the international border between Canada and the United States shall be maintained as an open space vista. The 10-foot setback area may be used for landscaping, agriculture, and natural vegetation. Structures may only be built within the 10-foot setback area after approval from the International Boundary Commission.

4. Roof overhangs or other additional features shall not project further than 18 inches into the side or rear yard setbacks. Such overhangs may extend six feet into the front yard setback; however, in no case will they extend more than one-half the depth of the front yard setback.

2. Zero-lot line side-yard setbacks may be approved by the zoning administrator for single-family attached dwelling units along the common property line where the dwellings share a common wall.

### Rural Residential Island (RR-I)

<table>
<thead>
<tr>
<th>Commercial, Industrial, I-15, State Hwys, Principal &amp; Minor Arterials</th>
<th>Collector Arterials or Major Collectors</th>
<th>Minor Collectors</th>
<th>Local Access Streets</th>
<th>Neighborhood Collector</th>
<th>Minor Access Streets</th>
<th>Side Yard</th>
<th>Rear Yard</th>
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<td>25(^1)</td>
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</tbody>
</table>

- Residential Rural Island District. Setbacks shall be increased to 100 feet for those parcels situated adjacent to the Forestry Zone Districts, except that such parcels whose owners have filed an agreement with the county auditor as specified in WCC 20.42.651 shall be subject to the standard setback in WCC 20.80.210.
### Rural Zoning Setbacks

<table>
<thead>
<tr>
<th>Commercial, Industrial, I-5, State Hwys, Principal &amp; Minor Arterials</th>
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<th>Minor Collectors</th>
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<td>25'</td>
<td>20'</td>
<td>5'</td>
<td>5'</td>
</tr>
</tbody>
</table>

#### Water Resource Protection Overlay

| 30' | 30' | 20' | 20' | 20' | 20' | 5' | 5' |

1. Setbacks shall be increased to 100 feet for those parcels situated adjacent to the Commercial Forestry Zone District, except that such parcels whose owners have filed an agreement with the county auditor as specified in WCC 20.36.651 shall be subject to the standard setback in WCC 20.80.210.

2. Lots created after 2001 through the cluster provisions, or lots created through the APO provisions which will be used for human habitation, shall be set back a minimum of 100 feet from the property line of any parcel or portion thereof which is designated or used for agricultural purposes. No structures shall be constructed within 30 feet of exterior, side and rear property lines, and no structure shall be constructed within 30 feet of an agricultural use. Subject to any further requirements within Chapter 20.38 WCC, Agriculture Protection Overlay.

3. A 10-foot setback from the international border between Canada and the United States shall be maintained as an open space vista. The 10-foot setback area may be used for landscaping, agriculture, and natural vegetation. Structures may only be built within the 10-foot setback area after approval from the International Boundary Commission.

4. A marijuana production or processing facility shall not be located within 1,000 feet of a community center. The distance shall be measured as the shortest straight line distance from the property line of the proposed building/business location to the property line of the community center.

5. A marijuana production or processing facility shall not be located within 300 feet of any existing residential unit not located on the same parcel as the facility. The distance shall be...
measured as the shortest straight line distance from the closest point of a single-family
dwelling (structure) to any structure or fence used for the production or processing of
marijuana. The zoning administrator may waive this spacing requirement from residential
units if the owners of all existing residential units within 300 feet provide a notarized written
agreement as provided by the department consenting to the facility, and the waiver is
approved through an administrative approval process per WCC 20.84.235.

1Roof overhangs or other architectural features shall not project further than 18 inches into
the side or rear yard setbacks. Such overhangs may extend six feet into the front yard
setback; however, in no case will they extend more than one-half the depth of the front yard
setback.

20.80.250 Special setback provisions by district.

20.80.251 Residential districts.
(1) Urban Residential District. Setbacks shall be increased to 100 feet for those
parcels situated adjacent to Forestry Zone District, except that such parcels which
are less than 20,000 square feet in a subdivision approved prior to January 1,
1987, and whose owners have filed an agreement with the county auditor as
specified in WCC 20.20.651 shall be subject to the standard setback in WCC

(2) Residential Rural District.

(a) Setbacks shall be increased to 100 feet for those parcels situated adjacent to
Forestry Zone District, except that such parcels whose owners have filed an
agreement with the county auditor as specified in WCC 20.32.651 shall be

(b) A marijuana production or processing facility shall not be located within 1,000
feet of a community center. The distance shall be measured as the shortest
straight line distance from the property line of the proposed building/business
location to the property line of the community center.

(c) A marijuana production or processing facility shall not be located within 300 feet
of any existing residential unit not located on the same parcel as the facility. The
distance shall be measured as the shortest straight line distance from the
closest point of a single-family dwelling (structure) to any structure or fence
used for the production of marijuana. The zoning administrator may waive this
spacing requirement from residential units if the owners of all existing
residential units within 300 feet provide a notarized written agreement as
provided by the department consenting to the facility, and the waiver is approved through an administrative approval process per WCC 20.84.235.

(3) Urban Residential Medium Density District. Setback requirements for mobile home parks shall be 20 feet from the perimeter of the park for side and rear yards and shall be screened from neighboring uses in accordance with WCC 20.80.345.

(4) Residential Rural-Island District.

Setbacks shall be increased to 100 feet for those parcels situated adjacent to Forestry Zone Districts, except that such parcels whose owners have filed an agreement with the county auditor as specified in WCC 20.34.651 shall be subject to the standard setback in WCC 20.80.210. (Ord. 99-080, 1999; Ord. 99-058, 1999).

(b) A marijuana production or processing facility shall not be located within 1,000 feet of a community center. The distance shall be measured as the shortest straight-line distance from the property line of the proposed building/business location to the property line of the community center.

(c) A marijuana production or processing facility shall not be located within 300 feet of any existing residential unit not located on the same parcel as the facility. The distance shall be measured as the shortest straight-line distance from the closest point of a single-family dwelling (structure) to any structure or fence used for the production or processing of marijuana. The zoning administrator may waive this spacing requirement from residential units if the owners of all existing residential units within 300 feet provide a notarized written agreement as provided by the department consenting to the facility, and the waiver is approved through an administrative approval process per WCC 20.84.235.

20.80.252 Rural District.

1. Rural District Setbacks. Setbacks shall be increased to 100 feet for those parcels situated adjacent to the Commercial Forestry Zone District, except that such parcels whose owners have filed an agreement with the county auditor as specified in WCC 20.36.651 shall be subject to the standard setback in WCC 20.80.210. (Ord. 99-080, 1999).

2. A marijuana production or processing facility shall not be located within 1,000 feet of a community center. The distance shall be measured as the shortest straight-line distance from the property line of the proposed building/business location to the property line of the community center.
3. A marijuana production or processing facility shall not be located within 300 feet of any existing residential unit not located on the same parcel as the facility. The distance shall be measured as the shortest straight line distance from the closest point of a single-family dwelling (structure) to any structure or fence used for the production or processing of marijuana. The zoning administrator may waive this spacing requirement from residential units if the owners of all existing residential units within 300 feet provide a notarized written agreement as provided by the department consenting to the facility, and the waiver is approved through an administrative approval process per WCC 20.84.235.

20.80.255 Agriculture District.
(1) The 50-foot front yard setback requirement for new buildings or additions may be waived if the zoning administrator finds the new building or addition is located along the same building line(s) of existing structures and will result in no additional encroachment, and the public interest, safety and health are protected; provided, that for a new building the applicant shall also demonstrate that the proposed location is necessary for the economic viability and the continued operation of the agricultural use.

(2) The minimum separation between new residences not located on the same property and farm uses such as barns, pens, milking sheds, packinghouses and slaughterhouses, or areas used to contain, house or feed animals or store manure or feed, shall be 300 feet. New farm uses such as barns, pens, milking sheds, or areas used to contain, house or feed animals or store manure or feed shall be situated at least 150 feet from existing residences not located on the same property. Expansion of existing facilities within the 150-foot buffer, providing such expansion is not closer to a neighbor’s residence, and pastures are excluded from this section’s requirements.

(3) The minimum separation between packinghouses/slaughterhouses and schools shall be 500 feet.

(4) The minimum separation between packinghouses/slaughterhouses and adjacent property lines shall be 150 feet.

(5) A marijuana production or processing facility shall not be located within 1,000 feet of a community center. The distance shall be measured as the shortest straight line distance from the property line of the proposed building/business location to the property line of the community center.

(6) A marijuana production or processing facility shall not be located within 300 feet of any existing residential unit not located on the same parcel as the facility. The distance shall be measured as the shortest straight line distance from the closest
point of a single-family dwelling (structure) to any structure or fence used for the production or processing of marijuana. The zoning administrator may waive this spacing requirement from residential units if the owners of all existing residential units within 300 feet provide a notarized written agreement as provided by the department consenting to the facility, and the waiver is approved through an administrative approval process per WCC 20.84.235.

20.80.256 Forestry districts. (Adopted by reference in WCCP Chapter 2.)

(1) Setbacks shall be increased to 100 feet for those parcels in the Rural Forestry Zone situated adjacent to the Commercial Forestry Zone, except that such parcels whose owners have filed an agreement with the county auditor as specified in WCC 20.42.651 shall be subject to the standard setback in WCC 20.80.210. Forest industry buildings, stationary equipment or storage areas excluding scaling stations and watchman’s stations shall not be located within 100 feet of any other zone district.

(2) Parcels utilized solely for community centers shall observe the following minimum setback requirements: front yard: 50 feet; side yard: 25 feet; rear yard: 25 feet.

(3) Where a parcel, created pursuant to the clustering provision (WCC 20.42.300) or the planned unit development provision (Chapter 20.85 WCC) or when a permitted residence (WCC 20.42.056), adjoins an existing parcel of 20 acres or more in size or a parcel that is being cultivated for commercial forestry production, a minimum building setback of 100 feet shall be established from the common property line.

(4) For parcels of less than five nominal acres, unless the provisions of subsection (2) of this section are applicable, the zoning setback established by the zoning district shall be observed.

(5) A marijuana production or processing facility shall not be located within 1,000 feet of a community center. The distance shall be measured as the shortest straight line distance from the property line of the proposed building/business location to the property line of the community center.

(6) A marijuana production or processing facility shall not be located within 300 feet of any existing residential unit not located on the same parcel as the facility. The distance shall be measured as the shortest straight line distance from the closest point of a single-family dwelling (structure) to any structure or fence used for the production or processing of marijuana. The zoning administrator may waive this spacing requirement from residential units if the owners of all existing residential
units within 300 feet provide a notarized written agreement as provided by the department consenting to the facility, and the waiver is approved through an administrative approval process per WCC 20.84.235.

WCC 20.80.410 Signs – General provisions – Applicable to all districts.

(5) Marijuana retail facility license holders shall abide by WAC 314-55-155 (as amended) regarding signage.

20.80.690 Marijuana Production and Processing

20.80.691 Marijuana State License Required.

Prior to commencing operations, a marijuana producer, processor, or retailer shall obtain approval as a state-licensed marijuana producer, processor, or retailer under Chapter 69.50 RCW, as amended, and Chapter 314-55 WAC, as amended.

20.80.695-692 Application for County Development Permits - Timing.

Applicants for marijuana production, processing, or retailing may apply for county development permits at any time. Applicants who wish to apply for county permits, or commence construction of facilities for producing, processing, or retailing of marijuana under chapter 69.50 RCW, prior to obtaining approval as a state-licensed marijuana producer, processor or retailer do so at their own risk. Final occupancy of the building will not be granted until a state liquor control board license has been approved.

20.80.693 Production

(1) For indoor facilities no odor or smoke shall be emitted that is detectable at or beyond the walls of the facility, in such a concentration or of such duration as to cause a public nuisance, or threaten health or safety, or to unreasonably infringe upon the use and enjoyment of neighboring use. The applicant shall install an exhaust system that is designed and constructed to capture sources of contaminants to prevent spreading of contaminants or odors to other occupied parts of the building or surrounding area. The system must be designed by a licensed Washington State Professional Engineer.
(2) Any lights used to illuminate the facility shall be so arranged as to direct the light away from the adjoining property and the public road.

(3) No traffic shall be generated by such a facility in greater volume than would normally be expected in the applicable zoning district and appropriate for the road classification which serves the property.

(4) Any need for parking generated by the conduct of such a facility shall meet the off-street parking requirements as specified in this title. At least one additional space shall be provided for each nonresident on-site employee.

(5) The proposed use shall be compatible with the general appearance and character of the surrounding area. The Zoning Administrator at his or her discretion may require landscape screening pursuant to the requirements of WCC 20.80.345.

20.80.694 Processing

(1) The facility employs no more than 10 permanent employees, except that in the Agriculture and Rural Forestry zones the facility may employ no more than 20 employees.

(2) For indoor facilities no odor or smoke shall be emitted that is detectable at or beyond the walls of the facility, in such a concentration or of such duration as to cause a public nuisance, or threaten health or safety, or to unreasonably infringe upon the use and enjoyment of neighboring use. The applicant shall install an exhaust system that is designed and constructed to capture sources of contaminants to prevent spreading of contaminants or odors to other occupied parts of the building or surrounding area. The system must be designed by a licensed Washington State Professional Engineer.

(3) Any lights used to illuminate the facility shall be so arranged as to direct the light away from the adjoining property and the public road.

(4) No traffic shall be generated by such a facility in greater volume than would normally be expected in the applicable zoning district and appropriate for the road classification which serves the property.

(5) Any need for parking generated by the conduct of such a facility shall meet the off-street parking requirements as specified in this title. At least one additional space shall be provided for each nonresident on-site employee.
20.97 Definitions.

20.97.225 Marijuana, marihuana or cannabis.

"Marijuana," "marihuana" or "cannabis" means all parts of the plant cannabis, whether growing or not, with a THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. The term does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

20.97.226 Marijuana processing facility.

"Marijuana processing" means a facility licensed by the state liquor control board to process marijuana into useable marijuana and marijuana-infused products, package and label useable marijuana and marijuana-infused products for sale in retail outlets, and sell useable marijuana and marijuana-infused products at wholesale to marijuana retailers. A marijuana processing facility shall include any building structure that is associated with the processing of marijuana.

20.97.227 Marijuana production facility.

"Marijuana production" means a facility licensed by the state liquor control board to produce and sell marijuana at wholesale to marijuana processors. The area of a marijuana production facility includes all the area enclosed within a building structure or fence that is required by the state liquor control board for the production of marijuana. Indoor production shall be within a fully enclosed secure indoor facility or greenhouse with rigid walls, a roof, and doors. Outdoor production may take place in non-rigid greenhouses, other structures, or an expanse of open or cleared ground fully enclosed by a physical barrier.

20.97.228 Marijuana retail facility.

"Marijuana retail" means a facility licensed by the state liquor control board to sell useable marijuana and marijuana-infused products in a retail outlet. A marijuana retail facility shall include any building that is associated with the sale of marijuana.
20.97.229 Marina.

20.97.230 May.
Recreational Marijuana Code Amendment

I. BACKGROUND INFORMATION

File # PLN2014-00017

File Name: Recreational Marijuana Code Amendments

Applicant: Whatcom County

Summary of Request: Amend Whatcom County Code Title 20 to define and regulate recreational marijuana type uses as allowed by Washington State Initiative 502.

Location: County-wide

Staff Recommendation: Approval. The proposal would retain the current requirements of the interim code (Whatcom County Ordinance: 2014-053) and adopt the following minor modifications:

- Clarify how the setback is measured from a marijuana facility to a community center, to be consistent with WAC 314-55-050(10);
- Clarify how the measurement is taken from a marijuana facility to a residential structure;
- Allow the zoning administrator to require a landscape buffer consistent to WCC 20.80.345 for marijuana production and processing facilities in the Rural Residential, Rural Residential-Island, Rural, Agriculture and Rural Forestry zone districts;
- Require all indoor marijuana production and processing facilities to install a mechanical ventilation system that is prepared by a Washington State Licensed Engineer to control odor.

History: On November 6, 2012, the voters of the State of Washington legalized the recreational use of marijuana with the passage of Washington State Initiative 502. Initiative 502 decriminalized the recreational use of marijuana for persons twenty-one years of age and older. The initiative also authorized the Washington State Liquor Control Board (WSLCB) to establish a system to license, regulate, and tax the production, processing and retail sales of marijuana.
On November 16, 2013, the WSLCB formally adopted administrative rules for how the State of Washington (WSLCB) would regulate the production, processing, and sales of marijuana. The licensing rules, as codified in Chapter 314-55 of Washington Administrative Code (WAC), include regulations ranging from criminal background checks; financial investigation of start-up funds; residency requirements; operating plans; licensing fees; video security requirements and restrictions on sites located within 1,000 feet of the following:

- Elementary schools or secondary schools
- Playgrounds
- Recreation centers or facilities
- Child care centers
- Public parks
- Public transit centers
- Libraries
- Game arcades (where admission is not restricted to persons age twenty-one or older).

The licensing rules also include restrictions on the maximum amount of marijuana one licensee may produce (not to exceed 21,000 square feet of canopy) and the maximum number of retail outlets that may be licensed in each county. The WSLCB has allocated a maximum of seven retail marijuana licenses to unincorporated Whatcom County, including the cities of Blaine, Sumas, Everson and Nooksack.

The WSLCB accepted applications for marijuana licenses during a one month period immediately following the adoption of the licensing rules. During that time, approximately 228 marijuana producer, processor and retail license applications were applied for in unincorporated Whatcom County. In anticipation of those proposed applicants, Planning and Development Services (PDS) and the Prosecuting Attorney adopted a zoning interpretation policy. The zoning interpretation policy stated that marijuana proposed uses, as allowed by Initiative 502, would be regulated by PDS in the same way as any other commodity that is grown, processed, or sold in Whatcom County.

In late December of 2013, the County began receiving notifications from the WSLCB of proposed marijuana license applicants and their applied to locations. Soon after, the County began receiving complaints that the zoning interpretation policy did not contain adequate provisions to protect surrounding communities and residences from the potential criminal activity that may be associated with marijuana businesses. In response, the Whatcom County Council on February 11, 2014, imposed an emergency moratorium on the acceptance of all building and land use permits that pertain to marijuana type uses.

During the moratorium, the County Council directed staff to formulate regulations similar to the zoning interpretation policy, but with specific use standards and
setbacks in those zone districts that contain residential uses. On April 22, 2014, the County Council adopted Ordinance 2014-027. The interim ordinance (which was extended by Council on October 14th) requires marijuana facilities to be set back 300 feet from residences and 1,000 feet from community centers in Rural, Rural Residential, Rural Residential-Island, Agriculture and Rural Forestry zone districts. The adopted regulations also include specific use standards such as lighting, traffic, parking, and odor control measures.

**Permit Application History:** PDS has accepted the following permits for recreational marijuana type uses in 2014 and 2015:

- 14 commercial building permits for the production and processing of marijuana;
- 4 commercial tenant improvement (building) permits for the retail sales of marijuana and;
- 7 Administrative Use Permits for the production and processing of marijuana (all in the Rural zone district).

During the noticing period for the Administrative Use applications, staff received numerous public comments in opposition of proposed marijuana production and processing facilities. Staff received public comments ranging from concerns about criminal activity, loss of property values, and potential changes to neighborhood character. In response, staff has proposed additional use standards to help further mitigate potential impacts.

**II. ZONING CODE AMENDMENT**

The interim ordinance that was adopted on April 22, 2014 and extended on October 14, 2014 does the following:

- Defines marijuana uses (marijuana, marijuana production, marijuana processing, and marijuana retail) in accordance with the respective terms as defined in RCW 69.50.101;
- Requires all marijuana uses to obtain a WSLCB marijuana license and adhere to all of the requirements of WAC 314-55;
- Prohibits all marijuana uses in urban residential zone districts;
- Prohibits the production and processing of marijuana in the Lake Whatcom Watershed Overlay District, and the production of marijuana in Water Resource Protection Overlay District;
- Allows marijuana production and marijuana processing outright (without setbacks) in industrial zone districts;
- Allows marijuana retailers outright (without setbacks) in commercial zone districts;
• Allows marijuana production (permitted use) and the accessory processing of marijuana (administrative use) in the Rural Residential, Rural Residential-Island and Rural Zone districts;
• Allows marijuana production (permitted use) and the accessory processing of marijuana (accessory use) in the Rural Forestry and Agriculture zone districts;
• Requires marijuana production and processing facilities in the Rural Residential, Rural Residential-Island, Rural, Agriculture and Rural Forestry zone districts to adhere to following the setback and use standards:
  o Requires facilities to be setback 300 feet from residences not located on the same property. Waiver to setback allowed;
  o Requires facilities to be setback 1,000 feet from community centers (i.e. churches, grange halls & youth centers);
  o Requires facilities to meet traffic generation and off-street parking requirements;
  o Limits the construction of new buildings to a maximum size of 2,000 square feet on parcels of 4.5 acres or less in the Rural Residential, Rural Residential Island and Rural zone districts;
  o Places employee limits similar to the requirements of an agriculture processing facility.

The proposal would retain the provisions above, and would make the following modifications and additions:

• Clarify how the setback is measured from a marijuana facility to a community center, to be consistent with WAC 314-55-050(10);
• Clarify how the measurement is taken from a marijuana facility to a residential structure;
• Allow the zoning administrator to require a landscape buffer consistent to WCC 20.80.345 for marijuana production and processing facilities in the Rural Residential, Rural Residential-Island, Rural, Agriculture and Rural Forestry zone districts;
• Require all indoor marijuana production and processing facilities to install a mechanical ventilation system that is prepared by a Washington State Licensed Engineer to control odor.

Discussion: Staff has had difficulty administering the setback requirement from a marijuana facility to a residential unit. The existing language does not specify where the points of measurement shall be taken from. The proposed change would clarify that the measurement is taken from the closest point of a single-family dwelling (structure) to any structure or fence used for the production or processing of marijuana. The proposed change is consistent with existing Title-20 definitions including WCC 20.97.432 “structure” and WCC 20.97.442 “single-family dwelling.”
The proposal would also clarify that the setback measurement from a Community Center would be from the property line of the Community Center to the property line of the marijuana facility. The proposed alteration would match the state licensing rules for similar uses (WAC 314-55-050(10)). Previously the language had matched, but the WSLCB changed how the setback is measured after Council adopted the interim ordinance.

The landscape screening requirements would further mitigate the visual appearance of an outdoor marijuana production and processing facility in a rural area. The WSLCB rules require an 8 foot tall fence around the perimeter of an outdoor production area. The licensing rules also require applicants to mount security cameras on fences at all points of entry. During a site inspection of a permitted facility, staff noted that barb wiring had been installed on top of a permitted fence. Staff believes an 8 foot tall fence with barb wiring and security cameras mounted on top might not be consistent with the character of a rural area. A landscape buffer at the discretion of the zoning administrator would ensure that these facilities and fences would blend in with the surrounding character of an area; a requirement of WCC 20.84.220 (2) – Administrative use permit.

The requirement of an engineered mechanical ventilation system (proposed in WCC 20.80.693(1)) would match the Building Department’s current code interpretation requirements to control odor. The interim ordinance states that odor may not be emitted that is detectable beyond the walls of a facility... A change to specifically state what is required would clarify the requirement at an earlier stage for the applicant.

III. COMPREHENSIVE PLAN EVALUATION

Whatcom County Comprehensive Plan goals and policies that are applicable to the proposed amendments are listed below:

**Goal 2DD:** Retain the character and lifestyle of rural Whatcom County.

Policy 2DD-2: Protect the character of the rural area through the County’s development regulations ...

**Goal 2FF:** Provide employment opportunities in the rural parts of Whatcom County.

Policy 2FF-1: Support small businesses, cottage industries, home occupations, resource-based, tourist, recreational, and other appropriate industries in the rural areas of Whatcom County. New rural commercial and industrial uses that are more intensive than those permitted within rural zones as home occupations or cottage industries should be located within designated Rural Communities and Rural Business
areas.

Goal 8B: Maintain and enhance Whatcom County's agricultural products industry as a long-term and sustainable industry.

Policy 8B-3: Support agricultural product processing facilities through appropriate planning, zoning, and land use regulations.

The subject amendment is consistent with the above referenced Comprehensive Plan goals that direct the County to promote new employment opportunities while adopting appropriate development regulations that retain the character and lifestyle of rural Whatcom County.

IV. PROPOSED FINDINGS OF FACT AND REASONS FOR ACTION

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


2. Notice of the proposed amendment was sent to the Department of Commerce and other state agencies on February 3, 2015. No comments regarding the proposed amendment have been received from Commerce, to date.

3. On February 5, 2015 the Whatcom County State Environmental Policy Act (SEPA) Official issued a SEPA threshold Determination of Non-Significance (DNS) in regard to the proposed text amendment, a non-project action. The comment period for this determination will end on February 19, 2015.

4. Notice of the Planning Commission hearing for the proposed text amendment was published in the Bellingham Herald on January 30, 2015.

5. Pursuant to Whatcom County Code (WCC) 20.90.050, Whatcom County Planning and Development Services has: evaluated the proposed amendment in relationship to the goals, objectives and policies of the Whatcom County Comprehensive Plan as authorized by the Washington State Growth Management Act (GMA) – RCW 36.70A; and considered possible environmental impacts that have been identified by the lead agency designated SEPA official through the State Environmental Policy Act (SEPA) threshold determination process.
V. PROPOSED CONCLUSIONS

1. The proposed amendments are consistent with the Comprehensive Plan, and are in the public interest.

2. The proposed amendments should not result in any significant environmental impacts.

VI. RECOMMENDATION

Planning and Development Services recommends the Planning Commission forward the proposed amendments to the County Council with a recommendation of approval.

ATTACHMENTS

A. Draft zoning code amendments
B. Ordinance2014-053 – Current Interim Ordinance
C. Zoning Interpretation Policy
D. Permit History Breakdown for 2014-2015
WHATCOM COUNTY COUNCIL AGENDA BILL

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TITLE OF DOCUMENT: Resolution to sell Tax-Title property by public auction Reg. #TR2015-01

ATTACHMENTS: Map

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

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

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:
The Property Management Committee recommends the sale by negotiation pursuant RCW 36.35.15(2), when the county legislative authority determines that it is not practical to build on the property due to the physical characteristics of the property or legal restrictions on construction activities on the property. Subject to a covenant to bind.

Parcel # 370505.393475.0000 / PID 36475
E 20 FT OF GOVT LOT 2-SUBJ TO ESMFT FOR RD R/W REC IN VOL 343-D-426 TAX CASE 1556
Township 37 Range 05E Section 05
For no less than taxes, interest, penalties and foreclosure costs of $750.00

COMMITTEE ACTION:

COUNCIL ACTION:

3/17/2015: Introduced 6-0

Related County Contract #: Related File Numbers:

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

TO SELL COUNTY TAX TITLE PROPERTY
BY NEGOTIATION

REQUEST NO. 2015-01

WHEREAS, RCW 36.35.120 allows the County to sell real estate acquired by tax foreclosure where it is found to be in the best interest of Whatcom County to sell the same; and,

WHEREAS, the Whatcom County Property Management Committee recommends the resolution be passed to effectively meet the legal requirement for the disposal by negotiation pursuant RCW 36.35.150(2), when the county legislative authority determines that it is not practical to build on the property due to the physical characteristics of the property or legal restrictions on construction activities on the property. Subject to a covenant to bind; and,

WHEREAS, the Whatcom County Property Management Committee recommends the Whatcom County Treasurer enter into negotiations the applicant; and,

WHEREAS, RCW 36.35.120 requires the Council to establish the minimum price for said unit of property; and,

WHEREAS, the Whatcom County Code as well as the state law allows the County to reserve from the sale coal, oil, gas, gravel, mineral, ores, fossils, timber or other resources if the Council finds that it is in the best interest to reserve these; and

WHEREAS, the principal taxes, title search and foreclosure costs, total $750.00

NOW, THEREFORE, BE IT RESOLVED that it is in the best interest of the County to sell:

Parcel # 370505.393475.0000 / PID 36475
E 20 FT OF GOVT LOT 2-SUBJ TO ESMT FOR RD R/W REC IN VOL 343-D-426 TAX
CASE 1556   TWN 37N RGE 05E SEC 05

By negotiation for no less taxes, interest, penalties and foreclosure costs of $750.00

BE IT FURTHER RESOLVED that said price shall not be allowed under contract and shall be paid in either cash, certified check, or money order to the Whatcom County Treasurer at the time of sale; and,
BE IT FURTHER RESOLVED that said parcel shall be sold subject to restrictive covenants allowing for imposition of Community Association fees, if any, as set forth in Whatcom County Resolution No. 88-37; and,

BE IT FURTHER RESOLVED that this sale transfers to the owners all coal, oil, gas, gravel, minerals, ores, fossils, timber or other resources on or in said land and the right to mine for and remove the same in conformity with zoning regulations in force and effect; and,

BE IT FURTHER RESOLVED that the Whatcom County Treasurer is hereby directed to sell such property at not less than a certified price and said sale shall take place in accordance with the duties as established in RCW 36.35.120.

APPROVED this _______ day of ______________________, 2015.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

Carl Weimer, Chair of the Council

APPROVED AS TO FORM:

__________________________

Civil Deputy Prosecuting Attorney
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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**TITLE OF DOCUMENT:** Resolution to sell Tax-Title property by public auction Req. #TR2015-02

**ATTACHMENTS:** Map

**SEPA review required?** ( ) Yes ( ) NO  **Should Clerk schedule a hearing?** ( X ) Yes ( ) NO

**SEPA review completed?** ( ) Yes ( ) NO  **Requested Date:**

**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:**
The Property Management Committee recommends the sale by negotiation pursuant RCW 36.35.15(2), when the county legislative authority determines that it is not practical to build on the property due to the physical characteristics of the property or legal restrictions on construction activities on the property. Subject to a covenant to bind.

Parcel # 390528.529024.0000 / PID 109276
GOVT LOT 4 Township 39 Range 03E Section 28
For no less than taxes, interest, penalties and foreclosure costs of $916.55

**COMMITTEE ACTION:**

**COUNCIL ACTION:**
3/31/2015: Introduced 6-0

**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.
RESOLUTION NO.
TO SELL COUNTY TAX TITLE PROPERTY
BY NEGOTIATION

REQUEST NO. 2015-02

WHEREAS, RCW 36.35.120 allows the County to sell real estate acquired by tax foreclosure where it is found to be in the best interest of Whatcom County to sell the same; and,

WHEREAS, the Whatcom County Property Management Committee recommends the resolution be passed to effectively meet the legal requirement for the disposal by negotiation pursuant RCW 36.35.150(2), when the county legislative authority determines that it is not practical to build on the property due to the physical characteristics of the property or legal restrictions on construction activities on the property. Subject to a covenant to bind; and,

WHEREAS, the Whatcom County Property Management Committee recommends the Whatcom County Treasurer enter into negotiations the applicant; and,

WHEREAS, RCW 36.35.120 requires the Council to establish the minimum price for said unit of property; and,

WHEREAS, the Whatcom County Code as well as the state law allows the County to reserve from the sale coal, oil, gas, gravel, mineral, ores, fossils, timber or other resources if the Council finds that it is in the best interest to reserve these; and

WHEREAS, the principal taxes, title search and foreclosure costs, total $916.55

NOW, THEREFORE, BE IT RESOLVED that it is in the best interest of the County to sell:

Parcel # 390528.529024.0000 / PID 109276
GOVT LOT 4   Township 39 Range 03E Section 28

By negotiation for no less taxes, interest, penalties and foreclosure costs of $916.55

BE IT FURTHER RESOLVED that said price shall not be allowed under contract and shall be paid in either cash, certified check, or money order to the Whatcom County Treasurer at the time of sale; and,
BE IT FURTHER RESOLVED that said parcel shall be sold subject to restrictive covenants allowing for imposition of Community Association fees, if any, as set forth in Whatcom County Resolution No. 88-37; and,

BE IT FURTHER RESOLVED that this sale transfers to the owners all coal, oil, gas, gravel, minerals, ores, fossils, timber or other resources on or in said land and the right to mine for and remove the same in conformity with zoning regulations in force and effect; and,

BE IT FURTHER RESOLVED that the Whatcom County Treasurer is hereby directed to sell such property at not less than a certified price and said sale shall take place in accordance with the duties as established in RCW 36.35.120.

APPROVED this _______ day of ________________________, 2015.

ATTEST: 

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

__________________________
Dana Brown-Davis, Council Clerk

__________________________
Carl Weimer, Chair of the Council

APPROVED AS TO FORM:

__________________________
Civil Deputy Prosecuting Attorney
WHATCOM COUNTY COUNCIL AGENDA BILL

TITLE OF DOCUMENT:
Request County Council confirmation for County Executive’s appointment of Jon Hutchings for Public Works Director pursuant to Whatcom County Charter Section 3.23 effective April 27, 2015.

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.)

Jon Hutchings currently serves as the City of Bellingham’s Assistant Public Works Director since 2012. Prior to the City, Jon held the position of Assistant Public Works Director with Whatcom County from 2007 to 2012 where he shared responsibility for public works administration and oversaw direct operational and capital responsibility for the County’s water services. Jon has also served as the Executive Director for Central Nevada Regional Water Authority and Natural Resources Manager for Eureka County, Nevada. Jon holds a Bachelor’s in Soil Science, Masters in Hydrogeology and PhD in Soil Science from University of Idaho.

When the County started the Certified Public Official (CPO) program, Jon Hutchings was the third person to earn his CPO designation.

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.
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<td>Executive:</td>
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### TITLE OF DOCUMENT:
Appointment to Sumas/Everson/Nooksack Flood Subzone by Board of Supervisors

### ATTACHMENTS:
Application

### 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.)

Three of the five positions on the Sumas/Everson/Nooksack Flood Subzone are vacant. The applicant is Chuck Gelwicks. Four-year term expires 1/31/2019.

### COMMITTEE ACTION:

### COUNCIL ACTION:
3/17/2015: Introduced 6-0

### Related County Contract #:

### Related File Numbers:

### Ordinance or Resolution Number:

### Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS
PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Chuck Gelwicks
Street Address: 3625 S. Pass Rd
City: Everson Wa
Mailing Address (if different from street address): P.O. Box 1
Day Telephone: (360) 966-5852 Evening Telephone: (360) 966-5852 Cell Phone: (360) 201-0197
E-mail address: ____________

1. Name of board or committee—please see reverse:
   Sumas/Everson/Nooksack Sub-Zone
   Commissioner Member

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.)
   Swift Creek ? ( ) 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: Employee for Small Business Owner

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.

   Logging Industry

10. Please describe why you’re interested in serving on this board or commission:

   ____________

References (please include daytime telephone number):

Signature of applicant: ____________

THIS IS A PUBLIC DOCUMENT: As a candidate for a public board or commission, the above information will be available to the County Council, County Executive, and the public. All board and commission members are expected to be fair, impartial, and respectful of the public, County staff, and each other. Failure to abide by these expectations may result in revocation of appointment and removal from the appointive position.
## WHATCOM COUNTY COUNCIL AGENDA BILL

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<th>CLEARANCES</th>
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### TITLE OF DOCUMENT:
Amendment No. 2 to Ordinance No. 2014-011 Establishing the Dakota Creek Bridge No. 500 Project Fund and Related Capital Budget Appropriation

### ATTACHMENTS:
1. Memo to County Executive and Council
2. Ordinance
3. Exhibit “A” Project Budget Summary

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

Amendment No. 2 to the Dakota Creek Bridge No. 500 Project Fund budget requests additional appropriation authority of $450,000 for a new project-based budget total of $4,048,604.

### COMMITTEE ACTION:

### COUNCIL ACTION:

<table>
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<tr>
<th>Related County Contract #:</th>
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<td>AB2014-042 &amp; 2014-352</td>
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**Please Note:** Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: [www.co.whatcom.wa.us/council](http://www.co.whatcom.wa.us/council).
ORDINANCE NO. ____________

AMENDMENT No. 2 TO ORDINANCE No. 2014-011 ESTABLISHING THE DAKOTA CREEK BRIDGE NO. 500 PROJECT FUND AND BUDGET

WHEREAS, the Dakota Creek Bridge No. 500 seismic retrofit project budget was initially adopted with an estimated cost of $3,000,000 on February 11th, 2014, and

WHEREAS, Amendment No. 1 (Ordinance No. 2014-066) added $880,336 of costs and funding as a result of environmental permit requirements and archaeological resources identified at the project site during project design, and

WHEREAS, the low bidder for the construction phase of the project increases project costs by an additional $450,000, and

WHEREAS, it is in the best interests of the County to complete this project, and

WHEREAS, adequate local funding to cover the increased costs exists in the County Road Fund balance;

NOW THEREFORE BE IT ORDAINED by the Whatcom County Council that Ordinance No. 2014-011 is hereby amended adding $450,000 of expenditure authority to the current project budget of $3,598,604, as presented in Exhibit A, for a total amended project budget of $4,048,604.

ADOPTED this _____ day of __________, 2015.

ATTEST: WHATCOM COUNTY COUNCIL

Dana Brown-Davis, Council Clerk WHATCOM COUNTY, WASHINGTON

Carl Weimer, Chair of the Council

APPROVED AS TO FORM: ( ) Approved ( ) Denied

Chief Civil Deputy Prosecutor

Jack Louws, Executive

Date: __________________________
## EXHIBIT A

### PORTAL WAY/DAKOTA CREEK BRIDGE NO. 500

<table>
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<tr>
<th>Project Budget Expenditures</th>
<th>Current project budget</th>
<th>Amendment #2 to Ord. 2014-011</th>
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<td><strong>$450,000.00</strong></td>
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<td>8301.108 Road Fund</td>
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<td>$450,000.00</td>
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<tr>
<td><strong>Total</strong></td>
<td><strong>$3,598,604.00</strong></td>
<td><strong>$450,000.00</strong></td>
<td><strong>$4,048,604.00</strong></td>
</tr>
</tbody>
</table>
Memo

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

Through: Joseph P. Rutan, P.E., Interim Director

From: James E. Lee, P.E., Engineering Manager

Date: March 20, 2015

Re: Portal Way/Dakota Creek Bridge No. 500 Seismic Retrofit CRP No. 910001; Cost Center 350100; BHOS-L371(001) Project Based Budget – Ordinance Amendment No. 2

Requested Action
The Public Works Department respectfully requests that the Whatcom County Council and Whatcom County Executive approve this Ordinance Amendment No. 2 to the Project Based Budget for the Portal Way/Dakota Creek Bridge No. 500 Seismic Retrofit Project.

Background and Purpose
In February of 2014 the Project Based Budget Ordinance No. 2014-011 was established for this project in the amount of $3,000,000. In November of 2014 Amendment No. 1 to the project budget via Ordinance 2014-066 increased the project budget to $3,598,604 to address costs associated with environmental permitting and archaeological issues that arose during final design and permitting of the project. Amendment No. 1 also added an additional $215,060 of federal Bridge Replacement Advisory Committee (BRAC) funds, bringing the total BRAC fund contribution to $3,000,000 for this project which is the maximum allowed for this type of rehabilitation project.

Bids for this project opened on March 10, 2014, with the low bid of $3,336,265, approximately $412,365 higher than estimate for the construction contract. The difference between the estimated construction costs and the low bid was due to one bid item; steel column jacket retrofits which is a specialty item including fabrication, delivery and installation. Several unforeseeable variables such as shop fabrication costs and availability and price of domestic steel factored into this specialty item bid price. After careful review of the low bid proposal Public Works recommends increasing the Project Based Budget by $450,000 utilizing Road Funds so that construction of this project may move forward this summer with the low bidder.

Funding Amount and Source
This request is to amend the Project Based Budget in the amount of $450,000, bringing the total project budget to $4,048,604. Whatcom County has been awarded $3,000,000 of BRAC funds for this project, with the remainder being funded with Road Funds.

Please contact James Lee at extension 50617 if you have any questions or concerns regarding this proposal.
WHATCOM COUNTY COUNCIL AGENDA BILL

CLEARANCES

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Date Received in Council Office: 3/20/15

R E C E I V E D

MAR 24 2015

WHATCOM COUNTY
COUNCIL

TITLE OF DOCUMENT:
Amendment No. 1 to Ordinance No. 2014-012 Establishing the Slater Road Intersections, Imhoff Road and Ferndale Road, CRP No. 910003 Project Budget

ATTACHMENTS:

1. Memo to County Executive and Council
2. Ordinance
3. Exhibit “A” Project Budget Request Tracking Form

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

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

Requests approval to decrease Federal Surface Transportation Program funding by $990,000 and add local funding of $990,000. Federal funding will be transferred to another county road project.

COMMITTEE ACTION:

COUNCIL ACTION:

Related County Contract #: WCC #201406029-1

Related File Numbers: AB2014-043

Ordinance or Resolution Number:

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

AMENDMENT NO. 1 TO ORDINANCE NO. 2014-012 ESTABLISHING THE SLATER ROAD INTERSECTIONS, IMHOFF AND FERNDALE ROADS PROJECT FUND AND BUDGET

WHEREAS, Whatcom County was awarded a Federal Surface Transportation Program (FSTP) grant of $990,000, and

WHEREAS, this grant was budgeted to be utilized on the Slater Road Intersections, Imhoff Road and Ferndale Road, CRP No. 910003, and

WHEREAS, the Lummi Nation’s Tribal Rights Employment Office (TERO) bidder preference requirement is applicable to this project, and

WHEREAS, the FSTP grant can no longer fund the construction phase of this project due to Federal Highway Administration’s requirement of no bidder preference, and

WHEREAS, the FSTP funding can be utilized on another county road project, and

WHEREAS, there are adequate reserves in the County Road Fund balance to fund this project,

NOW THEREFORE BE IT ORDAINED by the Whatcom County Council that Ordinance No. 2014-012 is hereby amended to reduce FSTP funding by $990,000 and add local funding of $990,000, as described in Exhibit A. The total project budget amount of $2,740,000 remains the same.

ADOPTED this ____ day of _____, 2015.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk  Carl Weimer, Chair of the Council

APPROVED AS TO FORM:   ( ) Approved ( ) Denied

Chief Civil Deputy Prosecutor

Jack Louws, Executive

Date: __________________________
Exhibit "A"

Project Based Budget - Budget Request Tracking Sheet

Project Title: Slater Road Intersections - Imhoff Road and Ferndale Road
Project Codes: CRP No. 910003; Cost Center 349100
Project Based Budget Request: No. 1
Duration Requested: 3 yrs (2014, 2015, 2016)

<table>
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<th>Project Expenditures</th>
<th>Revised Project Budget</th>
<th>Original Project Budget</th>
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</table>

**TOTAL** $2,740,000  $2,740,000  $0

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<th>Revised Project Revenues</th>
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<td>Road Fund</td>
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</table>

**TOTAL** $2,740,000  $2,740,000  $0
Memorandum

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

Through: Joseph P. Rutan, P.E., Interim Director

From: James P. Karcher, P.E., Engineering Manager

Date: March 19, 2015

Re: Slater Road Intersections – Imhoff Road and Ferndale Road CRP No. 910003; Cost Center 349100
Project Based Budget - Ordinance Amendment No. 1

Requested Action:

The Public Works Department respectfully requests that the Whatcom County Council and Whatcom County Executive approve this Ordinance Amendment No. 1 to the Project Based Budget for transference of $990,000 of Federal Surface Transportation Program funds from the Slater Rd Intersections – Imhoff Road and Ferndale Road, CRP No. 910003 project to the Birch Bay Dr. & Pedestrian Facility, CRP No. 907001 project.

Background and Purpose:

In February 2014, Project Based Budget Ordinance No. 2014-012 was established for this project in the amount of $2,740,000. This Ordinance Amendment No. 1 will decrease the Federal Surface Transportation Program (STP) grant funds to the project by $990,000 and increase the local fund contribution by $990,000.

Due to Lummi Nation’s Tribal Employment Rights Office (TERO) bidder preference requirement being applicable on this project, FHWA can no longer fund the construction phase this project due to FHWA’s requirement of no bidder preference.

Information:

This budget request is intended to align funding sources to meet legal requirements for construction of this project. There is a $990,000 increase to the local funds associated with this amendment of the Project Based Budget Ordinance. There will be a corresponding $990,000 Federal Surface Transportation Program grant reflected when the Birch Bay Drive and Pedestrian Facility Project budget is amended for the construction phase of that project.

Please contact Kevin Thompson at ext. 50690 if you have questions about this amendment.
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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<th>CLEARANCES</th>
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**EXECUTIVE:** 3/24/15

**TITLE OF DOCUMENT:** Ordinance granting Sound Internet Services, Inc., a non-exclusive franchise for the provision of telecommunications services.

**ATTACHMENTS:**
1. Cover Memo
2. Ordinance

**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.)

RCW 36.55.040, Whatcom County Charter Section 9.30, and Whatcom County Code 12.24 provides for the granting of franchises to public and private utility companies for use of County Rights-of-Way. This is a new franchise allowing for use and presence in County Rights-of-Way in order to provide telecommunications services.

**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

MAR 20 2015

JACK LOUWS
COUNTY EXECUTIVE

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

THROUGH: Joseph P. Rutan, P.E., Interim Director

FROM: Andrew Hester, Public Works Real Estate Coordinator

RE: Franchise for Sound Internet Services, Inc.

DATE: March 16, 2015

- Requested Action
  Adopt an ordinance that grants a franchise to Sound Internet Services, Inc.,
  allowing it to use and be present in County Rights of Way in order to provide
  telecommunication services per the terms of the franchise Agreement, under RCW

- Background and Purpose
  Sound Internet Services, Inc. is applying for a new franchise agreement for the
  purposes of utilizing County rights of way to provide telecommunications services.

Please contact Dan Gibson at extension 50703 if you have any questions or
concerns regarding the terms of this agreement.

Encl.
ORDINANCE NO. ________________

GRANTING SOUND INTERNET SERVICES, INC., A NON-EXCLUSIVE FRANCHISE FOR THE PROVISION OF TELECOMMUNICATIONS SERVICES.

WHEREAS, Sound Internet Services, Inc., ("Grantee") has applied to Whatcom County ("County") for a non-exclusive franchise for the right of entry, use, and occupation of the public Rights-of-Way within the County, expressly to install, construct, erect, operate, maintain, repair, relocate and remove its Facilities in, on, upon, along and/or across those Rights-of-Way for purposes of offering and providing Telecommunications Services utilizing said Facilities ("Grantee Services"); and

WHEREAS, RCW 36.55.010, Whatcom County Charter Section 9.30, and Whatcom County Code Chapter 12.24 address the requirements pertaining to the granting of franchises by the County; and

WHEREAS, said application has come on regularly to be heard by the County Council on the ____ day of ______________, 2015, and notice of this hearing has been duly published on the ____ day of ______________, 2015, and the ____ day of ______________, 2015, in the Bellingham Herald, a daily newspaper published in Whatcom County having county-wide circulation; and

WHEREAS, from information presented at such public hearing, and from facts and circumstances developed or discovered through independent study and investigation, the County Council now deems it appropriate and in the best interest of the County and its inhabitants that a franchise be granted to Grantee.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that a non-exclusive franchise set forth in the language herein below, Sections 1 through 24, is hereby granted to Sound Internet Services, Inc., for a period of twenty five (25) years in order that it may install, construct, erect, operate, maintain, repair, relocate and remove its Facilities in, on, upon, along and/or across those Rights-of-Way for purposes of offering and providing Telecommunications Services utilizing said Facilities

Section 1. Grant of Franchise Right to Use Franchise Area.

A. Subject to the terms and conditions stated herein, County hereby grants to Grantee a franchise as set forth in this Ordinance (this "Franchise"), including permission to enter, use and occupy the Rights-of-Way within unincorporated Whatcom County as now or hereafter constituted (the "Franchise Area").
B. Grantee is authorized to install, remove, construct, erect, operate, maintain, relocate and repair the Facilities necessary or convenient for Grantee Services and all appurtenances thereto (collectively, “Grantee Facilities”) in, along, under and across the Franchise Area.

C. This Franchise does not authorize the use of the Franchise Area for any facilities or services other than Grantee Facilities and Grantee Services as provided herein, and it extends no right or privilege relative to any facilities or services of any type, including Grantee Facilities and Grantee Services, on private property within County. This Franchise does not authorize the Grantee to provide “cable services” (as such term is defined in federal law), and if Grantee or anyone using Grantee’s Facilities desires to offer “cable services” in the future, a further agreement with the County will be required prior to providing such service.

D. This Franchise is non-exclusive and does not prohibit County from entering into other agreements, including other franchises, impacting the Franchise Area, unless County determines that entering into such agreements interferes with Grantee’s rights set forth herein.

E. Except as explicitly set forth herein, this Franchise does not waive any rights that County has or may hereafter acquire with respect to the Franchise Area or any other County roads, Rights-of-Way, property, or any portions thereof. This Franchise shall be subject to the power of eminent domain, and in any proceeding under eminent domain, Grantee acknowledges its use of the Franchise Area shall have no value.

F. County reserves the right to change, regrade, relocate, abandon, or vacate any Right-of-Way within the Franchise Area. If, at any time during the term of this Franchise, County vacates any portion of the Franchise Area containing Grantee Facilities, County shall reserve an easement for public utilities within that vacated portion within which Grantee may continue to operate any existing Grantee Facilities under the terms of this Franchise for the remaining period set forth under Section 3.

G. Grantee agrees that its use of Franchise Area shall at all times be subordinate and subject to County’s and the public’s need for municipal infrastructure, travel, and access to the Franchise Area, except as may be otherwise required by law.
Section 2. Notices.

A. Written notices to the parties shall be sent by certified mail to the following addresses, unless a different address shall be designated in writing and delivered to the other party.

County: County Executive
Whatcom County Courthouse
311 Grand Ave., Suite 108
Bellingham, WA 98225

Grantee: Sound Internet Services, Inc.
Db: Pogozone Internet
114 Magnolia Street
Bellingham, WA 98225
Attention: JD Sinclair

B. Any changes to the Grantee’s information shall be sent to County’s Public Works Director referencing the title of this agreement.

C. The Grantee’s voice numbers shall be staffed at least during normal business hours, at least from 8:00 a.m. to 5:00 p.m., Pacific Time Zone.

In all cases, “normal business hours” must also include some evening hours at least one night per week and/or some weekend hours.

Section 3. Term of Franchise.

A. This Franchise shall run for a period of twenty five (25) years, from the date of execution specified in Section 5.

B. If the parties fail to formally renew this Franchise prior to the expiration of its term or any extension thereof, the obligations and privileges of this Franchise shall nonetheless continue in full force and effect until renewed or otherwise terminated by either party through written notice to that effect.

Section 4. Definitions.

For the purpose of this Franchise:

“Affiliate” means, with respect to any Person, any other Person controlling, controlled by or under common control with such Person. For purposes of this definition, the term “control” (including the correlative meanings of the terms “controlled by” and “under common control with”), as used with respect to any Person, means the possession, directly or indirectly, of the
power to direct, or cause the direction of, the management policies of such Person, whether through the ownership of voting securities, by contract or otherwise.

"Emergency" means a condition of imminent danger to the health, safety and welfare of persons or property located within County including, without limitation, damage to persons or property from natural consequences, such as storms, earthquakes, riots, acts of terrorism or wars.

"Facilities" means such poles, wires, cables, conductors, ducts, conduits, vaults, manholes, pedestals, amplifiers, appliances, attachments, and other related property or equipment as may be necessary or appurtenant to the telecommunications system.

"Maintenance" or "Maintain" means examining, testing, inspecting, repairing, maintaining and replacing the existing Grantee Facilities or any part thereof as required and necessary for safe operation.

"Person" means any individual, sole proprietorship, partnership, association, corporation or other form of organization authorized to do business in the State of Washington, and includes any natural person.

"Relocation" means permanent movement of Grantee Facilities required by County, and not temporary or incidental movement of such facilities, or other revisions Grantee would accomplish and charge to third parties without regard to municipal request.

"Right-of-Way" (pluralized as "Rights-of-Way") means the surface and the space above and below streets, roadways, highways, avenues, courts, lanes, alleys, sidewalks, easements, rights-of-way and similar public properties and areas.

"State" means the State of Washington.

"Telecommunications Service" has the same meaning as "Telecommunications service" as defined under 47 U.S.C. § 153 (2012).

Section 5. Acceptance of Franchise.

A. This Franchise, and any rights granted hereunder, shall not become effective for any purpose unless and until Grantee files with the Whatcom County Council the Statement of Acceptance, attached hereto as Exhibit A (the "Franchise Acceptance"). The date that the Franchise Acceptance is filed with the County Council shall be the effective date of this Franchise.

B. Should Grantee fail to file the Franchise Acceptance with the County Council within 30 days after the effective date of this ordinance, the Franchise will automatically terminate and shall be null and void.
Section 6. Construction and Maintenance.

A. Grantee shall apply for, obtain, and comply with the terms of all permits required under Whatcom County Code 12.16, 12.24, 12.27, 12.28, 12.30, and any other pertinent provisions of law as may hereafter apply, for any work done on Grantee Facilities. Grantee shall comply with all applicable County, State, and federal codes, rules, regulations, and orders in undertaking such work, which shall be done in a thorough and proficient manner consistent with the standards of the telecommunications industry.

B. Grantee agrees to use commercially reasonable efforts to coordinate its activities with County and all other utilities located within the Franchise Area.

C. County expressly reserves the right to prescribe how and where Grantee Facilities shall be installed within the Franchise Area and may from time to time, pursuant to the applicable sections of this Franchise, require the removal, Relocation and/or replacement thereof in the public interest and safety at the expense of Grantee.

D. Upon prior written approval of County and in accordance with County ordinances, Grantee shall have the authority, but not the obligation, to reasonably trim trees upon and overhanging streets, Rights-of-Way and places in the Franchise Area so as to prevent the branches of such trees from coming in physical contact with Grantee Facilities. Grantee shall be responsible for debris removal from such activities. If such debris is not removed within twenty-four (24) hours of completion of the trimming, County may, at its sole discretion, remove such debris and charge Grantee for the cost thereof. This section does not in any instance grant automatic authority to clear vegetation for purposes of providing a clear path for radio signals. Any such general vegetation clearing will require a land clearing permit.

E. Consistent with Section 12.16, 12.24, 12.27, 12.28, and 12.30 of the Whatcom County Code, in case of any disturbance of any road, pavement, sidewalk, driveway or other surfacing, the Grantee shall, at its own cost and expense and in a manner approved by the County, replace and restore all paving, sidewalk, driveway, landscaping or surface, promptly and in as good condition as before said work was commenced and in accordance with standards for such work set by the County and the County Code. If Grantee fails, neglects or refuses to make restorations as required under this Section, then the County may do such work or cause it to be done, and the cost thereof to the County shall be paid by Grantee.

F. Grantee shall maintain all aboveground improvements that it places on County Rights-of-Way pursuant to this franchise. In order to avoid interference with the County's ability to maintain its roads and associated Rights-of-Way, Grantee shall provide a clear zone of five feet on all sides of such improvements. For these purposes, “clear zone” means an area that is mowed or otherwise maintained so that the Facilities are readily visible to County maintenance operations. If Grantee fails to comply with this provision, and by its failure property is damaged, then Grantee shall be responsible for all damages caused thereby.
G. Grantee shall maintain a minimum underground horizontal separation of five (5) feet from County water facilities and ten (10) feet from above-ground County water facilities; provided, that for development of new areas, County, together with Grantee and other utility purveyors or authorized users of Rights-of-Way, will develop and follow the Public Works Director's determination of a consensus for guidelines and procedures for determining specific utility locations, subject additionally to this Franchise.

H. Before any work is performed under this Franchise which may affect any existing monuments or markers of any nature relating to subdivisions, plats, roads and all other surveys, the Grantee shall reference all such monuments and markers. The reference points shall be so located that they will not be disturbed during the Grantee’s operations under this Franchise. The method of referencing these monuments or other points to be referenced shall be approved by the County Engineer. The replacement of all such monuments or other points to be referenced shall be approved by the County Engineer. The replacement of all such monuments or markers disturbed during construction shall be made as expeditiously as conditions permit, and as directed by the County Engineer. The cost of monuments or other markers lost, destroyed or disturbed, and the expense of replacement by approved monuments shall be borne by the Grantee. A complete set of reference notes for monuments and other ties shall be filed with the County Engineer’s Office.

Section 7. Repair and Emergency Work.

In the event of an Emergency, Grantee may commence such repair and Emergency response work as required under the circumstances, provided that Grantee shall notify the County Public Works Director in writing as promptly as possible, before such repair or Emergency work commences, or as soon thereafter as possible, if advance notice is not practical. County may act, at any time, without prior written notice in the case of Emergency, but shall notify Grantee in writing as promptly as possible under the circumstances.

Section 8. Damages to County and Third-Party Property.

Grantee agrees that should any of its actions under this Franchise materially impair or damage any County property, survey monument, or property owned by a third-party, Grantee will restore, at its own cost and expense, said property to a safe condition. Such repair work shall be performed and completed to the reasonable satisfaction of the County Engineer.

Section 9. Location Preference.

Any structure, equipment, appurtenance or tangible property of a utility, other than Grantee’s, which was installed, constructed, completed or in place prior in time to Grantee’s application for a permit to construct Grantee Facilities under this Franchise shall have preference as to positioning and location with respect to Grantee Facilities. However, to the extent that Grantee Facilities are completed and installed prior to another utility’s submittal of
a permit for new or additional structures, equipment, appurtenances or tangible property, then
Grantee Facilities shall have priority. These rules governing preference shall continue in the
event of the necessity of relocating or changing the grade of any County road or Right-of-Way.
A relocating utility shall not necessitate the relocation of another utility that otherwise would
not require Relocation. This Section shall not apply to any County facilities or utilities that may
in the future require the Relocation of Grantee Facilities. Such Relocations shall be governed by
Section 11.

Section 10. Grantee Information.

A. Grantee agrees to supply, at no cost to County, any information reasonably
requested by the Director of Public Works to coordinate municipal functions with Grantee’s
activities and fulfill any municipal obligations under State law. Said information shall include, at
a minimum, as-built drawings of Grantee Facilities, installation inventory, and maps and plans
showing the location of existing or planned facilities within County. Said information may be
requested either in hard copy and/or electronic format, if reasonably possible in a format
compatible with County’s database system, as now or hereinafter existing, including County’s
Geographic Information Service (GIS) data base. Grantee shall use its commercially reasonable
efforts to keep the Public Works Director informed of its long-range plans for coordination with
County’s long-range plans.

B. The parties understand that Washington law limits the ability of County to shield
from public disclosure any information given to County. Accordingly, the County will endeavor
in good faith to provide Grantee reasonable notice of any request for public disclosure of
information of Grantee to allow Grantee to take such actions as Grantee may determine and at
Grantee’s sole cost and expense to prevent or limit such disclosure. Grantee shall indemnify
and hold harmless County for any loss or liability for costs and for attorneys’ fees because of
non-disclosures requested by Grantee under Washington’s open public records law, provided
reasonable notice and opportunity to defend was given to Grantee or Grantee is made aware of
a pending request or claim.

Section 11. Relocation of Grantee Facilities.

A. Except as otherwise so required by law, Grantee agrees to Relocate, remove, or
reroute its facilities as ordered by the County Engineer at no expense or liability to County and
within the time frame established by the County Engineer, which time frame shall be
reasonably determined and which shall in no event be less than sixty (60) days following the
date of written notice of such order. Any determination to require the Relocation of Grantee
Facilities shall be made in a reasonable, uniform and non-discriminatory manner. Any County
funds used to reimburse costs incurred by any Person in connection with any relocation shall be
allocated in a reasonable, uniform and non-discriminatory manner. Pursuant to the provisions
of Section 14, Grantee agrees to protect and save harmless County from any customer or third-
party claims for service interruption or other losses in connection with any such change,
Relocation, abandonment, or vacation of public property.
If Grantee fails, neglects or refuses to remove or relocate its facilities as directed by the County; or in emergencies or where public health and safety or property is endangered, the County may do such work or cause it to be done, and the cost thereof to the County shall be paid by Grantee. If Grantee fails, neglects or refuses to remove or relocate its facilities as directed by another franchisee or utility, that franchisee or utility may do such work or cause it to be done, and if Grantee would have been liable for the cost of performing such work, the cost thereof to the party performing the work or having the work performed shall be paid by Grantee.

B. If a readjustment or Relocation of Grantee Facilities is necessitated by a request to Grantee from a Person other than County, that party shall pay Grantee the actual costs thereof.

C. Grantee and the County acknowledge and commit to fully comply with their respective obligations, as the same may arise from time to time, under Chapter 19.122 RCW (Underground Utilities Locator Statute) or any other law applicable to determining the location of utility facilities.

Thus, before commencing any work within the Franchise Area, Grantee shall comply with the One Number Locator provisions of RCW Chapter 19.122 to identify existing utility infrastructure.

D. Design locate marks will be placed in the same three (3) day time frame as construction locate marks.

Section 12. Abandonment and or Removal of Grantee Facilities.

A. Within one hundred and eighty (180) days of Grantee’s permanent cessation of use of Grantee Facilities, or any portion thereof, Grantee shall, at County’s discretion, either abandon in place or remove the affected facilities.

B. The parties expressly agree that this Section shall survive the expiration, revocation or termination of this Franchise.

Section 13. Undergrounding.

A. The parties agree that this Franchise does not limit County’s authority under federal law, State law, or local ordinance, to require the undergrounding of utilities.

B. Whenever County requires the undergrounding of aerial utilities in the Franchise Area, Grantee shall underground Grantee Facilities in the manner specified by the County Engineer, with payment therefor consistent with the provisions of RCW 36.88.410 et ff. Where other utilities are present and involved in the undergrounding project, Grantee shall be required to pay only its fair share of common costs borne by all utilities, in addition to the costs
specifically attributable to the undergrounding of Grantee Facilities. Common costs shall include necessary costs for common trenching and utility vaults. Fair share shall be determined in comparison to the total number and size of all other utility facilities being undergrounded.

**Section 14. Indemnification and Hold Harmless.**

A. Grantee shall defend, indemnify and hold the County and its officers, officials, agents, employees, and volunteers harmless from any and all claims, demands, suits, actions, costs and expenses, including but not limited to attorney’s fees, made against it by any third party on account of injury or damage to the person or property of another, but only to the extent such injury or damage is caused by the actions or failure to act of Grantee, its agents, servants or employees in exercising the rights granted to Grantee in this Franchise; provided, however, that in the event any such claim or demand be presented to or filed with the County, the County shall promptly notify Grantee thereof, and Grantee shall have the right, at its election and at its sole cost and expense, to settle and compromise such claim or demand; provided further, that in the event any suit or action is begun against the County based upon any such claim or demand, the County shall likewise promptly notify Grantee thereof, and Grantee shall have the right, at its election and its sole cost and expense, to settle and compromise such suit or action, or defend the same at its sole cost and expense, by attorneys of its own election. Notwithstanding the foregoing, if damages to another or others result from concurrent negligence of Grantee and the County, Grantee and the County shall each be responsible for and this indemnification provision shall be operative so that each party bears the proportionate share attributable to its own negligence. In case judgment which is not appealed shall be rendered against the County in such suit or action, Grantee shall fully satisfy said judgment within ninety (90) days after said suit or action shall have finally been determined. Upon Grantee’s failure to satisfy said judgment within ninety (90) days, the County may elect to terminate this Franchise pursuant to the terms of Section 19 herein. The provision for reimbursement of the County shall survive the termination of this Franchise.

B. County shall defend, indemnify and hold Grantee harmless from any liability arising out of or in connection with any damage or loss to Grantee Facilities caused by the willful misconduct or gross negligence of County, except to the extent any such damage or loss is directly caused by the negligence of Grantee, or its agents.

C. Grantee acknowledges that neither County nor any other public agency with responsibility for firefighting, Emergency rescue, public safety or similar duties within County has the capability to provide trench, close trench or confined space rescue. Grantee, and its agents, assigns, successors, or contractors, shall make such arrangements as Grantee deems fit for the provision of such services. Grantee shall hold County harmless from any liability arising out of or in connection with any damage or loss to Grantee for County’s failure or inability to provide such services, and, pursuant to the terms of Section 14(A), Grantee shall indemnify County against any and all third-party costs, claims, injuries, damages, losses, suits, or liabilities based on County’s failure or inability to provide such services.
D. Acceptance by County of any work performed by Grantee shall not be grounds for avoidance of this section.

Section 15. Insurance.

A. Grantee shall procure and maintain for the duration of this Franchise, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the work hereunder by Grantee, its agents, representatives, or employees in the amounts and types set forth below:

1. Automobile Liability insurance covering all owned, non-owned, hired, and leased vehicles with a minimum combined single limit for bodily injury and property damage of $1,000,000 per accident.

2. Commercial General Liability insurance with limits no less than $1,000,000 each occurrence, $2,000,000 general aggregate and a $2,000,000 products-completed operations aggregate limit. Coverage shall cover liability arising from premises, operations, independent contractors, products-completed operations, stop gap liability, and personal injury and advertising injury and liability assumed under an insured contract. County shall be named as an additional insured under Grantee’s Commercial General Liability insurance policy with respect to the work performed under this Franchise.

3. Workers’ Compensation coverage as required by the Industrial Insurance laws of the State of Washington.

B. Grantee’s insurance coverage shall be primary and non-contributory insurance as respects County. Any insurance, self-insurance, or insurance pool coverage maintained by County shall be in excess of Grantee’s insurance and shall not contribute to or with it to satisfying any claim or judgment covered hereunder. Grantee’s insurance shall also waive any rights of subrogation against the County and its agents as it pertains to the scope of this agreement.

C. Grantee shall furnish County with certificates of the foregoing insurance coverage with a copy of amendatory endorsements, including but not necessarily limited to the additional insured endorsement.

D. Grantee shall have the right to self-insure any or all of the above-required insurance. Any such self-insurance is subject to approval by County, and in the event such approval is not obtained, Grantee shall carry such coverage as is herein provided.

E. Grantee’s maintenance of insurance as required by this Franchise shall not be construed to limit the liability of Grantee to the coverage provided by such insurance, or otherwise limit County’s recourse to any remedy to which County is otherwise entitled at law or in equity.

Grantee shall provide County with a surety bond in the amount of Fifty Thousand Dollars ($50,000) running or renewable for the term of this Franchise, in a form and substance reasonably acceptable to County. In the event Grantee shall fail to substantially comply with any one or more of the provisions of this Franchise following notice and a reasonable opportunity to cure, then there shall be recovered jointly and severally from the principal and any surety of such surety bond any damages suffered by County as a result thereof, including but not limited to staff time, material and equipment costs, compensation or indemnification of third parties, and the cost of removal or abandonment of facilities hereinabove described. Grantee specifically agrees that its failure to comply with the terms of Section 19 shall constitute damage to County in the monetary amount set forth therein. Such a financial guarantee shall not be construed to limit Grantee’s liability to the guarantee amount, or otherwise limit County's recourse to any remedy to which County is otherwise entitled at law or in equity.

Section 17. Successors and Assignees.

A. All the provisions, conditions, regulations and requirements herein contained shall be binding upon the successors, assigns of, and independent contractors of Grantee, and all rights and privileges, as well as all obligations and liabilities of Grantee shall inure to its successors, assignees and contractors equally as if they were specifically mentioned herein wherever Grantee is mentioned.

B. This Franchise shall not be leased, assigned or otherwise alienated, except to an Affiliate of Grantee, without the express consent of County by ordinance, which approval shall not be unreasonably withheld.

Approval shall not be required for mortgaging purposes or if a transfer of interest is from Grantee to another person or entity controlling, controlled by, or under common control with Grantee.

C. Grantee and any proposed assignee or transferee shall provide and certify the following to County not less than sixty (60) days prior to the proposed date of transfer: (a) complete information setting forth the nature, term and conditions of the proposed assignment or transfer; (b) all information required by County of an applicant for a Franchise with respect to the proposed assignee or transferee; and, (c) an application fee which shall be set by County, plus any other costs actually and reasonably incurred by County in processing and investigating the proposed assignment or transfer.

D. Prior to County’s consideration of a request by Grantee to consent to a Franchise assignment or transfer, the proposed assignee or transferee shall file with County a written promise to unconditionally accept all terms of this Franchise, effective upon such transfer or
assignment of this Franchise. County is under no obligation to undertake any investigation of the transferor's state of compliance and failure of County to insist on full compliance prior to transfer does not waive any right to insist on full compliance thereafter.

Section 18. Dispute Resolution.

A. In the event of a dispute between County and Grantee arising by reason of this Franchise, the dispute shall first be referred to the operational officers or representatives designated by Grantor and Grantee to have oversight over the administration of this Franchise. The officers or representatives shall meet within thirty (30) calendar days of either party's request for a meeting, whichever request is first, and the parties shall make a good faith effort to achieve a resolution of the dispute.

B. If the parties fail to achieve a resolution of the dispute in this manner, either party may then pursue any available judicial remedies. This Franchise shall be governed by and construed in accordance with the laws of the State of Washington. In the event any suit, arbitration, or other proceeding is instituted to enforce any term of this Franchise, the parties specifically understand and agree that venue shall be exclusively in Whatcom County, Washington.

Section 19. Enforcement and Remedies.

A. If Grantee shall violate, or fail to comply with any of the provisions of this Franchise, or should it fail to heed or comply with any notice given to Grantee under the provisions of this Franchise, County shall provide Grantee with written notice specifying with reasonable particularity of the nature of any such breach and Grantee shall undertake all commercially reasonable efforts to cure such breach within thirty (30) days of receipt of notification. If County reasonably determines the breach cannot be cured within (30) thirty days, County may specify a longer cure period, and condition the extension of time on Grantee's submittal of a plan to cure the breach within the specified period, commencement of work within the original thirty (30) day cure period, and diligent prosecution of the work to completion. If the breach is not cured within the specified time, or Grantee does not comply with the specified conditions, County may, at its discretion, either (1) revoke this Franchise with no further notification, or (2) claim damages of One Thousand Dollars ($1,000.00), or actual damages if demonstrably greater, against the financial guarantee set forth in Section 16.

B. Should County determine that Grantee is acting beyond the scope of permission granted herein for Grantee Facilities and Grantee Services, County reserves the right to cancel this Franchise and require Grantee to apply for, obtain, and comply with all applicable County permits, franchises, or other County permissions for such actions, and if Grantee's actions are not allowed under applicable federal and state or County laws, to compel Grantee to cease such actions.
Section 20. Compliance with Laws and Regulations.

A. This Franchise is subject to, and Grantee shall comply with all applicable Federal and State or County laws, regulations and policies, including all applicable elements of County's comprehensive plan, in conformance with federal laws and regulations, affecting performance under this Franchise. Furthermore, notwithstanding any other terms hereof to the contrary, Grantee shall be subject to the police power of County to adopt and enforce general ordinances necessary to protect the safety and welfare of the general public in relation to the rights granted in the Franchise Area.

B. County reserves the right at any time to amend this Franchise to conform to any hereafter enacted, amended, or adopted federal or state statute or regulation relating to the public health, safety, and welfare, or relating to roadway regulation, or a County Ordinance enacted pursuant to such federal or state statute or regulation upon providing Grantee with thirty (30) days written notice of its action setting forth the full text of the amendment and identifying the statute, regulation, or ordinance requiring the amendment. Said amendment shall become automatically effective upon expiration of the notice period unless, before expiration of that period, Grantee makes a written call for negotiations over the terms of the amendment. If the parties do not reach agreement as to the terms of the amendment within thirty (30) days of the call for negotiations, County may enact the proposed amendment, by incorporating Grantee's concerns to the maximum extent County deems possible.

Section 21. Consideration.

A. As consideration for this Franchise, Grantee commits to pay a County franchise fee of six percent (6%) on gross revenues derived from Grantee's provision of telecommunications services in the Franchise Area granted herein by the County utilizing the Grantee Facilities, net of bad debt or other uncollectable amounts.

B. Grantee's franchise fee payments to the County shall be computed quarterly for the preceding calendar quarter, with quarters ending March 31, June 30, September 30 and December 31. Each quarterly payment shall be due and payable no later than forty-five (45) days after said dates. Payments shall be made to the Whatcom County Treasurer, Whatcom County Courthouse, Suite 104, 311 Grand Avenue, Bellingham, WA 98225, unless otherwise specified by the County in writing.

C. No acceptance of any payment shall be construed as an accord by the County that the amount paid is in fact the correct amount, nor shall any acceptance of payments be construed as a release of any claim the County may have for further or additional sums payable or for the performance of any other obligation of Grantee.

D. Each payment shall be accompanied by a written report to the County verified by an authorized representative of Grantee, containing an accurate statement in summarized form, as well as in reasonable detail, of Grantee's gross revenues and the
computation of the payment amount. Grantee shall, no later than sixty (60) days after the end of each calendar year, furnish to the County a statement of gross revenues and all payments, deductions and computations for the year just ended. Such statement shall be reviewed and approved by an authorized representative of Grantee prior to submission to the County.

E. During the term of this Agreement, and for a period of one (1) year thereafter, the County may retain (on a non-contingent fee basis) an independent auditor to review and audit Grantee’s relevant records to confirm the performance of payment obligations under this Agreement upon thirty (30) days prior written notice. Each party shall provide a list of two (2) auditors, one of whom thereafter must be mutually agreed to by the parties. Such audit shall: (a) be subject to Grantee’s reasonable security and confidentiality requirements; (b) occur no more than once per year and not during the first or last three (3) weeks of a calendar quarter; and (c) transpire during Grantee’s normal business hours. If the audit shows an underpayment to the County for any period of time, then Grantee shall, within thirty (30) days after completion of such audit, pay such underpaid amounts to the County. If the audit shows an overpayment to the County for any period of time, then the County shall, within thirty (30) days after completion of such audit, pay such overpaid amounts to Grantee. Any underpayment or overpayment will also include interest at the maximum allowed rate provided under State law, calculated from the date of the underpayment or overpayment. All expenses associated with such audit shall be paid by the County unless the audit reveals an underpayment of more than ten percent (10%) in payments required hereunder in which case Grantee shall reimburse the County for the reasonable costs of such audit, not to exceed Five Thousand Dollars ($5,000).

F. Any claim arising as a result of such an audit against Grantee must be made in writing within sixty (60) days of the County’s completion of the audit. All information reviewed by the County or its auditor pursuant to any audit shall be deemed to be “Confidential Information” subject to the terms of Section 10 herein and shall be treated as such by the County in accordance with applicable law.

G. No more than once per year, Grantee agrees to meet with a representative of the County upon written request to review Grantee’s methodology of record-keeping, financial reporting, the computing of franchise fee obligations and other procedures, the understanding of which the County deems necessary for reviewing reports and records that are relevant to the enforcement of this Agreement.

H. In the event any payment is not received within forty-five (45) days from the end of the calendar quarter, Grantee shall pay, in addition to the payment or sum due, interest on the amount due at the maximum allowed rate as provided under State law from the date the payment was due until the date the County receives the payment.

I. If this Agreement terminates for any reason, the Grantee shall file with the County, within sixty (60) calendar days of the date of the termination, a financial statement showing the gross revenues received by the Grantee since the end of the previous fiscal year.
Within thirty (30) days of the filing of the certified statement with the County, Grantee shall pay any unpaid amounts as indicated. If the Grantee fails to satisfy its remaining financial obligations as required in this Agreement, the County may do so by utilizing the funds available in any security provided by the Grantee.

Section 22.  Consequential Damages Limitation.

Notwithstanding any other provision of this Franchise, in no event shall either party be liable for any special, incidental, indirect, punitive, reliance, consequential or similar damages.

Section 23.  Severability.

If any portion of this Franchise is deemed invalid, the remainder portions shall remain in effect.

Section 24.  Titles.

The section titles used herein are for reference only and should not be used for the purpose of interpreting this Franchise.

ADOPTED this _____ day of __________ 2015.

ATTEST

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

__________________________
Dana Brown Davis, Clerk of the Council  Carl Weimer, Council Chair

APPROVED AS TO FORM:

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON

__________________________
Daniel Gibson
Chief Civil Deputy Prosecutor

Jack Louws, County Executive
( )Approved  ( )Denied

Date Signed: ________________
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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**RECEIVED**
MAR 24 2015
WHATCOM COUNTY COUNCIL

**TITLE OF DOCUMENT:**
An Ordinance Establishing Parking Restrictions on Bennett Drive

**ATTACHMENTS:**
1. Memo to County Executive
2. 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:** 4/14/15

**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 46.61.570, at the discretion of the County Council this ordinance will implement parking restrictions on Bennett Drive.

**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.

524
MEMO TO: The Honorable Jack Louws, County Executive, and Honorable Members of the Whatcom County Council

THROUGH: Joseph P. Rutan, P.E., Interim Director

FROM: Mike Donahue, Traffic Manager

DATE: March 17, 2015

Subject: Ordinance to Modify Parking on a Portion of Bennett Drive

Requested Action:
Introduce to the Public Works and Safety Committee for review and discussion the proposed ordinance for parking restrictions on a portion of Bennett Drive.

Background and Purpose:
The County Sherriff’s office has requested help with unsafe parking on Bennett Drive. The request is for a "No Parking Anytime" zone be established on Bennett Drive on the west side of the road from Airport Drive to Cherrywood Avenue.

Information:
To comply with RCW 46.61.570 to establish parking restrictions on certain County roads, it is found necessary and expedient to modify the parking availability on Bennett Drive. This ordinance will allow parking restrictions on this portion of Bennett Drive rom Airport Drive to Cherrywood Avenue.

Enc.
ORDINANCE NO. ______
AN ORDINANCE ESTABLISHING PARKING RESTRICTION
ON BENNETT DRIVE

WHEREAS, Whatcom County Council is authorized under RCW 46.61.570 to restrict parking on certain County roads; and

WHEREAS, the Whatcom County Sheriff’s office contacted Public Works to request assistance in defining parking that could be enforced to help reduce collisions; and

WHEREAS, the County Engineer’s office conducted a traffic study that showed that vehicles parked on this portion of Bennett Drive restricted the visibility of drivers that were using driveways in the area.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the following be added to the Whatcom County Code Section 10.24.24 as follows:

A “No Parking Anytime” zone be established on Bennett Drive on the west side of the road from Airport Drive to Cherrywood Avenue.

BE IT FURTHER ORDAINED that the County Engineer is hereby directed to install the appropriate signs and that the Whatcom County Sheriff be notified by a copy of this ordinance.

ADOPTED this ____ day of _____________, 2015

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk
Carl Weimer, Council Chair

APPROVED AS TO FORM:

() Approved () Denied

Civil Deputy Prosecutor

Jack Louws, Executive
Date:

Page 1 of 1
Bennett Dr. Vicinity Map
Proposed No Parking Zone

No Parking West Side

City of Bellingham

Proposed No Parking Sign

Proposed No Parking Zone (West side)
**TITLE OF DOCUMENT:** Ordinance to amend WCC 3.08.090 and 3.08.100 in response to 02/10/2015 proposed changes.

**ATTACHMENTS:**
- Ordinance
- Exhibit A

**SEPA review required?**

<table>
<thead>
<tr>
<th>( ) Yes</th>
<th>( ) NO</th>
</tr>
</thead>
</table>

**SEPA review completed?**

<table>
<thead>
<tr>
<th>( ) Yes</th>
<th>( ) NO</th>
</tr>
</thead>
</table>

**Should Clerk schedule a hearing?**

<table>
<thead>
<tr>
<th>( ) Yes</th>
<th>( ) NO</th>
</tr>
</thead>
</table>

**Requested Date:**

Executive Louws respectfully requests Council approval of the modified amendment to Whatcom County Code 3.08.090 and 3.08.100 as further outlined in Exhibit A of the attached ordinance.

---

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

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

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

AMENDING WHATCOM COUNTY CODE 3.08, PURCHASING SYSTEM

WHEREAS, Whatcom County Code 3.08 guides the Whatcom County Purchasing System; and

WHEREAS, Whatcom County administration strives to establish efficient and transparent government practices while administering the necessary and appropriate checks and balances; and

WHEREAS, on February 10, 2015 the Whatcom County Council proposed an amendment to Whatcom County Code 3.08; and

WHEREAS, upon review of the proposed amendment Whatcom County administration respectfully proposes an alternative amendment;

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that that Whatcom County code Chapter 3.08.090 and 3.08.100, are hereby amended as outlined in Exhibit A to this ordinance.

ADOPTED this ____ day of ________, 2015.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Clerk of the Council

Carl Weimer, Council Chair

APPROVED AS TO FORM:

Daniel Gibson, Civil Deputy Prosecutor

Jack Louws, County Executive
WHATCOM COUNTY CODE

Chapter 3.08

PURCHASING SYSTEM

3.08.090 Bid specifications, deposits and awards.

A. In developing specifications for bids or proposals, all reasonable efforts shall be made to ensure that a variety of vendors shall be capable of fulfilling the stated requirements of the county. Performance considerations shall be included in the specifications. However, nothing in this section shall be construed to limit the county from pursuing sole source procurement where adequate justification has been presented that such procurement is in the best interests of county operations.

B. When the acquisition of materials, supplies, purchased services, tools, equipment, rental of personal property or professional services involves amounts greater than $25,000 in a single transaction for a nonpublic work award or exceeding $40,000 for a public work award, the administrative services department shall be responsible for the review and approval of specifications and the preparation of invitations to bid pursuant to provisions set forth in this chapter.

C. All bid specifications shall be in writing and placed on file for public inspection.

D. An advertisement that written specifications are on file and available for public inspection shall be published in the official county newspaper. Advertisements shall be published at least once in each week for two consecutive weeks prior to the last date upon which bids will be received and may be published for as many additional publications as shall be considered in the county’s interest. Such advertisement shall state:

1. The date after which bids will not be received;

2. The character of the work to be done, or the materials, equipment or service to be purchased; and

3. Where the specifications may be seen.

E. No bid shall be considered for public works unless it is accompanied by a bid deposit in the form of a surety bond, postal money order, cash, cashier’s check, or certified check in an amount equal to five percent of the amount of the bid proposed.

F. Should the bidder to whom the contract is awarded fail to enter into the contract or fail to furnish the contractor’s bond within 10 days (exclusive of the date of notice) after notice of the award, the amount of the bid deposit shall be forfeited to the county. Thereafter, the award shall be made to the next lowest responsive bidder. The bid deposit of an unsuccessful bidder (if his bid deposit has not been
forfeited) shall be returned after the required contractor's bond of the successful bidder has been accepted.

G. Bids received shall be opened and read in public on the date named in the advertisement for bids, or on a subsequent date established in a bid addendum.

H. After opening, all bids shall be reviewed and referred to the requisitioning department for recommendation of award. Bids will be forwarded by the director of the administrative services department or designee with a recommendation to the county executive for award.

I. After opening and award, all bids shall be filed for public inspection, and available by telephone inquiry.

J. Any or all bids may be rejected for good cause. If all bids are not rejected, the award shall be to the lowest responsive bidder. In determining which is the lowest responsive bidder, the county may take into consideration the bidder's responsiveness to the county's requirements, the quality of the articles to be purchased or leased, availability of parts and service, delivery time, the tax revenue the county would receive from purchasing from a supplier located within its boundaries and prior dealings with the bidder.

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

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

M. The county executive may administratively amend and execute capital improvement project contracts within the approved capital budget appropriation.

N. Contracts entered into by the county may be administratively amended to a cumulative amount not to exceed $10,000 or 10 percent of the original contract, whichever is greater; larger amounts require council approval.

O. Amendments to existing contracts which involve externally funded pass-through moneys may be approved by the county executive without council approval in any amount. (Ord. 2013-029 Exh. A; Ord. 2007-004 Exh. A; Ord. 97-034 Exh. A; Ord. 93-042 Exh. H).
3.08.100 Council approval required.

Contracts for professional services exceeding $2950,000, bids exceeding $50100,000 and all real property leases must be submitted to the county council for approval, except when:

A. Exercising an option contained in a contract or lease previously approved by the council.

B. Contract is for the design, construction, right-of-way acquisition or other capital costs for capital projects which are within the appropriation approved by the county council in a capital budget appropriation ordinance.

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

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

EC. Pursuant to and within the scope of a declaration of emergency made by the county executive under WCC 3.08.060(B). The county executive, pursuant to a declaration of emergency, shall submit the contract to the county council for informational purposes at the council’s next regular or special meeting.

Contracts and interlocal agreements which do not require the use of county funds may be approved administratively by the county executive. (Ord. 2013-029 Exh. A; Ord. 2007-004 Exh. A; Ord. 2000-025; Ord. 97-034 Exh. A; Ord. 96-034; Ord. 93-042 Exh. H).
**WHATCOM COUNTY COUNCIL AGENDA BILL**

<table>
<thead>
<tr>
<th>CLEARANCES</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
<th>Assigned to:</th>
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<tr>
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<td></td>
<td>3/20/15</td>
<td>03/31/15</td>
<td>Intro</td>
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<td>Division Head:</td>
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<td>04/14/15</td>
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<tr>
<td>Prosecutor:</td>
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<td>3/20/15</td>
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<td>Purchasing/Budget:</td>
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<td>3/20/15</td>
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<tr>
<td>Executive:</td>
<td>Y</td>
<td>3/24/15</td>
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</tbody>
</table>

**TITLE OF DOCUMENT:** 2015 Supplemental Budget Request #4

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

<table>
<thead>
<tr>
<th>SEPA review required?</th>
<th>( ) Yes ( X ) NO</th>
<th>Should Clerk schedule a hearing?</th>
<th>( ) Yes ( X ) NO</th>
<th>Requested Date:</th>
</tr>
</thead>
</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 #4 requests funding from the General Fund:

1. To appropriate $4,000 in Parks to fund Youth Shooting Program from donation proceeds.

From the Road Fund:

2. To appropriate $990,000 in Public Works to fund transfer to support Slater Road Intersections, Imhoff Road and Ferndale Road projects.

3. To appropriate $450,000 in Public Works to fund transfer to support Dakota Creek Bridge No. 500 project.

In addition, add 1 FTE Community Programs Coordinator in Juvenile within existing budget authority.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

533
ORDINANCE NO.
AMENDMENT NO. 4 OF THE 2015 BUDGET

WHEREAS, the 2015-2016 budget was adopted November 25, 2014; and,
WHEREAS, changing circumstances require modifications to the approved 2015-2016
budget; and,
WHEREAS, the modifications to the budget have been assembled here for deliberation by
the Whatcom County Council.
NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the 2015-2016
Whatcom County Budget Ordinance #2014-065 is hereby amended by adding the following
additional amounts to the 2015 budget included therein:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Expenditures</th>
<th>Revenues</th>
<th>Net Effect</th>
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<tbody>
<tr>
<td>General Fund</td>
<td>4,000</td>
<td>(4,000)</td>
<td>-</td>
</tr>
<tr>
<td>Parks</td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Total General Fund</td>
<td>4,000</td>
<td>(4,000)</td>
<td>-</td>
</tr>
<tr>
<td>Road Fund</td>
<td>1,440,000</td>
<td>-</td>
<td>1,440,000</td>
</tr>
<tr>
<td>Total Supplemental</td>
<td>1,444,000</td>
<td>(4,000)</td>
<td>1,440,000</td>
</tr>
</tbody>
</table>

In addition, the Authorized Position listing in the 2015-2016 Budget Ordinance should be
amended to provide for the following FTE changes:
- Add 1 FTE Community Programs Coordinator in Juvenile.

ADOPTED this ___ day of ________________, 2015.

ATTEST:

Dana Brown-Davis, Council Clerk

Carl Weimer, Chair of the Council

APPROVED AS TO FORM:

( ) Approved ( ) Denied

Jack Louws, County Executive

Date: _______________________

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Civil Deputy Prosecutor

534
<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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<tbody>
<tr>
<td><strong>General Fund</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parks</td>
<td>To fund Youth Shooting Program from grant proceeds.</td>
<td>4,000</td>
<td>(4,000)</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td><strong>Total General Fund</strong></td>
<td>4,000</td>
<td>(4,000)</td>
<td>-</td>
</tr>
<tr>
<td><strong>Road Fund</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Public Works</td>
<td>To fund Road Fund transfer to support Slater Road Intersections, Imhoff Road &amp; Ferndale Road projects</td>
<td>990,000</td>
<td>-</td>
<td>990,000</td>
</tr>
<tr>
<td>Public Works</td>
<td>To fund Road Fund transfer to support Dakota Creek Bridge No. 500 project</td>
<td>450,000</td>
<td>-</td>
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<tr>
<td></td>
<td><strong>Total Road Fund</strong></td>
<td>1,440,000</td>
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<td>1,440,000</td>
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<tr>
<td><strong>Total Supplemental</strong></td>
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<td>1,444,000</td>
<td>(4,000)</td>
<td>1,440,000</td>
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</table>
Supplemental Budget Request

Parks & Recreation

<table>
<thead>
<tr>
<th>Supp'1 ID #</th>
<th>Fund</th>
<th>Cost Center</th>
<th>Originator</th>
</tr>
</thead>
<tbody>
<tr>
<td>1958</td>
<td>1</td>
<td>6004</td>
<td>Michael McFarlane</td>
</tr>
</tbody>
</table>

Expenditure Type: One-Time  Year 1 2015  Add'l FTE ☐  Add'l Space ☐  Priority 1

Name of Request: Community Foundation Youth Shooting Program Grant

X  3-11-15

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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</thead>
<tbody>
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<tr>
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<td>Extra Help</td>
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<tr>
<td>6320</td>
<td>Office &amp; Op Supplies</td>
<td>$1,600</td>
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</table>

Request Total: $0

1a. Description of request:
The Whatcom Community Foundation has provided funding for the youth shooting program at the Plantation Rifle Range. This program is offered on Saturdays during different times of the year and provides an opportunity for youth to learn shooting skills. This long standing program at the range has previously been funded through grants or a modest user fee. Grant funding covers the cost of ammunition, targets, and supervision and allows the Parks & Recreation Department to offer this program free of charge to participants.

1b. Primary customers:
This public program is targeted to young shooters ages ten to fifteen years of age. Shooters need to be accompanied by an adult.

2. Problem to be solved:
This programs introduces and exposes the participants to safe firearm handling and shooting skills. It also provides an introduction to competitive shooting. This is a long standing and popular program at the range which at times in the past was funded through user fees. The Whatcom Community Foundation grant allows the department to offer this program at no charge allowing participation regardless of a family's economic status.

3a. Options / Advantages:
This program has been offered as a fee based program in years when private funding was not available. The grant funding allows this program to be offered at no cost.

3b. Cost savings:
Not applicable as the program costs are being funded by a private grant.

4a. Outcomes:
Approximately 365 persons participated in the 2014 youth shooting program. The 2015 program will be offered over a twelve week period in the spring and fall.

4b. Measures:
Participants will be tracked for reporting purposes and the grant will be fully utilized.

5a. Other Departments/Agencies:
No

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

6. Funding Source:

Wednesday, March 11, 2015

Rpt: Rpt Suppl Regular
Supplemental Budget Request

<table>
<thead>
<tr>
<th>Suppl ID #</th>
<th>Fund</th>
<th>Cost Center</th>
<th>Originator</th>
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<tbody>
<tr>
<td>1958</td>
<td>1</td>
<td>6004</td>
<td>Michael McFarlane</td>
</tr>
</tbody>
</table>

Whatcom Community Foundation Grant

Status: Pending
Supplemental Budget Request

Public Works

<table>
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<tr>
<th>Fund</th>
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<tbody>
<tr>
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<td>10852</td>
<td>James P. Karcher</td>
</tr>
</tbody>
</table>

Expenditure Type: One-Time
Year: 2015
Add'l FTE: 
Add'l Space: 
Priority: 1

Name of Request: Slater Intersections (Imhof & Ferndale)-Road Trf

X

Department Head Signature (Required on Hard Copy Submission) Date

<table>
<thead>
<tr>
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<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
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<td>8351</td>
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<tr>
<td>Request Total</td>
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</table>

1a. Description of request:
This proposal replaces Federal Surface Transportation Program funding for this project and with local funding. This is being proposed to comply with the legal requirements of the federal funding as described in the Problem and Options section of this request. See related Amendment No. 1 to Ordinance 2014-012, Slater Road Intersections, Imhof and Ferndale Roads Project Budget. Federal funding will be transferred to another qualified road project.

The road project itself proposes to improve Slater Road at its intersections with Imhof Rd and Ferndale Rd by adding left turn lane channelization and widen the roadway between the two intersections to meet current road standards. Other project improvements include: illumination of the two intersections (Imhof and Ferndale) to increase visibility/safety, installation of drainage upgrades to address water quality and quantity, placement of new pavement markings and other safety improvements.

1b. Primary customers:
The primary customers for this service are the general motoring public along with the businesses and communities served by the Slater corridor.

2. Problem to be solved:
The project limits are entirely within the Lummi Indian Reservation, which will require involvement of the Tribal Employment Rights Office (TERO) in bidding and construction. Due to federal funding on the project, FHWA will not allow the bidder preference required by the TERO, which is a change from past practice. Whatcom County will be allowed to keep the federal monies used for Design, but not the federal monies proposed for construction. This budget amendment will remove the federal revenue from the construction phase, and replace it with local road funds.

This project is important because it addresses safety upgrades to two key intersections on one of Whatcom County’s highest volume roadways and an important freight and goods route. In addition, the project widens Slater Road for the half mile between the intersections, which also improves safety.

3a. Options / Advantages:
Other options considered were as follows:
1) Transfer federal monies to the BIA, and then allow the Lummi Nation to finish the design and build the project in 2015. This was explored with WSDOT, FHWA and the BIA, but was dropped from consideration due to complicated procedures required to effect the transfer, along with the added time for the process, which would cause the project to be bid late and constructed in the fall. Paving on a major collector like Slater Road needs to occur in the summer to produce the best quality product with the longest service life; therefore, this option would have been the least preferred.
2) Move the project to the summer of 2016, and utilize option 1) above. Lots of inefficiencies and cost increases in letting a project sit for a year. This was the second preferred option.
3) Transfer the federal monies to another County project, and supplement the loss of federal funds with Local Road Funds. This option keeps the project on track for construction in 2015, during prime summer construction months. It also allows a safety improvement project to move forward without delay, and takes into account prior planning and coordination with other County projects and Stakeholders. This was our top preferred option.

In summary, we felt that option 3 was the superior option due to cost efficiency and time.

3b. Cost savings:
The specific cost savings by utilizing option 3 above compared with option 2:
1) Redesign of the bid package to update the specifications for 2016 = $5000.
2) Updates to consultant contract (rates, time, scope) and internal administration for an extra year = $2500.

Total cost savings approximately $7500.

4a. Outcomes:
The Slater Road Intersections - Imhof & Ferndale Road project will go forward as planned. Federal funding will be utilized on another county road project.

4b. Measures:

5a. Other Departments/Agencies:
N/A

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

6. Funding Source:
County Road Fund Balance
Supplemental Budget Request

Public Works

Expenditure Type: One-Time
Year: 2015
Add'l FTE □ Add'l Space □ Priority: 1

Name of Request: Amend 2 Bridge 500 - Road Fund Transfer

X

Department Head Signature (Required on Hard Copy Submission)

Date

<table>
<thead>
<tr>
<th>Costs:</th>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
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</thead>
<tbody>
<tr>
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</tr>
<tr>
<td>Request Total</td>
<td></td>
<td></td>
<td>$450,000</td>
</tr>
</tbody>
</table>

1a. Description of request:

Request to transfer Road Fund monies to Dakota Creek Bridge No. 500 Project Budget to fund increase in construction costs based on low bidder results. See related Amendment No. 2 to the Dakota Creek Bridge Project Fund.

The existing Portal Way/Dakota Creek Bridge No. 500 is a reinforced concrete T-beam bridge built in 1928. An in-depth structural assessment of the bridge was completed in 2010 which found the bridge to be seismically deficient. The proposed project includes installation of steel column jackets, longitudinal restrainer assemblies, pier diaphragm replacement, transverse girder stops and abutment anchor systems to mitigate the seismic risks to the bridge.

1b. Primary customers:

The primary customers for this service are the general motoring public along with the businesses and communities served by Portal Way.

2. Problem to be solved:

This bridge is seismically deficient and completion of this project will extend the service life of the bridge through seismic retrofits and mitigate the potential risks to this bridge during a seismic event.

3a. Options / Advantages:

There appear to be three available options, 1) enter into a contract with the low bidder and complete construction of the project as planned in the summer of 2015, 2) re-advertise the project for construction during the summer of 2016, or 3) not move forward with the project.

Option 1) After careful review of the submitted low bid Public Works recommends supplementing the project budge and moving forward with construction of the project in the summer of 2015 as planned due to the seismic deficiency of the bridge and the current availability of BRAC funds in the amount of 3 million dollars.

Option 2) Given the long lead time on the steel components of the project and the significant amount of in-channel work to be completed during the summertime fish window, there is not sufficient time to re-advertise the project now for construction in the summer of 2015. Pushing construction of the project to the summer of 2016 would cause the project to incur additional preliminary engineering costs, and as construction costs typically increase from year to year, there would be no guarantee that a lower bid would be received for construction of the project in 2016.

Option 3) Public Works does not recommend this option due to the seismic deficiency of the bridge and the current availability of BRAC funds in the amount of 3 million dollars.
<table>
<thead>
<tr>
<th>Public Works</th>
<th>Engineering Admin</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Supp'I D #</strong></td>
<td><strong>1961</strong></td>
</tr>
</tbody>
</table>

**3b. Cost savings:**
N/A

**4a. Outcomes:**
The Portal Way/Dakota Creek Bridge No. 500 Seismic Retrofit project will move forward as planned.

**4b. Measures:**
N/A

**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:**
Road Fund Balance
March 20, 2015

TO: Jack Louws, County Executive

FROM: David Reynolds, Director of Superior Court Administration

RE: New Position

I am requesting Whatcom County create a new position with Superior Court Administration that will greatly assist in direct service delivery of evidence based programs, as well as provide me with much needed administrative support between Superior Court, the County Clerk, and Juvenile Court Administration.

By combining a limited amount of existing general funds (25%) and redirecting monies we receive from the State of Washington (75%), we have enough funds to create a new position, Community Programs Coordinator. Due to significant staffing reductions over the past several years, we have had to scale back or eliminate a variety of services offered to youth. While the need has continued to exist, the ability to deliver the services levels are something we have not been able to absorb with existing staff. This position will allow us to reestablish some of these programs, as well as increase the number of youth receiving these services in existing programs. In addition, it will open the door to access additional dollars from the State in support of these expenditures.

In working with County Finance, we are suggesting moving funds within existing cost centers to achieve this without increasing existing expenditure authority. In addition, this position presents the opportunity to make changes to both focus and funding source changes at the State level, allowing us to capture these funds which would otherwise be returned to the State. This will also allow much needed financial sustainability for this position.

I am attaching a proposed breakdown of internal shifting of funds to support this position.

Further, I am requesting authorization to immediately post and hire for this position, with the understanding we cannot officially start the position absent Council approval. This request will allow us the ability to immediately begin receiving State revenue that will otherwise go unspent.

Should you have any questions, please feel free to contact me at X 56788.
# Community Programs Coordinator

## 2015 - 9 Mos

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**Revenues**

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**Revenues**

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