

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:		2/23/2015		3/3/2015	NR & Council
Division Head:					
Dept. Head:	<i>DDO</i>				
Prosecutor:					
Purchasing/Budget:					
Executive:					

**TITLE OF DOCUMENT:**

Resolution providing guidance to the WRIA 1 Planning Unit

**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.)

Resolution providing guidance to the WRIA 1 Planning Unit

**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).

PROPOSED BY: Weimer  
SPONSORED BY: Weimer  
INTRODUCTION DATE: March 3, 2015

RESOLUTION NO. \_\_\_\_\_

**PROVIDING GUIDANCE TO THE WATER RESOURCE  
INVENTORY AREA 1 (WRIA 1) PLANNING UNIT**

**WHEREAS**, in 2013 the Whatcom County Council passed resolution 2013-025 recognizing the role of the WRIA 1 Planning Unit in assisting the Whatcom County Council regarding water resource issues; and

**WHEREAS**, the WRIA 1 Planning Unit has spent much of the past year and a half reorganizing and reviewing information in preparation for once again providing a multi-stakeholder voice in various water planning issues; and

**WHEREAS**, the Whatcom County Council recognizes the need for a well represented multi-stakeholder group to provide independent advice on a range of water issues; and

**WHEREAS**, the WRIA 1 Planning Unit has adapted their meeting procedures to be able to provide advice to the County in a timely manner; and

**WHEREAS**, WRIA 1 Planning Unit members in a recent meeting with the County Council to present the Planning Unit's work plan requested guidance from the County Council regarding which water issues the Council would like them to provide input on; and

**WHEREAS**, the WRIA 1 Planning Unit is unique from other County advisory committees because representatives to the Planning Unit are selected by members of their own stakeholder caucuses instead of being appointed by the Council or Executive; and

**WHEREAS**, some of the WRIA 1 Planning Unit's water resource interest caucuses are made up of diverse individuals and groups not typically organized as a single voice; and

**WHEREAS**, the Whatcom County Council believes that transparency in the procedures used for caucus outreach, operations, and to select caucus representatives will help build trust in the WRIA 1 Planning Unit advice;

**NOW THEREFORE BE IT RESOLVED**, that the Whatcom County Council requests information regarding the operation of the caucuses and the selection process for caucus representations, and provides a list of water resource issues we would like the Planning Unit to provide advice on as shown on attached Exhibit A.

**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:**

\_\_\_\_\_  
Civil Deputy Prosecutor

## **EXHIBIT A**

### **WRIA 1 Planning Unit Guidance**

#### **Re-engagement Documentation**

The County Council believes that trust in the Planning Unit function is dependent on sufficient transparency in the selection of caucus representatives and operation of the caucuses. During the initial formation of the caucuses Addendum #2 to the Structure and Function document spelled out 6 requirements for caucus participation. Those requirements were:

1. A list of organizations and/or individuals that were invited, notified, or have requested inclusion in the caucus.
2. A list of individuals and the organizations currently represented by caucus membership.
3. An explanation of how the Planning Unit caucus representative was selected by the caucus membership, and the term of the Planning Unit caucus representative.
4. A summary of caucus formation meetings, correspondence, and other membership outreach activities that have occurred prior to the first Planning Unit Meeting.
5. Caucus operating procedures describing the authority of the Planning Unit representative and of any other officials of the caucus (such as chair, treasurer, recorder, etc.); meeting frequency; means of communication; basis for decisions making; etc.
6. A written request of resources needed to facilitate caucus formation, operation, and participation on the Planning Unit.

While the County Council recognizes that it was not the fault of the Planning Unit that there was an extended period of time when there was little or no caucus communication or engagement, it is still true that for trust and transparency to be reestablished that caucuses should again confirm participation by providing the Council with documentation regarding the caucuses current operations and leadership by once again submitting the required six items listed above. This requirement only pertains to the ten Water Resource Interest caucuses listed in the Structure and Function document. Please answer these items pertaining to how the caucus was reactivated in 2013 or 2014. If a caucus has already provided this information to the County since re-formation in 2013 there is no need to do it again.

Please provide this information to the Council Office by April 1, 2015.

#### **Program Review**

The County Council is interested in getting review of the current situation on the following issues and recommendations for changes needed to better protect water quality, increase water availability for fish and humans, restore habitat toward renewing a sustainable salmon fishery, and better integrate our land use policies with water resource protection.

- **Review Implementation of the five recommended WRIA-Wide programs** from the Watershed Management Plan. Provide the Council a synopsis of what has been implemented, what has not been implemented, and recommendations for full implementation. This review will help integrate the WRIA 1 Watershed Management Plan with the 2016 Comprehensive Plan update. Those five WRIA-wide programs were:

- **Compliance Program** - The purpose of the WRIA 1 Compliance Program is to 1) improve compliance with water-related environmental regulations using coordinated, interagency education, technical assistance, enforcement, and compliance monitoring; and 2) to determine the effectiveness of water-related regulations.

- **Low Impact Development** -The purpose of the Low Impact Development program is to reduce development impacts on water resources through the increased use of Low Impact Development techniques.

- **Natural Resources Policy Integration** – The purpose of the Natural Resource Policy Integration (NRPI) program is to assure improved coordination among water-related natural resource plans and policies developed within the jurisdictions of WRIA 1.

- **Public Involvement and Education** - The purpose of the Public Involvement and Education (P.I.E.) Program is to continue to build the community’s capacity to understand general water resource issues, with the eventual goal of more extensive community engagement in the development of water-related policies in WRIA 1.

- **Water Use Efficiency** - The purpose of the WRIA 1 Water Use Efficiency Program is to identify water use efficiency measures for domestic, municipal, commercial, industrial, and agricultural water supplies and to identify and remove legal disincentives to water use efficiency programs.

- **Review of the implementation of the WRIA 1 Long Term Monitoring Program.** Provide overview of what parts have been implemented, what parts have not, and prioritized recommendations for any needed improvements or additions to the current status.

- **Review the Lower Nooksack Strategy** to determine which parts of the strategy have been adequately accomplished, which parts are in the works and are being implemented adequately, which parts have been permanently or temporarily abandoned, which parts are still scheduled to be accomplished and what the timeline for those are, and what programs to accomplish the goal of “Economic and environmental certainty for stakeholders and communities that share the Lower Nooksack River Sub-basin” are either missing from the strategy or are not being adequately implemented at this time. Provide a comparison of this strategy to the agreed upon Instream Flow Action Plan in the WRIA 1 Watershed Management Plan.

### **Resource Needs**

The County Council has appropriated \$40,000 for support of Planning Unit efforts in 2015 - \$30,000 for meeting facilitation, and \$10,000 for Caucus support. We have assumed that staff from the pertinent County departments – Public Works, Planning and Development Services, and Health will be made available to brief the Planning Unit on current programs and efforts,




and to assist with administrative and informational needs. We also have assumed that staff from other Caucuses will be available to assist the Planning Unit 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 can not 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.

We believe review of the above stated programs will help bring the entire Planning Unit back up to speed on these important issues, and allow the Planning Unit to once again serve the important role of providing multiple stakeholder groups a valued voice in Whatcom County water planning. As we believe you are aware money for watershed planning efforts from the Department of Ecology has pretty much dried up, and money that Whatcom County provided from the Flood Fund to be administered by the Joint Board for implementation of many of the WRIA 1 efforts is due to run out near the end of this year. This funding dilemma will give us all an opportunity to rethink the best way to cooperatively engage and fund the implementation of the WRIA 1 Watershed Management Plan to make needed progress on the issues of water availability for fish and humans, water quality, and habitat. A fully re-engaged Planning Unit should play an important role in that discussion.

### **Ongoing Communication**

To ensure ongoing communication between the Planning Unit and the Council we would like to start dedicating a portion of our Water Work Sessions to joint meetings, where we can more informally discuss both group's findings and needs. To start we suggest making these quarterly meetings to be held April 21, July 28 and October 20 this year. These meetings normally take place at 10:30 AM. The County's representative on the Planning Unit will help arrange these meetings, and if the Planning Unit needs to provide briefings between these meetings he can also arrange times during our normal Natural Resource Committee meetings on regular County Council meeting days.

**WHATCOM COUNTY COUNCIL AGENDA BILL**NO. **2015 82**

<b>CLEARANCES</b>	<b>Initial</b>	<b>Date</b>	<b>Date Received in Council Office</b>	<b>Agenda Date</b>	<b>Assigned to:</b>
Originator:	Rud Brown	2/23/2015		3/3/2015	Finance
Division Head:					
Dept. Head:					
Prosecutor:					
Purchasing/Budget:					
Executive:					

**TITLE OF DOCUMENT:**

Ordinance amending WCC 2.02 to revise Council meeting rules

**ATTACHMENTS:**

Attachment A: Ordinance amending only Whatcom County Code Section 2.02.060, County Council Meetings – Decorum  
Attachment B: Ordinance amending Whatcom County Code Sections 2.02.040, Meetings – General Rules, and Whatcom County Code 2.02.060, County Council Meetings - Decorum

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

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

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

Ordinance amending Whatcom County Code 2.02 to revise County Council meetings rules for discussion and debate.

**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).

SPONSORED BY: \_\_\_\_\_  
PROPOSED BY: Rud Browne  
INTRODUCTION DATE: 3/30/2010

**ORDINANCE NO. \_\_\_\_\_**

**AMENDING WHATCOM COUNTY CODE SECTION 2.02.060, COUNTY COUNCIL  
MEETINGS – DECORUM OF DEBATE**

WHEREAS, Whatcom County Code Section 2.02.060 sets forth guidelines for conducting council and council committee meetings; and

WHEREAS, amendments to Whatcom County Code 2.02.060 are necessary to revise and clarify the council's basic rules for discussion and debate.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that Whatcom County Code 2.02.060 is hereby amended as indicated 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:

☐ Approved      ☐ Denied

\_\_\_\_\_  
Civil Deputy Prosecutor

\_\_\_\_\_  
Jack Louws, County Executive

## **2.02.060 Meetings – Decorum of debate.**

~~A. Any councilmember desiring to speak shall first be recognized by the chair and shall confine his or her remarks to one subject under consideration or to be considered. The councilmember who has proposed a motion or the committee member who has presented a report shall be allowed the first opportunity to explain the motion or report, and usually is allowed to speak last on it. No member or small group of members shall be permitted to monopolize the discussion on a question. If a member has already spoken and other members wish to speak, they should be recognized in preference to the member who has already spoken on a question.~~

A. Councilmembers must be recognized by the chair prior to speaking and will confine remarks to the subject under consideration.

B. The proposer of a motion or presenter of a committee report will be allowed to speak first. All councilmembers will be given an equal chance to speak once before any member speaks a second or subsequent time. No member or small group of members will be allowed to monopolize the discussion on a question.

C. All motions will begin with the words, "I move" and must receive a second prior to discussion. Any complicated motion (**OR** use "motion containing more than 15 words") will be presented in writing.

~~B. D.~~ Councilmembers shall address each other as "councilmember" and the council chair shall be addressed as "chair."

~~C. E.~~ Staff members, presenters, and the general public shall be addressed as Mr., Mrs., Ms., or by their official or honorary title.

~~D. When two or more councilmembers desire to speak at the same time, the chair shall name the member who shall have the floor.~~

~~E. F.~~ When a councilmember is speaking, no other member shall hold discourse which may interrupt the speaker except to raise a point of order. Only a councilmember or the clerk of the county council (or designee) may interrupt the proceedings to raise a point of order. The chair should insist that every member be attentive to the business before the assembly.

~~F. G.~~ When it appears that all councilmembers who wish to speak have done so, the chair shall inquire, "Is there any further discussion?" If there is not, the question is put to a vote.

~~G. H.~~ To bring a question to immediate vote, a councilmember may move to close debate. If more than one motion is pending, the motion to close debate should specify the pending motions to which it applies (main motion, motion to amend, etc.). The motion to close debate cannot interrupt a speaker, is not debatable, and requires an affirmative vote by two-thirds of the councilmembers in attendance. The motion to close debate should be used in moderation, as members cannot be expected to maintain interest in an organization if they are frequently denied the right to participate in its deliberations. (Ord. 2008-004 Exh. A).

SPONSORED BY: \_\_\_\_\_  
PROPOSED BY: Rud Browne  
INTRODUCTION DATE: 3/30/2010

**ORDINANCE NO. \_\_\_\_\_**

**AMENDING WHATCOM COUNTY CODE CHAPTER 2.02  
TO REVISE COUNTY COUNCIL MEETING RULES**

WHEREAS, Whatcom County Code Sections 2.02.040 and 2.02.060 set forth guidelines for conducting council and council committee meetings; and

WHEREAS, amendments to Whatcom County Code Sections 2.02.040 and 2.02.060 are necessary to revise and clarify the council's basic rules for discussion and debate; and

WHEREAS, most, if not all, Whatcom County governments, boards, and commissions have adopted Robert's Rules of Order to govern their meetings.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that Whatcom County Code Sections 2.02.040 and 2.02.060 are hereby amended as indicated 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:

☐ Approved      ☐ Denied

\_\_\_\_\_  
Civil Deputy Prosecutor

\_\_\_\_\_  
Jack Louws, County Executive

## County Council

### 2.02.040 Meetings – General rules.

E. All council and council committee meetings shall be conducted pursuant to ~~Sturgis Standard Code of Parliamentary Procedure~~ Robert's Rules of Order, latest edition, except when in conflict with the standing rules of the council. A copy of ~~Sturgis Standard Code of Parliamentary Procedure~~ Robert's Rules of Order shall be available in the council office for review.

### 2.02.060 Meetings – Decorum of debate.

~~A. Any councilmember desiring to speak shall first be recognized by the chair and shall confine his or her remarks to one subject under consideration or to be considered. The councilmember who has proposed a motion or the committee member who has presented a report shall be allowed the first opportunity to explain the motion or report, and usually is allowed to speak last on it. No member or small group of members shall be permitted to monopolize the discussion on a question. If a member has already spoken and other members wish to speak, they should be recognized in preference to the member who has already spoken on a question.~~

A. Councilmembers must be recognized by the chair prior to speaking and will confine remarks to the subject under consideration.

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C. All motions will begin with the words, "I move" and must receive a second prior to discussion. Any complicated motion (**OR** use "motion containing more than 15 words") will be presented in writing.

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~~D. When two or more councilmembers desire to speak at the same time, the chair shall name the member who shall have the floor.~~

~~E. F.~~ When a councilmember is speaking, no other member shall hold discourse which may interrupt the speaker except to raise a point of order. Only a councilmember or the clerk of the county council (or designee) may interrupt the proceedings to raise a point of order. The chair should insist that every member be attentive to the business before the assembly.

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~~G. H.~~ To bring a question to immediate vote, a councilmember may move to close debate. If more than one motion is pending, the motion to close debate should specify the pending motions to which it applies (main motion, motion to amend, etc.). The motion to close debate cannot interrupt a speaker, is not debatable, and requires an affirmative vote by two-thirds of the councilmembers in attendance. The motion to close debate should be used in moderation, as members cannot be expected to maintain interest in an organization if they are frequently denied the right to participate in its deliberations. (Ord. 2008-004 Exh. A).

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:	WTC	1/30/15	<div style="text-align: center;"> RECEIVED   FEB 03 2015   WHATCOM COUNTY  COUNCIL </div>	02/10/15	Intro
Division Head:				03/03/15	Finance Committee; Council
Dept. Head:					
Prosecutor:	DNF	1/30/15			
Purchasing/Budget:	WTC	1/30/15			
Executive:		2/3/15			
<b>TITLE OF DOCUMENT:</b> 2015 Supplemental Budget Request #2					
<b>ATTACHMENTS:</b> 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:		
<b>SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:</b> (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.) <b>Supplemental #2 requests funding from the General Fund:</b> <ol style="list-style-type: none"> <li>To appropriate \$209,563 in the Sheriff's Office to fund federal fiscal year 2014 Operation Stonegarden program from grant proceeds.</li> <li>To re-appropriate \$421,474 in the Sheriff's Office to fund multi-year records management system software maintenance agreement.</li> <li>To appropriate \$14,016 in the Sheriff's Office to fund reimbursable overtime coverage for Cornwall Church traffic control.</li> <li>To re-appropriate \$37,500 in Non-Departmental to fund completion of the Bellingham Food Bank expansion project from CDBG grant proceeds.</li> <li>To appropriate \$500,000 in Non-Departmental to fund Opportunity Council Housing Rehab program from CDBG grant proceeds.</li> <li>To appropriate \$4,500 in Health to fund Secure Pharmaceutical Take Back project from grant proceeds.</li> <li>To appropriate \$65,000 in Health to fund mental health promotion program from grant proceeds.</li> </ol> <b>From the Jail Fund:</b> <ol style="list-style-type: none"> <li>To re-appropriate \$9,247 for funding of ammunition order.</li> <li>To re-appropriate \$21,147 for funding to complete the Jail kitchen floor project.</li> </ol> <b>From the Chemical Dependency / Mental Health Fund:</b> <ol style="list-style-type: none"> <li>To appropriate \$70,000 in Health to fund Triage Center renovations.</li> </ol> <b>From the Public Utilities Improvement Fund:</b> <ol style="list-style-type: none"> <li>To appropriate \$1,000,000 in Non-Departmental to fund grant for Port of Bellingham's "C" Street Terminal Infrastructure Rehabilitation project.</li> <li>To re-appropriate \$12,500 in Non-Departmental to fund updates to the Comprehensive Economic Development Strategy.</li> </ol>					
<b>COMMITTEE ACTION:</b>			<b>COUNCIL ACTION:</b>		
			2/10/2015: Introduced 7-0 (proposed schedule - March 3, Finance Committee and Council)		
<b>Related County Contract #:</b>		<b>Related File Numbers:</b>		<b>Ordinance or Resolution Number:</b>	
				11	

SPONSORED BY: Finance  
PROPOSED BY: Executive  
INTRODUCTION DATE: 02/10/15

ORDINANCE NO.  
**AMENDMENT NO. 2 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:

Fund	Expenditures	Revenues	Net Effect
General Fund			
Sheriff	645,053	(223,579)	421,474
Non-Departmental	537,500	(537,500)	-
Health	69,500	(69,500)	-
Total General Fund	1,252,053	(830,579)	421,474
Jail Fund	30,394	-	30,394
Chemical Dependency / Mental Health Fund	70,000	-	70,000
Public Utilities Improvement Fund	1,012,500	-	1,012,500
Total Supplemental	2,364,947	(830,579)	1,534,368

**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

  
Civil Deputy Prosecutor

\_\_\_\_\_  
Jack Louws, County Executive

Date: \_\_\_\_\_



WHATCOM COUNTY				
Summary of the 2015 Supplemental Budget Ordinance No. 2				
Department/Fund	Description	Increased (Decreased) Expenditure	(Increased) Decreased Revenue	Net Effect to Fund Balance (Increase) Decrease
General Fund				
Sheriff	To fund federal fiscal year 2014 Operation Stonegarden program from grant proceeds.	209,563	(209,563)	-
Sheriff	To re-appropriate funding for multi- year records management system software maintenance agreement.	421,474	-	421,474
Sheriff	To fund reimbursable overtime coverage for Cornwall Church traffic control and security services.	14,016	(14,016)	-
Non-Departmental	To re-appropriate funding for completion of the Bellingham Food Bank expansion project from CDBG grant proceeds.	37,500	(37,500)	-
Non-Departmental	To fund Opportunity Council Housing Rehab program from CDBG grant proceeds.	500,000	(500,000)	-
Health	To fund Secure Pharmaceutical Take Back project from grant proceeds.	4,500	(4,500)	-
Health	To fund mental health promotion program from grant proceeds.	65,000	(65,000)	-
Total General Fund		1,252,053	(830,579)	421,474
Jail Fund				
Jail	To re-appropriate funding for ammunition order.	9,247	-	9,247
Jail	To re-appropriate funding to complete Jail kitchen floor project.	21,147	-	21,147
Total Jail Fund		30,394	-	30,394
Chemical Dependency / Mental Health Fund	To fund Triage Center renovations.	70,000	-	70,000
Public Utilities Improvement Fund				
Non-Departmental	To fund grant for Port of Bellingham's "C" Street Terminal Infrastructure Rehabilitation project	1,000,000	-	1,000,000
Non-Departmental	To re-appropriate funds to update the comprehensive economic development strategy.	12,500	-	12,500
Total Public Utilities Improvement Fund		1,012,500	-	1,012,500
Total Supplemental		2,364,947	(830,579)	1,534,368

WHATCOM COUNTY  
SHERIFF'S OFFICE

BILL ELFO  
SHERIFF

PUBLIC SAFETY BUILDING  
311 Grand Avenue  
Bellingham, WA 98225-4078  
(360) 676-6650



JEFF PARKS  
UNDERSHERIFF  
ART EDGE  
CHIEF DEPUTY  
DOUG CHADWICK  
CHIEF DEPUTY  
STEVE COOLEY  
CHIEF INSPECTOR  
WENDY JONES  
CHIEF OF CORRECTIONS

**Memorandum**

RECEIVED

JAN 26 2015

JACK LOUWS  
COUNTY EXECUTIVE

**TO:** Jack Louws, County Executive  
**FROM:** Sheriff Bill Elfo *Bill Elfo*  
**DATE:** January 26, 2015  
**SUBJECT:** Supplemental Budget ID# 1942  
2015 Operation Stonegarden FFY2014

The attached Supplemental Budget requests revenue and expenditure authority for U.S. Department of Homeland Security FY2014 Operation Stonegarden in 2015.

**Background and Purpose**

The U.S. Department of Homeland Security (DHS) Homeland Security Grant Program (HSGP) awarded FY2014 Operation Stonegarden funds of \$209,653 to Whatcom County to enhance law enforcement's preparedness and operational readiness along the international borders of the United States.

Of this amount, the Sheriff's Office allocation is \$56,013 and the allocation for other area law enforcement agencies (sub-recipients) is \$153,640. The Sheriff's Office anticipates using its allocation in calendar year 2015 for overtime (\$50,000) and Mileage (\$6,013).

Grant agreement was approved by Whatcom County Executive 01/15/15 (Whatcom County Contract No. 201501028) and is pending final signature from Washington State Military Department.

**Funding Amount and Source**

Federal Grant: U.S. Department of Homeland Security (DHS) Homeland Security Grant Program (HSGP) FY2014 Operation Stonegarden (OPSG), Federal Funding Source Agreement #EMW-2014-SS-00016-S01, Grant Agreement #E15-202, CFDA No. 97.067.

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

# Supplemental Budget Request

Status: Pending

Sheriff

Operations

Suppl ID # 1942

Fund 1

Cost Center 1003515003

Originator: Dawn Pierce

Expenditure Type: One-Time

Year 1 2015

Add'l FTE ☐

Add'l Space ☐

Priority 1

Name of Request: 2015 Operation Stonegarden FFY2014

X

B.M. EV

1/26/2015

Department Head Signature (Required on Hard Copy Submission)

Date

Costs:	Object	Object Description	Amount Requested
	4333.8705	St Homeland Sec Grt Prg	(\$209,653)
	6110	Regular Salaries & Wages	\$1,398
	6140	Overtime	\$41,741
	6210	Retirement	\$2,256
	6230	Social Security	\$3,300
	6259	Worker's Comp-Interfund	\$1,305
	6790	Travel-Other	\$6,013
	7220	Intergov Subsidies-	\$153,640
	<b>Request Total</b>		<b>\$0</b>

## 1a. Description of request:

The U.S. Department of Homeland Security (DHS) Homeland Security Grant Program (HSGP) awarded FY2014 Operation Stonegarden (OPSG) funds in the amount of \$209,653 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. 201501028.

In coordination with U.S. Border Patrol, the Whatcom County Sheriff's Office and other law enforcement agencies will utilize OPSG funding to provide enhanced patrols to increase law enforcement presence in maritime and land based border areas targeting illicit activity in Whatcom County, specifically the cross border smuggling of aliens, weapons, currency, and narcotics.

## 1b. Primary customers:

Area law enforcement agencies and citizens of Whatcom County.

## 2. Problem to be solved:

Whatcom County shares over 131 miles of border with Canada (89 miles of land border and 42 miles of maritime border). These borders are open, easily accessible, and vulnerable to incursion by undocumented aliens, contraband smugglers, and potential terrorists.

Whatcom County's land border with Canada is adjacent to the Vancouver metropolitan area which lies immediately north of the international boundary. Intelligence indicates there are multiple terrorist organizations and/or sympathizers located in Canada, many in the Vancouver area. Due to its temperate climate and close proximity to Vancouver, B.C., seaports, international airports, and the I-5 corridor, Whatcom County has been a favored operational area for alien, drug, and weapons smugglers. The vulnerability in border security set against the volume of criminal activity in the region puts Whatcom County borders at risk.

Operation Stonegarden projects will strengthen partnerships among federal, state, and local agencies and improve border security through increased cooperation and enhanced patrols.

Monday, January 26, 2015

Rpt: Rpt Suppl Regular

# Supplemental Budget Request

Status: Pending

Sheriff

Operations

Suppl ID # 1942

Fund 1

Cost Center 1003515003

Originator: Dawn Pierce

### 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:

Total award \$209,653:

Whatcom County Sheriff's Office \$56,013; other law enforcement agencies (sub-recipients) \$153,640

### 4a. Outcomes:

Enhanced patrols will be completed per contract specifications and timelines.

Daily Activity Reports will be completed and sent to Border Patrol.

### 4b. Measures:

The Whatcom County Sheriff's Office and U.S. Border Patrol will monitor projects and expenditures against contract deliverables.

### 5a. Other Departments/Agencies:

Agencies participating in FY2014 Operation Stonegarden in Whatcom County are: U.S. Border Patrol, Whatcom County Sheriff's Office, Washington Department of Fish & Wildlife, and the Bellingham, Blaine, Everson, Ferndale, Lynden, and Sumas Police Departments.

Although receiving no OPSG funding, U.S. Border Patrol will provide coordination among participating agencies. Participating agencies receiving OPSG funding will provide enhanced law enforcement presence to reduce criminal activity in border areas.

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

The following individuals will coordinate projects within their jurisdictions: Special Operations Supervisor James Powers, U.S. Border Patrol - Blaine Sector; Undersheriff Jeff Parks, Whatcom County Sheriff's Office; Sgt. Russ Mullins, WA Department Fish & Wildlife; Lt. Robert VanderYacht, Bellingham PD; Chief Mike Haslip, Blaine PD; Chief Dan MacPhee, Everson PD; Chief Mike Knapp, Ferndale PD; Chief Jack Foster, Lynden PD; Chief Chris Haugen, Sumas PD.

### 6. Funding Source:

Federal Grant: U.S. Department of Homeland Security (DHS) Homeland Security Grant Program (HSGP) FY2014 Operation Stonegarden (OPSG), Grant Agreement Number E15-202, CFDA No. 97.067

WHATCOM COUNTY  
SHERIFF'S OFFICE

BILL ELFO  
SHERIFF

PUBLIC SAFETY BUILDING  
311 Grand Avenue  
Bellingham, WA 98225-4078  
(360) 676-6650



JEFF PARKS  
UNDERSHERIFF

ART EDGE  
CHIEF DEPUTY

DOUG CHADWICK  
CHIEF DEPUTY

STEVE COOLEY  
CHIEF INSPECTOR

WENDY JONES  
CHIEF OF CORRECTIONS

**Memorandum**

**TO:** Jack Louws, County Executive

**FROM:** Sheriff Bill Elfo *ek*

**DATE:** January 26, 2015

**SUBJECT:** Supplemental Budget ID #1938  
Records Management System Software Maintenance Payment #1

---

The attached Supplemental Budget requests budget authority to re-appropriate unspent money from 2014 budget to fund the Sheriff's Office Records Management System (RMS) software maintenance payment #1 in 2015. Software maintenance payment #1 in the amount of \$421,474 is pre-paid maintenance for three years following final acceptance of the project.

**Background and Purpose**

Whatcom County entered into a contract for services agreement on 01/31/13 for the Sheriff's Office RMS, WC Contract #201302001. The contract includes \$421,474 for software maintenance payment #1 due upon final acceptance of the project.

The new Sheriff's Office RMS went live at the end of 2013. However, eight interfaces to other systems not essential to the core system Go Live were planned for 2014. The project team is withholding the 1<sup>st</sup> software maintenance payment of \$421,474 pending completion of the interfaces. The remaining interface is the installation of four fingerprint machines which is expected to be complete in the first quarter of 2015.

The Sheriff's Office requires expenditure authority for software maintenance payment #1 upon final acceptance of the project now expected in 2015.

**Funding Amount and Source**

\$421,474 of unspent appropriation from 2014.

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

# Supplemental Budget Request

Status: Pending

Sheriff

Administration

Suppl ID # 1938

Fund 1

Cost Center 2900

Originator: Dawn Pierce

Expenditure Type: One-Time

Year 1 2015

Add'l FTE ☐

Add'l Space ☐

Priority 1

Name of Request: Records Management System Software Maintenance #1

X

*[Signature]*

*2/2/2015*

Department Head Signature (Required on Hard Copy Submission)

Date

Costs:	Object	Object Description	Amount Requested
	6625	Software Maint Contracts	\$421,474
	<b>Request Total</b>		<b>\$421,474</b>

## 1a. Description of request:

To re-appropriate \$421,474 unspent from 2014 to fund the Sheriff's Office Records Management System (RMS) software maintenance payment #1. Software maintenance payment #1 is pre-paid maintenance for three years following final acceptance of the project.

## 1b. Primary customers:

Whatcom County Sheriff's Office

## 2. Problem to be solved:

Whatcom County entered into a contract for services agreement on 01/31/13 for the Sheriff's Office RMS, WC#201302001. The contract includes \$421,474 for software maintenance payment #1 due upon final acceptance of the project.

The new Sheriff's Office RMS went live at the end of 2013. However, eight interfaces to other systems not essential to the core system Go Live were planned for 2014. The project team is withholding the 1st software maintenance payment of \$421,474 pending completion of the interfaces. The remaining interface is the installation of four fingerprint machines which is expected to be complete in the first quarter of 2015.

The Sheriff's Office requires expenditure authority for the software maintenance payment upon final acceptance of the project now expected in 2015.

## 3a. Options / Advantages:

No other options available.

## 3b. Cost savings:

## 4a. Outcomes:

The Sheriff's Office Records Management System software maintenance payment #1 will be made in accordance with terms of existing contract.

## 4b. Measures:

## 5a. Other Departments/Agencies:

Whatcom County Administrative Services - Information Technology

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

Project Management: Perry Rice, I.T. Manager and Chief Civil Deputy Art Edge, Sheriff's Office

## 6. Funding Source:

\$421,474 of unspent appropriation from 2014.

Friday, January 30, 2015

Rpt: Rpt Suppl Regular

WHATCOM COUNTY  
SHERIFF'S OFFICE

BILL ELFO  
SHERIFF

PUBLIC SAFETY BUILDING  
311 Grand Avenue  
Bellingham, WA 98225-4078  
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JEFF PARKS  
UNDERSHERIFF

ART EDGE  
CHIEF DEPUTY

DOUG CHADWICK  
CHIEF DEPUTY

STEVE COOLEY  
CHIEF INSPECTOR

WENDY JONES  
CHIEF OF CORRECTIONS

**Memorandum**

RECEIVED

JAN 26 2015

**TO:** Jack Louws, County Executive

**FROM:** Sheriff Bill Elfo *Bill Elfo*

JACK LOUWS  
COUNTY EXECUTIVE

**DATE:** January 26, 2015

**SUBJECT:** Supplemental Budget ID #1943  
Reimbursable Overtime 2015 – Cornwall Church

---

The attached Supplemental Budget requests budget authority (revenue and expenditure) to provide traffic control and security services for Cornwall Church during 2015.

**Background and Purpose**

The Sheriff's Office provides extra law enforcement, traffic control, and security services in accordance with contracts, temporary right-of-way permits, and agreements to hire extra duty deputies in order to enhance safety.

These services are provided by deputies on off-duty overtime so as not to impact the daily operations and response capabilities of regularly scheduled shift deputies and are billed by the Sheriff's Office at the reimbursable overtime billing rate specified in the Whatcom County Unified Fee Schedule (currently \$73 per hour).

Cornwall Church has requested the Sheriff's Office to provide approximately 192 hours of traffic control and security services for vehicles entering and exiting the Cornwall Church parking lot located on Northwest Drive every Sunday morning in 2015.

This is a new request and was not included in original 2015 reimbursable overtime projections. The current budget is inadequate to provide the requested services.

**Funding Amount and Source**

Estimated funding of \$14,016 will be provided by Cornwall Church.

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

# Supplemental Budget Request

Status: Pending

Sheriff

Operations

Suppl ID # 1943

Fund 1

Cost Center 2965

Originator: Dawn Pierce

Expenditure Type: One-Time

Year 1 2015

Add'l FTE ☐

Add'l Space ☐

Priority 1

Name of Request: Reimbursable Overtime 2015 - Cornwall Church

X

*B. C. M. g.*

*1/26/2015*

Department Head Signature (Required on Hard Copy Submission)

Date

Costs:	Object	Object Description	Amount Requested
	4342.1012	Off Duty Overtime	(\$14,016)
	6110	Regular Salaries & Wages	\$350
	6140	Overtime	\$11,777
	6210	Retirement	\$634
	6230	Social Security	\$928
	6259	Worker's Comp-Interfund	\$327
	<b>Request Total</b>		<b>\$0</b>

## 1a. Description of request:

Cornwall Church has requested the Sheriff's Office to provide approximately 192 hours of traffic control and security services during 2015.

## 1b. Primary customers:

Whatcom County citizens

## 2. Problem to be solved:

The Sheriff's Office received this request for services in January 2015. It was, therefore, not included in original reimbursable overtime projections for 2015 and the current budget is inadequate to provide the requested services.

## 3a. Options / Advantages:

## 3b. Cost savings:

## 4a. Outcomes:

Sheriff's Office deputies will provide traffic control and security services for vehicles entering and exiting the Cornwall Church parking lot located at 4518 Northwest Drive in Bellingham from 9:00 AM to 12:30 PM every Sunday morning in 2015.

## 4b. Measures:

## 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:

Funding will be provided by Cornwall Church at the reimbursable overtime rate specified in the Whatcom County Unified Fee Schedule. Expenditures and revenue estimated at \$14,016.



**WHATCOM COUNTY  
EXECUTIVE'S OFFICE**

County Courthouse  
311 Grand Avenue, Suite #108  
Bellingham, WA 98225-4082



**Jack Louws**  
County Executive

# M E M O R A N D U M

**To:** Whatcom County Council Members  
**From:** Jack Louws  
**Subject:** Budget Supplemental, Food Bank Expansion CDBG Grant  
**Date:** January 23, 2015

---

The attached supplemental request for \$37,500 is for the purposes of re-appropriating budget authority in order to pass-through the remaining balance on a grant from the Washington State Department of Commerce to Alternatives to Hunger (dba the Bellingham Food Bank). This grant was applied for and authorized by the County Council in December of 2012, and all but \$37,500 of the \$750,000 grant contract has been expended to date.

This grant has been supporting a \$2.2-million construction project, which involves doubling the size of the current regional food bank distribution center (to 20,000 square feet) in order to meet the growing need for food among low-income people who rely on the local food bank network throughout Whatcom County and San Juan County. The project is nearing completion, which is expected this year in Spring or early Summer.

The remaining grant funds are expected to be paid out on substantial completion of the project. A final public hearing will be scheduled soon, as required under the terms of the CDBG Grant Program, to review the results and impact of this project in our community.

Please feel free to contact me with any questions.

# Supplemental Budget Request

Status: Pending

## Executive

Suppl ID # 1939

Fund 1

Cost Center 4273

Originator: Suzanne Mildner

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

Name of Request: Food Bank Expansion CDBG Grant

X

Department Head Signature (Required on Hard Copy Submission)

Date

Costs:	Object	Object Description	Amount Requested
	4333.1422	HUD-CDBG	(\$37,500)
	6610	Contractual Services	\$37,500
	<b>Request Total</b>		<b>\$0</b>

### 1a. Description of request:

This is a request for re-appropriation of the remaining balance of a Community Development Block Grant from the Washington State Department of Commerce, to be passed through to subrecipient Alternatives to Hunger (dba Bellingham Food Bank). This grant supports the construction of the expansion of the regional food bank distribution center.

### 1b. Primary customers:

Low to moderate income citizens in Whatcom and San Juan Counties

### 2. Problem to be solved:

Most of the \$750,000 CDBG grant has been expended, however \$37,500 remains and will be released following substantial completion of the project, which is expected in the Spring of 2015. The state funds pass through the county to the subrecipient Alternatives to Hunger.

### 3a. Options / Advantages:

N/A

### 3b. Cost savings:

N/A

### 4a. Outcomes:

Project completion, expected in Spring of 2015.

### 4b. Measures:

Project completion and grant closeout, including a final Public Hearing with a written project report from Alternatives to Hunger.

### 5a. Other Departments/Agencies:

Alternatives to Hunger (dba Bellingham Food Bank)

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

Mike Cohen, Executive Director of Bellingham Food Bank

### 6. Funding Source:

HUD, through the Washington State Department of Commerce

**WHATCOM COUNTY  
EXECUTIVE'S OFFICE**

County Courthouse  
311 Grand Avenue, Suite #108  
Bellingham, WA 98225-4082



**Jack Louws**  
County Executive

# M

## EMORANDUM

**To:** Whatcom County Executive Jack Louws  
And Whatcom County Council Members  
**From:** Suzanne Mildner, Grant Coordinator *SM*  
**Subject:** Budget Supplemental, Opportunity Council Grant  
**Date:** January 26, 2015

---

The attached supplemental request for \$500,000 is for the purposes of establishing budget authority in order to pass-through an available grant from the Washington State Department of Commerce to the Opportunity Council. This grant was applied for and authorized by the County Council in Spring of 2014, and has been granted for the housing rehabilitation program that the Opportunity Council operates.

This grant is a HUD grant, passed through Dept. of Commerce for Community Development Block Grant Programs, for which Opportunity Council's project qualified for this financial assistance. Whatcom County has been designated by the Dept. of Commerce as the grantee for the purpose of contracting with the Opportunity Council as a subrecipient for this grant award of \$500,000.00.

This project proposes the rehabilitation of up to 30 low-income, owner-occupied housing units over a two- to three-year period. This is a direct benefit project (100% LMI) serving households in greater Whatcom County, excluding the City of Bellingham, as well as households in San Juan and Island Counties.

Please contact me at extension 50118 should you have any questions.

Thank you.

# Supplemental Budget Request

Status: Pending

## Executive

Suppl ID # 1944

Fund 1

Cost Center 4276

Originator: Suzanne Mildner

Expenditure Type: One-Time

Year 1 2015

Add'l FTE ☐

Add'l Space ☐

Priority 1

Name of Request: Opportunity Council's Housing Rehab grant

X

Department Head Signature (Required on Hard Copy Submission)

Date

1/26/15

Costs:	Object	Object Description	Amount Requested
	4333.1422	HUD-CDBG	(\$500,000)
	6610	Contractual Services	\$500,000
	<b>Request Total</b>		<b>\$0</b>

### 1a. Description of request:

This is a Community Development Block Grant from the Washington State Department of Commerce, which grant will be passed through to the Opportunity Council as subrecipient. This grant supports the OC's housing rehabilitation program for the benefit of low-income citizens in Whatcom, San Juan and Island Counties, and is targeting approximately 30 housing units.

### 1b. Primary customers:

Low- and moderate-income residents in Whatcom, San Juan and Island Counties

### 2. Problem to be solved:

This state grant source is required to pass through the local jurisdiction. Following the Council's approval of the grant application in March 2014, the grant contract was awarded. We are now entering into a Subrecipient Agreement with Opportunity Council, who will complete the project scope of work and fulfill the grant contract requirements.

### 3a. Options / Advantages:

N/A

### 3b. Cost savings:

N/A

### 4a. Outcomes:

The Opportunity Council's program will provide a direct benefit to approximately 30 low- and moderate-income households over the course of the contract period, up to 3 years hence.

### 4b. Measures:

Opportunity Council will be required to submit ongoing reports regarding progress of their program. The grant closeout and final report will occur only after evidence of all grant requirements have been met; a final public hearing will be conducted at grant closeout.

### 5a. Other Departments/Agencies:

Opportunity Council and their partner community resource centers in San Juan and Island Counties.

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

Dave Finet is the Director of Opportunity Council.

### 6. Funding Source:

HUD, through WA State Department of Commerce's CDBG Program.

# Supplemental Budget Request

Status: Pending

Health

Human Services

Suppl ID # 1927

Fund 1

Cost Center 675400

Originator: Patty Proctor

Expenditure Type: One-Time

Year 1 2015

Add'l FTE ☐

Add'l Space ☐

Priority 2

Name of Request: Secure Pharmaceutical Take Back Project

X

*Regina A. DeLa...*

*1/9/15*

Department Head Signature (Required on Hard Copy Submission)

Date

Costs:	Object	Object Description	Amount Requested
	4333.9243	Sub Abuse & Mental Hlth	(\$4,500)
	6320	Office & Op Supplies	\$1,500
	6330	Printing	\$2,000
	6630	Professional Services	\$500
	6810	Advertising	\$500
	<b>Request Total</b>		<b>\$0</b>

## 1a. Description of request:

The purpose of this request is to utilize new federal funding to support the development of a Secure Pharmaceutical Take Back Program at the Lummi Tribal Health Center. The Department of Social & Health Services (DSHS) received additional federal funding that is dedicated to identified high-need communities currently receiving funding to implement prevention services. Currently, Ferndale (inclusive of Lummi) is a recipient of these federal funds. Locally, extensive strategic plans emerged from a data-driven community planning process that identified community needs and appropriate interventions. This expanded service is one result of the strategic planning that has taken place.

## 1b. Primary customers:

The primary customers include the Lummi Tribal members and the Lummi Tribal Health Center staff. Data analysis showed that the Health Center demonstrated heightened need for a pharmaceutical take back program, and also showed local capacity to establish and sustain a program.

## 2. Problem to be solved:

The County will implement a pharmaceutical take back program that will provide the Lummi community with a safe and accessible means to dispose of unwanted or expired medications, and is designed to prevent the misuse and abuse of prescription drugs among youth and families.

## 3a. Options / Advantages:

These additional federal funds, made available to Whatcom County by DSHS, increases local capacity to implement expanded substance abuse prevention. In establishing a pharmaceutical take back program at the Lummi Tribal Health Center, this builds on existing medicine take back efforts that are in the City of Bellingham and Ferndale. This will also provide the opportunity to increase community education and awareness on the dangers of not disposing of medications properly.

## 3b. Cost savings:

The cost savings in establishing a secure pharmaceutical take back program reduces later need for substance abuse intervention, treatment and aftercare. Past research has shown that interventions that aim to reduce availability and accessibility of substances to youth are effective in reducing other costlier interventions, such criminal justice. Secure pharmaceutical take back programs also provide environmentally sound disposal of medicines. Medicines collected are incineration, ensuring that these biologically active pharmaceutical compounds will not contaminate the environment, therefore limit the cost for environmental clean-up.

# Supplemental Budget Request

Status: Pending

Health

Human Services

Suppl ID # 1927

Fund 1

Cost Center 675400

Originator: Patty Proctor

## 4a. Outcomes:

Targeted outcomes include reducing prescription drug misuse, abuse, and addiction among youth and families, as well as reducing accidental poisoning deaths. Additional outcomes include an increase in community education and awareness about the dangers of improperly disposing of medications. Outcomes were identified through a strategic planning process that analyzed multiple local data sources. The assessment process was driven locally with support from DSHS.

## 4b. Measures:

Primary measures include the following two consumption measures:  
1) Underage abuse of prescription drugs (8th/10th grade 30-day use)

Other indicators that will be measured:

- 1) Pounds of medicine collected (monthly)
- 2) Number of pharmacies involved in information dissemination efforts
- 3) Number of new education and informational materials developed

## 5a. Other Departments/Agencies:

The Health Department will work with the Lummi Tribal Health Center and the City of Ferndale.

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

Anne Deacon, Human Services Manager, will oversee the staff implementing this program. Amy Hockenberry, Prevention Coordinator, will be responsible for coordinating the implemented prevention program. Coordination includes working with the Lummi Tribal Health Center and the City of Ferndale.

## 6. Funding Source:

Funds originate from the Substance Abuse Prevention Treatment Block Grant CFDA 93.243. Funds sources are locally managed by the Division of Behavioral Health & Recovery, under the Division of Social and Health Services.

# Supplemental Budget Request

Status: Pending

Health

Human Services

Suppl ID # 1926

Fund 1

Cost Center 677100

Originator: Patty Proctor

Expenditure Type: One-Time

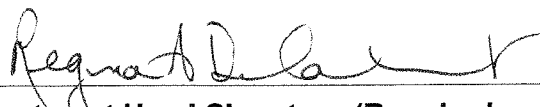
Year 1 2015

Add'l FTE ☐

Add'l Space ☐

Priority 1

Name of Request: Mental Health Promotion

X 

1/9/15

Department Head Signature (Required on Hard Copy Submission)

Date

Costs:	Object	Object Description	Amount Requested
	4333.9395	Comm Mental Health Svcs	(\$65,000)
	6320	Office & Op Supplies	\$12,500
	6520	Software	\$2,500
	6610	Contractual Services	\$49,000
	6780	Travel-Educ/Training	\$1,000
	<b>Request Total</b>		<b>\$0</b>

## 1a. Description of request:

The purpose of this request is to utilize new federal funding to increase the capacity for delivery of effective mental health promotion and suicide prevention efforts in communities served by Community Prevention and Wellness Initiative (CPWI) coalitions, which currently include Bellingham and Ferndale. The Department of Social & Health Services (DSHS) received additional federal funding that is dedicated to identified high-need communities currently receiving funding to implement prevention services. Locally, extensive strategic plans emerged from a data-driven community planning process that identified community needs and appropriate interventions. Expanded services will rely on the strategic planning that has taken place.

## 1b. Primary customers:

The primary customers include elementary and middle school youth in the geographical areas of Ferndale and Bellingham. Secondary customers will include school staff, coalition members, parents, and the broader community, as appropriate. Data analysis showed these two sites demonstrated heightened need for targeted substance abuse prevention services, but also showed local capacity to achieve positive outcomes.

## 2. Problem to be solved:

The County will implement prevention programs designed to prevent or delay the misuse and abuse of alcohol and other drugs among youth, as well as to reduce risks associated with poor mental health, including depression and suicidal ideation. To accomplish this, identified evidence-based prevention services will work to reduce key risk factors identified for substance use and poor mental health, many of which have also been shown to positively impact delinquency, depression, violence, teenage pregnancy, and other risk behaviors.

## 3a. Options / Advantages:

These additional federal funds, made available to Whatcom County by DSHS, increases local capacity to implement expanded substance abuse prevention and mental health promotion initiatives, supporting other efforts currently being delivered in Bellingham and Ferndale. The new funds will allow for additional services to reach youth in elementary schools, as well as the broader community. The new services will be coordinated with the prevention coalitions in each area.

## 3b. Cost savings:

The required services are evidence-based best-practices identified on the National Registry for Evidence-

# Supplemental Budget Request

Status: Pending

## Health

## Human Services

Suppl ID # 1926

Fund 1

Cost Center 677100

Originator: Patty Proctor

Based Program & Practices (NREPP). Best practice programs represent a range of cost savings. The Good Behavior Game, one of the programs identified for implementation, has demonstrated a \$56.34 'benefit to cost ratio,' also resulting in a net value of \$8,732 per participant (Sources: Substance Abuse & Mental Health Services Association (SAMHSA) and Washington State Institute for Public Policy (WSIPP).

### 4a. Outcomes:

Targeted outcomes include reducing substance use, decreasing poor mental health, and delinquency, while also improving social and emotional functioning. Outcomes were identified through a strategic planning process that analyzed multiple local data sources. The assessment process was driven locally with support from DSHS.

### 4b. Measures:

Primary measures for Community Prevention & Wellness Initiative sites include the following three consumption measures:

- #1 Underage drinking (8th/10th grade 30-day use)
- #2 Underage problem and heavy drinking
- #3 Marijuana Use (8th/10th grade 30-day use)

Other behaviors that will be measured:

- #1 School performance (academic)
- #2 Youth delinquency (perception of risk)
- #3 Mental health (depression)

Numerous program measures exist, which are not limited to:

- Reduction in mental health difficulties (e.g., ADHD and conduct symptoms).
- Reduction in injuries or stress related complaints.
- Reduction in directly observable symptoms of ADHD such as inattention and fidgeting, even for children not on medication.
- Reduction in observable symptoms of Oppositional Defiance and Conduct Disorders, whether or not the child is in therapy or the family is receiving interventions.
- Reduction in the manifest symptoms of depression or PTSD.
- Reduction in substance use over a child's lifetime.
- Reduction in referrals, suspensions or expulsions.
- Reduction in disruptive or disorderly behaviors in the classroom, hallways, and other school settings.
- Reduction in life-time juvenile and adult criminal acts.

### 5a. Other Departments/Agencies:

The Health Department will work with the Bellingham School District, the Ferndale School Districts, the Northwest Educational Service District #189 (ESD), members of the Whatcom Prevention Coalition, and other community-based partners.

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

Anne Deacon, Human Services Manager, will oversee the staff implementing the services. Joe Fuller, Program Specialist, and Amy Hockenberry, Prevention Coordinator, will be responsible for coordinating the implemented prevention initiatives. Coordination includes working with the Bellingham and Ferndale School Districts, the Northwest Educational Service District #189, the Whatcom Prevention Coalition, and related partners. Outcome evaluation and data reporting to the state will be provided by the designated staff.

### 6. Funding Source:

Funds originate from the Mental Health Block Grant, CFDA 93.458. Funds are locally managed by the Division of Behavioral Health & Recovery, under the Division of Social and Health Services.



# Supplemental Budget Request

Status: Pending

## Jail

Suppl ID # 1941 Fund 118 Cost Center 118195

Originator: Wendy Jones

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

Name of Request: Re-allocation of ammunition funds

X

Department Head Signature (Required on Hard Copy Submission)

Date

Costs:	Object	Object Description	Amount Requested
	6320	Office & Op Supplies	\$9,247
	Request Total		\$9,247

### 1a. Description of request:

This supplemental request is to re-allocate funds for the purchase of ammunition for the Corrections Bureau. Each year funds are allocated for ammunition purchases for the Bureau. Over the past several years, we have experienced long delays in receiving ammunition from our vendors, due to nationwide shortages. We currently have a backorder which was originally placed in late 2013. We obtained a continuing appropriate for 2014, but have yet to receive the order. This supplemental will simply re-allocate funds that were provided in 2013/2014 to the jail's 2015 budget to pay for the order when it does arrive. We anticipate this will occur in 2015.

### 1b. Primary customers:

Directly, Corrections Deputies. Indirectly, citizens of Whatcom County, as the ammunition allows Deputies to maintain their firearms proficiency.

### 2. Problem to be solved:

Please see "DESCRIPTION" section.

### 3a. Options / Advantages:

I have reviewed the jail's 2015 budget to determine if there are sufficient funds to cover this expense. Due to an unplanned increase for food services expenses which will be covered within the allocated 2015 budget and the need to have funds available for the inevitable unanticipated and sudden costs associated with the jail, there are not.

### 3b. Cost savings:

N/A

### 4a. Outcomes:

There will be sufficient funds to pay the invoice associated with the 2013 order.

### 4b. Measures:

1) When the ammunition arrives, and invoice will be processed through the County accounting system.

### 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:

The Jail Sales Tax Fund

# Supplemental Budget Request

Status: Pending

## Administrative Services

## Facilities Management

Suppl ID # 1940

Fund 118

Cost Center 118150

Originator: Michael Russell

Expenditure Type: One-Time

Year 1 2015

Add'l FTE ☐

Add'l Space ☐

Priority 1

Name of Request: ReAppropriation for Jail Kitchen Floor

X

Department Head Signature (Required on Hard Copy Submission)

Date

Costs:	Object	Object Description	Amount Requested
	6860	Equipment Rental	\$2,174
	7380	Other Improvements	\$18,973
	<b>Request Total</b>		<b>\$21,147</b>

### 1a. Description of request:

This supplemental request will provide for the re-appropriation of funding and spending authority to complete the replacement of the kitchen floor in the Main Jail. These remaining funds could not be carried over because they were not encumbered in the 2014 budget year. This funding request will be used for the rental of equipment for this project as well as for the unforeseen that will be discovered while we are pulling up the old floor and making repairs to the to the subfloor of the kitchen in the Main Jail.

### 1b. Primary customers:

Directly, the offenders held in the Whatcom County Jail. Indirectly, the citizens of Whatcom County and the Sheriff's Office below the leaking kitchen floor.

### 2. Problem to be solved:

This supplemental request will provide for the re-appropriation of funding and spending authority to complete the replacement of the kitchen floor in the Main Jail. These remaining funds could not be carried over because they were not encumbered in the 2014 budget year. This funding request will be used for the rental of equipment for this project as well as for the unforeseen that will be discovered while we are pulling up the old floor and making repairs to the to the subfloor of the kitchen in the Main Jail.

### 3a. Options / Advantages:

We have worked with other correction Facilities and determined the best option is to repair the floors with Ucrete, this is a specialized coating that is used in a number of different Correctional Facilities and has received high recommendations. It will withstand the demands of a correctional kitchen, is very sturdy and does not need the ongoing maintenance of a tile floor. It is also slip resistant, cutting down on the risk of slip and falls.

### 3b. Cost savings:

Cost savings for this project are immediate and longer term. The immediate savings is a \$30,000.00 contribution by the Aramark Corporation, the jail's food service vendor, for the sole purpose of replacing the main jail kitchen floor.

I am unable to specifically quantify the longer term savings, but they include the avoidance of medical costs for inmates who have slipped and fallen on wet/damp kitchen floors, avoidance of damage to the Sheriff's Administrative Offices due to leaks and reduction in the time spent by Facilities trying to keep the kitchen functioning. An additional benefit will be the opportunity to test out this floor covering in anticipation of the construction of the new jail. If it performs as well as we have been lead to believe by other correctional facilities, we should be able to use it in the new facility.

### 4a. Outcomes:

The outcome of this project will be to seal the mail jail kitchen floor. This will stop the water intrusion into

Thursday, January 29, 2015

Rpt: Rpt Suppl Regular

# Supplemental Budget Request

Status: Pending

## Administrative Services

## Facilities Management

Suppl ID # 1940

Fund 118

Cost Center 118150

Originator: Michael Russell

the Sheriff's Office; greatly reduce the slips and falls within the kitchen and produce a cleanable surface to reduce bacteria laden liquid, creating an issue for foot safety.

### 4b. Measures:

When this project is completed we will have a sealed flooring system.

### 5a. Other Departments/Agencies:

Facilities Management will coordinate this project with the Jail and kitchen staff.

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

Michael Russell, from Facilities Management or his designee. Because this is a capital repair on a County building, he will be primary on the project. He or his designee will be responsible for project management, including, but not limited to establishing project timelines, issuing RFP's or bids, recommendation of vendors, facilitating the actual work, inspecting work for compliance with scope of work and certifying that all work is complete and the kitchen ready for use.

### 6. Funding Source:

There are 2 funding sources for this project. The first will be the Jail Sales Tax Fund and the second, a reimbursement from Aramark LLC in the amount of \$30,000 which is guaranteed by their food service contract.

Note that this supplemental request for \$ 21,147.00 will provide for the re-appropriation of funding and spending authority to complete the replacement of the kitchen floor in the Main Jail. These remaining funds could not be carried over because they were not encumbered in the 2014 budget year. This funding request will be used for the rental of equipment for this project as well as for the unforeseen that will be discovered while we are pulling up the old floor and making repairs to the to the subfloor of the kitchen in the Main Jail.

**FACILITIES MANAGEMENT**


316 Lottie Street  
Bellingham, WA 98225-4010  
Phone: 360.676.6746  
Fax: 360.676.6789  
Facilities@co.whatcom.wa.us

**MICHAEL RUSSELL**  
Facilities Manager

RECEIVED

JAN 29 2015

JACK LOUWS  
COUNTY EXECUTIVE

**MEMO TO:** Jack Louws, County Executive  
**FROM:** Michael Russell, Facilities Manager   
**DATE:** January 26, 2015  
**RE:** Supplemental Budget Request – Re-Appropriation of Funds

## Background and Purpose

Please allow this memo to serve as a request for approval of the accompanying Budget Supplemental Re-Appropriation of Funds. This supplemental request will provide for the re-appropriation of funding and spending authority to complete the replacement of the kitchen floor in the Main Jail. These remaining funds could not be carried over because they were not encumbered in the 2014 budget year. This funding request will be used for the rental of equipment for this project as well as for the unforeseen that will be discovered while we are pulling up the old floor and making repairs to the to the subfloor of the kitchen in the Main Jail.

Over the past several years, we have had a number of issues with the tile floor in the main jail kitchen. Facilities has tried a number of different options to make repairs (replacing tiles, trying different texturing, using different grouts to hold the tiles in, etc) and in each case, the repairs have failed. We currently have a situation where there are an increasing number of missing tiles. This creates a trip hazard in the kitchen, and allows water to pool in the spaces created by the missing tiles despite the best efforts of the kitchen supervisors. The result is a void that gathers water and food scraps into a bacteria laden liquid, creating an issue for foot safety. Additionally, the water percolates down through the unsealed floor to leak into the Sheriff's Office Administrative Offices. A compounding factor is the lack of a slip resistant finish on the tiles, which has caused slip and fall issues for a number of years.

During the 2013 RFP process for the 2014 Food Service Contract, one of the vendors included in their bid a stipulation that they would contribute \$30,000 to the County to be used for the replacement of the kitchen floor. This vendor, Aramak LL was awarded the contract and the funds are available to off-set the total cost of the replacement.

When Facilities became aware of the additional funding source, they began to research available options and have determined a finish called Ucrete would work very well in the kitchen environment. It is currently in place at the Monroe Correctional Complex and the feedback Facilities has received is excellent.

This project is scheduled to start February 23, 2015 and be completed in three weeks thereafter. The re-appropriation of \$ 21,147.00 is crucial to the successful completion of this project.

# Supplemental Budget Request

Status: Pending

Health

Human Services

Suppl ID # 1931

Fund 124

Cost Center 124400

Originator: Patty Proctor

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

Name of Request: Triage Center Renovations

X

*Regina A. DeB...*

1/15/15

Department Head Signature (Required on Hard Copy Submission)

Date

Costs:	Object	Object Description	Amount Requested
	6190	Direct Billing Rate	\$5,000
	6630	Professional Services	\$14,850
	7350	Buildings & Structures	\$50,150
	<b>Request Total</b>		<b>\$70,000</b>

## 1a. Description of request:

The purpose of this request is to fund design and construction upgrades to Whatcom County's Behavioral Health Crisis Triage facility located on Division Street. Upgrades will create single bed and double bed rooms.

## 1b. Primary customers:

Whatcom County residents who are experiencing mental health distress and/or sub-acute withdrawal symptoms resulting from intoxication.

## 2. Problem to be solved:

The current design of the facility restricts full utilization of the existing 13 beds because separate and distinct sleeping rooms do not exist. Three large bays of beds currently exist. Both men and women use the services at the triage facility, and people suffering from either mental health distress or intoxication may use the services. It is often necessary to separate sleeping areas because of these issues. The current large bays of sleeping areas do not allow for this separation at times, thereby leaving beds unusable. Unfortunately, people who need those beds, but may not match the right gender or symptom, must be denied the admission to the facility.

## 3a. Options / Advantages:

The creation of separate sleeping rooms will allow for optimal utilization of all services available at the Crisis Triage facility.

## 3b. Cost savings:

The full utilization of the Crisis Triage facility will potentially decrease EMS, hospital and law utilization by diverting from these more expensive services to the Triage facility.

## 4a. Outcomes:

Service and bed utilization will be improved and fewer residents will be denied admission.

## 4b. Measures:

Bed and service utilization will continue to be tracked, as well as admission denials due to no vacancy

## 5a. Other Departments/Agencies:

The Health Department that contracts for the services at Crisis Triage

The Facilities Department that contracts for the design and construction services

Pioneer Human Services that provides sub-acute detox services

Compass Health Whatcom that provides mental health crisis stabilization services

North Sound Mental Health Administration that provides major funding for the crisis stabilization services

## Supplemental Budget Request

Status: Pending

Health

Human Services

Suppl ID # 1931

Fund 124

Cost Center 124400

Originator: Patty Proctor

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

Mike Russell, Facilities Manager – design and construction activities

Anne Deacon, Human Services Manager, and Jackie Mitchell, Behavioral Health Program Specialist – continuity of operations during construction

**6. Funding Source:**

The Chemical Dependency/Mental Health Program Fund

**WHATCOM COUNTY  
EXECUTIVE'S OFFICE**

County Courthouse  
311 Grand Avenue, Suite #108  
Bellingham, WA 98225-4082



**Jack Louws**  
County Executive

**MEMORANDUM**

**TO:** Whatcom County Council members

**FROM:** Jack Louws, County Executive

**RE:** EDI Program - Interlocal Loan & Grant Agreement with  
The Port of Bellingham

**DATE:** January 28, 2015

---

Attached is a Supplemental budget request for spending authority on an EDI Interlocal Loan and Grant Agreement for which budget authority is required.

On October 8, 2013, the Council adopted the EDI Board's recommendation to provide funding through the EDI Program for the Port of Bellingham's "C" Street Terminal Infrastructure Rehabilitation project.

The Port of Bellingham is now ready to proceed with this project. The Interlocal Agreement will be presented to Council concurrently with this budget supplemental request, at the March 3<sup>rd</sup> meeting. The Port is expecting to draw on the \$1-million grant initially, as provided for under the terms of the agreement, over the course of 2015. The loan portion, \$2-million, is expected to be drawn upon in early 2016. Accordingly, we are seeking budget authority in 2015 for \$1-million.

This program funding is derived from the Public Utilities Improvement Fund.

# Supplemental Budget Request

Status: Pending

## Executive

Suppl ID # 1945

Fund 332

Cost Center 332233

Originator: Suzanne Mildner

Expenditure Type: One-Time

Year 1 2015

Add'l FTE ☐

Add'l Space ☐

Priority 1

Name of Request: EDI -POB C Street Rehab

X

Department Head Signature (Required on Hard Copy Submission)

Date

1/28/15

Costs:	Object	Object Description	Amount Requested
	7220	Intergov Subsidies	\$1,000,000
	Request Total		\$1,000,000

### 1a. Description of request:

This request is for EDI Program funding for the Port of Bellingham's C Street Terminal Rehabilitation Project

### 1b. Primary customers:

Port of Bellingham

### 2. Problem to be solved:

In the Fall of 2013, the County Council authorized EDI funding for the Port of Bellingham's C Street Terminal Rehab project. The project is now ready to move forward and the Interlocal Loan and Grant Agreement is ready and is concurrently being submitted for Council approval. \$3-million was approved for this project, and \$1-million in grant funding will initially be drawn during 2015, followed by \$2-million in loan funding in 2016.

### 3a. Options / Advantages:

The EDI Board and County Council previously determined that this project meets the objectives of the EDI Program project guidelines.

### 3b. Cost savings:

N/A

### 4a. Outcomes:

Project completion is estimated to be late 2016.

### 4b. Measures:

Final project report and budget summary

### 5a. Other Departments/Agencies:

Port of Bellingham

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

Port of Bellingham personnel will submit payment requests and final report on the project.

### 6. Funding Source:

Public Utilities Improvement Fund



# Supplemental Budget Request

Status: Pending

## Non-Departmental

Suppl ID # 1937

Fund 332

Cost Center 332219

Originator: Tawni Helms

Expenditure Type: One-Time

Year 1 2015

Add'l FTE ☐

Add'l Space ☐

Priority 1

Name of Request: Update comprehensive economic development strategy

X

Department Head Signature (Required on Hard Copy Submission)

Date

Costs:	Object	Object Description	Amount Requested
	7210	Intergov Prof Svcs	\$12,500
	<b>Request Total</b>		<b>\$12,500</b>

### 1a. Description of request:

Whatcom Council of Governments (WCOG) agrees to provide staff support and hire qualified subcontractors as deemed necessary to update the 2002 CEDS for Whatcom County such that it will satisfy the requirements of the EDA. WCOG further agrees to maintain the CEDS for a period of four (4) years following its acceptance by EDA, including annually preparing the required CEDS Project List. Whatcom County and WCOG entered into an agreement in 2013. The CEDS update is anticipated to be complete in 2015 at which time the WCOG will invoice the County for the full appropriation.

### 1b. Primary customers:

Whatcom County citizens

### 2. Problem to be solved:

The current Comprehensive Economic Development Strategy (2002 CEDS) was prepared by the Port of Bellingham and adopted by the Whatcom County council in October 2002, but 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 federal funding for public works projects and the County desires to have the 2002 CEDS updated.

Whatcom County entered into an agreement with WCOG in 2013 for the purposes of updating the CEDS list. The CEDS update is anticipated to be completed in 2015. Budget authority was granted in 2013 and re-appropriated in 2014. A budget supplemental is now required to appropriate the \$12,500 to be expended in 2015.

### 3a. Options / Advantages:

The best option is to update the CEDS list to ensure eligibility for certain federal funding for public works projects.

### 3b. Cost savings:

n/a

### 4a. Outcomes:

The CEDS list is due to be completed in 2015.

### 4b. Measures:

The CEDS list will be prepared and delivered to Whatcom County and other jurisdictions.

### 5a. Other Departments/Agencies:

Executive Office will review and ensure all eligible capital projects are included on the list.

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

Public Works, Parks and Recreation and Facilities are responsible for reviewing and ensuring their

Wednesday, January 21, 2015

Rpt: Rpt Suppl Regular

## Supplemental Budget Request

*Status:* Pending

### Non-Departmental

*Suppl ID #* 1937    **Fund** 332    **Cost Center** 332219

**Originator:** Tawni Helms

respective capital projects are included on the CEDS.

**6. Funding Source:**

Public Utilities Improvement Fund (EDI)

# WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2015-068

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:	<i>WZ</i>	1/30/15	<div style="text-align: center;"> RECEIVED   FEB 03 2015   WHATCOM COUNTY COUNCIL </div>	02/10/15	Intro
Division Head:				03/03/15	Finance Committee; Council
Dept. Head:					
Prosecutor:	<i>KNF</i>	1/30/15			
Purchasing/Budget:	<i>WZ</i>	1/30/15			
Executive:	<i>WZ</i>	2/3/15			
<b>TITLE OF DOCUMENT:</b> Amendment No.1 to Ordinance No. 2013-060 Establishing the State Street Building Acquisition and Improvement Fund and Related Capital Budget Appropriation.					
<b>ATTACHMENTS:</b> Ordinance Amendment and Exhibit A Supplemental Budget Request					
SEPA review required? ( ) Yes ( X ) NO SEPA review completed? ( ) Yes ( X ) NO			Should Clerk schedule a hearing ? ( ) Yes ( X ) NO Requested Date:		
<b>SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:</b> (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.)					
<p><i>Amendment No 1 to the State Street Building Acquisition and Improvement Fund Project Budget requests additional appropriation authority of \$400,000 for a new Project Based Budget total of \$5,458,884.</i></p>					
<b>COMMITTEE ACTION:</b>			<b>COUNCIL ACTION:</b> 2/10/2015: Introduced 7-0 (proposed schedule - March 3 Finance Committee and Council)		
Related County Contract #:		Related File Numbers:		Ordinance or Resolution Number:	

SPONSORED BY: Executive  
PROPOSED BY: Executive  
INTRODUCTION DATE: February 10, 2015

ORDINANCE NO. \_\_\_\_\_

**AMENDMENT NO. 1 TO ORDINANCE NO. 2013-060 ESTABLISHING THE STATE STREET BUILDING ACQUISITION AND IMPROVEMENT FUND AND RELATED CAPITAL BUDGET APPROPRIATION**

**WHEREAS**, Whatcom County acquired the land and building located at 1500 State Street and the related parking lot at 211 Champion Street, and

**WHEREAS**, monies have been set aside in this fund only for the purpose of building renovations, and

**WHEREAS**, contaminated soils were discovered on both properties which require soil remediation in accordance with Department of Ecology standards and additional funding is necessary to complete the project, and

**WHEREAS**, funding is available and was approved to be transferred from the Public Utilities Improvement Fund to this project-based budget fund during the biennial budget process (ASR 2015-5337), and

**WHEREAS**, the budget expenditure authority for that funding is now being requested in this project-based budget fund,

**NOW THEREFORE BE IT ORDAINED** by the Whatcom County Council that Ordinance No. 2013-060 is hereby amended adding \$400,000 of expenditure authority, as described in Exhibit A, to the original project budget of \$5,058,884, for a total amended project budget of \$5,458,884.

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

## Supplemental Budget Request

Status: Pending

### Administrative Services

### Facilities Management

Suppl ID # 1946

Fund 348

Cost Center 348100

Originator: Michael Russell

Expenditure Type: One-Time

Year 1 2015

Add'l FTE ☐

Add'l Space ☐

Priority

1

Name of Request: Champion/State Street Soil Remediation

X

Department Head Signature (Required on Hard Copy Submission)

Date

Costs:	Object	Object Description	Amount Requested
	7380	Other Improvements	\$400,000
	8301.332	Operating Transfer In	(\$400,000)
	<b>Request Total</b>		<b>\$0</b>

#### 1a. Description of request:

This funding is for the soil remediation of contaminated soils for 1500 State Street and 211 Champion Street.

#### 1b. Primary customers:

Whatcom County and the Citizens we serve.

#### 2. Problem to be solved:

The County had testing done for these properties and established a defined area on both properties that were above the Department of Ecology standards of acceptable levels of contamination. Remediation of contaminated soils for 1500 State Street and 211 Champion Street is necessary to meet Dept of Ecology requirements.

#### 3a. Options / Advantages:

This contamination has been on site for decades and the possibility of natural attenuation is not feasible.

The only way to address the contaminated soils at this point in time is to dig it up, remove the contaminated soils and monitor the site with monitoring wells to insure that the cleanup meets with the Department of Ecology standards.

#### 3b. Cost savings:

The longer this work is delayed the more costly the soil remediation will be.  
Also the standards for cleanup of these sites will only increase in their complexity.

#### 4a. Outcomes:

The outcome will be to remove the contaminated soils, test the site before clean fill is introduced and monitor the site until the standards are met by the Department of Ecology.

#### 4b. Measures:

By testing the site and testing the monitoring wells.

When the Department of Ecology takes the site off the contaminated site list.

#### 5a. Other Departments/Agencies:

Facilities will work with the occupants of 1500 State Street to insure their clients have access to the entrance of the building.

This work will be performed directly in front of the building.

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

## Supplemental Budget Request

*Status:* Pending

---

### Administrative Services

### Facilities Management

---

Suppl ID # 1946

**Fund 348**

**Cost Center 348100**

**Originator: Michael Russell**

---

Facilities will take the lead for this project. We will also work with the Health Department, Environmental Health Division and the Department of Ecology.

**6. Funding Source:**

Rural Sales Tax Fund

**WHATCOM COUNTY COUNCIL AGENDA BILL**

NO. 2015-083

<b>CLEARANCES</b>	<b>Initial</b>	<b>Date</b>	<b>Date Received in Council Office</b>	<b>Agenda Date</b>	<b>Assigned to:</b>
Originator:	SM	1/27/15	<div style="text-align: center;"> RECEIVED   FEB 24 2015   WHATCOM COUNTY  COUNCIL </div>	March 3, 2015	Finance/Council
Division Head:					
Dept. Head:					
Prosecutor:	<i>[Signature]</i>	01/27/15			
Purchasing/Budget:	<i>[Signature]</i>	1/29/15			
Executive:	<i>[Signature]</i> / LS	2/23/15			

**TITLE OF DOCUMENT:** Economic Development Investment Program –  
Interlocal Loan and Grant Agreement with Port of Bellingham

**ATTACHMENTS:** Memorandum; Interlocal Loan and Grant Agreement

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

On October 8<sup>th</sup>, 2013, the County Council approved the EDI Board's funding recommendation in support of a \$2,000,000 loan and a \$1,000,000 grant to the Port of Bellingham for use towards their project entitled C Street Terminal Infrastructure Rehabilitation Project. Attached is the Interlocal Loan and Grant Agreement between the County and the Port of Bellingham that outlines the terms of this agreement.

We respectfully request the Council's approval for the County Executive to execute this Interlocal Agreement.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

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

**WHATCOM COUNTY  
EXECUTIVE'S OFFICE**

County Courthouse  
311 Grand Avenue, Suite #108  
Bellingham, WA 98225-4082



**Jack Louws**  
County Executive

**MEMORANDUM**

**TO:** Whatcom County Council members

**FROM:** Jack Louws, County Executive

**RE:** EDI Program - Interlocal Loan & Grant Agreement with  
The Port of Bellingham

**DATE:** January 27, 2015

---

Enclosed are two (2) originals of an Interlocal Loan and Grant Agreement between Whatcom County and the Port of Bellingham for your review and approval.

▪ **Background and Purpose**

On October 8, 2013, the Council adopted the EDI Board's recommendation to provide funding through the EDI Program for the Port of Bellingham's "C" Street Terminal Infrastructure Rehabilitation project.

This loan and grant agreement is being presented to you now for approval. Once approved, we respectfully request your authorization for the County Executive to execute this agreement.

▪ **Funding Amount and Source**

Initially, \$1,000,000 will be drawn from the EDI Program's grant program, followed by \$2,000,000 which will be drawn from the EDI Program's loan program. This program funding is derived from the Public Utilities Improvement Fund.

Please contact me with any questions or concerns regarding the terms of this agreement.

Enclosures



# WHATCOM COUNTY CONTRACT INFORMATION SHEET

Whatcom County  
Contract No.

201502007

Originating Department:	County Executive
Contract or Grant Administrator:	Suzanne Mildner
Contractor's / Agency Name:	Port of Bellingham
<p>Is this a New Contract? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If not, is this an Amendment or Renewal to an Existing Contract? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If Amendment or Renewal, Original Contract # _____</p> <p>Does contract require Council Approval? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/></p> <p>Is this a grant agreement? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, grantor agency contract number(s) _____ CFDA # _____</p> <p>Is this contract grant funded? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, associated Whatcom County grant contract number(s) _____</p> <p>Is this contract the result of a RFP or Bid process? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Contract _____ Cost Center: _____</p> <p>If yes, RFP and Bid number(s) _____</p> <p>Is this agreement excluded from E-Verify? No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> If no, include Attachment D Contractor Declaration form</p> <p><b>If yes, indicate exclusion(s) below:</b></p> <p><input type="checkbox"/> Professional services agreement for certified/licensed professional</p> <p><input type="checkbox"/> Contract less than \$100,000. <input type="checkbox"/> Contract for Commercial off the shelf items (COTS)</p> <p><input type="checkbox"/> Contract work is all performed outside U.S. <input type="checkbox"/> Work related subcontract less than \$25,000.</p> <p><input checked="" type="checkbox"/> Interlocal Agreement (between Govt's) <input type="checkbox"/> Public Works - Local Agency/Federally Funded FHWA</p>	
<p>Contract Amount:(sum of original contract amount and any prior amendments)</p> <p>\$ <u>3,000,000</u></p> <p>This Amendment Amount:</p> <p>\$ _____</p> <p>Total Amended Amount:</p> <p>\$ _____</p>	<p>Contracts that require Council Approval (incl. agenda bill &amp; memo)</p> <ul style="list-style-type: none"> <li>Professional Services Agreement above \$20,000.</li> <li>Bid is more than \$40,000.</li> <li>Amendments that have either an increase greater than 10% or provide a \$10,000 increase in amount (whichever is greater)</li> </ul> <p>RENEWALS: Council approval is not required when exercising an option to renew that is provided in the original contract.</p>
<p>Summary of Scope:</p> <p><i>Interlocal Loan and Grant Agreement with the Port of Bellingham utilizing EDI Program funding (from the Public Utilities Improvement Fund) for use in the Port's "C" Street Terminal Infrastructure Rehab project.</i></p>	
Term of Contract: 7 years	Expiration Date: Est'd 12/31/2022-2023

**Contract Routing Steps & Signoff:** [sign or initial][indicate date transmitted]

- Prepared by: sm Date 11/14/13 [electronic]
- Attorney reviewed: Daniel L. Gibson Date 11/19/13 [electronic]
- AS Finance reviewed: bbennett Date 11/15/13 [electronic]
- IT reviewed if IT related: for Date \_\_\_\_\_ [electronic]
- Corrections made: MD Date \_\_\_\_\_ [electronic] hard copy printed
- Attorney signoff: Daniel L. Gibson Date 11/19/13
- Contractor signed: by POB: Date 2/17/15
- Submitted to Exec Office: ✓ Date 2/20/15 [summary via electronic; hardcopies]
- Council approved (if necessary) \_\_\_\_\_ Date \_\_\_\_\_
- Executive signed: \_\_\_\_\_ Date \_\_\_\_\_
- Contractor Original Returned to dept; \_\_\_\_\_ Date \_\_\_\_\_
- County Original to Council \_\_\_\_\_ Date \_\_\_\_\_

Whatcom County  
Contract No.

201502007

**Economic Development Investment Program  
Interlocal Loan & Grant Agreement**

**I PARTIES**

This Agreement is made by and between **Whatcom County** (hereinafter referred to as **the County**), and **the Port of Bellingham** (hereinafter referred to as **the Port**).

**II TERM**

This Agreement takes effect upon execution hereof by the authorized representatives of both parties and continues in effect until all payments required under Section V, MUTUAL CONSIDERATION, Subsection C, REPAYMENT OF COUNTY LOAN, have been made or until terminated as provided for in Section VIII, TERMINATION.

**III PURPOSE**

The purpose of this Agreement is to provide funding support for the "C" Street Terminal Infrastructure Rehabilitation Project (hereinafter referred to as **the Project**) using certain County funds designated for such infrastructure development. These funds will be used to complete the Project as outlined in the Economic Development Investment (EDI) Program Application as attached (Attachment C).

**IV RECITALS**

The Parties make this Agreement based on and in recognition of certain relevant facts and circumstances including:

A. Sales and use taxes are collected in and for the County under authority of RCW 82.14.370 and Whatcom County Code 2.130 for the purpose of financing public facilities in the County, and the proceeds are deposited in the Whatcom County Public Utilities Improvement Fund.

B. The Port will construct the Project. The Project will be partially funded by a **\$2,000,000 loan from the Whatcom County Public Utilities Improvement Fund, a \$1,000,000 grant from the Whatcom County Public Utilities Improvement Fund**, and the balance of the Project will be funded by the Port of Bellingham, the State of Washington, and other sources as outlined in Attachment C. The Project improvements, when complete, will be owned and maintained by the Port of Bellingham.

C. RCW 82.14.370 was adopted to serve the goals of promoting the ongoing operation of business in rural distressed areas, promoting the expansion of existing businesses in rural distressed areas, attracting and developing new businesses, and providing family wage jobs and the development of communities of excellence in such areas. The parties expect the Project to further these goals.

D. RCW 82.14.370 defines public facilities to include bridges, roads, domestic and industrial water facilities, sanitary sewer facilities, earth stabilization, storm sewer facilities, railroad, electricity, natural gas, buildings, structures, telecommunications infrastructure, transportation infrastructure, or commercial infrastructure, and Port facilities in the state of Washington.

E. The County has created the EDI Board to review applications for loans and grants from the Public Utilities Improvement Fund and to make recommendations for Public Utilities Improvement Fund investments based on commitment of other funds, potential for resulting job creation, and other factors.

F. The EDI Board has reviewed the application for Public Utilities Improvement Funds and has recommended approval to the Whatcom County Council.

G. The County EDI Board has reviewed and recommended this project application be approved with a recommendation of a loan in the amount of \$2,000,000.00 and a grant in the amount of \$1,000,000, for a total of \$3,000,000. A copy of the EDI application for this project is attached by reference to this Agreement.

H. The Whatcom County Council reviewed the recommendation and approved a loan to the Port from the Public Utilities Improvement Fund in the amount of \$2,000,000, and a grant to the Port from the Public Utilities Improvement Fund in the amount of \$1,000,000.

I. The Public Utilities Improvement Fund balance is sufficient to make the requested loan and grant to the Project.

J. RCW 39.34 authorizes interlocal agreements whereby municipal governments may jointly exercise the powers granted to each.

## **V MUTUAL CONSIDERATION**

The parties do not intend to create any new or separate legal or administrative entity by this Agreement but intend for this mutual Agreement to govern the County's financial support for the Project. The terms and conditions contained herein reflect the voluntary participation of the parties.

A. **PORT OF BELLINGHAM RESPONSIBILITIES:** The Port hereby agrees as follows:

- (i) If after the award of the construction contract, the scope of the Project or the Project budget has changed, the Port shall provide the County the following updated documents: 1) a detailed description of the project; 2) a project budget itemizing major improvements together with the estimated cost of the improvements; and 3) a schedule showing sources and uses of funding for the project, if any of the aforementioned documents varies from those that were submitted with the Port's application for EDI funding.
- (ii) The Port shall be responsible for all aspects of the design and construction of the project.
- (iii) The Port shall be responsible for all aspects of the public works construction contract administration, which shall include, but not be limited to, advertising, bidding, and awarding the contract. The Port will comply with all applicable laws, rules and regulations relating to bidding the project. The County shall have no responsibility for the Project other than the funding set forth herein.
- (iv) The Port shall provide the County with a final report showing the actual cost of the project and the actual sources and uses of funding for the project.
- (v) The Port shall repay the loan in full in accordance with the terms of Section V.C below and the amortization schedule set forth in Attachment A, attached hereto.

B. WHATCOM COUNTY'S RESPONSIBILITIES: The County hereby agrees as follows:

- (i) COUNTY LOAN—The County shall *loan* Two Million Dollars and Zero Cents (\$2,000,000.00) for the Project described herein (the "Loan"). This Loan shall be by County warrant drawn on the Public Utilities Improvement Fund and payable to the Port, available upon written request after approval and execution of this agreement by the Whatcom County Council and the Port, and pursuant to the terms contained in (iii) Payout of Loan and Grant Funding.
- (ii) COUNTY GRANT—The County shall issue a *grant* to the Port for up to One Million Dollars and Zero Cents (\$1,000,000.00) for the Project described herein. This grant shall be by County warrant drawn on the Public Utilities Improvement Fund and payable to the Port upon approval of this agreement by the Whatcom County Council and the Port, and pursuant to the terms contained in (iii), Payout of Loan and Grant Funding, below.
- (iii) PAYOUT OF LOAN AND GRANT FUNDING—The County shall pay out the loan and grant funding to the Port up to a maximum of Three Million Dollars and Zero Cents (\$3,000,000.00) of the total project costs. This amount shall be paid in accordance with Attachment B, attached hereto. Disbursements of grant and loan funding shall be made contingent upon and subject to the continued commitment of the other project funding sources.
- (iv) Unless the parties to this agreement mutually agree in writing to modify the consideration, the funding identified herein is all the County is obligated to pay towards this project. The Port agrees to protect the County from, hold

it harmless from, and indemnify it for, any charges that may be levied in excess of the agreed amount.

**C. REPAYMENT OF COUNTY LOAN—**The Port shall repay the Loan as follows:

- (i) The term of the Loan shall be seven years, commencing from the date that the County disburses the Loan proceeds to the Port. Interest shall accrue on the unpaid principal at a rate of 1% per annum. Interest shall begin accruing from the date of disbursement of loan funds.
- (ii) The Port will make loan payments to the County annually on or before the anniversary date of receiving loan proceeds in accordance with the attached amortization schedule (Attachment A). Loan payments must be delivered to the Whatcom County Executive Dept., Suite 108, 311 Grand Avenue, Bellingham, WA 98225.
- (iii) Failure to make the payment in the required amount by the date it is due according to the amortization schedule hereto attached shall constitute an event of default by the Port. In the event that the Port fails timely to make a Loan payment hereunder, the County shall notify the Port of the failure and the Port shall have fourteen (14) days to cure its failure. At the option of the County, such an event of default and the Port's failure to cure within the stated time period is a sufficient basis upon which the County may take action to collect the amount that is delinquent, and if the County takes action to collect pursuant to this provision, the Port shall pay to the County not only the amount owing, but also any collection of reasonable costs incurred by the County. Furthermore, if the Port fails to make a payment on the Loan within thirty (30) days of the date it is due, and if the County has provided the Port with the notice provided for in this section, then the County may choose to declare the remaining balance of the loan due and owing.
- (iv) There is no prepayment penalty should the Port desire to retire this debt early, either in whole or in part.

**VI RECORDS, REPORTS AND AUDITS**

The Port agrees to maintain such records, make such reports and follow such procedures pertaining to this Agreement as may be reasonably required by the County and as are typically maintained and made by the Port in the undertaking of a project of this nature. All Port records pertaining to this Agreement and the Project work shall be retained by the Port for a period of three (3) years after final audit unless a longer period is required to resolve audit findings or litigation. The County and other authorized representatives of the State government shall have access to any books, documents, papers, and records of the Port which pertain to this Agreement or the Project work for the purpose of making audit, examination, excerpts, and transcriptions.

## **VII      RELATIONSHIP OF PARTIES AND AGENTS**

Neither the Port nor the County shall have authority to execute contracts or to make commitments on behalf of the other, and nothing contained herein shall be deemed to create the relationship of employer and employee or principal and agent between the County and the Port. This agreement does not create, either implicitly or explicitly, any right, duty or obligation that is not expressly provided for herein.

The Port represents that it has or will secure at its own expense all personnel, contractors, and/or subcontractors required in order to perform the Project work. Such personnel shall not be employees of, or contractors with the County for purposes of the project described herein. All such personnel, contractors, and/or subcontractors shall be fully qualified (as determined by the Port in its sole discretion) and authorized/permitted under State and/or local law to perform such services.

## **VIII     TERMINATION**

If the Port fails to comply with the terms and conditions of this Agreement, the County may pursue such remedies as are legally available, including, but not limited to, the termination or closeout of this Agreement in the manner specified herein:

- A.      **TERMINATION FOR CAUSE**— If the Port fails to comply with the terms and conditions of this Agreement, the County will give notice to the Port in writing of its failure to comply. The Port will be given thirty (30) days from date of notice to comply with the terms of the Agreement or submit a plan acceptable to the County to bring the Port into compliance with the Agreement within a time period reasonably acceptable to the County. Failure to comply with the terms and conditions of this Agreement by either party shall constitute an event of default. In the event of default by the Port and a failure by the Port to cure as provided for herein, the County may take such remedial actions under the law as are available to cure the default, including the imposition of the reasonable costs of collection. In the event of default by the County, the Port may take such remedial actions under the law as are available to cure the default, including specific performance.
- B.      **TERMINATION FOR OTHER GROUNDS**—This Agreement may be terminated in whole or in part by mutual consent and written agreement between the parties, duly authorized and executed, setting forth the conditions of termination, including effective date and, in case of termination in part, that Portion to be terminated.

## **IX      COMPLIANCE WITH LAWS**

The County and the Port shall comply with all applicable laws, ordinances, and codes of the Federal, State and local governments with regard to the performance of this Agreement.

## **X INTEREST OF MEMBERS OF THE COUNTY AND THE PORT**

No member of the governing body of either party and no other officer, employee, or agent of either party who exercises any functions or responsibilities in connection with the planning or carrying out of the Project shall have any personal financial interest, direct or indirect, in this Agreement.

## **XI HOLD HARMLESS AND INDEMNITY**

To the extent permitted by law, the Port shall indemnify and hold harmless the County, its officers, agents, and employees, from all liability, loss or damage, including costs of defense they may suffer as a result of claims, demands, actions, costs, or judgments which result from the activities to be performed by the Port, its agents, employees, or subcontractors pursuant to this Agreement.

## **XII ASSIGNABILITY**

The Port shall not assign any interest in this Agreement and shall not transfer any interest in this Agreement (whether by assignment or novation) without prior written consent of the County thereto, provided, however, that claims for money by the Port from the County under this Agreement may be assigned to a bank, trust company, or other financial institution without such approval. Written notice of any such assignment or transfer shall be furnished promptly to the County by the Port.

## **XIII NON-WAIVER**

The failure of either party to insist upon strict performance of any provision of this 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 Agreement.

## **XIV CONTRACT MODIFICATIONS**

No modification or waiver of any clause or condition of this Agreement shall be binding upon either party unless such modification or waiver is in writing and duly authorized and executed by the County and the Port.

## **XV SEVERABILITY**

If any Portion of this Agreement is changed per mutual agreement or any Portion is held invalid, the remainder of this Agreement shall remain in full force and effect.

## **XVI NOTICES**

Unless stated otherwise herein, all notices and demands shall be in writing and sent or hand-delivered to the parties to their addresses as follows:

**TO PORT:** Dodd Snodgrass, Economic Development Specialist  
Port of Bellingham  
1801 Roeder Avenue  
Bellingham, WA 98225

**TO COUNTY:** Brad Bennett, Finance Manager  
c/o Whatcom County Executive's Office  
311 Grand Avenue, Suite 108  
Bellingham, WA 98225

or to such other addresses as the parties may hereafter designate in writing. Notices and/or demands shall be sent by registered or certified mail, postage prepaid, or hand-delivered. Such notices shall be deemed effective when mailed or hand-delivered at the addresses specified above.

## **XVII INTEGRATION**

This Agreement contains all terms and conditions to which the County and the Port agreed, and this Agreement supersedes all of their previous understandings and agreements, written and oral, with respect to this loan and grant transaction. There are no other oral or written agreements between the Port and County as to the loan and grant terms contained herein. No changes or additions to this Agreement shall be valid or binding upon either party unless such change or addition be in writing, duly authorized and executed by both parties.

## **XVIII GOVERNING LAW AND VENUE**

All questions of the validity, construction, and application of this Agreement shall be governed by the laws of the State of Washington. Venue for any suit between the parties arising out of this Agreement shall be the Superior Court of the State of Washington in and for Skagit County, Washington.

## **XIX RECORDING**

Upon execution of this agreement by the parties hereto, the County shall cause it to be recorded with the Whatcom County Auditor pursuant to the recording requirement contained within RCW 39.34.040.

\*\*\*\*\*

IN WITNESS WHEREOF, the County and the Port have executed this Agreement as of the date and year last written below.

EXECUTED, this 17<sup>th</sup> day of February, 2015, for the **PORT OF BELLINGHAM:**

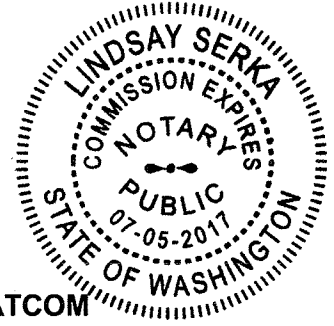
  
\_\_\_\_\_  
Rob Fix, Executive Director



STATE OF WASHINGTON )  
 ) ss.  
COUNTY OF Whatcom )

On this 17<sup>TH</sup> day of February, 2015, before me personally appeared **ROB FIX**, to me known to be the **Executive Director** of the Port of Bellingham and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

Lindsay Serka  
NOTARY PUBLIC in and for the State of Washington,  
residing at 4930 COLUMBUS AVE. BELLINGHAM, WA 98229  
My commission expires 7-5-2017.



EXECUTED, this \_\_\_\_\_ day of \_\_\_\_\_, 2015, for **WHATCOM COUNTY**:

**Approved:** Accepted for Whatcom County:

\_\_\_\_\_  
Jack Louws, Whatcom County Executive

STATE OF WASHINGTON )  
 ) ss  
COUNTY OF WHATCOM )

On this \_\_\_\_\_ day of \_\_\_\_\_, 2015, before me personally appeared **JACK LOUWS**, to me known to be the **COUNTY 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 \_\_\_\_\_.

**Approved as to form:**

Daniel L. Gibson 01/27/15  
Chief Civil Deputy Prosecutor Date

Attachment A

WHATCOM COUNTY  
EDI Loan Port of Bellingham  
"C" Street Terminal Infrastructure Rehabilitation Project

Principal \$2,000,000  
Interest Rate 1.00%  
Term 7

#	Year*	Beginning Balance	Payment	Interest	Principal	Ending Balance
1	2017	\$2,000,000	\$297,257	20,000	277,257	\$1,722,743
2	2018	\$1,722,743	\$297,257	17,227	280,030	\$1,442,714
3	2019	\$1,442,714	\$297,257	14,427	282,830	\$1,159,884
4	2020	\$1,159,884	\$297,257	11,599	285,658	\$874,227
5	2021	\$874,227	\$297,257	8,742	288,515	\$585,712
6	2022	\$585,712	\$297,257	5,857	291,400	\$294,313
7	2023	\$294,313	\$297,256	2,943	294,313	\$0
			<u>2,080,795</u>	<u>80,795</u>	<u>2,000,000</u>	

\*The precise timing of repayment may change depending on when the funds are first disbursed, and if so, this schedule will adjust to reflect the first repayment date being one year from the disbursement date.

## Attachment B

### Port of Bellingham – “C” Street Terminal Infrastructure Rehabilitation Project Loan and Grant Draw Down Requirements

The \$1,000,000.00 grant funding will be disbursed prior to any loan funding, as follows:

The Port of Bellingham will send invoices for project expenses to Whatcom County Executive's Office, 311 Grand Avenue, Suite 108, Bellingham, WA 98225. Invoices will include copies of receipts. Funds will be made available by warrant within 30 days following receipt of invoice and are for reimbursement of project expenses only. The request for grant funds should reference the Whatcom County assigned interlocal agreement number.

The \$2,000,000.00 loan will be disbursed as follows:

Following the disbursement of all grant funds, the loan funds will be made available for application to the project by warrant within 30 days of receipt of written request from Rob Fix, Executive Director of the Port of Bellingham, and sent to the Whatcom County Executive's office, 311 Grand Avenue, Suite 108, Bellingham, WA 98225. The request will include the full loan amount (\$2,000,000.00), and a reference to the contract number assigned to this Interlocal Agreement. Repayment of the loan will begin one year from the disbursement date and follow the schedule noted in Attachment A.

Attachment "C"

**RECEIVED**

SEP 5 - 2013

**Whatcom County  
Economic Development  
Investments Program**

**JACK LOUWS  
COUNTY EXECUTIVE**

**Application for Funding**

**PORT OF BELLINGHAM**

**"C" STREET TERMINAL UPLAND INFRASTRUCTURE REHABILITATION PROJECT**



Jack Louws, Whatcom County Executive

## **Whatcom County Economic Development Investment (EDI) Program**

*Revolving Loan and Grant Program to Encourage Creation or Retention of Private Sector Jobs*

### **Preferential Project Terms**

**First Preference – EDI LOAN** – Due to the preferred revolving nature of EDI funds, proposals that are loan only will receive higher scoring. Loan terms and interest rate structure matches the Public Works Trust Fund program. The county will maintain discretion to modify such as including a deferral period.

**Second Preference – LOAN/GRANT COMBINATION** – The preferred combination of grant funds and loan funds is 1/3 grant, 2/3 loan.

**Third Preference – EDI GRANT** – Due to the “one-shot” nature of grants, projects of equal scoring requesting a grant only will be scored lower than another similar project requesting a loan/grant mix.

### **Preferential\* Project Amounts (Guidelines)**

**JOBS IN HAND PROJECTS** - \$1,000,000 limit if grant only. \$2,000,000 limit if combination of grant and loan. \$3,000,000 limit if loan only.

**BUILD IT AND JOBS WILL COME PROJECTS** - \$500,000 limit if grant only. \$1,000,000 limit if combination of grant and loan. \$1,500,000 limit if loan only.

**COMMUNITY ENHANCEMENT PROJECTS** - \$250,000 limit if grant only. \$500,000 limit if combination of grant and loan. \$750,000 limit if loan only.

\*Based on compelling reasons, the EDI Board and County Council may consider exceptions.

### **Past Performance**

Have you received EDI Program funding in the past?   X  ; Yes            No

If yes, provide project name and EDI grant/loan awarded: Wood Stone \$500,000 loan, Index Industries \$200,000 grant/\$500,000 loan.

If yes, EDI Program staff and/or the EDI Board may conduct an audit to review performance measures against projected outcomes, such as job creation projections.

Has your jurisdiction received any audit findings from the Washington State Auditor in the past 10 years?  
           Yes;   X   No. If yes, provide details:

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# **Whatcom County Economic Development Investment (EDI) Program**

*Revolving Loan and Grant Program to Encourage Creation or Retention of Private Sector Jobs*

## **PROJECT APPLICANT**

Applicant Name: Port of Bellingham

Applicant Address: 1801 Roeder Ave, Bellingham, WA 98225

Applicant Contact Person: Dodd Snodgrass

Applicant Email and Phone Number: dodds@portofbellingham.com , 676-2500

## **PROJECT TITLE**

“C” Street Terminal Upland Infrastructure Rehabilitation Project

## **PROJECT AMOUNT REQUESTED**

\$3 million EDI Funds  
\$1 million grant  
\$2 million loan

\$3.4 million Local Match  
(10% of EDI request minimum)

## **PROJECT TYPE**

☒ Jobs In Hand

☐ Build It And Jobs Will Come

☐ Community Enhancement

## **PROJECT TERMS**

☐ Loan Only

☒ Grant/Loan

☐ Grant Only

If a loan, term requested: **7 years**

## Whatcom County Economic Development Investment (EDI) Program

*Revolving Loan and Grant Program to Encourage Creation or Retention of Private Sector Jobs*

### BASIC PROJECT INFORMATION

1. Complete the public project budget and status of funds below. If EDI funds are approved is funding 100% complete? ☒ Yes ☐ No

<u>Funding Source</u>	<u>Amount</u>	<u>Planned/Applied For</u>		<u>Secured</u>	
Federal Dollars		Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No <input type="checkbox"/>
State Dollars	\$5,947,632	Yes <input type="checkbox"/>	No <input type="checkbox"/>	<b>Yes X</b>	No <input type="checkbox"/>
Local Dollars	\$3,417,633	Yes <input type="checkbox"/>	No <input type="checkbox"/>	<b>Yes X</b>	No <input type="checkbox"/>
EDI Funding	\$3,000,000	Yes <input type="checkbox"/>	No <input type="checkbox"/>	Yes <input type="checkbox"/>	No X
TOTAL	\$12,365,265				

State and local dollar total is \$9.4 million: Funding commitments through state Model Toxic Control Account (MTCA) grants (\$4.9 million), state Environmental Legacy Stewardship Account (ELSA) grant (\$1 million) and \$3.8 million through the Port's pre-funded environmental insurance and capital funds.

2. Describe the amount of outside (private) funding committed to the project (eg. Plant and equipment).

Bellingham Marine Industries (BMI) will spend up to \$88,600 on a crane pad as a lease condition. The Landings at Colony Wharf is expected to commit up to \$150,000 on stormwater improvements on its site and invest in a new 5,000 sq. ft. building. BMI anticipates additional initial leasehold improvements of at least \$200,000 and could lead to much higher investment in plant and equipment as it ramps up production.

3. Describe the public infrastructure being proposed. Include **engineering estimates and a site map detailing the proposed improvements as Attachments A and B.**

The "C" Street Project includes the north shoreline component of the Whatcom Waterway NWP38 remediation work and the additional upland rehabilitation work for the "C" Street Terminal. The NWP38 environmental remediation project is designed to provide ancillary habitat benefit to ESA-listed salmon and other species. The Port has completed 100% engineering design and bid-ready documents. The shoreline area will be rehabilitated with this project. The project is expected to have all regulatory approvals this fall, including a Nationwide Permit 38 (NWP38) from the U.S. Corps of Engineers. EDI provides gap funding for this component.

The terminal rehabilitation component includes additional upland infrastructure rehabilitation, not covered in the remediation project, to support marine trades at the existing Port-owned barge terminal and other Port-owned property. The project elements include site surfacing and road improvements; stormwater collection, control, and treatment improvements to comply with Department of Ecology regulations; utility connections; and, foundation reinforcement for crane loading and cargo management. EDI provides gap funding for this component.

The Whatcom Waterway NWP38 cleanup component and the terminal component are both expected to start in 2014 with completion by May 2015.

## **Whatcom County Economic Development Investment (EDI) Program**

*Revolving Loan and Grant Program to Encourage Creation or Retention of Private Sector Jobs*

6. Are any other public jurisdictions involved in this project? If so, in what way?

The City of Bellingham. Prior to 2012 the City owned the 3.5 acres along “C” Street that is leased to the Landings. In October that year the City and Port completed a land swap in which the Port obtained ownership of the City’s “C” Street marine trades properties, while the City took full ownership of the Cornwall Beach property from the Port. In addition the City will grant the Port a use license for operation and maintenance of “C” Street between approximately Chestnut Street and Laurel and a portion of Maple St.

7. Who will maintain the public facility/infrastructure to be completed with EDI funds? Will this project impact utility rates within the jurisdiction?

The “C” Street Project will be owned and maintained by the Port. Its operations will be conducted through agreements with lessors such as the Landings at Colony Wharf and BMI. The project will not impact utility rates.

8. Will this project directly generate a revenue stream that could be used to repay an EDI loan? Will this project spur indirect revenues that could be used to repay an EDI loan? If no to either question – why?

The project will generate user fee revenues toward operation, maintenance and capital costs. The Port will repay the EDI loan through a combination of Real Estate and Maritime revenues in addition to user fees from the terminal. Through a 7-yr amortization the Port will re-pay \$297,256 annually to the county, which is invested back into the EDI program for awards to other applicants. The EDI loan and repayment plan helps the Port preserve capital outlays for other large capital project needs.

9. What other revenue sources are available for this project and have they been considered. This includes forming a Local Improvement District (LID or ULID), issuing Councilmanic Bonds, Revenue Bonds, or other source(s).

The Port will not use its general obligation capacity for this project. It is not efficient or cost effective to issue a bond for a project of this size. The Port needs to retain its bonding capacity and preserve its capital funds for larger projects. EDI is an appropriate finance tool for this type of economic development project.

10. Describe the private development project that will be supported by this public facility project. If there is a committed private sector partner include Contingency Agreement (Attachment C).

The Landings at Colony Wharf started in its present location in 1987. Supported by tenants and on-site contractors it provides a complete range of boatyard services. The “C” Street Project will provide barge loading access for the Landings and its customers, and other Port customers. The upland infrastructure improvements will help retain tenant businesses of the Landings and recapture other services. Currently 114 jobs are directly supported by the Landings and its 27 subtenants. The Landings plans to invest in on-site stormwater improvements on its property as a condition of renewed lease negotiations with the Port.



## Whatcom County Economic Development Investment (EDI) Program

*Revolving Loan and Grant Program to Encourage Creation or Retention of Private Sector Jobs*

13. Describe the type of industry or economic activity the public development will attract. What is the strategy to attract industry to the project site?

The focus of development in this area will accommodate marine trades businesses and jobs supporting commercial fishing, recreational/commercial boating, product manufacturing, and heavy construction. The "C" Street Project area is the primary location for a broad range of small working waterfront businesses on the Bellingham Waterfront. Over time the 58 acre Marine Trades Area will become a prime development opportunity for marine industry. The project will provide an updated facility to continue the benefits of the marine cargo terminal operations.

14. List the number of projected jobs, by type, to be retained and/or created by the private entity.

Occupation	Current Jobs Retained** (In FTEs)  The Landings and its tenants	# Of Jobs Created Year 1 (In FTEs)  BMI (per project)	# Of Jobs Created by Year 5 (In FTEs)  BMI (per project)	Hourly Wage of current or new position	Local Occupational Hourly Wages***
Mgmt./Admin*	17			\$35-50	N/A
Technical/Prof	41			\$50-75	
Office/Clerical	4			\$15-20	
Production		20-25	20-25+		\$14-15
Sales	2			\$30+	
Skilled Crafts	50			\$25-75	
Others					
Totals	114	20-25	20-25+	N/A	N/A

\* Indicate Management positions in annual salary.

\*\* Retained jobs are defined as jobs that would otherwise be lost from the county without this project.

\*\*\* This column will be populated with data from the state before application is distributed and revised annually.

- a. Projected annual gross payroll for all job classifications: \$5 million (all Landings activity), BMI no estimate
- b. Describe fringe benefits the company offers to regular full time employees?  
(health insurance, retirement plans, etc): BMI offers medical/dental/401k and an employee profit sharing plan to all of its production personnel.

**Whatcom County Economic Development Investment (EDI) Program**

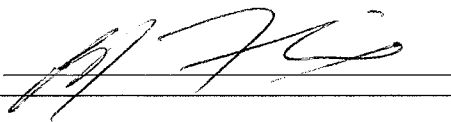
*Revolving Loan and Grant Program to Encourage Creation or Retention of Private Sector Jobs*

**Application for Funding – Certification**

I HEREBY CERTIFY THAT THE INFORMATION GIVEN IN THIS APPLICATION TO WHATCOM COUNTY FOR INVESTMENTS IN ECONOMIC DEVELOPMENT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Signature of Responsible Public Official: \_\_\_\_\_

Date \_\_\_\_\_

 9/4/13

## Whatcom County Economic Development Investment (EDI) Program

*Revolving Loan and Grant Program to Encourage Creation or Retention of Private Sector Jobs*

### PROJECT SCORING

S = Strong  
M = Medium  
W = Weak

3 pts    2 pts    1 pt  
S        M        W

#### PROJECT READINESS

___	___	___	Level of completion – engineering and design
___	___	___	Detailed schedule provided
___	___	___	Extent to which permits, approvals and other authorizations are met
___	___	___	Time period over which private investment will occur and jobs created

\_\_\_    \_\_\_    \_\_\_    **Total Number of Boxes Checked**

**x3    x2    x1    Multiplied By Associated Points**

\_\_\_    \_\_\_    \_\_\_    **TOTAL SCORING POINTS**

\_\_\_\_\_    **TOTAL OF ALL SCORING POINTS (Max 81, Mid 54 and Minimum 27)**

Bonus Points:

\_\_\_\_\_    Add: 100 points if Project is “Jobs In Hand”  
\_\_\_\_\_    Add: 50 points if Project is “Build It and Jobs Will Come”  
\_\_\_\_\_    Add: 25 points if Project is “Community Enhancement”

\_\_\_\_\_    Add: 100 points if Request is Loan Only  
\_\_\_\_\_    Add: 50 points if Request is Loan/Grant Combination  
\_\_\_\_\_    Add: 25 points if Request is Grant Only

\_\_\_\_\_    **GRAND TOTAL OF ALL SCORING POINTS (Max 281, Mid 154, Minimum 77)**

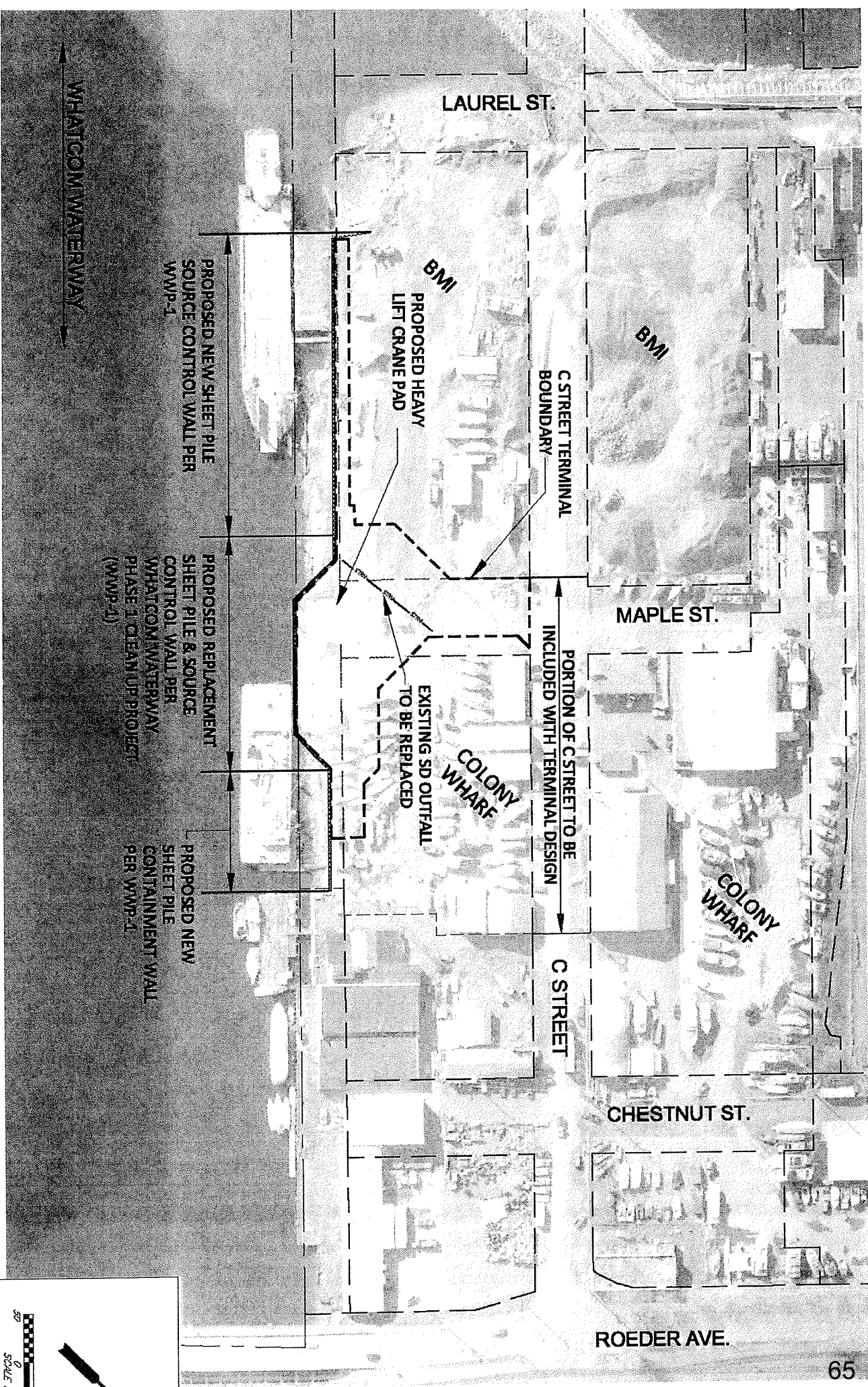
### SCORING ASSESSMENT

#### Scoring Range of Points

281 points to 170 points	=	Compelling Application – funding should be strongly considered
169 points to 125 points	=	Moderate Application – funding might be considered
Less than 125 points	=	Weak Application – funding should not be considered

ID	Task Name	2015	2016
1	COORDINATE W/ WHATCOM WATERWAY PHASE 1 CLEANUP PROJECT SCHEDULE UPLAND RI/FS	1/1 SEE PAGE 20	11/1
2		1/1 SEE PAGE 22	11/1
3	C.W.F. CONSENT DECREE - ECOLOGY REPS PROCESS AND PSA SCOPE & FEE COMPLETE 11/22/13		1/1
4	ADMINISTER ELSA GRANT & EDI GRANT/LOAN	1/1	10/31
5		1/1	10/31
6	COORDINATE SCOPE RE: CITY (C STREET)	1/1	10/31
7	PSA APPROVAL: COMMISSION	1/20	
8	30% LEVEL DESIGN, PSE	2/1 3/31	
9	POB & STAKEHOLDER REVIEW	4/1 4/14	
10	90% LEVEL DESIGN, PSE & PERMITS	4/15 7/14	
11	POB & STAKEHOLDER REVIEW	7/15 7/31	
12	REVISE 90% SET PER REVIEW COMMENTS	8/1 8/14	
13	SUBMIT FOR PERMITS	8/15	
14	PERMIT PROCESS (ASSUME IN-WATER PMT FOR OUTFALL)	8/15 2/12	
15	RECEIPT OF ALL PERMITS	2/15	
16	FINAL BID DOCUMENTS	2/16 2/29	
17	BIDDING	3/1 4/8	
18	BID AWARD	4/19	
19	PRECON & NTP	5/1	
20	CONSTRUCTION	5/1 8/31	
21	100% COMPLETE		10/1
22	CLOSEOUT GRANTS		11/1

## ATTACHMENT B



# WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2015-084

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:	SW	02/10/15	<div>RECEIVED</div> <div>FEB 24 2015</div> <div>WHATCOM COUNTY COUNCIL</div>	03/03/2015	Finance/Council
Division Head:					
Dept. Head:					
Prosecutor:					
Purchasing/Budget:	BB	2/11/15			
Executive:	JW/LG	2/23/15			
<b>TITLE OF DOCUMENT:</b> Purchase of ER&R replacement front loader					
<b>ATTACHMENTS:</b> Memo from Finance and Public Works					
<b>SEPA review required?</b> ( ) Yes ( x ) NO <b>SEPA review completed?</b> ( ) Yes ( x ) NO			<b>Should Clerk schedule a hearing ?</b> ( ) Yes ( x ) NO <b>Requested Date:</b>		
<b>SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:</b> (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.)					
<p>Public Work Equipment Services is requesting approval to use the Washington State Contract to purchase a replacement front loader. The total cost is \$147,978.79. This is a planned purchase and adequate funds are available in their current budget.</p>					
<b>COMMITTEE ACTION:</b>			<b>COUNCIL ACTION:</b>		
<b>Related County Contract #:</b>		<b>Related File Numbers:</b>		<b>Ordinance or Resolution Number:</b>	
<b>Please Note:</b> Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: <a href="http://www.co.whatcom.wa.us/council">www.co.whatcom.wa.us/council</a> .					



**DATE:** February 10, 2015  
**TO:** Jack Louws, County Executive  
**FROM:** Brad Bennett, AS Finance Manager  
**SUBJECT:** Approval to Purchase Front Loader

- **Background & Purpose**

Public Works Equipment Services is requesting approval to purchase a 2015 John Deere 444K front loader, using Washington State Contract #16904. The vendor is Pape Machinery. The total price for this purchase is \$147,978.79. Public Works will use this unit on county road projects as part of the road maintenance program.

- **Funding**

This is a planned expenditure and funds for this purchase are available in the current ER&R budget. I concur with this request.

  
AS Finance Manager

Approved as recommended:

\_\_\_\_\_  
County Executive

Date \_\_\_\_\_

WHATCOM COUNTY  
PUBLIC WORKS DEPARTMENT

FRANK M. ABART  
Director



EQUIPMENT SERVICES DIVISION

901 W. Smith Road  
Bellingham, WA 98226-9610  
Phone (360) 676-6759  
Fax (360) 380-8115

Eric L. Schlehuber, Division Manager

MEMORANDUM

TO: Brad Bennett, AS Finance Manager

THROUGH: Frank M. Abart, PW Director *[Signature]*

FROM: Eric L. Schlehuber, PW Equipment Services Manager *[Signature]*  
Jeff Gollen, PW Maintenance & Operations Superintendent *[Signature]*

RE: State Bid Contract 16904 – Front Loader (Various Sizes)

DATE: February 2, 2015

▪ Requested Action

After researching costs for a commercial loader, I am requesting Executive and Council approval to purchase one 2015 John Deere ~~544K~~ <sup>444K per Encl</sup> Loader from the Washington State Bid Procurement List to replace the following:

DEPT	REPLACE UNIT	MAKE/MODEL	EST. HOURS
PW-M&O	304	1991 Caterpillar Loader	3,961

▪ Background and Purpose

This unit was approved as replacement in the 2015-2016 Equipment Rental and Revolving Capital Equipment Budget. Whatcom County Public Works Maintenance & Operations Division will use this unit in the performance of county business on county road projects and road maintenance as part of their road maintenance program

VENDOR	MAKE/MODEL	PRICE EACH (including fees)	SALES TAX (8.5%)	TOTAL FOR 1
Pape Machinery	2015 John Deere <del>544K</del> <sup>444K per Encl</sup> Loader	\$136,465.57	\$11,513.22	\$147,978.79

▪ Funding Amount and Source

Funding was approved during the 2015-2016 Budget process. I am requesting Executive and Council approval to purchase this unit from the Washington State Bid Procurement List, through Pape Machinery in Mount Vernon, Washington, for the total amount of \$147,978.79.

▪ 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 3, 2015 Whatcom County Council Meeting. Please contact Eric L. Schlehuber at extension 50607, if you have any questions or concerns regarding this request.

Encl.



**WHATCOM COUNTY COUNCIL AGENDA BILL**

NO. 2015-085

<b>CLEARANCES</b>	<b>Initial</b>	<b>Date</b>	<b>Date Received in Council Office</b>	<b>Agenda Date</b>	<b>Assigned to:</b>
Originator: Matt W. Aamot	M.A.	2/18/2015	<div style="text-align: center;"> RECEIVED   FEB 24 2015   WHATCOM COUNTY COUNCIL </div>	3/3/2015	Planning & Development Comm.
Division Head: Mark Personius	MP	2-18-15			
Dept. Head: Sam Ryan	SR	2-19-15			
Prosecutor: Royce Buckingham	R/B	2-19-15			
Purchasing/Budget:					
Executive: Jack Louws	SL/LS	2/23/16			

**TITLE OF DOCUMENT:**

Resolution initiating proposed Whatcom County Comprehensive Plan and Zoning Ordinance amendments.

**ATTACHMENTS:**

1. Cover letter
2. Draft Resolution Initiating Comprehensive Plan and Zoning Amendments

Application materials are on file at the Council office.

SEPA review required?    ☒ Yes    ☐ NO  
SEPA review completed?    ☐ Yes    ☒ NO

<sup>1</sup> SEPA will be completed on those amendments initiated by the Council prior to final Council action.

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.)

Under the Growth Management Act, the County Council is to consider amendments to the Comprehensive Plan no more frequently than once per year (with certain exceptions). Whatcom County Code 2.160.050 indicates that proposed Comprehensive Plan amendments are to be "initiated" for further review by a majority vote of the County Council. Whatcom County Code 20.90.030 also allows the Council to initiate zoning amendments. Planning and Development Services is forwarding the proposed amendments so that the Council can determine which items to initiate for further review.

**COMMITTEE ACTION:****COUNCIL ACTION:**

Related County Contract #:

Related File Numbers:

Ordinance or Resolution Number:

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

**WHATCOM COUNTY**

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5280 Northwest Drive,  
Bellingham, WA 98226-9097  
360-676-6907, TTY 800-833-6384  
360-738-2525 Fax



**J.E. "Sam" Ryan**  
Director

**RECEIVED**

FEB 20 2015

February 18, 2015

**JACK LOUWS**  
**COUNTY EXECUTIVE**

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

From: Matt W. Aamot, Senior Planner *MA*

Through: Mark Personius, Long Range Planning Division Manager *MP*

RE: Resolution Initiating Comp Plan & Zoning Amendments

Pursuant to state and local law, proposed comprehensive plan and zoning amendments are initiated for further review by the County Council each year. Whatcom County has received or submitted applications relating to the following topics for consideration in 2015:

- Dog Kennels in the Agriculture Zone (suggested zoning text amendments from interested persons);
- Broadcast Tower Height Limits in Point Roberts (suggested zoning text amendments from interested persons);
- Code Enforcement (zoning & other code amendments proposed by Planning & Development Services); and
- Point Roberts Character Plan Amendments (comprehensive plan amendments proposed by the Point Roberts Community Advisory Committee).

Additionally, as you know, the County is working on the state-mandated 2016 Comprehensive Plan update this year.

Regarding suggested zoning text amendments submitted by the public, Whatcom County Code (WCC) 20.90.040(4) states:

Interested persons may suggest revisions to WCC Title 20 . . . These suggestions require no payment of a fee, are not initiated amendments, and will not be processed as an amendment unless they have first been initiated in the manner provided under WCC 20.90.030. None of the parties with authority to initiate amendments under WCC 20.90.030 are under any obligation to initiate suggested revisions as amendments. All suggested revisions shall be forwarded to the county council for review.

Under WCC 20.90.030, zoning amendments may be initiated for further review by any of the following methods:

1. Planning & Development Services may initiate the amendment;
2. The Planning Commission may initiate an amendment by a majority vote;
3. The County Council may initiate an amendment by approving a resolution; or
4. A citizen may initiate an amendment by submitting an application and paying the application fee. The application fee is set in the Unified Fee Schedule at \$8,660 for a zoning text amendment plus \$400 for SEPA review.

The Council should determine which of the above applications to initiate, without payment of the fees, for further review in 2015. Initiated applications will be submitted for SEPA review, evaluated by the Planning Department, and go to a public hearing before the Planning Commission prior to returning to the County Council for a final decision. If a comprehensive plan amendment is not initiated by Council, it will not go forward. If a suggested zoning amendment is not initiated by Council, the applicant could still initiate it for further review by paying the applicable fees set forth in the Unified Fee Schedule.

In addition to the new applications, the following projects were initiated for review in previous years. They are included in the proposed resolution, as review has not been completed:

- Boundary Line Adjustments;
- WCC/Title 20 Amendments;
- Weddings and Special Events;
- Marijuana Regulations;
- Bellingham Development Standards;
- Specified Fittings (R5A to Rural Industrial and Manufacturing);
- Agricultural Strategic Plan Implementation, including review of the "Rural Study Areas" for possible inclusion in the 100,000 acres of land available for agricultural use under Resolution 2009-040;
- MRL Expansion – North Star Rd.;
- Rural element revisions;
- MRL Expansion - Lummi Island; and
- Offsite wetland mitigation/habitat restoration.

Thank you for your consideration of the proposed resolution. We look forward to discussing this matter with you.

Sponsored by: \_\_\_\_\_  
Proposed by: \_\_\_\_\_  
Introduction date: \_\_\_\_\_

RESOLUTION NO. \_\_\_\_\_

INITIATING COMPREHENSIVE PLAN AND ZONING AMENDMENTS

WHEREAS, the Growth Management Act (RCW 36.70A.130) requires that the County Council may consider amendments to the Whatcom County Comprehensive Plan no more frequently than once per year (with certain exceptions); and

WHEREAS, the provisions of WCC 2.160.050 indicate that Comprehensive Plan amendments are to be "initiated" for review by approval of a resolution by the County Council. WCC 20.90.030 indicates that the Council may also initiate zoning amendments; and

WHEREAS, the Whatcom County Planning and Development Services Department has forwarded a docket of proposed Comprehensive Plan and zoning amendments to the County Council for consideration;

NOW, THEREFORE, BE IT RESOLVED that the Whatcom County Council hereby initiates for formal review the amendments shown on attached Exhibit A.

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:

  
\_\_\_\_\_  
Civil Deputy Prosecutor

## EXHIBIT A – Draft

File #	File Name	Applicant	Description	Location	Fee Waiver Requested?
PLN2015-00001	Dog Kennels in the Agriculture Zone	Ken Scheffer, Charmae Scheffer, Sydney Scheffer / Rover Stay Over	Amend the Whatcom County Zoning Ordinance to allow dog kennels in the Agriculture zone.	The amendment relates to the Agriculture zone	N/A  Suggested Amendment
PLN2015-00002	Broadcast Tower Height Limits – Point Roberts	John Lesow and Armene Belless	Amend the Whatcom County Zoning Ordinance to prohibit broadcast towers greater than 25' in height in the Point Roberts Special District. The amendment would also insert a definition of "Broadcast Tower" into the Zoning Ordinance.	The amendment relates to Point Roberts	N/A  Suggested Amendment
PLN2015-00003	Code Enforcement Amendments	Whatcom County	Create a new Whatcom County Code (WCC) Title 19, called "Code Enforcement," to establish an efficient system to address enforcement of building, critical areas and zoning codes. The proposal would consolidate the existing code enforcement provisions from WCC 15, 16.16, and 20 into a new WCC Title 19. The proposed amendments include provisions that would allow the County to record a document at the Whatcom Auditor's office indicating that there is a code violation on a property.	N/A	N/A
PLN2015-00004	Point Roberts Character Plan Amendments	Arthur Reber	Amend the Point Roberts Character Plan to address timelines for Character Plan Advisory Committee review of projects, roof materials, exterior finish, fire hydrant appearance, screening dumpsters, utilities & other uses, signs rules, and Character Plan Advisory Committee timelines for responding to alleged code violations.	The amendment relates to Point Roberts	Yes

File #	File Name	Applicant	Description	Location	Fee Waiver Requested?
PLN2014-00001	Boundary Line Adjustments	Jay Irwin	Amend Section 20.83.110 of the Whatcom County Zoning Ordinance relating to boundary line adjustments. The amendment would allow boundary line adjustments to nonconforming parcels to resolve encroachments such as fences, trees and other occupational indicators. The amendment would also allow boundary line adjustments that modify the boundaries between two nonconforming parcels based upon land owner preferences, as long as the smallest parcel is not decreased in size.	N/A	N/A
PLN2014-00009	WCC/Title 20 Amendments	Whatcom County	Review and, if needed, revise the Whatcom County Zoning Code and other sections of the Whatcom County Code to address issues identified in the administration of the codes. Additionally, any revisions needed to achieve consistency with the Growth Management Act and the Whatcom County Comprehensive Plan will also be considered.	N/A	N/A
PLN2014-00016	Weddings and Special Events	Whatcom County	Amend the Whatcom County Zoning Ordinance to allow "Weddings and Special Events" in specific zone districts through a conditional use permit. Amend WCC 20.97 to define "Special Events" and amend the parking space requirements in WCC 20.80.580.	N/A	N/A
PLN2014-00017	Marijuana Regulations	Whatcom County	Amend Whatcom County Zoning Ordinance relating to growing, processing and retail sales of marijuana as authorized by Initiative 502 and in compliance with Ordinance No. 2014-009.	N/A	N/A

File #	File Name	Applicant	Description	Location	Fee Waiver Requested?
PLN2013-00003	Bellingham Development Standards	Whatcom County	Review and potentially revise the Whatcom County Code to adopt City of Bellingham Development Standards for the Bellingham Urban Growth Area (UGA).	These amendments relate to the Bellingham UGA	N/A
PLN2012-00006	Specified Fittings (R5A to RIM)	Gregory & Kathleen Gundel and Ken Mann	Amend the Comprehensive Plan designation from Rural to Rural Community and amend the zoning from Rural one dwelling/five acres (R5A) to Rural Industrial and Manufacturing for approximately 1.86 acres located on the north side of Smith Rd., west of the Guide Meridian	Parcel # 390225 459079. Within the SE ¼ of section 25, T39N, R2E, W.M.	N/A
PLN2012-00007	Agricultural Strategic Plan Implementation	Whatcom County	Resolution 2011-023 was approved by the County Council on 7/26/2011 declaring support for the Whatcom County Agricultural Strategic Plan. An immediate priority in this plan is to review the Rural Study Areas as listed in the 2007 Rural Land Study and make recommendations for possible changes in accordance with Resolution 2009-040 (100,000 acre target), Resolution 2011-023 (the Agricultural Strategic Plan), and RCW 36.70A.170 and .177. Other immediate and short-term priorities in this plan include developing tools that can be incentives for agricultural operators within the priority agricultural areas. These activities may lead to proposed changes to the agricultural portions of the Comprehensive Plan and zoning regulations.	Proposal relates to Agricultural and Rural lands	N/A

File #	File Name	Applicant	Description	Location	Fee Waiver Requested?
PLN2012-00009	MRL Expansion - North Star Rd.	Ferndale Ready Mix & Gravel	Amend the comprehensive plan designation from Rural to Mineral Resource Lands (MRL) and amend the zoning map to expand a MRL overlay zone on approximately 19.7 acres on the west side of North Star Rd., south of Brown Rd. The underlying zoning is Rural one dwelling/five acres (R5A).	Parcel # 390110 212100; Within the SW ¼ of section 10, T39N, R1E, W.M.	N/A
PLN2012-00012	Rural Element Update	Whatcom County	Amend the Rural element of the Whatcom County Comprehensive Plan, including provisions relating to limited areas of more intensive rural development and water resources, in response to a decision of the Growth Management Hearings Board. Make related amendments to the Official Whatcom County Zoning Ordinance and maps.	Rural Areas	N/A
PLN2011-00009	MRL Expansion - Lummi Island	Lummi Rock, LLC	Amend the comprehensive plan designation from Rural Forestry to Mineral Resource Lands (MRL) and amend the zoning map to expand a MRL overlay zone on approximately 27.5 acres on Lummi Island. The underlying zoning is Rural Forestry.	Parcel # 370124 191084; Within the SW ¼ of section 24, T37N, R1E, W.M.	N/A
ZON2008-00001	Offsite Wetland Mitigation/Habitat Restoration	KG, LLC	Amend the Official Whatcom County Zoning Ordinance to allow offsite wetland mitigation and habitat restoration as a form of compensatory mitigation in all zoning districts.	N/A	N/A



**WHATCOM COUNTY**

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360-676-6907, TTY 800-833-6384  
360-738-2525 Fax



**J.E. "Sam" Ryan**  
Director

**WHATCOM COUNTY  
PLANNING AND DEVELOPMENT SERVICES DEPARTMENT  
APPLICATION FOR ZONING AMENDMENTS**

Please check one of the following:

- ☐ **STANDARD MAP AMENDMENT** Complete Sections A, B, C, & F  
☐ **SITE SPECIFIC REZONE** Complete Sections A, B, D, & F  
☒ **ZONING TEXT AMENDMENT** Complete Sections A, E, & F

Do not write in this section of the application-for official use only.

Date Received: \_\_\_\_\_ File #: PLN2015-00004

Date Complete: \_\_\_\_\_ Initials of reviewer: \_\_\_\_\_

**A. GENERAL INFORMATION**-All applicants must complete this section.

1. APPLICANT'S NAME:

ARTHUR S. REBER

SIGNATURE:

*ASR*

MAILING ADDRESS:

2226 SUNRISE DRIVE  
POINT ROBERTS, WA 98281

E-MAIL ADDRESS

AREBER@BROOKLYN.CUNY.EDU

BUSINESS PHONE: \_\_\_\_\_ HOME PHONE: 360 945-5075

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Planning & Development Services  
5280 Northwest Drive,  
Bellingham, WA 98226-9013  
360-676-6907, TTY 800-833-6384  
360-738-2525 Fax



**J.E. "Sam" Ryan**  
Director

2. AGENT'S NAME:

MAILING ADDRESS:

E-MAIL ADDRESS

BUSINESS PHONE:

3. TOPIC OF PROPOSED AMENDMENT:

POINT ROBERTS CHARACTER PLAN

4. Please give a complete but short description of the proposed amendment.

*SEE ATTACHED LIST*

5. Explain how the proposed amendment is consistent with the goals, policies, and overall intent of the Comprehensive Plan by listing specific goals or policies and explaining how the proposal complies with each of them.

*SEE ATTACHED*

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**J.E. "Sam" Ryan**  
Director

6. Please describe the "changed" condition(s), which support the amendment.

*SEE ATTACHED*

**B. ZONING MAP AMENDMENTS (STANDARD MAP AMENDMENTS AND SITE SPECIFIC REZONES)**

7. PROPERTY INTEREST OF APPLICANT:

☐ PURCHASER/OWNER

☐ LESSEE

☐ OTHER:

---

EXISTING COMPREHENSIVE PLAN DESIGNATION:

---

EXISTING ZONING DISTRICT:

---

SUBAREA:

---

8. What is the proposed zoning classification?

9. What is the present use of the property or properties within the proposed rezone?

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**J.E. "Sam" Ryan**  
Director

10. Describe the land use of the surrounding properties.

**C. STANDARD MAP AMENDMENTS**

11. Supporting information for standard map amendments (attach the following items):

- a) A vicinity map showing property lines, roads, buildings and their use, easements, existing and proposed zoning, wells and other pertinent data.
- b) A list of all property owners and others having a legal interest in the property covered by the proposed change.
- c) A list of the names and mailing addresses of the owners of all property within 300 feet (exclusive of roads and alleys).

A site plan may be requested at a future date if the intended amendment is to accommodate particular development. The applicant may wish to submit a plan at the time of application. The site plan is a scaled drawing showing approximate location of buildings, roadways, parking, drainage facilities, sanitation and water facilities, and easements. Where appropriate, the location of landscaping, buffers, common areas, and typical individual lease spaces for mobile home and recreational vehicle parks shall be included in the site plan.

**D. SITE SPECIFIC REZONES**

12. Does the proposed amendment have a substantial relationship to public health, safety, morals, general welfare or community needs?

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**J.E. "Sam" Ryan**  
Director

13. Will the proposed use be serviced adequately by essential public facilities such as highways, streets, public safety and fire protection, drainage structure, refuse disposal, water and sewers, and schools; or will the persons or agencies responsible for the establishment of the proposed use be able to adequately provide any such services? Describe.

14. Is the proposal is located within an Urban Growth Area? ☐ Yes ☐ No (go to question #15

a) Will the site be serviced by full urban services or be capable of receiving urban services i time to serve the development?

b) Will the proposed site use preclude development at urban levels of density when the are is annexed into the city?

c) Will the proposed site be five (5) or more acres in size? ☐ Yes ☐ No

15. Supporting information for site-specific map amendment.  
Attach the following items:

a) A vicinity map showing property lines, roads, buildings and their use, easements, existin and proposed zoning, wells and other pertinent data.

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**J.E. "Sam" Ryan**  
Director

- b) A conceptual site plan drawn at not less than one (1) inch to one-hundred (100), unless mutually agreed to by the proponent and administrative official, including, but not limited to:
- 1) General location of structures.
  - 2) Location and number of access points.
  - 3) Approximate gross floor area of structures.
  - 4) Name of the proposal.
  - 5) Identification of areas requiring special treatment due to their sensitive nature.
  - 6) North directional arrow.
  - 7) Names and location of all public streets or roads bordering the site.
  - 8) General legal description(s) for the site.

- c) Concurrent submittal of a Discretionary Development Permit or Building Permit, if required for the project.

NOTE: If the project does not require a Discretionary Development Permit or Building Permit or will

be constructed in phases, then a narrative statement must be submitted with the conceptual site plan that provides a detailed description of the project proposal and project completion date. If the project will be constructed in phases provide start and completion dates for each phase and include a final completion date for the entire proposed project.

- d) A list of all property owners and others having a legal interest in the property covered by the proposed change.
- e) Evidence that all property owners within the proposed rezone boundary concur with the rezone and project proposal.
- f) Mailing labels with names and mailing addresses of the owners of all property included within the area proposed for re-designation and:
- For a map amendment within an existing urban growth area, mailing labels with the typed address of each property owner within 300 feet of the external boundaries of the subject property as shown by the records of the county assessor.
  - For a map amendment outside existing urban growth areas, mailing labels with the typed address of each property owner within 1,000 feet of the external boundaries of the subject property as shown by the records of the county assessor.

For map amendments that involve rezoning property to an Airport Operations District mailing labels with the typed address of each property owner within 1,500 feet of the

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**J.E. "Sam" Ryan**  
Director

external boundaries of the subject property as shown by the records of the count assessor.

g) A completed Environmental Checklist.

**E. ZONING TEXT AMENDMENTS**

16. Are there any other circumstances that justify the proposed change?

*NO*

**F. AUTHORIZATION:**

Signature of Applicant(s) or Agent:

(I, we) certify that (I, we) are the owner(s) of record of all the above described property an that we will pay for legal notice in the newspaper:

*ABR*

Date: *Nov. 18, 2014*

*for The Point Roberts Community  
Advisory Committee)*

Date: \_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

The following eleven "text amendments" to the existing Point Roberts Character Plan were approved by the Point Roberts Community Advisory Committee at the meeting of October 14, 2014. Each change was presented in an open session and commented on by members of the community.

Each change is described below and followed by a short statement approved by the Committee that expresses the discussion and the reason for recommending the change. All votes were unanimous.

**3-002(1):** insert PDS's url: "<http://www.co.whatcom.wa.us/pds/>"

This kind of information should be added to smooth the process.

**3-002(5):** replace "21" with "30"

This changes the time frame within which the PRCPC must respond to a submitted project from 21 days to 30 days.

**4-007:** delete "Tile roofing is unacceptable."

After extensive discussion the Committee found no reason to exclude tile roofs.

**4-008:** delete the phrase "... at the end of the nineteenth century up to the First World War as outlined on page 6."

Because the Revision Committee anticipates a revision of the overall "spirit" of the Character Plan and a revision of the characterization of Point Roberts, this sentence no longer seemed relevant.

**4-016(d):** delete the clause on fire hydrants.

All our fire hydrants are now works of art. The existing clause insists that all new ones be antique or historic. It seemed reasonable to delete this clause.

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Respectfully submitted,  
Arthur S. Reber, Chair  
Point Roberts Community Advisory Committee

**WHATCOM COUNTY**

Planning & Development Services  
5280 Northwest Drive,  
Bellingham, WA 98226-9013  
360-676-6907, TTY 800-833-6384  
360-738-2525 Fax



**J.E. "Sam" Ryan**  
Director

**WHATCOM COUNTY  
PLANNING AND DEVELOPMENT SERVICES DEPARTMENT**

**APPLICATION FOR COMPREHENSIVE PLAN AND RELATED ZONING AMENDMENTS**

Date Received: \_\_\_\_\_ File #: \_\_\_\_\_

**I. CHECK THE APPROPRIATE BOXES**

COMP PLAN MAP

☐

COMP PLAN TEXT

☒

ZONING MAP

☐

ZONING TEXT

☒

**II. GENERAL INFORMATION**

A. APPLICANT'S NAME: ARTHUR S. REBER

MAILING ADDRESS: 2226 SUNRISE DRIVE

POINT ROBERTS, WA 98281

E-MAIL ADDRESS: AREBER@BROOKLYN.CUNY.EDU

BUSINESS PHONE: \_\_\_\_\_ HOME PHONE: 360 945-5075

B. AGENT'S NAME: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

E-MAIL ADDRESS: \_\_\_\_\_

BUSINESS PHONE: \_\_\_\_\_

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**J.E. "Sam" Ryan**  
Director

C. TOPIC OF PROPOSED AMENDMENT: TEXT AMEND TO POINT ROBERTS  
CHARACTER PLAN

**III. FOR MAP AMENDMENTS**

A. TAX PARCEL NUMBER(s): \_\_\_\_\_  
ACREAGE: \_\_\_\_\_  
SITE ADDRESS: \_\_\_\_\_  
TOWNSHIP: \_\_\_\_\_ RANGE: \_\_\_\_\_ SECTION: \_\_\_\_\_ 1/4 SECTION  
OWNER(s): \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
CITY/STATE/ZIP: \_\_\_\_\_  
PHONE: \_\_\_\_\_

(Additional sheets may be attached if more than one parcel is involved.)

B. EXISTING COMPREHENSIVE PLAN DESIGNATION:

C. EXISTING ZONING DESIGNATION:

D. PROPOSED COMPREHENSIVE PLAN DESIGNATION:

E. PROPOSED ZONING DESIGNATION:

F. THE PRESENT USE OF THE PROPERTY IS:

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Director

G. THE INTENDED FUTURE USE OF THE PROPERTY IS:

H. SURROUNDING LAND USE:

I. SERVICES

Please provide the following information regarding the availability of services.

The site is currently served by sewer ☐; septic ☐. (check one)  
Sewer purveyor (name): \_\_\_\_\_

The site is currently served by a public water system ☐; well ☐. (check one)  
Water purveyor (name): \_\_\_\_\_

The site is located on a public road ☐; private road ☐. (check one)

Name of road: \_\_\_\_\_

Fire District #: \_\_\_\_\_ Name: \_\_\_\_\_

School District #: \_\_\_\_\_ Name: \_\_\_\_\_

J. TRANSFER OF DEVELOPMENT RIGHTS (TDRs)

Are TDRs required under sections 2.160.080, 20.89.050, and/or 20.90.064 of the Whatcom County Code? If so, please explain how your proposal complies with the TDR requirements and/or how you qualify for modifications/exceptions from the TDR requirements.

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Director

**IV. FOR TEXT AMENDMENTS**

Identify the sections of the Comprehensive Plan and Zoning Ordinance that you are proposing to change and provide the proposed wording (attach additional pages necessary):

*SEE ATTACHED LIST*

**V. FOR ALL AMENDMENTS**

A. Why is the amendment needed and being proposed?

*EXPLANATIONS ARE IN ATTACHED LIST*

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Director

- B. How does the proposed amendment conform to the requirements of the Growth Management Act?

*NA*

- C. How is the proposed amendment consistent with the County-Wide Planning Policies for Whatcom County?

*NA - NOT COUNTY-WIDE.*

- D. How is the proposed amendment consistent with the Whatcom County Comprehensive Plan?

*NA - DITTO*

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Director

- E. If within an Urban Growth Area, how is the proposed amendment consistent with interlocal agreements between the County and the City?

NA

- F. What changed conditions or further studies indicate a need for the amendment?

THE POINT ROBERTS CHARACTER PLAN HAS NOT BEEN REVIEWED FOR OVER TWENTY YEARS. THESE MINOR CHANGES ARE NEEDED IMPROVEMENTS. A FULL REVIEW OF THE PREP IS BEING CARRIED OUT

- G. How will the public interest be served by the amendment? In determining whether the public interest will be served, factors including but not limited to the following will be considered:

- The anticipated effect upon the rate or distribution of population growth, employment growth, development, and conversion of land as envisioned in the Comprehensive Plan.
- The 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.
- Anticipated impact upon designated agricultural, forest and mineral resource lands.

SEE ATTACHED LIST FOR DETAILS

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H. Does the amendment include or facilitate illegal spot zoning? Please explain.

*NO*

**VI. SUPPORTING INFORMATION (ATTACH THE FOLLOWING):**

- A. A vicinity map showing property lines, roads, existing and proposed Comprehensive Plan and Zoning designations. (This information is required for map amendment only).
- B. Mailing labels with names and mailing addresses of the owners of all property included within the area proposed for re-designation and:
  - For a map amendment within an existing urban growth area, mailing labels with the typed address of each property owner within 300 feet of the external boundaries of the subject property as shown by the records of the county assessor.
  - For a map amendment outside existing urban growth areas, mailing labels with the typed address of each property owner within 1,000 feet of the external boundaries of the subject property as shown by the records of the county assessor.
  - For map amendments that involve rezoning property to an Airport Operations District, mailing labels with the typed address of each property owner within 1,500 feet of the external boundaries of the subject property as shown by the records of the county assessor.
- C. State Environmental Policy Act (SEPA) Checklist



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Director

**VII. FEES**

- A. The Whatcom County Code 2.160.110 states that:

*Once an amendment is initiated by resolution of the county council, the applicant shall pay the initiation fee within 15 days. The county council may take official action to waive the initiation fee at the time it approves the initiating resolution if it finds the proposed amendment will clearly benefit the community as a whole and will not be for private financial gain.*

- B. Are you requesting that the County Council waive the fees for this application?

*YES*

- C. If so, please describe how the proposed amendment clearly benefits the community as a whole and will not be for private financial gain.

*THERE IS FINANCIAL GAIN. ALL CHANGES  
ARE DESIGNED TO MAKE THE PRCP MORE  
EFFECTIVE AND RELEVANT.*

**PLEASE SUBMIT TWO COPIES OF ALL APPLICATION MATERIALS.**

Signature of Applicant or Agent:

A handwritten signature in cursive, appearing to be "ABP", written over a horizontal line.

Date: Nov. 18, 2014

The following eleven "text amendments" to the existing Point Roberts Character Plan were approved by the Point Roberts Community Advisory Committee at the meeting of October 14, 2014. Each change was presented in an open session and commented on by members of the community.

Each change is described below and followed by a short statement approved by the Committee that expresses the discussion and the reason for recommending the change. All votes were unanimous.

**3-002(1):** insert PDS's url: "<http://www.co.whatcom.wa.us/pds/>"

This kind of information should be added to smooth the process.

**3-002(5):** replace "21" with "30"

This changes the time frame within which the PRCPC must respond to a submitted project from 21 days to 30 days.

**4-007:** delete "Tile roofing is unacceptable."

After extensive discussion the Committee found no reason to exclude tile roofs.

**4-008:** delete the phrase "... at the end of the nineteenth century up to the First World War as outlined on page 6."

Because the Revision Committee anticipates a revision of the overall "spirit" of the Character Plan and a revision of the characterization of Point Roberts, this sentence no longer seemed relevant.

**4-016(d):** delete the clause on fire hydrants.

All our fire hydrants are now works of art. The existing clause insists that all new ones be antique or historic. It seemed reasonable to delete this clause.

**4-017:** in the third line of the second paragraph, just after "... maximum exposed width of board is 6 inches per board." insert: "Exceptions may be made for structures such as barns and barn-like buildings where standard construction calls for wider boards."

When reviewing the barn at Seabright Farms the PRCPC found that restricting all board width to 6" was inappropriately restrictive. The problem was that the original Plan never took structures like barns into account. Inserting this sentence remedies that omission.

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This clause speaks to the need to screen offending objects like dumpsters from public view. The current language says they "should" be screened. The change will make it mandatory. The Committee noted that there are likely other places where this change may be made in the future.

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This clause gives an historical element to the notion of a non-conforming sign. PDS told us that it causes problems because it invites applicants to try to engage "grandfather" clauses. They asked us to remove it. It seems wise to do so. Non-conforming signs are defined elsewhere in sufficient clarity.

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This clause currently has the PRCPC, which has responsibility to communicate to PDS instances of code violations, responding to all such notices within 7 days. Given that often details and data need to be collected, the recommendation is to extend the time window to 14 days.

Respectfully submitted,  
Arthur S. Reber, Chair  
Point Roberts Community Advisory Committee

November 18, 2014

Ms. Amy Keenan  
Whatcom County PDS  
5280 Northwest Drive  
Bellingham, WA 98226-9013

RECEIVED  
NOV 20 2014  
Whatcom County P&D

Amy:

As per my recent email, enclosed find the forms for the proposed text amendments to the Point Roberts Character Plan. I've attached to each the full list of amendments, with a justification for each change.

Let me know if you need anything else.



Arthur S. Reber, Chair  
Point Roberts Community Advisory Committee

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**J.E. "Sam" Ryan**  
Director

**WHATCOM COUNTY  
PLANNING AND DEVELOPMENT SERVICES DEPARTMENT  
APPLICATION FOR ZONING AMENDMENTS**

Please check one of the following:

- ☐ **STANDARD MAP AMENDMENT**      ☐ **SITE SPECIFIC REZONE**      ☒ **ZONING TEXT AMENDMENT**  
Complete Sections A, B, C, & F      Complete Sections A, B, D, & F      Complete Sections A, E, & F

Do not write in this section of the application-for official use only.

Date Received: \_\_\_\_\_ File #: PLN2015-00003

Date Complete: \_\_\_\_\_ Initials of reviewer: \_\_\_\_\_

**A. GENERAL INFORMATION**-All applicants must complete this section.

**1. APPLICANT'S NAME:**

Whatcom County Planning and Development Services Department

SIGNATURE:

A handwritten signature in dark ink, appearing to read "Sam Ryan", is written over a horizontal line.

MAILING ADDRESS:

5280 Northwest Dr.

Bellingham, WA 98226

E-MAIL ADDRESS

gfaddis@co.whatcom.wa.us

BUSINESS PHONE: 360.676.6907 HOME PHONE: \_\_\_\_\_

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**J.E. "Sam" Ryan**  
Director

2. AGENT'S NAME: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

E-MAIL ADDRESS \_\_\_\_\_

BUSINESS PHONE: \_\_\_\_\_

3. TOPIC OF PROPOSED AMENDMENT:

CODE ENFORCEMENT ~~CHAPTER~~ TITLE, WITH AMENDMENTS TO TITLES 15, 16, 20  
WCC

4. Please give a complete but short description of the proposed amendment.

*SEE ATTACHED*

5. Explain how the proposed amendment is consistent with the goals, policies, and overall intent of the Comprehensive Plan by listing specific goals or policies and explaining how the proposal complies with each of them.

*SEE ATTACHED*

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Director

external boundaries of the subject property as shown by the records of the county assessor.

g) A completed Environmental Checklist.

**E. ZONING TEXT AMENDMENTS**

16. Are there any other circumstances that justify the proposed change?

*SEE ATTACHED*

**F. AUTHORIZATION:**

Signature of Applicant(s) or Agent:

(I, we) certify that (I, we) are the owner(s) of record of all the above described property and that we will pay for legal notice in the newspaper:

*Chris Feb - PLANNER PDS*

Date: *12/10/14*

\_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

\_\_\_\_\_

Date: \_\_\_\_\_

A.(4)

The purpose for proposing a new Whatcom County code enforcement ordinance/WCC Title is to establish an efficient, streamlined system to address code violations of WCCs 15, 16.16, and 20. This proposal will also include WCC text amendments to Titles 2, 15, 16.16, and 20 to insure consistency with the new proposed ordinance/WCC Title.

A.(5)

It is the expressed and specific intent of the new proposed ordinance/WCC Title to provide for and promote public health, safety and welfare of the general public.

E.(16)

This proposal is being made in response to requests made by the Whatcom County Executive's office, and the Whatcom County Council to develop a more efficient system for managing complaints received for code violations under the jurisdiction of Whatcom County Planning and Development Services.



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**J.E. "Sam" Ryan**  
Director

## SEPA Environmental Checklist

### Purpose of Checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

### Instructions for Applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

### Use of Checklist for Non-Project Proposals:

Complete this checklist for non-project proposals, even though questions may be answered "does not apply." In addition, complete the supplemental sheet for non-project actions (part C).

For non-project actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

## A Background

- 1 Name of proposed project, if applicable:  
Code Enforcement Amendments
- 2 Name of applicant: Whatcom County Planning and Development Services  
Applicant phone number: 360-676-6907  
Applicant address: 5280 Northwest Dr. Bellingham WA 98226
- 3 Contact name: Garrett Faddis  
Contact phone number: 360-676-6707 x50276  
Contact address: 5280 Northwest Dr. Bellingham WA 98226
- 4 Date checklist prepared: December 15, 2014
- 5 Agency requesting checklist: Whatcom County PDS
- 6 Proposed timing or schedule (including phasing, if applicable):  
Planning Commission 2015, County Council 2015
- 7 Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? Yes ☐ No ☒  
If yes, explain:
- 8 List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal:  
None
- 9 Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? Yes ☐ No ☒  
If yes, explain.
- 10 List any government approvals or permits that will be needed for your proposal, if known.  
Adoption of ordinance to amend Whatcom County Code

- 11 Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

Amend Whatcom County Code, adding a new Title 19, and amending Titles 2, 15, 16, and 20, to enact an improved system to address code violations.

- 12 Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

Countywide, unincorporated areas

## B Environmental Elements

### 1 Earth

a. General description of the site:

- ☐ Flat
- ☐ Rolling
- ☐ Hilly
- ☐ Steep Slopes
- ☐ Mountainous
- ☒ Other All types of terrain in affected zones countywide.

b. What is the steepest slope on the site (approximate percent slope)?

All slopes existing in the affected zones countywide.

c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.

All soils existing in the affected zones countywide.

- d. Are there surface indications or history of unstable soils in the immediate vicinity? Yes ☐ No ☐

If so, describe.

N/A - non project action

- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed.

N/A - non project action

Indicate source of fill.

N/A

- f. Could erosion occur as a result of clearing, construction, or use?

Yes ☐ No ☐

If so, generally describe.

N/A - non project action

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

N/A - non project action

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

N/A - non project action

## 2. Air

- a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, or industrial wood smoke) during construction and when the project is completed?

None

If any, generally describe and give approximate quantities if known.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? Yes ☐ No ☒

If so, generally describe.

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

None

### 3. Water

#### a. Surface:

- (1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? Yes ☐ No ☐

If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

N/A - non project action

- (2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? Yes ☐ No ☐

If yes, please describe and attach available plans.

N/A - non project action

- (3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected.

Indicate the source of fill material. N/A - non project action

- (4) Will the proposal require surface water withdrawals or diversions?

Yes ☐ No ☒

Give general description, purpose, and approximate quantities if known.

Does the proposal lie within a 100-year floodplain?

Yes ☐ No ☐

If so, note location on the site plan.

N/A - non project action

- (5) Does the proposal involve any discharges of waste materials to surface waters?

Yes ☐ No ☒

If so, describe the type of waste and anticipated volume of discharge

b. Ground

Will ground water be withdrawn, or will water be discharged to ground water? Yes ☐ No ☒

Give general description, purpose, and approximate quantities if known.

- (1) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals.....; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

N/A - non project action

c. Water runoff (including stormwater):

- (1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known).

N/A - non project action

Where will this water flow?

Will this water flow into other waters? Yes ☐ No ☐

If so, describe.

(2) Could waste materials enter ground or surface waters?

Yes ☐ No ☐

If so, generally describe.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

N/A - non project action

#### 4 Plants

a. Check types of vegetation found on the site:

- ☐ Deciduous tree: alder, maple, aspen, other
- ☐ Evergreen tree: fir, cedar, pine, other
- ☐ Shrubs
- ☐ Grass
- ☐ Pasture
- ☐ Crop or grain
- ☐ Wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- ☐ Water plants: water lily, eelgrass, milfoil, other
- ☒ Other types of vegetation N/A - non project action

b. What kind and amount of vegetation will be removed or altered?

N/A - non project action

c. List threatened or endangered species known to be on or near the site.

N/A - non project action

- d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

N/A - non project action

5. Animals

- a. Check any birds and animals, which have been observed on or near the site or are known to be on or near the site:

Birds:

- |  |                                     |
|--|-------------------------------------|
| <input type="checkbox"/> Hawk,                           | <input type="checkbox"/> Heron,     |
| <input type="checkbox"/> Eagle,                          | <input type="checkbox"/> Songbirds; |
| <input type="checkbox"/> Other: N/A - non project action |                                     |

Mammals:

- |  |                                  |
|--|----------------------------------|
| <input type="checkbox"/> Deer,                           | <input type="checkbox"/> Bear,   |
| <input type="checkbox"/> Elk,                            | <input type="checkbox"/> Beaver; |
| <input type="checkbox"/> Other: N/A - non project action |                                  |

Fish:

- |                                     |  |
|-------------------------------------|--|
| <input type="checkbox"/> Bass,      | <input type="checkbox"/> Salmon,                         |
| <input type="checkbox"/> Trout,     | <input type="checkbox"/> Herring,                        |
| <input type="checkbox"/> Shellfish; | <input type="checkbox"/> Other: N/A - non project action |

- b. List any threatened or endangered species known to be on or near the site.

N/A - non project action

- c. Is the site part of a migration route?      Yes ☐      No ☐

If so, explain.

N/A - non project action



- d. Proposed measures to preserve or enhance wildlife, if any:

N/A - non project action

6. Energy and Natural Resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

N/A - non project action

- b. Would your project affect the potential use of solar energy by adjacent properties? Yes ☐ No ☒

If so, generally describe.

N/A - non project action

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

None

7. Environmental Health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? Yes ☐ No ☐

If so, describe.

N/A - non project action

- (1) Describe special emergency services that might be required.

None.

- (2) Proposed measures to reduce or control environmental health hazards, if any:

None.

b. Noise

- (1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

N/A - non project action

- (2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

N/A - non project action

- (3) Proposed measures to reduce or control noise impacts, if any:

N/A - non project action

8 Land and Shoreline Use

- a. What is the current use of the site and adjacent properties?

N/A - non project action

- b. Has the site been used for agriculture? Yes ☐ No ☐  
If so, describe.

N/A - non project action

- c. Describe any structures on the site.

N/A - non project action

- d. Will any structures be demolished? Yes ☐ No ☐  
If so, what?

N/A - non project action

- e. What is the current zoning classification of the site?

Various zones.

- f. What is the current comprehensive plan designation of the site?

Various designations.

- g. If applicable, what is the current shoreline master program designation of the site?

N/A - non project action

- h. Has any part of the site been classified as an "environmentally sensitive" area? Yes ☐ No ☐

If so, specify.

N/A - non project action

- i. Approximately how many people would reside or work in the completed project?

N/A - non project action

- j. Approximately how many people would the completed project displace?

N/A - non project action

- k. Proposed measures to avoid or reduce displacement impacts, if any:

N/A - non project action

- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

N/A - non project action

## 9 Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

N/A - non project action

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

High  
Middle  
Low-income

- c. Proposed measures to reduce or control housing impacts, if any:

N/A - non project action

## 10 Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

N/A - non project action

- b. What views in the immediate vicinity would be altered or obstructed?

N/A - non project action

- c. Proposed measures to reduce or control aesthetic impacts, if any:

N/A - non project action

## 11 Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

N/A - non project action

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

N/A - non project action

- c. What existing off-site sources of light or glare may affect your proposal?

N/A - non project action

- d. Proposed measures to reduce or control light and glare impacts, if any:

N/A - non project action

## 12 Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?

N/A - non project action

- b. Would the proposed project displace any existing recreational uses? If so, describe.

N/A - non project action

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

N/A - non project action

### 13 Historic and Cultural Preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

N/A - non project action

- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

N/A - non project action

- c. Proposed measures to reduce or control impacts, if any:

N/A - non project action

### 14 Transportation

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

N/A - non project action

- b. Is site currently served by public transit? Yes ☐ No ☐  
If not, what is the approximate distance to the nearest transit stop?

N/A - non project action

- c. How many parking spaces would the completed project have? How many would the project eliminate?

N/A - non project action

- d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? Yes ☐ No ☐  
If so, generally describe (indicate whether public or private).

N/A - non project action

- e. Will the project use (or occur in the immediate vicinity of)

- ☐ Water,  
☐ Rail, or  
☐ Air transportation?

If so, generally describe.

N/A - non project action

- f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

N/A - non project action

- g. Proposed measures to reduce or control transportation impacts, if any:

N/A - non project action

## 15 Public Services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)?

Yes ☐ No ☒

If so, generally describe.

- b. Proposed measures to reduce or control direct impacts on public services, if any.

N/A - non project action

## 16 Utilities

- a. Check utilities currently available at the site:

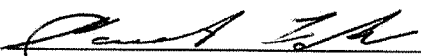
- |   |  |
|---|--|
| <input type="checkbox"/> Electricity,   | <input type="checkbox"/> Natural gas,    |
| <input type="checkbox"/> Water,         | <input type="checkbox"/> Refuse service, |
| <input type="checkbox"/> Telephone,     | <input type="checkbox"/> Sanitary sewer, |
| <input type="checkbox"/> Septic system, | <input type="checkbox"/> Other.          |

- b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

N/A - non project action

**SIGNATURE**

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: 

Date Submitted: 12/15/14

### **C Supplemental Sheet for Non-project Actions**

*(Do not use this sheet for project actions)*

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment. When answering these questions, be aware of the extent the proposal or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

- 1 How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

Proposal would not increase discharges, emissions, or noise. Proposal is intended to more effectively address code violations that cause such impacts.

Proposed measures to avoid or reduce such increases are:

More effective procedures for responding to code violations.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

Proposal is intended to more effectively address code violations that may adversely affect plants, animals, fish, or marine life.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

More effective procedures for responding to code violations.

3. How would the proposal be likely to deplete energy or natural resources?

Proposal is intended to more effectively address code violations that may deplete natural resources.

Proposed measures to protect or conserve energy and natural resources are:

More effective procedures for responding to code violations.



4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

Proposal is intended to more effectively address code violations that may adversely impact sensitive or protected areas.

Proposed measures to protect such resources or to avoid or reduce impacts are:

More effective procedures for responding to code violations.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

Proposal is intended to more effectively address code violations that may adversely affect shorelines.

Proposed measures to avoid or reduce shoreline and land use impacts are:

More effective procedures for responding to code violations.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Proposal would not affect demands on transportation and public services or utilities.

Proposed measures to reduce or respond to such demand(s) are:

None.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

No known conflicts.

**TITLE 19  
CODE ENFORCEMENT**

**Sections:**

- 19.04 Purpose**
- 19.08 Applicability**
- 19.12 General Enforcement Provisions**
- 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 establish an efficient system and the authority to enforce the applicable codes. It is the expressed and specific intent of this chapter to provide for and promote the health, safety and welfare of the general public.

**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.

**19.12 General Enforcement Provisions.**

**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 to the satisfaction of the County, the County may record a Notice of Compliance. The owner shall be responsible for paying the cost of recording the notice of violation or order, and 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.



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Planning & Development Services  
5280 Northwest Drive,  
Bellingham, WA 98226-9013  
360-676-6907, TTY 800-833-6384  
360-738-2525 Fax



**J.E. "Sam" Ryan**  
Director

WHATCOM COUNTY  
PLANNING & DEVELOPMENT SERVICES

DEC 30 2014 NAS

RECEIVED

**WHATCOM COUNTY**  
**PLANNING AND DEVELOPMENT SERVICES DEPARTMENT**

**APPLICATION FOR COMPREHENSIVE PLAN AND RELATED ZONING AMENDMENTS**

(info transferred from  
case file # PLN14-23  
NAS 1/6/15)

Date Received: 12/30/14

File #: PLN2015-00002

**I. CHECK THE APPROPRIATE BOXES**

COMP PLAN MAP ☐

COMP PLAN TEXT ☐

ZONING MAP ☐

ZONING TEXT ☒

**II. GENERAL INFORMATION**

A. APPLICANT'S NAME: JOHN LESOW

MAILING ADDRESS: 317 MADRONA PLACE

POINT ROBERTS WA 98281

E-MAIL ADDRESS: jlesow@whidbey.net

BUSINESS PHONE: 360-945-3170 HOME PHONE: 360-945-3170

**CO-APPLICANT'S**  
B. ~~AGENT'S~~ NAME: ARMENE BELLESS

MAILING ADDRESS: 576 S. BEACH ROAD

POINT ROBERTS, WA 98281

E-MAIL ADDRESS: armenelee@yahoo.com

BUSINESS PHONE: 360-945-5043

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**J.E. "Sam" Ryan**  
Director

C. TOPIC OF PROPOSED AMENDMENT: "BROADCAST TOWER HEIGHT LIMITS -  
POINT ROBERTS SPECIAL DISTRICT"

**III. FOR MAP AMENDMENTS**

- A. TAX PARCEL NUMBER(s): N/A
- ACREAGE: \_\_\_\_\_
- SITE ADDRESS: \_\_\_\_\_
- TOWNSHIP: \_\_\_\_\_ RANGE: \_\_\_\_\_ SECTION: 1/4 SECTION: \_\_\_\_\_
- OWNER(s): \_\_\_\_\_
- ADDRESS: \_\_\_\_\_
- CITY/STATE/ZIP: \_\_\_\_\_
- PHONE: \_\_\_\_\_
- (Additional sheets may be attached if more than one parcel is involved.)
- B. EXISTING COMPREHENSIVE PLAN DESIGNATION:
- C. EXISTING ZONING DESIGNATION:
- D. PROPOSED COMPREHENSIVE PLAN DESIGNATION:
- E. PROPOSED ZONING DESIGNATION:
- F. THE PRESENT USE OF THE PROPERTY IS:

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G. THE INTENDED FUTURE USE OF THE PROPERTY IS:

N/A

H. SURROUNDING LAND USE:

N/A

I. SERVICES

Please provide the following information regarding the availability of services.

POINT ROBERTS

The site is currently served by sewer ☐; septic ☒. (check one)

Sewer purveyor (name): \_\_\_\_\_

The site is currently served by a public water system ☒; well ☐. (check one)

Water purveyor (name): POINT ROBERTS WATER DISTRICT #4

The site is located on a public road ☐; private road ☐. (check one)

Name of road: N/A

Fire District #: 5 Name: POINT ROBERTS FIRE DISTRICT

School District #: \_\_\_\_\_ Name: BLAINE SCHOOL DISTRICT

J. TRANSFER OF DEVELOPMENT RIGHTS (TDRs)

Are TDRs required under sections 2.160.080, 20.89.050, and/or 20.90.064 of the Whatcom County Code? If so, please explain how your proposal complies with the TDR requirements and/or how you qualify for modifications/exceptions from the TDR requirements.

TDR'S ARE NOT REQUIRED

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#### **IV. FOR TEXT AMENDMENTS**

Identify the sections of the Comprehensive Plan and Zoning Ordinance that you are proposing to change and provide the proposed wording (attach additional pages if necessary):

Whatcom County Comprehensive Plan (WCCP) Title 20  
Policy 2VV-9 P. 2-122 & 123

Existing: "Broadcast towers, such as TV and Radio Towers, are allowed with a Conditional Use Permit in all Zoning Districts".

Add: "Broadcast towers within the boundaries of the Point Roberts Special District shall be limited to *a maximum height of 25 feet*".

#### **V. FOR ALL AMENDMENTS**

A. Why is the amendment needed and being proposed?

The proposed *HEIGHT* limitation on *BROADCAST TOWERS WITHIN THE POINT ROBERTS DISTRICT* will allow development of a local radio station with community-based programming. A *HEIGHT LIMITATION* will not interfere with existing radio reception from the United States and Canada into Point Roberts. The proposed amendment will prohibit Radio transmission from *BROADCAST TOWERS HIGHER THAN 25 FEET*. The limitation will allow operation of a community radio station without interference from higher wattage transmissions within the boundaries of Point Roberts. In other parts of Whatcom County, *HIGH* wattage radio transmissions have resulted in interference with existing Radio and TV reception, DSL Connections, landline reception, Ham Radio Transmission, First Responder's Hand Held Equipment, car and portable radios, personal safety and medical

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- B. How does the proposed amendment conform to the requirements of the Growth Management Act?

The proposed amendment is not in conflict with any of the (13) goals of the Growth Management Act. The amendment compliments Goal (5) Economic development. (attached)

- C. How is the proposed amendment consistent with the County-Wide Planning Policies for Whatcom County?

There is no conflict with any of the County-Wide Planning Policies. The amendment is particularly consistent with the following County Wide Planning Policies and Community Value Statements:

- Citizen Participation and Coordination (C-18)
- Siting of Public Utilities (K-1) P. C-12 --Rural Lifestyle (Appendix C)

- D. How is the proposed amendment consistent with the Whatcom County Comprehensive Plan?

The proposed amendment does not conflict with any provision of the Whatcom County Comprehensive Plan

The amendment is particularly consistent with the following section of the Comprehensive Plan, February 2013:

Utilities-Chapter 5

- Goal 5K Be responsive to new information on electric and magnetic field (EMF) research progress, Policies 5K-2, 5K-1

**WHATCOM COUNTY**

Planning & Development Services  
5280 Northwest Drive,  
Bellingham, WA 98226-9013  
360-676-6907, TTY 800-833-6384  
360-738-2525 Fax



**J.E. "Sam" Ryan**  
Director

- E. If within an Urban Growth Area, how is the proposed amendment consistent with interlocal agreements between the County and the City?

Point Roberts is not within an Urban Growth Area

- F. What changed conditions or further studies indicate a need for the amendment?

Empirical data from Ferndale, Washinton has shown, conclusively, that high wattage radio transmission interferes with the health, safety and welfare of citizens, examples set forth in "A" AND "B" of this application, *attached*.

- G. How will the public interest be served by the amendment? In determining whether the public interest will be served, factors including but not limited to the following will be considered:

- The anticipated effect upon the rate or distribution of population growth, employment growth, development, and conversion of land as envisioned in the Comprehensive Plan.
- The 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.
- Anticipated impact upon designated agricultural, forest and mineral resource lands.
- There will be no effect on the rate or distribution of population growth, conversion of land, or development from the proposed amendment.
- There will be no effect on the ability of the County or other service providers to provide adequate services from the proposed amendment.
- There will be no impact on the agricultural, mineral and forest resources from the proposed amendment.

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**J.E. "Sam" Ryan**  
Director

- H. Does the amendment include or facilitate illegal spot zoning? Please explain.

THE AMENDMENT DOES NOT INCLUDE OR  
FACILITATE ILLEGAL SPOT ZONING

**VI. SUPPORTING INFORMATION (ATTACH THE FOLLOWING):**

- A. A vicinity map showing property lines, roads, existing and proposed Comprehensive Plan and Zoning designations. (This information is required for map amendments only).
- B. Mailing labels with names and mailing addresses of the owners of all property included within the area proposed for re-designation and:
- For a map amendment within an existing urban growth area, mailing labels with the typed address of each property owner within 300 feet of the external boundaries of the subject property as shown by the records of the county assessor.
  - For a map amendment outside existing urban growth areas, mailing labels with the typed address of each property owner within 1,000 feet of the external boundaries of the subject property as shown by the records of the county assessor.
  - For map amendments that involve rezoning property to an Airport Operations District, mailing labels with the typed address of each property owner within 1,500 feet of the external boundaries of the subject property as shown by the records of the county assessor.
- C. State Environmental Policy Act (SEPA) Checklist

ATTACHED

**WHATCOM COUNTY**

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**J.E. "Sam" Ryan**  
Director

**VII. FEES**

- A. The Whatcom County Code 2.160.110 states that:

*Once an amendment is initiated by resolution of the county council, the applicant shall pay the initiation fee within 15 days. The county council may take official action to waive the initiation fee at the time it approves the initiating resolution if it finds the proposed amendment will clearly benefit the community as a whole and will not be for private financial gain.*

- B. Are you requesting that the County Council waive the fees for this application?

*YES*

- C. If so, please describe how the proposed amendment clearly benefits the community as a whole and will not be for private financial gain.

**PLEASE SUBMIT TWO COPIES OF ALL APPLICATION MATERIALS.**

Signature of Applicant or Agent:

*John Hesous* Date: *12/30/2014*

*Armenie Selless* DATE: *Dec. 30, 2014*



**WHATCOM COUNTY**  
Planning & Development Services  
5280 Northwest Drive,  
Bellingham, WA 98226-9097  
360-676-6907, TTY 800-833-6384  
360-738-2525 Fax



**J.E. "Sam" Ryan**  
Director

SEP \_\_\_\_\_ - \_\_\_\_\_

## SEPA Environmental Checklist

### Purpose of Checklist:

Governmental agencies use this checklist to help determine whether the environmental impacts of your proposal are significant. This information is also helpful to determine if available avoidance, minimization or compensatory mitigation measures will address the probable significant impacts or if an environmental impact statement will be prepared to further analyze the proposal.

### Instructions for Applicants:

This environmental checklist asks you to describe some basic information about your proposal. Please answer each question accurately and carefully, to the best of your knowledge. You may need to consult with an agency specialist or private consultant for some questions. You may use "not applicable" or "does not apply" only when you can explain why it does not apply and not when the answer is unknown. You may also attach or incorporate by reference additional studies reports. Complete and accurate answers to these questions often avoid delays with the SEPA process as well as later in the decision-making process.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

### Use of Checklist for Non-Project Proposals:

For non-project proposals (such as ordinances, regulations, plans and programs), complete the applicable parts of sections A and B plus the Supplemental Sheet for Non-project Actions (Part C). Please completely answer all questions that apply and note that the words "project", "applicant", and "property or site" should be read as "proposal", "proponent" and "affected geographic area", respectively. The lead agency may exclude (for non-projects) questions in Part B – Environmental Elements that do not contribute meaningfully to the analysis of the proposal.

## A Background

- 1 Name of proposed project, if applicable:

BROADCAST TOWER HEIGHT LIMITS - POINT ROBERTS  
SPECIAL DISTRICT

- 2 Name of applicant: JOHN LESOW

Applicant phone number: 360-945-3170

Applicant address: 317 MADRONA PLACE

City, State, Zip or Postal Code: POINT ROBERTS, WA 98281-9104

- 3 Contact name:

AS ABOVE

Contact phone number:

Contact address:

City, State, Zip or Postal Code:

- 4 Date checklist prepared: DECEMBER 29, 2014

- 5 Agency requesting checklist: WHATCOM COUNTY PDS

- 6 Proposed timing or schedule (including phasing, if applicable):

DO NOT KNOW

- 7 Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? Yes ☐ No ☒

If yes, explain:

- 8 List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal:

DO NOT ANTICIPATE ANY ENVIRONMENTAL  
INFORMATION TO BE PREPARED / SUBMITTED

- 9 Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal?

Yes ☒ No ☐

If yes, explain.

CUP 2013-00004  
SEP 2013-0032

- 10 List any government approvals or permits that will be needed for your proposal, if known.

NONE

- 11 Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

PROPOSAL IS TO LIMIT BROADCAST  
TOWER HEIGHTS TO 25 FEET OR  
LESS IN THE POINT ROBERTS SPECIAL DISTRICT

- 12 Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

DOES NOT APPLY

## B Environmental Elements

### 1 Earth

- a. General description of the site:

<input type="checkbox"/>	Flat
<input type="checkbox"/>	Rolling
<input type="checkbox"/>	Hilly
<input type="checkbox"/>	Steep Slopes
<input type="checkbox"/>	Mountainous
<input type="checkbox"/>	Other

DOES NOT APPLY

- b. What is the steepest slope on the site (approximate percent slope)?

DO NOT KNOW / DOES NOT APPLY

- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils.

PRIMARILY GLACIAL TILL AND SAND

- d. Are there surface indications or history of unstable soils in the immediate vicinity? Yes ☒ No ☐

If so, describe. SLOPES ON THE THREE SHORELINES OF THE POINT ROBERTS PENINSULA HAVE A HISTORY OF INSTABILITY

- e. Describe the purpose, type, total area, approximate quantities and total affected area of any filling excavation or grading proposed.

NO FILLING, EXCAVATION OR GRADING PROPOSED

Indicate source of fill.

N/A

- f. Could erosion occur as a result of clearing, construction, or use?

Yes ☐ No ☒

If so, generally describe.

N/A

- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?

DOES NOT APPLY

- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:

DOES NOT APPLY

2. Air

- a. What types of emissions to the air would result from the proposal during construction, operation and maintenance when the project is completed (i.e., dust, automobile, odors, or industrial wood smoke)?

NONE

If any, generally describe and give approximate quantities if known.

N/A.

- b. Are there any off-site sources of emissions or odor that may affect your proposal? Yes ☐ No ☒

If so, generally describe.

N/A

- c. Proposed measures to reduce or control emissions or other impacts to air, if any:

DOES NOT APPLY

3. Water

a. Surface:

- (1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? Yes ☐ No ☒

If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

POINT ROBERTS IS A LAKE  
SURROUNDED BY SALT WATER; BOUNDARY BAY  
THE STRAIT OF JUAN DE FUCA AND GEORGIA STRAIT

- (2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? Yes ☐ No ☒

If yes, please describe and attach available plans.

- (3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected.

NONE

Indicate the source of fill material.

N/A

- (4) Will the proposal require surface water withdrawals or diversions?

Yes ☐

No ☒

Give general description, purpose, and approximate quantities if known.

N/A

Does the proposal lie within a 100-year floodplain?

Yes ☐

No ☒

If so, note location on the site plan.

N/A

- (5) Does the proposal involve any discharges of waste materials to surface waters?

Yes ☐

No ☒

If so, describe the type of waste and anticipated volume of discharge

N/A

b. Ground Water:

- (1) Will ground water be withdrawn from a well for drinking water or other purposes? Yes ☐ No ☒

If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to groundwater? Give general description, purpose, and approximate quantities if known.

N/A

- (2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals.....; agricultural; etc.). Describe the general size of the system, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

NONE

c. Water runoff (including stormwater):

- (1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known).

NO RUNOFF WILL BE  
PRODUCED BY THIS PROPOSAL

Where will this water flow? N/A

Will this water flow into other waters? Yes ☐ No ☒

If so, describe.

N/A

- (2) Could waste materials enter ground or surface waters?

Yes ☐ No ☒

If so, generally describe.

- (3) Does the proposal alter or otherwise affect drainage patterns in the vicinity of the site: Yes ☐ No ☒

If so, describe.

N/A.

- d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

N/A.

4 Plants

a. Check types of vegetation found on the site.

- ☒ Deciduous tree: alder, maple, aspen, other
- ☒ Evergreen tree: fir, cedar, pine, other
- ☒ Shrubs
- ☒ Grass
- ☒ Pasture
- ☒ Crop or grain
- ☒ Orchards, vineyards or other permanent crops
- ☒ Wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- ☒ Water plants: water lily, eelgrass, milfoil, other
- ☒ Other types of vegetation

POINT ROBERTS PENINSULA  
OR 4.8 SQUARE  
MILES

b. What kind and amount of vegetation will be removed or altered?

NONE

c. List threatened or endangered species known to be on or near the site.

NONE

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

NATIVE PLANTS WILL BE USED TO SCREEN  
TOWER SITE

e. List all noxious weeds and invasive species known to be on or near the site.

DO NOT KNOW

5. Animals

a. Check any birds and animals, which have been observed on or near the site or are known to be on or near the site:

Birds:

- ☒ Hawk,
- ☒ Eagle,
- ☐ Other:

- ☒ Heron,
- ☒ Songbirds;



Mammals:

- ☒ Deer,  
☐ Elk,  
☐ Other:

- ☐ Bear,  
☐ Beaver;

Fish:

- ☐ Bass,  
☐ Trout,  
☒ Shellfish;

- ☒ Salmon,  
☒ Herring,  
☐ Other:

- b. List any threatened or endangered species known to be on or near the site.

DO NOT KNOW

- c. Is the site part of a migration route? Yes ☒ No ☐

If so, explain. POINT ROBERTS IS WITHIN THE

PACIFIC FLYWAY. THIS PROPOSAL WILL NOT AFFECT ANY AVIAN SPECIES.

- d. Proposed measures to preserve or enhance wildlife, if any:

DOES NOT APPLY

- e. List any invasive species known to be on or near site.

DO NOT KNOW

6. Energy and Natural Resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

DOES NOT APPLY

- b. Would your project affect the potential use of solar energy by adjacent properties? Yes ☐ No ☒

If so, generally describe.

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

NO ENERGY CONSERVATION MEASURES INCLUDED. LOWER TRANSMISSION LEVELS TO REDUCE RFI WILL SAVE/CONSERVE ENERGY

7. Environmental Health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste that could occur as a result of this proposal? Yes ☐ No ☒

If so, describe.

N/A.

- (1) Describe any known or possible contamination at the site from present or past uses.

DO NOT KNOW

- (2) Describe existing hazardous chemicals/conditions that might affect project development and design. This includes underground hazardous liquid and gas transmission pipelines located within the project area and in the vicinity.

DO NOT KNOW

- (3) Describe any toxic or hazardous chemicals that might be stored, used, or produced during the projects development or construction, or at any time during the operating life of the project.

NO TOXIC CHEMICAL STORAGE IS CONTEMPLATED

- (4) Describe special emergency services that might be required.

NO SPECIAL EMERGENCY SERVICES REQUIRED.

- (5) Proposed measure to reduce or control environmental health hazards, if any:

NO ENVIRONMENTAL HEALTH HAZARDS

b. Noise

- (1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

NO NOISES EXIST

- (2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

NO NOISE FROM SITE

- (3) Proposed measures to reduce or control noise impacts, if any:

NONE REQUIRED

8 Land and Shoreline Use

- a. What is the current use of the site and adjacent properties? DOES NOT APPLY

Will the proposal affect current land uses on nearby or adjacent properties? Yes ☐ No ☒  
If so, describe.

- b. Has the project site been used as working farmlands or working forest lands? Yes ☐ No ☒  
If so, describe.

NO WORKING FARMLANDS OR  
WORKING FOREST LANDS IN POINT ROBERTS

How much agriculture or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any?

NONE

If resource lands have not been designated, how many acres in farmland or forest land tax status will be converted to non-farm or non-forest use?

DO NOT KNOW

- (1) Will the proposal affect or be affected by surrounding working farm or forest land normal business operations, such as oversize equipment access, the application of pesticides, tilling and harvesting? Yes ☐ No ☒

If so, how:

N/A

- c. Describe any structures on the site.

NONE

- d. Will any structures be demolished?  
If so, what?

Yes ☐ No ☒

- e. What is the current zoning classification of the site?

POINT ROBERTS IS A LIMITED. MOST SITES  
WILL BE STC, R-5, R-10 AND L1

- f. What is the current comprehensive plan designation of the site?

DOES NOT APPLY

- g. If applicable, what is the current shoreline master program designation of the site?

DOES NOT APPLY

- h. Has any part of the site been classified as a critical area by the city or county? Yes ☐ No ☐  
If so, specify.

DOES NOT APPLY

- i. Approximately how many people would reside or work in the completed project?

NONE

- j. Approximately how many people would the completed project displace?

NONE

- k. Proposed measures to avoid or reduce displacement impacts, if any:

DOES NOT APPLY

- l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

USE OF CONDITIONAL USE PERMIT PROGRAM

- m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any?

DOES NOT APPLY.

9 Housing

- a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

☐  
☐  
☐

High  
Middle  
Low-income

NONE

- b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

☐  
☐  
☐

High  
Middle  
Low-income

NONE

- c. Proposed measures to reduce or control housing impacts, if any:

NONE REQUIRED.

10 Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

DOES NOT APPLY

- b. What views in the immediate vicinity would be altered or obstructed?

DOES NOT APPLY

- c. Proposed measures to reduce or control aesthetic impacts, if any:

NONE PROPOSED FOR STRUCTURE  
LANDSCAPING PROPOSED FOR SITE.

11 Light and Glare

- a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

RED LIGHTS AT NIGHT, UP TO  
25 FEET FROM THE GROUND

- b. Could light or glare from the finished project be a safety hazard or interfere with views?

NO.

- c. What existing off-site sources of light or glare may affect your proposal?

NONE.

- d. Proposed measures to reduce or control light and glare impacts, if any:

NONE PROPOSED, ASIDE FROM  
NATIVE LANDSCAPING

12 Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?

DOES NOT APPLY

- b. Would the proposed project displace any existing recreational uses? If so, describe.

NO.

- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

NONE REQUIRED.

13 Historic and Cultural Preservation

- a. Are there any buildings, structures, or sites, located on or near the site that are over 45 years old listed in or eligible for listing in national, state or local preservation registers located on or near the site? Yes ☐ No ☒  
If so, specifically describe.

- b. Are there any landmarks, features, or other evidence of Indian, historic use or occupation, this may include human burials or old cemeteries?

Yes ☐ No ☒

Are there any material evidence, artifacts, or areas of cultural importance on or near the site? Yes ☐ No ☒

Please list any professional studies conducted at the site to identify such resources.

- c. Describe the methods used to assess the potential impacts to cultural and historic resources on or near the project site. Examples: Include consultation with tribes and the Department of Archeology and Historic Preservation, archaeological surveys, historic maps, GIS data, etc.

NONE REQUIRED

- d. Proposed measures to avoid, minimize, or compensate for loss, changes to, and disturbance to resources. Please include plans for the above and any permits that may be required.

NONE REQUIRED

#### 14 Transportation

- a. Identify public streets and highways serving the site or affected geographic area and describe proposed access to the existing street system. Show on site plan, if any.

NO ACCESS PROPOSED  
AT THIS TIME

- b. Is site or geographic area currently served by public transit?

Yes ☐ No ☒

If not, what is the approximate distance to the nearest transit stop?

N/A

- c. How many parking spaces would the completed project have? How many would the project eliminate?

N/A

- d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? Yes ☐ No ☒  
If so, generally describe (indicate whether public or private).

N/A.

- e. Will the project use (or occur in the immediate vicinity of)

☐ Water,  
☐ Rail, or  
☐ Air transportation?  
If so, generally describe.

No.

- f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles). What data or transportation models were used to make these estimates?

NO ADDITIONAL  
VEHICULAR TRIPS WILL BE GENERATED

- g. Proposed measures to reduce or control transportation impacts, if any:

NONE REQUIRED

#### 15 Public Services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)?

Yes ☐ No ☒  
If so, generally describe.

- b. Proposed measures to reduce or control direct impacts on public services, if any.

NONE REQUIRED



16 Utilities

a. Check utilities currently available at the site:

- ☒ Electricity,  
☒ Water,  
☒ Telephone,  
☒ Septic system,

- ☒ Natural gas,  
☒ Refuse service,  
☐ Sanitary sewer,  
☐ Other

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

*NONE REQUIRED AT THIS TIME*

**Signature**

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: \_\_\_\_\_

Date Submitted: \_\_\_\_\_

*December 29, 2014*

### **C Supplemental Sheet for Non-project Actions**

*(It is not necessary to use this sheet for project actions)*

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment. When answering these questions, be aware of the extent the proposal or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

- 1 How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

Proposed measures to avoid or reduce such increases are:

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

3. How would the proposal be likely to deplete energy or natural resources?

Proposed measures to protect or conserve energy and natural resources are:

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

Proposed measures to protect such resources or to avoid or reduce impacts are:

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

Proposed measures to avoid or reduce shoreline and land use impacts are:

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

Proposed measures to reduce or respond to such demand(s) are:

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

**WHATCOM COUNTY**  
Planning & Development Services  
5280 Northwest Rd., Suite B  
Bellingham, WA 98226  
360-676-6907

**CUSTOMER RECEIPT**

Receipt: 520100000000008894

Payor: JOHN LESOW

Date: 12/30/2014

Description	Amount
<b>PLN2014-00023</b>	
Docketing Application Fee	<b>370.00</b>
<b>Total:</b>	<b>\$ 370.00</b>
Check # 1602      Paid	<b>\$ 370.00</b>

JOHN LESOW

***Thank you!***

**Whatcom County**  
**Planning & Development Services**  
5280 Northwest Drive,  
Bellingham, WA 98226-9013  
360-676-6907  
TTY 800-833-6384  
Email: [PDS@whatcomcounty.us](mailto:PDS@whatcomcounty.us)



**J.E. "Sam" Ryan**  
**Director**  
WHATCOM COUNTY  
PLANNING & DEVELOPMENT SERVICES

DEC 23 2014 NAS

**RECEIVED**

### Application for Zoning Amendments

Please check one of the following:

- ☐ Standard Map Amendment  
Complete Sections A, B, C, F
- ☐ Site Specific Rezone  
Complete Sections A, B, D, F
- ☒ Zoning Text Amendment  
Complete Sections A, E, F

Do not write in this section of the application-for official use only. (Info transferred from case file # PLN2014-00022)

Date Received: 12/23/14 File: PLN2015-00001

Date Complete: \_\_\_\_\_ Initials of reviewer: \_\_\_\_\_

Topic of Proposed Amendment: \_\_\_\_\_

#### A. General Information - All applicants must complete this section.

Applicant's Name: Ken Scheffer - Rover Stay Over

Signature: Ken Scheffer

Mailing Address: 26451 Hannegan Rd  
Lynden, WA 98264

Email Address: RSOPrivate@Outlook.com

Home Phone #: \_\_\_\_\_ Cell Phone #: 509-948-0690 Business Phone #: 360-306-5931

**WHATCOM COUNTY**

Planning & Development Services  
5280 Northwest Drive,  
Bellingham, WA 98226-9013  
360-676-6907, TTY 800-833-6384  
360-738-2525 Fax



**J.E. "Sam" Ryan**  
Director

**WHATCOM COUNTY  
PLANNING AND DEVELOPMENT SERVICES DEPARTMENT  
APPLICATION FOR ZONING AMENDMENTS**

Please check one of the following:

- ☐ STANDARD MAP AMENDMENT Complete Sections A, B, C, & F  
☐ SITE SPECIFIC REZONE Complete Sections A, B, D, & F  
☒ ZONING TEXT AMENDMENT Complete Sections A, E, & F

Do not write in this section of the application-for official use only.

Date Received: \_\_\_\_\_ File #: \_\_\_\_\_

Date Complete: \_\_\_\_\_ Initials of reviewer: \_\_\_\_\_

**A. GENERAL INFORMATION**-All applicants must complete this section.

1. APPLICANT'S NAME:

Charmae Scheffer - Rover Stay Over, Inc.

SIGNATURE:

Charmae Scheffer

MAILING ADDRESS:

6451 Hannegan Rd  
Lynden WA 98214

E-MAIL ADDRESS

rsoprivate@outlook.com

BUSINESS PHONE: 360-306-5931 HOME PHONE: same  
cell: 509-948-0690

**Whatcom County  
Planning & Development Services**

5280 Northwest Drive,  
Bellingham, WA 98226-9013  
360-676-6907

TTY 800-833-6384

Email: [PDS@whatcomcounty.us](mailto:PDS@whatcomcounty.us)



**J.E. "Sam" Ryan  
Director**

**Application for Zoning Amendments**

Please check one of the following:

- ☐ Standard Map Amendment ☐ Site Specific Rezone ☒ Zoning Text Amendment  
*Complete Sections A, B, C, F* *Complete Sections A, B, D, F* *Complete Sections A, E, F*

Do not write in this section of the application-for official use only.

Date Received: \_\_\_\_\_ File : \_\_\_\_\_

Date Complete: \_\_\_\_\_ Initials of reviewer: \_\_\_\_\_

Topic of Proposed Amendment: \_\_\_\_\_

**A. General Information – All applicants must complete this section.**

Applicant's Name: Sydney Scheffer - Rover Stay Over

Signature: Sydney Scheffer

Mailing Address: 6451 Hannegan Rd

Lynden, WA 98264

Email Address: RSDPrivate@Outlook.com

Home Phone #: \_\_\_\_\_ Cell Phone #: 509.948.8694 Business Phone #: 360.306.5931

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5280 Northwest Drive,  
Bellingham, WA 98226-9013  
360-676-6907, TTY 800-833-6384  
360-738-2525 Fax



**J.E. "Sam" Ryan**  
Director

## 2. AGENT'S NAME:

Shawn Alexander

## MAILING ADDRESS:

PO Box 359

Olga, WA 98279

## E-MAIL ADDRESS

positive1aw@gmail.com

## BUSINESS PHONE:

360-376-6820

## 3. TOPIC OF PROPOSED AMENDMENT:

Dog Kenneling services in agricultural zone

## 4. Please give a complete but short description of the proposed amendment.

We are seeking a clarification of the Whatcom County code to show that Dog Kennels are allowed use in the Agriculture Zone ~~and~~ as defined under small animal husbandry.

## 5. Explain how the proposed amendment is consistent with the goals, policies, and overall intent of the Comprehensive Plan by listing specific goals or policies and explaining how the proposal complies with each of them.

See attached Rover Stay Over Text Amendment Whatcom County Comprehensive Plans Applicable Goals + Policies.



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**J.E. "Sam" Ryan**  
Director

6. Please describe the "changed" condition(s), which support the amendment.

**B. ZONING MAP AMENDMENTS (STANDARD MAP AMENDMENTS AND SITE SPECIFIC REZONES)**

7. PROPERTY INTEREST OF APPLICANT:

☐ PURCHASER/OWNER

☐ LESSEE

☐ OTHER:

EXISTING COMPREHENSIVE PLAN DESIGNATION:

EXISTING ZONING DISTRICT:

SUBAREA:

8. What is the proposed zoning classification?

9. What is the present use of the property or properties within the proposed rezone?

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**J.E. "Sam" Ryan**  
Director

10. Describe the land use of the surrounding properties.

**~~C~~ STANDARD MAP AMENDMENTS**

11. Supporting information for standard map amendments (attach the following items):

- a) A vicinity map showing property lines, roads, buildings and their use, easements, existing and proposed zoning, wells and other pertinent data.
- b) A list of all property owners and others having a legal interest in the property covered by the proposed change.
- c) A list of the names and mailing addresses of the owners of all property within 300 feet (exclusive of roads and alleys).

A site plan may be requested at a future date if the intended amendment is to accommodate a particular development. The applicant may wish to submit a plan at the time of application. The site plan is a scaled drawing showing approximate location of buildings, roadways, parking, drainage facilities, sanitation and water facilities, and easements. Where appropriate, the location of landscaping, buffers, common areas, and typical individual lease spaces for mobile home and recreational vehicle parks shall be included in the site plan.

**~~D~~ SITE SPECIFIC REZONES**

12. Does the proposed amendment have a substantial relationship to public health, safety, morals, general welfare or community needs?

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**J.E. "Sam" Ryan**  
Director

13. Will the proposed use be serviced adequately by essential public facilities such as highways, streets, public safety and fire protection, drainage structure, refuse disposal, water and sewers, and schools; or will the persons or agencies responsible for the establishment of the proposed use be able to adequately provide any such services? Describe.

14. Is the proposal is located within an Urban Growth Area? ☐ Yes ☐ No (go to question #15)

a) Will the site be serviced by full urban services or be capable of receiving urban services in time to serve the development?

b) Will the proposed site use preclude development at urban levels of density when the area is annexed into the city?

c) Will the proposed site be five (5) or more acres in size? ☐ Yes ☐ No

15. Supporting information for site-specific map amendment.  
Attach the following items:

a) A vicinity map showing property lines, roads, buildings and their use, easements, existing and proposed zoning, wells and other pertinent data.

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**J.E. "Sam" Ryan**  
Director

- b) A conceptual site plan drawn at not less than one (1) inch to one-hundred (100), unless mutually agreed to by the proponent and administrative official, including, but not be limited to:
- 1) General location of structures.
  - 2) Location and number of access points.
  - 3) Approximate gross floor area of structures.
  - 4) Name of the proposal.
  - 5) Identification of areas requiring special treatment due to their sensitive nature.
  - 6) North directional arrow.
  - 7) Names and location of all public streets or roads bordering the site.
  - 8) General legal description(s) for the site.

- c) Concurrent submittal of a Discretionary Development Permit or Building Permit, if required for the project.

NOTE: If the project does not require a Discretionary Development Permit or Building Permit or will

be constructed in phases, then a narrative statement must be submitted with the conceptual site plan that provides a detailed description of the project proposal and a project completion date. If the project will be constructed in phases provide start and completion dates for each phase and include a final completion date for the entire proposed project.

- d) A list of all property owners and others having a legal interest in the property covered by the proposed change.
- e) Evidence that all property owners within the proposed rezone boundary concur with the rezone and project proposal.
- f) Mailing labels with names and mailing addresses of the owners of all property included within the area proposed for re-designation and:
- For a map amendment within an existing urban growth area, mailing labels with the typed address of each property owner within 300 feet of the external boundaries of the subject property as shown by the records of the county assessor.
  - For a map amendment outside existing urban growth areas, mailing labels with the typed address of each property owner within 1,000 feet of the external boundaries of the subject property as shown by the records of the county assessor.

For map amendments that involve rezoning property to an Airport Operations District, mailing labels with the typed address of each property owner within 1,500 feet of the

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**J.E. "Sam" Ryan**  
Director

external boundaries of the subject property as shown by the records of the county assessor.

g) A completed Environmental Checklist.

**E. ZONING TEXT AMENDMENTS**

16. Are there any other circumstances that justify the proposed change?

**F. AUTHORIZATION:**

Signature of Applicant(s) or Agent:

(I, we) certify that (I, we) are the owner(s) of record of all the above described property and that we will pay for legal notice in the newspaper:

Shawn Alexander ATTY for Plaintiff Date: 12/22/2014

Ken S. Pa Date: 12-23-14

Charmee Shaffer Date: 12.23.14

Sydney Schuyler Date: 12.23.14

**Rover Stay Over Text Amendment**  
**Whatcom County Comprehensive Plan's Applicable Goals & Policies**

**Chapter 2: Land Use**

**Goal 2A:** Ensure provision of sufficient land and densities to accommodate the growth needs of Whatcom County and protect the qualities that make the county a desirable place to live.

**Our response:** Animals improve people's quality of life and are a big part of the Whatcom County community. There were 2,136 dog licenses issued in the county in 2012, not including the cities of Lynden or Everson. In 2013 that number went up to 2,496. If the trend of a 15% increase holds for 2014, there will be an estimated 2,871 dogs licensed in the county. In addition, as of the third quarter of 2014 Lynden and Everson had licensed 644 dogs. That brings the total of licensed dogs to 3,515. Keep in mind this isn't the number of dogs living in unincorporated Whatcom County, just the number of dogs that are licensed for this jurisdiction. Kennels serve all dogs, whether licensed or not. If established kennels are shut down and/or additional kennels are unable to develop, this restricts growth in an area of our community that is absolutely essential (the care and keeping of animals). Everyone's goal is in line with that of the Comprehensive Plan in making Whatcom County desirable and profitable. The continuation of existing kennels as well as the ease with which new kennels could open in the future (post-text amendment) promotes this ideal.

**Policy 2A-3:** Provide a range of land uses which considers locational and market factors as well as required quantities of land.

**Our response:** The Whatcom County Comprehensive Plan lists a projected increase of 56,755 people over the 20-year planning period in Whatcom County. The national estimate from the Humane Society shows that 47% of households in the country own at least one dog. Applied to this number, that equals a minimum of 26,674 dogs potentially added to Whatcom County's existing canine population over a period of 20 years. This

expected increase has to be taken into consideration when assigning land uses, and clarifying the text to allow for kennels in an agricultural zone fits this necessary expansion. In the Angelbaby Pet Resort Staff Report dated Sept 8, 2010, written by Suzanne Bosman she states "The business (a commercial kennel) would provide a much needed service to the community."

Dog kennels necessarily need space to care for the dogs and to reduce conflicts with neighbors. Agricultural land tends to be sparsely populated and is covered by the Right to Farm Act which states, "It is the declared policy of this county to promote farm operations and to inform residents of the county's support for the right to farm." State planning goals encourage the conservation of productive agricultural lands and discourage incompatible uses. Land uses adjacent to farm lands should not interfere with farm operations. Under 14.02.020 Definitions part D it states, "Farm Products" means those land-based plants and animals useful to human beings, etc. "Dogs are ancestral helpers in farming and livestock production including pest control, herding, and companionship. Kenneling and training can reasonably be viewed as an agricultural activity itself." George Read, Planning Director for Deschutes County. The impact on surrounding land use is consistent with the goals and policies of the Comprehensive Plan in that creative ways to increase farm income while not conflicting with or hindering existing agricultural practices are necessary to preserve agricultural land.

**Policy 2A-4:** Designate land uses that reflect the best use of the land.

**Our response:** Agricultural land is used for small animal husbandry, and rightfully so. To maximize the use of agricultural land, the text should be clarified to include canine kenneling as small animal husbandry, making it an appropriate use of the agricultural zone, similar to the other permitted uses such as dairying, raising of livestock, husbandry of small animals, etc. as per WCC 20.40.051. Amending the text to allow this reflects the best use of the land.

**Policy 2A-13:** Allow for adequate economic development to provide economic sustainability, adequate employment opportunities, and services in and for the rural areas.

**Our response:** In the Angelbaby Pet Resort Staff report dated September 8<sup>th</sup>, 2010 and written by Suzanne Bosman states that "Many residents in rural Whatcom County depend on cottage industries, home occupations, small businesses, and natural resource-based jobs for their livelihood." These types of businesses support the local economy and are compatible with the rural lifestyle desired by county residents. Chapter Seven of the Whatcom County Comprehensive Plan encourages locally owned and operated businesses to re-invest profits and wages in the local community. Policy 7F-1 of the Chapter states, "support existing local business as the major contributors of job creation and regeneration and afford them every opportunity to continue their success in the community." Allowing dog kennels to develop in agricultural zones is directly beneficial to the surrounding rural areas and meets this policy of the Comprehensive Plan.

**Goal 2D:** Refine the regulatory system to ensure accomplishment of desired land use goals in a fair and equitable manner.

**Our response:** Dog kenneling as small animal husbandry on agricultural land is equitable because kennels are allowed in the Rural Zone. Canines are domestic animals just as are cows and horses. Allowing dog kenneling/care services would promote the Comprehensive Plan in its fairness.

**Policy 2D-1:** Eliminate unnecessary regulations

**Our response:** The hoops through which a prospective dog kennel owner must jump in order to realize hopes of operating a kennel are a burden. The reality is that a large portion of Whatcom County is zoned agricultural. In support of that endeavor, animal-related services should be allowed in such places. To prevent the existing or prospective business owner from opening a dog kennel in these areas over semantics is unnecessary and wasteful of money, time, and resources. Also a *conditional use permit is an undue burden on a small startup business. It causes excessive time delays and cost while the business could be otherwise generating revenue. The Conditional Use Permit costs a business \$2,100 for the permit alone, not including review.*



## **Chapter Seven: Economics**

**Policy 7A-4:** In addition to stimulating family-wage jobs and jobs in diverse sectors, plan for service-related jobs such as those necessary to support tourism, recreation, and retailing as well as those that relate to industry.

**Our response:** The existence and nature of the dog kennel business is to provide a service for those who participate in tourism/recreation and do not have a place to leave their dog(s). Dog kennels make it possible for families to participate in local tourism and recreational industries such as skiing, boating, and island travel. Kennels also serve traveling families from out-of-state who are willing to invest their time and money into our county for tourism and/or recreation such as riding the Alaska Ferry or shopping and need a place to board their pets. Clarifying the text to allow dog kenneling in the agricultural zone promotes the goal of Policy 7A-4.

In the WAC codes 296-17A-7308-05 Pet Breeding and Boarding Kennels, it states, "Applies to establishments primarily engaged in boarding pets while their owners are away from home, or in boarding pets for others in connection with a breeding service. Work contemplated by this classification is of a custodial nature that includes, but is not limited to, sheltering, tending, breeding, grooming and feeding animals, erecting or mending fences, erecting or maintaining kennels, cleaning kennels, and veterinary services and the incidental sale of animals, animal grooming or care supplies when performed by employees of an employer subject to this classification. Special note: The term "farm labor contractor" applies to specialty contractors who supply laborers to a farm operation for specified services such as feeding animals, grooming and cleaning kennels". This is the classification for the Washington Workers Compensation Insurance the State has decided that all kennel employees be paid under, it is under the Agricultural workers section.

**Goal 7D:** Consistent with other goals of the county, strive for balanced, clear, and predictable overall policies, practices, and regulations which do not unnecessarily or inadvertently prevent, confuse, delay or create costly hurdles restricting effective and desirable economic development.

**Our response:** The ambiguity of allowed uses on agricultural land relating to small-animal husbandry is unclear and confusing. The amount of red tape this creates for prospective and existing kennel owners in order to operate legally is preventative and costly and goes directly against Goal 7D of the Comprehensive Plan. Amending the text to clarify that kennels are allowed to operate in agricultural zoning is clear and concise and fits with the other goals of the county.

**Policy 7D-4:** Integrate and simplify regulations to make them more understandable and user-friendly.

**Our response:** Clarifying the text regarding the allowance of dog kennels in an agricultural zone would simplify regulations and promote the understanding of the county code as is desired under Policy 7D-4. In preliminary research we have found that only two counties in the State of WA do not allow Dog Kennels in the Agricultural Zone.

**Policy 7F-1:** Support existing local businesses as the major contributors of job creation and regeneration and afford them every opportunity to continue their success in the community.

**Our response:** Rover Stay Over as an existing, profitable business is an asset to the community. Amending the text to allow Rover Stay Over to continue its operations as a dog kennel in an agricultural zone obviously supports an existing local business. It also affords the business the opportunity to continue the same growth and success already being experienced. Rover Stay Over's current employees would retain their jobs and, as the business grows, the opportunity for unemployed Whatcom County residents to apply for a job grows as well. In short, clarifying the code to specifically address dog kennels in the agricultural zone is supportive of Policy 7F-1.

**Policy 7H-4:** As part of a broad-based economy, foster productive timber, agriculture and fisheries industries in a sustainable manner.

**Our response:** The goal of the county as well as of business-people in the area is to achieve a broad spectrum of businesses to foster a rich economic environment. The farming and forestry industries have suffered decline, resulting in job losses. These industries operate on agricultural land. Amending the text to allow for kenneling in an agricultural zone creates another use for this land, further increasing sustainability mentioned in Policy 7H-4 of the Comprehensive Plan by replacing the lost forest/farming jobs with those created by kenneling businesses.

**Policy 7J-1:** Support creation of job opportunities for local residents, especially family wage jobs to decrease unemployment and underemployment.

**Our response:** Dog kenneling in an agricultural zone is hardly an overly creative use for this land. If anything it is an obvious use due to the fact that dog kenneling is small-animal husbandry. A simple text clarification would allow existing and future dog kennels to develop in more areas, meaning more job opportunities created for local residents. The number of dogs is only increasing and the need for kennels concurrently so. Making it simpler for kennels to operate in all applicable zones, specifically agricultural zones, combats unemployment/underemployment and fits along with Policy 7J-1 of the Comprehensive Plan.

**Policy 7K-2:** Designate adequate zoning to allow business and industrial development where it is needed and most appropriate.

**Our response:** The development of current and future dog-kenneling businesses is an obvious need for Whatcom County, considering the increase in human and canine population. The need is present, and clarifying the text addresses Policy 7K-2 of the Comprehensive Plan which seeks to designate adequate zoning with the goal of business development. Dog-kenneling and the care/keeping of canines are small-animal husbandry and thus appropriate and fitting within the goal uses of agricultural zones. The County should consider that while kenneling is allowed in rural areas (mixed-use lands) with a conditional use permit, the very rural land which existing kennels are most effectively placed is predominately agricultural. Since County supports kenneling in an agricultural rural zone, it makes sense to allow dog kenneling in land zoned agricultural.

**Policy 7K-7:** Support efforts and/or organizations trying to achieve agricultural diversity such as:

- niche markets for local products
- technical assistance or educational programs
- farmers' markets
- value-added or innovative ag products or services
- other product outlets
- community education and information dissemination

**Our response:** Dog kenneling is an obvious use for agricultural land as it involves the care and keeping of animals. Clarifying the text to allow dog kennels to operate in this zone achieves a level of agricultural diversity the county has not seen yet. Furthermore, in doing so the County supports existing efforts to use the land in this way. It encourages future kenneling businesses to contribute to diverse agricultural efforts when they're able to operate freely in agricultural zones.

*Finally, the County's Action Plan for the Economic portion of the Comprehensive Plan mentions a goal to "increase citizen satisfaction of county government - including permit processing". We would like to address this based on our own concerns along with those of other local kennels. Nearly every single dog kennel in the county operates without a permit. Only one of thirteen kennels in the county is permitted; two may possibly be grandfathered into compliance. Existing kenneling operations, some of which have been operating for 15 years or more, open themselves to being forcibly shut down after the public hearing required by the county for a conditional use permit. Neighbors that have not otherwise complained may do so given the opportunity. Worst-case scenario involves kennel(s) ceasing operations and established businesses/resources for the community disappearing. Not only this, but the cost and effort to seek compliance under County Code is an undue burden on small businesses. If the permit processing were streamlined and the county code made clearer, the satisfaction of existing business owners would dramatically increase.*

**WHATCOM COUNTY**

Planning &amp; Development Services

5280 Northwest Rd., Suite B

Bellingham, WA 98226

360-676-6907

**CUSTOMER RECEIPT**

Receipt: 520100000000008860

Payor: ROVER STAY OVER INC

Date: 12/23/2014

Description	Amount
-------------	--------

**PLN2014-00022**

Docketing Application Fee	370.00
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<b>Total:</b>	<b>\$ 370.00</b>
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Check # 2325	Paid	\$ 370.00
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ROVER STAY OVER INC

***Thank you!***

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:		2/4/2015		2/10/2015	Council
Division Head:	<i>[Signature]</i>	2.11.15		3/3/15	Council
Dept. Head:					
Prosecutor:					
Purchasing/Budget:					
Executive:					

**TITLE OF DOCUMENT:**

District 2 vacancy and appointment

**ATTACHMENTS:**

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.)

District 2 vacancy and appointment - related to Councilmember Sam Crawford's resignation

**COMMITTEE ACTION:****COUNCIL ACTION:**

2/10/2015: Approved 7-0

Related County Contract #:

Related File Numbers:

Ordinance or Resolution  
Number:

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

CLERK OF THE COUNCIL  
Dana Brown-Davis, C.M.C.

COUNTY COURTHOUSE  
311 Grand Avenue, Suite #105  
Bellingham, WA 98225-4038  
(360) 676-6690



RECEIVED

FEB 19 2015

WHATCOM COUNTY  
COUNCIL

COUNCILMEMBERS  
Barbara Brenner  
Rud Browne  
Barry Buchanan  
Sam Crawford  
Pete Kremen  
Ken Mann  
Carl Weimer

WHATCOM COUNTY COUNCIL

APPLICATION FOR CONSIDERATION OF APPOINTMENT TO FILL A DISTRICT TWO  
VACANCY ON THE WHATCOM COUNTY COUNCIL

NAME: Jim Cozad  
RESIDENCE ADDRESS: 1606 Diamond Loop  
CITY: Bellingham ZIP CODE: 98226  
MAILING ADDRESS (IF DIFFERENT THAN RESIDENCE): \_\_\_\_\_

DAY TELEPHONE: (360) 961-8841 EVENING TELEPHONE: same  
E-MAIL ADDRESS: MLKPAC394@gmail.com

ARE YOU A REGISTERED RESIDENT VOTER OF DISTRICT 2? yes

ARE YOU A US CITIZEN? (✓) YES NO ( )

OCCUPATION (IF RETIRED, PLEASE INDICATE FORMER OCCUPATION): Retired  
Teacher - Coach at Sehome High School - See Resume

PROFESSIONAL/COMMUNITY BACKGROUND\*: Professional educator, coach,  
& community activist - Please see Resume

EDUCATION\*: Please see Resume

BRIEFLY EXPLAIN WHY YOU WISH TO SERVE ON THE COUNTY COUNCIL\*: I would  
bring a fresher perspective to the council  
focusing on the social and health fabric  
of our community.

REFERENCES (PLEASE INCLUDE NAME AND DAYTIME TELEPHONE NUMBER)\*:

Phyllis Textor - Principal Sehome High School 676-6480  
Laura HARKER - Executive Director Interfaith Coalition 734-3983  
Greg Winter - Director, Homeless Service Center 255-2091

SIGNATURE OF  
APPLICANT: \_\_\_\_\_

Jim Cozad

DATE: 2/16/15

\*(IF YOU NEED ADDITIONAL SPACE, PLEASE CONTINUE ON A SEPARATE SHEET OF PAPER, OR ATTACH A RESUME.)

AS A CANDIDATE FOR THIS POSITION, THE ABOVE INFORMATION WILL BE AVAILABLE TO THE COUNTY COUNCIL,  
COUNTY EXECUTIVE, AND THE PUBLIC.

**Jim Cozad**  
1606 Diamond Loop  
Bellingham, WA 98226  
(360) 961-8841

~~www.jimcozad.com~~

@Jim\_Cozad

**Created Re-Entry University & MLK Poverty Action March 2011-present**

Jim is currently Chairman of the MLK Poverty Action Committee and Director of Re-Entry University. The University is a place where neighbors engage in Life Long Learning about themselves & the World around them, "who they are", "where they're at" and "where they want to go in the future". We're about finding "Better Pathways to Prosperity for ALL".

**Homeless Housing Opportunity Council Homeless Housing Case Manager – June 2008 to Aug. 2012-**

**Case Manager:** ~~On leave~~ Homeless Housing Case Manager and certified Family Support Specialist with the Opportunity Council in Bellingham, Washington. Assist individuals, families and veterans with eviction prevention, short term housing, rental assistance funding and case management services. Team taught FLARE – Financial Literacy and Renter Education class to local community. **Certified WABC Financial Coach 2/20/12**

**Community**

**Involvement: Interfaith Coalition Board Member -1993 to 2010-**

The Coalition helps to provide assistance to those in need in our community. We support the Interfaith Community Health Center that provides physical, mental, and dental care to low income citizens and others. I have served terms as Board President and Chairman of the Housing Committee over my 15 years on the Board. We partner with Lydia Place and the Opportunity Council to provide case management to families experiencing homelessness. I helped designed, create, and implement the "partnership model" that brought together the Interfaith Coalition, individual congregations, the Opportunity Council and Lydia Place that now has 9 units of emergency and transitional housing for families in Whatcom County. We have just recently purchased a house in Ferndale and plan to expand further into Whatcom County outside of Bellingham.

**Whatcom County Homeless Coalition -1994 to 2009-**

Jim represented the Interfaith Coalition on this board that is comprised of public, private and non-profit individuals and agencies that work together to prevent homelessness in our community. I coordinated Whatcom County's 2006-08 Homeless Point in Time Counts working with many social services agencies. We put together and have been implementing a "Ten Year Plan to End Homelessness" for Whatcom County that was adopted by the County Council. I served on the Steering Committee that designed the Whatcom County Homeless Service Center and received 3 years of HGAP state grant assistance to introduce and implement the concept. As a result,



Whatcom County has increased its cooperation and collaboration among our social service providers, state/local governments and the community. We have been able to increase funding sources as well as reduce homelessness.

### **Whatcom County Re-entry Coalition -2006 to August 2012**

Founded and currently served as volunteer director with newly formed non-profit to create an efficient and supportive community network of assistance for former offenders to ensure their successful re-entry back into our community. Using the "Housing First" model that emphasizes getting people into housing first and then building the support systems necessary to change their lives and be positive contributors. WCREC seeks to improve public safety, reduce recidivism and criminal justice costs, reduce emergency and other medical costs, improve community education about successful re-entry into mainstream society and to promote community prevention and early intervention activities.

### **Chairman, Whatcom County and 42<sup>nd</sup> District Democrats -1984 to 1992-**

Jim was responsible for all phases of political party activities from recruiting candidates, planning conventions, public relations, to fundraising and election campaigning. Oversaw coordinated campaigns during elections and implemented educational community forums to address issues of importance to the voters. I had a local radio program called "Friday afternoon at the Fights" where the Republican Party chairman and I debated the issues for the community. We worked hard to maintain civil discourse and respect for both sides of the aisle. I still have contact and ties to elected officials from both parties in Olympia and in Whatcom County.

#### **Professional**

#### **AIMS Alternative School – Bellingham School District -1975 to 1977, Teacher**

#### **Educator/**

Taught "At Risk" students at the District's first attempt at an alternative school for

#### **those Facilitator**

not making it in the "regular" school program. Subjects taught included

#### **Language Arts,**

Mathematics, and personal support groups.

### **Sehome High School – Bellingham School District -1978 to 2006, Teacher**

Subjects taught include Leadership, Math, Health, PE, and Learning Center. I designed and implemented the Campus Options Program at Sehome High School (Sehome Alternative Instructional Lab & Contract Based Education) for "At Risk" students struggling in the regular school. Our goal in "early intervention" was to allow them to catch up on graduation requirements in an outcome based system rather than semester seat time. I coached basketball, track, and football at Sehome for many years. I retired after 29 years with the Bellingham School District to care for my aging parents.

### **Co-Project Director, "Schools for the Twenty First Century" at Sehome High School -1989 to 1992 –**

Responsible for working with staff, students, parents to develop and implement strategic planning process with action plans for restructuring education into a "Community of Learners". Sehome was the first high school to begin "educational restructuring" as a pilot program for the State back in 1988. Planning and implemented activities included: before school retreats, establishing site based decision making, Mariner Seminars, leadership training and ongoing implementation of activities.

**Leadership/Student Government Advisor -1981 to 1993-**

Taught leadership class and worked with assistant principal to run comprehensive student government & leadership training program. I was responsible for elections, student council meetings, assemblies, homecoming, varsity week, and teaching the leadership class.

**Staff Member, Mt. St. Helen's Leadership Camp -1977 to 1993-**

The Washington Association of Secondary School Principals sponsors five different summer camps. Each one is a weeklong intense leadership-training program for student body leaders from across the state. We taught basic leadership skills and techniques and helped them develop action plans for implementation for the upcoming school years.

**Gates Grant Lead Teacher- Sehome -2000 to 2005-**

Served as a Lead Teacher responsible for Strategic Planning and implementing changes at Sehome High School. Planned and conducted staff trainings, discussions and evaluations. I worked with District Administration officials and other school leadership to implement this district grant from the Bill and Melinda Gates Foundation to create smaller school environments, develop Essential Student Learning's and increase student achievement and performance.

**Education:**

**Lincoln High School - Tacoma, WA 1966-69, High School Diploma**  
**Western Washington University – Bellingham, WA 1969-74, BA Education, emphasis Political Science/Social Studies**



**District To Precinct XRef**  
**Precinct Set Used: 2012 Re-Apportionment (Active Set)**

District Range: CC0001-0 to CC0003-0

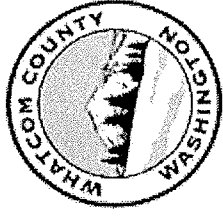
Official Districts

County Council District 1 GC0001										County Council District 2 GC0002										County Council District 3 GC0003									
164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	
250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	
160	161	162	163	208	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	
101	102	103	104	105	106	107	108	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	
303	304	501	502	503	504	505	506	507	508	509																			
59 Precincts 1 Portion Precinct										60 Precincts 0 Portion Precincts										57 Precincts 0 Portion Precincts									

# CERTIFICATION OF REGISTRATION

STATE OF WASHINGTON  
COUNTY OF WHATCOM

} SS.



*James F. Cozad*  
James F. Cozad  
SIGNATURE OF VOTER

I, Debbie Adelstein, Whatcom County Auditor, in the County and State aforesaid, and keeper of the records and files thereof, do hereby certify that the following is a true and correct certification of the registration record of:

Facsimile Signature of Voter

## VOTER INFORMATION

James F Cozad  
Address: 1606 Diamond Loop  
Bellingham, WA 98226  
Precinct: 163  
Birth Date: 01/30/1951  
Voter Status: Active

Most Recent Date Registered: 02/28/1978  
Original Date Registered: 02/28/1978

## ELECTION INFORMATION - Most recent displayed -

11/04/2014	General Election November 4 2014	Voted by Mail Ballot
08/05/2014	Primary Election August 5 2014	Voted by Mail Ballot
11/05/2013	General Election November 5 2013	Voted by Mail Ballot
08/06/2013	Primary Election August 6 2013	Voted by Mail Ballot
11/06/2012	General Election November 6 2012	Voted by Mail Ballot
08/07/2012	Primary Election August 7 2012	Voted by Mail Ballot
02/14/2012	Special Election Feb 14 2012	Voted by Mail Ballot

Certification is not valid unless the seal of Whatcom County, Washington is affixed.



*Debbie Adelstein*

Debbie Adelstein  
Whatcom County Auditor

February 19, 2015  
Date

CLERK OF THE COUNCIL  
Dana Brown-Davis, C.M.C.

COUNTY COURTHOUSE  
311 Grand Avenue, Suite #105  
Bellingham, WA 98225-4038  
(360) 676-6690



RECEIVED

FEB 09 2015

WHATCOM COUNTY  
COUNCIL

COUNCIL MEMBERS  
Barbara Brenner  
Rud Browne  
Barry Buchanan  
Sam Crawford  
Pete Kremen  
Ken Mann  
Carl Weimer

**WHATCOM COUNTY COUNCIL  
APPLICATION FOR CONSIDERATION OF APPOINTMENT TO FILL A DISTRICT TWO  
VACANCY ON THE WHATCOM COUNTY COUNCIL**

NAME: Kathy Kershner  
RESIDENCE ADDRESS: 8321 Double Ditch Rd.  
CITY: Lynden ZIP CODE: 98264  
MAILING ADDRESS (IF DIFFERENT THAN RESIDENCE): \_\_\_\_\_

DAY TELEPHONE: 360-220-7535 EVENING TELEPHONE: 360-220-7535

E-MAIL ADDRESS: advocations@comcast.net

ARE YOU A REGISTERED RESIDENT VOTER OF DISTRICT 2? Yes

ARE YOU A US CITIZEN? (X) YES NO ( )

OCCUPATION (IF RETIRED, PLEASE INDICATE FORMER OCCUPATION): Self-employed business owner - Inspect and evaluate programs serving adults with developmental disabilities. 11 years.

PROFESSIONAL/COMMUNITY BACKGROUND\*: Served on the Whatcom County Council 2010-2014 Member of Whatcom Business Alliance and Daughters of the American Revolution. Retired

US Naval Officer - served 22 years US Navy.

EDUCATION\*: Bachelor of Science Degree from the University of Hawaii - Manoa, 1992 - College of Tropical Agriculture and Human Resources.

BRIEFLY EXPLAIN WHY YOU WISH TO SERVE ON THE COUNTY COUNCIL\*: I believe my recent experience could add value to the work of the council over the next several months until a replacement can be elected and I enjoyed serving and would like to positively contribute to my community. Please see additional information submitted in letter attached.

REFERENCES (PLEASE INCLUDE NAME AND DAYTIME TELEPHONE NUMBER)\*:

Patti Wieland - 360-303-3682. Nancy Lindsey - 360-927-2952. Jennie Stealy - 360-820-1600

SIGNATURE OF APPLICANT:

DATE: 2/7/2015

\*(IF YOU NEED ADDITIONAL SPACE, PLEASE CONTINUE ON A SEPARATE SHEET OF PAPER, OR ATTACH A RESUME.)

AS A CANDIDATE FOR THIS POSITION, THE ABOVE INFORMATION WILL BE AVAILABLE TO THE COUNTY COUNCIL, COUNTY EXECUTIVE, AND THE PUBLIC.

Kathy Kershner  
8321 Double Ditch Rd.  
Lynden, WA 98264

January 28, 2015

Whatcom County Council  
311 Grand Avenue  
Bellingham, WA 98225

Dear Honorable Councilmembers,

Please consider this letter my application to fill the remaining term of outgoing Councilmember Crawford's position on the Whatcom County Council in the 2<sup>nd</sup> District.

I offer myself as a candidate with recent Council experience and a passion to serve our wonderful and diverse communities.

I will bring the same dedicated core set of values to the position and will serve with integrity and respect for all.

I have demonstrated my ability to serve our whole county in the true spirit of non-partisanship and will make a commitment to continue in that regard.

I can "hit the ground running" so to speak, as I am familiar with the issues that the county is working on and I can offer well thought-out ideas and solutions from an experienced point of view.

As you begin the process of selecting Councilmember Crawford's replacement, I ask you to consider my experience, my dedication and the communities in the 2<sup>nd</sup> District who have shown support for me as their representative.

I thank each of you for your consideration and for the opportunity to continue my service to Whatcom County.

Respectfully,



Kathy Kershner

CLERK OF THE COUNCIL  
Dana Brown-Davis, C.M.C.  
COUNTY COURTHOUSE  
311 Grand Avenue, Suite #105  
Bellingham, WA 98225-4038  
(360) 676-6690



COUNCILMEMBERS  
Barbara Brenner  
Rud Browne  
Barry Buchanan  
Sam Crawford  
Pete Kremen  
Ken Mann  
Carl Weimer

WHATCOM COUNTY COUNCIL  
APPLICATION FOR CONSIDERATION OF APPOINTMENT TO FILL A DISTRICT TWO  
VACANCY ON THE WHATCOM COUNTY COUNCIL

NAME: SATPAL S. SIDHU  
RESIDENCE ADDRESS: 154 E. BARTLETT ROAD  
CITY: LYNDEN ZIP CODE: 98264  
MAILING ADDRESS (IF DIFFERENT THAN RESIDENCE): \_\_\_\_\_

DAY TELEPHONE: 360 305 4948 EVENING TELEPHONE: 360 398 7906

E-MAIL ADDRESS: SPSidhu1@gmail.com

ARE YOU A REGISTERED RESIDENT VOTER OF DISTRICT 2? YES

ARE YOU A US CITIZEN? ☒ YES ☐ NO

OCCUPATION (IF RETIRED, PLEASE INDICATE FORMER OCCUPATION): \_\_\_\_\_

ENGINEER, BUSINESS EXECUTIVE

PROFESSIONAL/COMMUNITY BACKGROUND\*: \_\_\_\_\_

Please see attached

EDUCATION\*: \_\_\_\_\_

Please see attached

BRIEFLY EXPLAIN WHY YOU WISH TO SERVE ON THE COUNTY COUNCIL\*: \_\_\_\_\_

Please see attached

REFERENCES (PLEASE INCLUDE NAME AND DAYTIME TELEPHONE NUMBER)\*: \_\_\_\_\_

Please see attached

SIGNATURE OF APPLICANT: Satpal Sidhu DATE: 2-12-2015

\*(IF YOU NEED ADDITIONAL SPACE, PLEASE CONTINUE ON A SEPARATE SHEET OF PAPER, OR ATTACH A RESUME.)

AS A CANDIDATE FOR THIS POSITION, THE ABOVE INFORMATION WILL BE AVAILABLE TO THE COUNTY COUNCIL,  
COUNTY EXECUTIVE, AND THE PUBLIC.



## WHATCOM COUNTY COUNCIL

February 12, 2015

Satpal S Sidhu, Applicant

Page 1

### Professional Background

1. Fulbright Scholar (2005) - Workforce Education in 21<sup>st</sup> Century for Developing Countries
2. A licensed professional engineer (Alberta 1983)
3. Worked in the engineering and business sector since 1980.
4. Worked internationally in India, Canada, UK and Germany.
5. Diverse experience in several industries like:
  - a. Solar and Bio-Energy (Sunlogics Inc. Impact Bio energy)
  - b. Educational Administrator (Dean at Bellingham Technical College)
  - c. Petroleum Products Recycling and Hazardous Waste Management (Valvoline Oil, Safety Kleen)
  - d. Petro-Chemical / Refinery design and Construction (PCL Construction, Flour Daniels)
6. Held the senior management positions like President, Chief Operating Office, Dean, General Manager and Senior Project Manager in different companies.
7. Responsible for developing policies and procedures for new startup companies, budgets, cost controls, worked and managed projects from few hundred million dollars to tens of millions of dollars to small business and startups.
8. Managed, recruited and supervised professional and production employees.
9. Developed and managed Center of Excellence at Bellingham Technical College
10. Worked with Government of Trinidad and Tobago to consummate a technical teachers training contract on behalf of Bellingham Technical College

### **SPECIAL AWARDS**

**Fulbright Scholarship:** Obtained this prestigious award from US Department of State for International Study, "Workforce Education for 21st Century in Developing Countries" and travelled to India and Trinidad and Tobago to work with the respective workforce development agencies.

**Commendations by Two WA State Governors** for "Best Practices" in Workforce development.

**Rotary International Foundation Award, USA:** Selected as a member of the Group Study Exchange Team (Rotary International) from India to United States. Visited and studied the business, social, cultural and public institutions in the States of Wisconsin and Illinois.



## PROFESSIONAL AFFILIATIONS

- Fulbright Alumni
- Licensed Professional Engineer in Alberta, Canada (Since 1983)
- Board of Advisory Council, Northwest Clean Air Agency (1998-2009)
- Member American Association of Cost Engineers (AACE 1983-90)
- Member Project Management Institute (PMI 1984-90)

## Community Background

Moved to Whatcom County in 1986 as a Project Manager for an industrial project. I have been fully engaged in the community in many ways for past 28 years starting with volunteer work at Meridian School District. I always believed that one must contribute their time and skills to the community organization and make it a better place for all.

- Board Member of NW Agriculture Business Center Mt Vernon (Whatcom, Skagit, Island and Snohomish County) 2015
- Board Member Whatcom Community College Foundation (Since 2010- Current)
- Peacehealth Citizen Advisory Committee (2004 – Current)
- NW Clean Air Agency Advisory Council (1998-2008)
- Board Member Whatcom Counselling and Psychiatric Clinic (2004-08)
- Bellingham Police Diversity Committee (2001-06)
- Member, Ethics Committee, St Joseph's Hospital, Bellingham WA (2007)
- Founding Board Member, Meridian School Foundation (1994-98)
- Budget Committee Meridian School District (1992-96)

Provided Diversity Training to Sheriff's Deputies in Whatcom County

Participated in the "Peak Oil Task Force" sponsored by the City of Bellingham in 2007-08

US Citizen. Travelled throughout United States, Canada, Europe, India and China.

Education

- Masters of Business Administration
- B. S. Electrical Engineering (Gold Medalist)
- B. Sc. (Math & Physics)
- Certificate in Project Management, University of Calgary
- Dean's Academy, Washington State Education Administration

**Briefly explain why you wish to serve on the County Council**

I have always believed that when you have an opportunity to give back to your community, you step forward. This makes the whole community a better place for all residents. I have lived this motto for the past 30 years as you can see from my community profile. I have great respect for the many volunteers I've seen, interacted and worked with at various organizations in Whatcom County.

I immigrated with no money, but 3 degrees, which helped build my career, create jobs here in Whatcom County and raise my family. *I know firsthand* that opportunity, hard work, and a quality education can really change lives.

My family and I feel lucky to live in Whatcom County and believe this is the best place to raise a family. Mundir (my wife) and I raised three boys who attended Meridian schools. Our two sons are engineers, one at Boeing, Everett, and other at BP Cherry Point. Our other son manages Spice Hut, our family owned small business in Bellingham since 2004.

I have served as Dean of Engineering at Bellingham Tech, an executive at a solar company, and own Spice Hut, a small business in Bellingham. I have volunteered for our community on numerous boards and organizations like St. Joe's Hospital, Whatcom Community College Foundation, Meridian Schools Foundation, Lynden Schools Levy Committee, Whatcom Mental Health agency and many more as listed on my application form.

In my recent campaign for the position of State Representative from 42<sup>nd</sup> District, I had the opportunity to converse, meet and speak to thousands of Whatcom County residents. I was often asked why I am seeking an elected office? The answer is simple: I love my country above party politics. I simply want to give back to my community, which has given me so much. I am not interested in promoting any personal agenda or a specific ideology, rather serve my community with my skills and experiences.

My personal values are not political talking points, but a reflection of my lifetime record of community service and career achievements. My values are the American ideals of hard work, strong ethics and community service. I believe in civil dialogue, vigorous discussion, making tough decisions, promote economic development and future jobs, protect and preserve environment, enhancing value added processing capabilities for our farmers, and enhance the life style in this region.

The current media and public fascination with political labels is often a big diversion for the elected bodies and individuals. In the realm of real life, we all are progressive, conservative and liberal at different times, different issues and different decisions on hand. It is unreal to confine the intellect and truth into some pre-conceived cubby holes and reflect false allegiance to "labels" over the public good. I like the non-partisan character and role of the County Council.

Most important to me are the principles of common sense, public ethics, fairness, rightful decision making. I believe in solutions which are based on factual data, workability on the ground, and which will create better opportunities for our future generation, better environment, fiscally responsible, promote tolerance and common good, while preserving individual freedom and innovation of our citizen.

Compromise is not a bad word—it's how we get things done for our families, businesses, and communities. I do not hold extreme political views or agenda. I am an engineer by training and vocation—I rely on facts, data, and research to make informed decisions. I believe in tackling tough issues for sake of our kids and grandkids.

With my experience at BTC, Lynden and Meridian school districts, I have an insight into our educational system, which is getting antiquated for the needs of our fast changing society and failing to adequately prepare too many young people for the family wage jobs of the future. I know that County Council may not have any direct influence on the education, but as a community, we collectively do have big stake in education of our kids and grandkids.

I have a proven record of taking on new challenges others would not. As Dean at Bellingham Tech, I recognized that 1500 baby boomers are retiring over the next 10 years from local refineries and businesses. I created an alliance of businesses and developed a new degree program in less than a year to train local students to take up these jobs. So far, over 500 graduates have been placed in these high wage local jobs— an employment rate of 95% with starting wages of \$25/ hour. I have been an active participant in the Whatcom / Bellingham Economic Development Council and customized workforce training programs for local businesses in the past years.

Mental health is a serious—yet rarely discussed— crisis. This epidemic affects law enforcement, homelessness, child abuse, violent crime and more. With my 4 years on the Board of Whatcom Counselling, mental health agency, I can help craft solutions to these issues and reduce the cost to our county.

I believe that Whatcom County offers many desirable conditions to expand economic development opportunities in farm products processing, and attract future technology enterprises to this best place to live and enjoy life. Another major economic output of Whatcom County is our significant berry, dairy and other agricultural production. We lack the processing capacity & capabilities to make end products like jams, juices or other consumer products. I would like to promote agricultural entrepreneurship for value-added processing and export potential to bring more value for our farmers.

***I am seeking to serve on the County Council to share my skills, technical knowledge, business experience and community participation, connections in the farming community, creativity and compassion with the Whatcom County Council. I have managed businesses and educational organizations, developed budgets, responsible for enterprise profitability, own a small business and have served in community organizations. I look forward to engaging with the community in all parts of the County and listen to their needs wants and views.***

**References (Please include the name and daytime telephone and email)**

Tim Douglas, Past Mayor of City of Bellingham  
timjod67@comcast.net  
360 676 8530

Drew D. Pettus, Attorney at Law, Bellingham  
Borderlaw@ddpettus.com  
360 647 8345

Ken Hertz, Past Mayor of City of Bellingham  
ken@blossommanagement.com  
360 738 8088

Chuck Robinson, Business Owner, Bellingham  
chuck@vllagebooks.com  
360 319 6069

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WHATCOM COUNTY COUNCIL  
**Special Committee of the Whole**

October 23, 2014

**CALL TO ORDER**

Council Chair Carl Weimer called the meeting to order at 9:30 a.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

**ROLL CALL**

(9:35:11 AM)

**Present:** Barbara Brenner, Ken Mann, Carl Weimer, Pete Kremen, Rud Browne and Barry Buchanan.

**Absent:** Sam Crawford.

**COMMITTEE DISCUSSION**

**1. ORDINANCE ADOPTING THE 2015-2016 WHATCOM COUNTY BUDGET (AB2014-205C)**

**Introduction**

Jack Louws, County Executive, stated staff have worked since June to present this budget. He thanked his staff. The County's financial outlook is better than it was two years ago. There are improvements in the construction market and sales tax revenues. The County has been awarded State grants they haven't had during the last two years. In the last two years, elected officials, department heads, and managers have kept an eye on the bottom line, created efficiencies, and delivered a larger ending balance that allows the administration to take care of capital projects and reserve money for employee raises and improving information technology services.

They adhered to guidelines carefully. The ending balance for both years is approximately \$11 million. They anticipate new hires for the water action plan, facilities staff to work on capital projects, the fourth superior court judge and support staff, and various other positions for onsite sewage services and a Planning and Development Services Department inspector. They have the revenue to do that within existing funds.

A highlight is the money to fully implement the new mental health court. They will also ask for permission to put a significant amount of money into technology over the next two years. They've divided the technology projects into criminal justice projects and land use/geographic information system (GIS) projects. Department collaboration is critical to make sure money is spent with an eye to the future, servicing the County's customers, and increasing efficiency. The budget will include capital projects.

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1 A challenge is paying for the emergency medical services, including the ongoing  
2 operation of the advanced life support (ALS) system. Another challenge is hiring experts  
3 for the assessment and legal responsibility related to the British Petroleum (BP) and Phillips  
4 66 property valuation situation. That cost could get considerably more than the budgeted  
5 \$100,000. In fairness to all taxpayers, the County must be involved and make sure the  
6 major industries are assessed fairly. Now the tax shift estimate is \$5 million. For the sake  
7 of the taxpayers, get the proper appraisals done, be involved, and make sure everything is  
8 done fairly. It could cost up to \$250,000 in the next two or three years. The Assessor put a  
9 modified rate into the property tax assessment, which they've built into the budget. The  
10 amount in the budget now will work for the next couple of years. If the companies  
11 challenge the assessment, there is a point when penalties will be assessed. It's in their best  
12 interest to get through it.

13  
14 This budget will provide a stable work force, is balanced with adequate reserves in all  
15 funds, has no new taxes, has a strong investment in technology for improved efficiencies  
16 and customer service, and invests in existing infrastructure for future generations.

17  
18 Brenner stated she would like information on the total amount of all the additional  
19 budget requests for 2013-2014 and some details on the unemployment rate of 5.3 percent.  
20 She asked what that does and doesn't include, such as whether they count people who  
21 aren't looking for jobs. She would like wage information, also.

#### 22 23 Cooperative Extension

24  
25 Drew Betz, Cooperative Extension, stated the main budget change is the increase  
26 they requested for professional services, which brings them up to the recommended  
27 contribution amount for support and faculty salaries. They haven't had a pay raise from the  
28 County since 2008. Another increase is to the master composter program. It adds money  
29 from solid waste for composting education. They no longer have a separate master  
30 composter coordinator. They are training more people who are already in the system.  
31 There are about 150 active master gardeners to educate the public on home composting.  
32 There is an increase in the strengthening families program to offer ten programs annually,  
33 four of which are bilingual Spanish classes. Another significant change is how they're  
34 funding basic programming, which is coming from the flood fund. They have not had any  
35 support for local travel for the four professional program leaders since 2008. They've added  
36 \$10,000 for mileage to go around the county. They've been paying it privately or from  
37 other grants. It's nice to add back in the support they need.

38  
39 Weimer stated he's glad to get the reimbursement rates to where they've been  
40 requested. The Health Department is updating the Solid Waste Comprehensive Plan. He  
41 asked if Cooperative Extension is helping with that update.

42  
43 Chris Benedict, Cooperative Extension, stated they will have that discussion as the  
44 program shifts to the Health Department. They are aware of the plan. This year they will  
45 assess what county residents are doing in terms of composting.

46  
47 Brenner asked about the master recycler program. Benedict stated they don't do  
48 that program. They will use the existing volunteers for outreach and education for  
49 recycling. Training will be part of the master gardener program. Staff will rely on those  
50 volunteers.

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1  
2 Kremen stated Cooperative Extension provides an impressive amount of services  
3 around the county with its limited staff. He appreciates the County's partnership with  
4 Washington State University (WSU).  
5

6  
7 District Court and District Court Probation  
8

9 Bruce Van Glubt, District Court, described what the District Court program does. The  
10 staff strive to provide high quality customer service. They try to answer all phone calls  
11 rather than sending them to voice mail. They process thousands of cases and coordinate all  
12 jury services for the County and City. They now do a better job coordinating front desk  
13 coverage and cashier services. They coordinated front desk coverage and cashier stations  
14 with the courtroom activity. They have a mediation option for small claims court litigants.  
15 The Whatcom Dispute Resolution Center is onsite for every small claims court hearing, to  
16 allow people to decide to resolve the problem that way. The court allows an online  
17 infraction payment option.  
18

19 His additional services request (ASR) is to install more seating in the hallways for the  
20 many people who are waiting for their cases. The courtrooms are too full for everyone to sit  
21 in. The judges are interested in resolving the seating issue. A second ASR is a bursting  
22 machine that separates forms printed on a continuous paper feed. The current equipment  
23 has gone beyond its life span. The machine costs \$9,000. It is an essential piece of  
24 equipment. They've been without one for six or seven weeks, and it is physically  
25 demanding on staff.  
26

27 Regarding the budget, revenue and case filings are down about eight percent from  
28 last year for various reasons. Expenses are doing well. They are up slightly from last year  
29 due to a high number of interpreter cases, which is a mandated service, and the two extra  
30 pay periods per year.  
31

32 Goals for next year include a transition to a new credit card vendor; finishing review  
33 of all policies and procedures, and posting them to the new website; engaging the State  
34 Office of the Courts to review their procedures for efficiency; and researching electronic  
35 document management options for the court.  
36

37 Weimer stated both ASRs mentioned were approved.  
38

39 Brenner asked if the electronic document project can integrate with upgrades of the  
40 Assessor and Sheriff systems. Van Glubt stated it's possible. They can also use the system  
41 used by the Superior Court. There may be good in-house options already he will look at.  
42 He doesn't need to create an entirely new program if they already have something they can  
43 use.  
44

45 (10:11:19 AM)  
46

47 Brenner asked how long a bursting machine lasts. Van Glubt stated the machine  
48 they have is about 30 years old, and it used to be used by many departments. They can no  
49 longer get parts for it. It would cost about \$1,000 just to attempt a repair, with no  
50 guarantee.



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1  
2 Browne asked if they have considered reorganizing the flow of work to get rid of the  
3 multiple copies they need through electronic record management or other means. He's  
4 heard that the chemicals used in the paper shouldn't be handled. He asks the Executive  
5 also about using multiple forms throughout the County. Van Glubt stated they have  
6 reorganized as much as possible. They've reduced the number of forms as much as  
7 possible. The forms they use the bursting machine for are required by the state. They've  
8 tried to format some of the forms so they can be printed on regular paper, but the State  
9 can't get the forms to format on regular paper. Other forms are warrants that need copies  
10 that go to multiple destinations. They hope in the future to go to a plain paper warrant for  
11 arrest. He can look again before they purchase the machine and check with the State again  
12 on form formatting. They would also like to avoid multiple forms.

13  
14 Van Glubt described the Probation program. Most cases involve alcohol, which  
15 requires specialized supervision. Specialized case loads require more attention, including  
16 domestic violence and behavioral health cases. There are two ASRs regarding the  
17 acquisition and maintenance of a case management system. The current system is 20  
18 years old and failing. It's difficult finding a program to meet their needs that doesn't include  
19 extra features they won't use at this time. They are researching the software that other  
20 courts use.

21  
22 Expenses are on track this year. Revenue is strong. In the next six to 12 months,  
23 they will implement the new case management system. They may implement an intake unit  
24 to provide an efficient system for clients.

25  
26 Weimer stated both of these ASRs were also approved.

27  
28 Mann asked the typical caseloads. Van Glubt stated the typical caseload for the  
29 domestic violence officer is 100 cases. The standard caseload, not including domestic  
30 violence or behavioral health, is 230 to 250 cases per officer.

31  
32 Buchanan referenced page 78, volume II, and asked about the increase in revenue  
33 between 2011 and 2012. Van Glubt stated collected fees come through District Court. In  
34 that year, the revenue started to be recorded in the Probation budget, not the District Court  
35 budget.

36  
37 Brenner asked if the behavioral health program will be part of the mental health  
38 court. Van Glubt stated it will.

39  
40 Brenner asked who is going to implement the mental health court. Van Glubt stated  
41 that to avoid duplicating services, there will be a common mental health court case  
42 manager between the City of Bellingham and the County. They will use existing resources  
43 to supervise both courts. Many different courts, including the City or County, can feed into  
44 the mental health court, which can handle cases from both of those jurisdictions.

45  
46 Louws stated the County will hire the mental health court manager through the  
47 Health Department. Within the existing courts there will be an emphasis on mental health  
48 and behavioral health issues. If someone fits the criteria for mental health services, the  
49 County will be able to direct services with the District Court, Probation, and Health

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1 Department screenings to provide more intense management of the case. The Health  
2 Department can provide details on the team structure between the City and County.  
3

#### 4 Juvenile Court

5  
6 (10:34:18 AM)  
7

8 Dave Reynolds, Juvenile Court Administrator, described the Juvenile Court program.  
9 The County continues to see a dramatic decrease in the number of juvenile arrests, but  
10 dependency and truancy cases remain steady. They are at capacity with 30 court-appointed  
11 special advocate (CASA) volunteers. They will need another coordinator position in the next  
12 few years. They will soon have approximately 42 CASA volunteers. There are two  
13 guardians ad litem.  
14

15 Brenner stated she appreciates the growing CASA program. She asked who hires  
16 the guardians ad litem (GAL). Reynolds stated there is a rotating assignment. He hired the  
17 two direct staff and contracts with four guardians ad litem through a contract with a GAL  
18 agency. They use CASA volunteers whenever possible.  
19

20 Brenner asked if they are involved in the mental health court. Reynolds stated he's  
21 not sure juvenile court will be involved. They have a behavioral health specialist on contract  
22 to work with youth. They do see a number of mental health concerns in the system.  
23

24 Browne stated he would like to hear more information in a presentation on what the  
25 community is doing to keep the number of arrests down.  
26

27 Kremen stated the court system and judicial branch in Whatcom County is very  
28 efficient and effective.  
29

#### 30 Superior Court

31  
32 Reynolds continued his presentation and described the Superior Court program. He  
33 described the changes and work being done to implement the fourth Superior Court judge  
34 and associated staff. Since last July, the State took over the cost of parent representation  
35 in dependency cases, which had cost the County quite a bit of money in the past. They can  
36 now apply that money toward the new Superior Court positions being created. There won't  
37 be a significant increase in cost to Whatcom County for the additional judge.  
38

39 They continue to make significant changes in the County Clerk's Office, emphasizing  
40 public service. He cross-trains staff and is shifting to a new and more efficient document  
41 management system, which includes an electronic filing system. He hired a new, very  
42 experienced Chief Deputy in the Clerk's Office and other high quality staff.  
43

#### 44 Parks and Recreation Department

45  
46 Mike McFarlane, Parks and Recreation Department Director, stated the budget is a  
47 maintenance budget. They have over one million annual visitations. The number of staff is  
48 23 full-time equivalent (FTE) positions. Having extra help is crucial. They have numerous  
49 community partners and volunteers.  
50

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1 (10:45:41 AM)

2  
3 The emphasis this year and over the next few years is catching up on infrastructure  
4 improvements at a number of facilities. They have leveraged funds to win grants used to  
5 upgrade and build capacity. They will look at facility standards and staff training in 2015-  
6 2016. There will be high turnover due to retirements in the next few years.

7  
8 Trails are a priority of the community. There are now 60 miles of trails, and another  
9 50 miles are planned in the next few years. They are upgrading trail standards, making  
10 improvements, and accommodating accessibility. Federal requirements will become State  
11 requirements. The County must comply to get grant funding. They are participating in  
12 online upgrades, including a campsite reservation system. A lot of staff time is used taking  
13 reservations. As the website improves, more people use online transactions. They will rely  
14 on Information Technology staff to streamline that service.

15  
16 They will inventory park infrastructure and assets and put the information into a  
17 geographic information system (GIS) database. They need to gather and document staff's  
18 institutional knowledge. Capital improvements are included in the budget. They will  
19 continue planning efforts for funding and future improvements. In 2015, they will position  
20 projects so they qualify for the 2016 grant cycle. This budget includes expenses for the  
21 Lake Whatcom reconveyance lands. Those funds come from the conservation futures fund  
22 and parks special revenue fund.

23  
24 They increased campsite reservation fees to offset the cost of the online reservation  
25 system. Other rates and fees have been adjusted to capture costs. They encourage people  
26 to carry-in and carry-out to reduce cleanup costs. They propose a \$20 fee for large groups  
27 who don't want to remove their own garbage, which is an increasing staff cost.

28  
29 They are asking for additional funding for extra help. They are falling behind in  
30 terms of the hourly rate. Most extra help staff are students. The County must stay  
31 competitive. They are asking for a one dollar per hour increase for extra help and for the  
32 special projects staff who are putting information on the GIS database. They are also  
33 asking for additional extra help hours to deal with day-to-day manual labor in the summer,  
34 including at the South Fork Park, which should be open next year. The caretaker out there  
35 is paid for already by the Nessel Foundation. The Council still needs to decide about the  
36 Birch Bay community park, but it already requires some work. He asks for 200 hours for  
37 special event scheduling. The regular parks staff is having to keep an eye on the special  
38 events. That comes from hours that should be used for maintaining the parks. Pass that  
39 cost on to the special events. Another position is for a volunteer coordinator. Last year  
40 they logged about 55,000 hours of volunteer help within County facilities. An additional  
41 11,000 hours were directly involved in special projects for which the County provided  
42 individual supervision and training. This doesn't count all the Scout groups and other  
43 organizations that help the department. They all require screening, background checks,  
44 placement, Labor and Industries insurance, training and orientation, and tracking the  
45 volunteers and their work. He described where volunteers work. They will no longer work  
46 at Hovander Park.

47  
48 (10:55:57 AM)

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1 Additional costs include a rate increase for the Bellingham Senior Activity Center and  
2 parking lot; two position upgrades; Birch Bay mowing, oversight, and demolition; and park  
3 restrooms. Because of the County's fiscal situation, they have held down their spending.  
4 They would like to return to a normal level of spending. He described the Nasset house and  
5 park development; Lake Whatcom trail planning and development; multi-year funding and  
6 infrastructure improvement plans for Silver Lake Park; roof replacements at the Hovander  
7 House and Ferndale Senior Activity Center; the Lighthouse Marine Park boardwalk repairs;  
8 two playground replacements and work to bring all playgrounds up to code; and the  
9 Plantation Rifle Range heating, ventilation, and air conditioning (HVAC).

10  
11 Kremen stated coordinating 55,000 volunteer hours is half a million dollars of service  
12 at \$9 per hour. The cost of a volunteer coordinator is justified. McFarlane stated it is a  
13 volunteer position that will spend about 20 hours a week working with the staff to manage  
14 the volunteer program and do background checks. The person will maintain the paperwork  
15 and be a contact between the volunteers and park rangers.

16  
17 Kremen stated the County won't pay for health benefits for that position. He asked  
18 why they will contract out the services to run the senior activity centers. McFarlane stated  
19 they went to a contracted model with the four larger centers four years ago. A contracted  
20 model allows more flexibility for the senior centers, which have their own coordinators and  
21 can adjust their programs, hours, and services as they need them. It has been working  
22 well. This budget does not increase those contracted amounts.

23  
24 Brenner asked if the Hovander docents will no longer working. McFarlane stated the  
25 Whatcom Volunteer Center will no longer be managing the program because they felt it's  
26 not in their mission. They place volunteers in the community as opposed to actually  
27 operating the program. He has been aware this would happen. The County will need to  
28 advertise and provide the training to a volunteer who will run the program.

29  
30 Brenner stated they don't supply enough funding for the senior centers now. Reward  
31 Lynden for taking over the program and doing the work. All the centers should get more  
32 funding. Also, consider a different cost reduction for public schools who use the park  
33 facilities. She asked the total visitation to all senior centers. McFarlane stated there were  
34 187,752 for all centers in 2013.

35  
36 Brenner asked if Birch Bay community members would do the work in the Birch Bay  
37 park. McFarlane stated there will be some costs to the County. At the very least, the  
38 County will have to cut the lawn. It would be great to get the park district to be a partner.

39  
40 Brenner stated the Birch Bay community should agree to do this work and  
41 maintenance, especially mowing the lawn, before the County agrees to buy it. Have that  
42 discussion first. McFarlane stated the community can also agree to provide funding for the  
43 County to do the work.

44  
45 Brenner stated the community members must have lawn mowers. They can commit  
46 to doing the work. Get their commitment first, before agreeing to buy the property.

47  
48 Browne stated yield management software balances the rates charged for the facility  
49 versus demand to work out fixed and variable costs, which can balance the demand with  
50 cost recovery. He'd like to encourage software that does that balancing. McFarlane stated

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1 they will look at it. The challenge is setting rates that aren't so high that people are  
2 discouraged from renting the facilities. He considers market rates and similar costs in other  
3 areas.

4  
5 Weimer stated most ASRs were approved. McFarlane stated they all were.

6  
7 Kremen stated the Parks Department gets just over three percent of the general  
8 fund. The County gets a lot for a small cost. This park system is stellar compared to other  
9 park systems nationwide.

10  
11 Administrative Services Department

12  
13 Karen Goens, Administrative Services Department – Human Resources (HR) Division,  
14 stated they propose status quo staff and programs. She described the division. Her focus  
15 is developing internal expertise, succession planning, and staff cross-training. They've  
16 streamlined office staff interaction and countywide recruitment. Human Resources will get  
17 more functionality with the new website. The County has a very stable workforce.  
18 Turnover averages seven and a half percent. During the downturn, they reduced the  
19 workforce by about 15 percent, largely through attrition. Departments were very prudent  
20 about staying within budget allocations. This year, they will do some more regular hiring.  
21 Internal movement went from 33 percent to 44 percent. They offer certification for their  
22 public officials and support for performance management. The risk management program  
23 works well. Efforts to monitor and prevent claims has lowered their rate. She recommends  
24 an ASR to put forward the same level of support for the tort fund and to augment the cost  
25 of background checks and training. All employee agreements expire at the end of this year.  
26 They have begun bargaining efforts to solve problems as early as possible.

27  
28 Mann asked about the internal movement measure. Goens stated many jobs are  
29 posted internally first. It is the number of positions filled internally.

30  
31 Weimer asked about comparing turnover rates with other counties. Goens stated the  
32 rate is consistent.

33  
34 Kremen stated that during good economic times, the private sector pays two to three  
35 times more, especially in the skilled positions, which are the most critical. The benefits at  
36 the County are great, and in most cases better than the private sector. However the  
37 County lost a lot of good people to private companies.

38  
39 Brenner stated work at the County is steady and dependable. The benefits are  
40 great. There isn't much turnover. Her concern is that many people working at the County  
41 are underemployed, because they take what job they could get, despite the good  
42 unemployment rate, which isn't realistic.

43  
44 Browne stated he's very impressed with the County employees. However, it's  
45 difficult to compare private and public sector benefit packages. Public sector benefits  
46 include better pension plans, for example. Many private sector businesses are small  
47 businesses. Make sure any comparisons between the two are true comprehensive  
48 comparisons, including the attrition rate.

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1 Kremen stated that during the good economic times, the County was losing about  
2 eight employees per month to the private sector. They lost none during the bad economy.  
3 The County was losing its skilled employees to the major companies with large financial  
4 resources, not the small businesses.

5  
6 Brad Bennett, Administration Services Division – Finance Division, described the  
7 Finance Division duties, retirement of the purchasing coordinator and busy budget years.  
8 Next year they hope to do a lot of process improvement. The biggest change is charging  
9 the junior taxing districts for payroll services. The payroll is a dynamic, changing  
10 environment with healthcare reform. They propose a \$10 fee per check for providing  
11 payroll services to special districts. The County isn't required to do payroll, but it is required  
12 to do accounts payable. Some districts will opt to do their own payroll to limit their costs.  
13 Software maintenance costs keep going up. There is an allowance for three key people to  
14 have a cell phone allowance to keep them working all the time.

15  
16 Weimer asked how many junior districts the County does payroll for. Bennett stated  
17 there are 25 or 30.

18  
19 Brenner asked if the junior districts have other options. Bennett stated they do.

20  
21 Mike Russell, Administrative Service Department – Facilities Management Division,  
22 described the division's responsibilities and staff. This year they will complete the  
23 courthouse fourth Superior Court courtroom on time and on budget. They will also  
24 complete the courthouse building envelope project and the jail control project this year.

25  
26 In the next couple of years, they have projects at the Central shop, parking lot  
27 asphalt repair, auxiliary heating, roof replacements, fire alarm replacements, sidewalk  
28 repairs, security camera upgrades, preventative maintenance to chillers and boilers, court  
29 hallway bench installation, and carpet replacement. Larger projects include the Sun House  
30 building cleaning, design changes to the triage center, the second and fourth floor  
31 improvements to the Civic Center, and improvements to the Girard Street and State Street  
32 facilities. The courthouse building envelope investigation will be done this year, and they  
33 can plan repairs for the next few years.

34  
35 Perry Rice, Administrative Services Department – Information Technology Division,  
36 described the division's staff and responsibilities.

37  
38 *(Clerk's Note: Chair Weimer stepped out of the meeting at 11:53 a.m., and Vice-*  
39 *Chair Mann assumed the duties of the chair.)*

40  
41 Rice continued to describe how many computers, network printers, and other  
42 equipment the County owns and the number of annual service requests the staff receive.  
43 Highlights from the last two years include the new email system, the Sheriff's Office records  
44 management system, and work station replacements. Current active projects include the  
45 network upgrade to run the new phone system, the new phone system, and the new  
46 website. New upcoming projects will include key critical infrastructure replacement of the  
47 firewall, pictometry, and the Prosecutor Office's legacy system. Courts also need to replace  
48 their case management system. Another project is integrating and modernizing the GIS  
49 system and getting the national pollution discharge elimination system (NPDES) permit

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1 software. They are getting a web-GIS portal to publish the information for the citizens.  
2 They are looking at replacing the Auditor's recording system.

3  
4 (12:04:06 PM)  
5

6 Another new project includes the Council's meeting video on the internet. The  
7 Executive's budget supports staffing changes that will get a lot of work done. He's asking to  
8 increase a position from .75 FTE to one FTE, a new position to focus on the Sheriff's Office,  
9 which is complex and needs to be available 24 hours per day, seven days per week. He's  
10 also asking for a new GIS position.

11  
12 Mann stated a big concern and priority is electronic protection. He asked about GIS  
13 capacity. He asked if Information Technology (IT) staff are working with Planning  
14 Department staff for GIS upgrades. Rice stated he's been in contact with the City of  
15 Bellingham and other regional entities. Land records are the foundation layer. Other things  
16 build from that. He used to be a GIS consultant. These GIS positions will reach out more to  
17 the other jurisdictions and citizens.

18  
19 Kremen asked about cloud security for email storage and if the cloud is more or less  
20 secure. Rice stated it depends on the vendor corporation that has developed the cloud.  
21 Microsoft pays attention to a lot of legal requirements for security. These large vendors that  
22 provide services in the cloud are doing pretty well. He's not so sure about the smaller  
23 vendors. Make sure third parties audit these cloud entities.

24  
25 Brenner asked if the NPDES system won't take a lot of time to enter information.  
26 Rice stated it depends on the software.

27  
28 Louws stated the first step is to put together a good base map. Until the parcel  
29 articulation correctly overlays the visuals, there will be problems. It will take time, but they  
30 must start at this base level and build from there.

31  
32 Browne stated he agrees with Councilmember Mann's comments on GIS. Regarding  
33 cloud storage, the people running the cloud have much more staff to run cyber defense.  
34 However, the cloud is a much bigger target, so it's attacked more. No one knows how to  
35 answer that question. Every organization is struggling with answering it. He's concerned  
36 about the maintenance costs of the new telecomm system being more than the old system.  
37 Rice stated the cost may be maintenance neutral.

38  
39 Browne stated he has two concerns about IT planning. One is what they are doing  
40 for communication redundancy for outbound voice or data and for disaster recovery.  
41 They've had problems in the past. Duplicate server locations to the north and south. Also,  
42 the public is expecting GIS. They also expect publication of data sets and comparisons.  
43 Rice stated they are working on the redundancy of communication infrastructure. There is  
44 regional redundancy and local redundancy. They have been spending a lot of time looking  
45 at the fiberoptic network in the buildings, which is a spoke system. They are trying to  
46 figure out how to develop a fiberoptic ring, where to put development servers, and an  
47 integrated Sheriff's Office records management system in another location, such as in  
48 Skagit County or another county. The telecommunications architecture will improve the  
49 network so they can do more redundancy.  
50

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1 Louws stated the new website and web portal will allow staff to generate data set  
2 information and make that information available to the public.  
3

4 *(Clerk's Note: The Committee took a lunch break from 12:26 to 1:30 p.m. Chair*  
5 *Weimer returned and resumed the duties of the chair.)*  
6

#### 7 Executive's Office

8

9 Louws described the Executive's Office staff level. The main goal is to facilitate all  
10 the different department projects, including the emergency medical services, the  
11 department of emergency management, jail financing and permitting, What-Comm joint  
12 operations, interdepartmental coordination for capital projects, the water action plan, lean  
13 initiatives, major development permits, and various other smaller projects and tasks.  
14 Dewey Desler will concentrate on jail financing next year. There are about \$125 million of  
15 capital projects over the next four to five years.  
16

17 Mann asked the FTE division between Dewey Desler and Tyler Schroeder. Louws  
18 stated Dewey Desler is partly funded from the Administrative Services Department. The  
19 FTE division is .2 FTE for Mr. Desler and one FTE for Mr. Schroeder in the Executive's Office,  
20 plus .3 FTE for Mr. Desler in the Administrative Services Department. Ms. Helms is also  
21 funded through the Administrative Services Department.  
22

23 Kremen stated the Council Office has seven councilmembers and no staff that does  
24 scheduling or takes personal calls. It's difficult to adequately do the job with the limited  
25 staff. Louws stated 100 percent of the Council's requests were approved this year. If there  
26 is a challenge to accomplishing this work, he's willing to have that discussion.  
27

28 Kremen stated he's come to find that staff is allocated to the County Council Office,  
29 not the other divisions. The budget is misleading because it looks like they have 9.5 FTEs.  
30 Three and a half of that is the councilmembers. Travel expenses are an issue. Cooperative  
31 Extension asked for \$10,000 for four people to drive around Whatcom County, and seven  
32 councilmembers have to go to Washington D.C. and Olympia. He's concerned about the  
33 legislative branch of government, which has operated on a shoestring for years. There is a  
34 mindset to keep costs down as much as possible. The magnitude of issues coming before  
35 the Council is monumentally different. When he sees the Executive's budget spread out  
36 among different departments, the comparison is different. A reason the Council has been  
37 disengaged in working with the state and national organizations and with neighboring  
38 counties is because they are reluctant to spend any money to engage in those travel  
39 expenses. There is a shortage of money to do the job properly.  
40

41 Brenner stated the Executive has people in the office with other duties, but they're  
42 available to the Executive if needed. This is the way the Charter works. She doesn't have  
43 sympathy if people have full-time jobs while serving on the Council. They chose to run for  
44 office. She had a job when she was first elected, but gave it up to adequately do her job on  
45 the Council. She did it because it was important to her. People shouldn't be on the Council  
46 if they don't have time to devote to it. The Executive upgraded Mr. Schroeder's position last  
47 year.  
48

#### 49 Auditor's Office

50



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1 Debbie Adelstein, Auditor, stated the number of recorded documents is at an all-time  
2 low. The revenue is down, and the budget is adjusted accordingly. Licensing is steady.  
3 They continue to supervise six subagents in the county. Elections are stable and solid. She  
4 described the number of staff and duties. They have reduced the number of positions,  
5 streamlined the Elections Division, and have been able to reduce that staff by one position.  
6 They are implementing a new recording system.

7  
8 Weimer asked if there are any unapproved additional service requests. Adelstein  
9 stated there are not.

10  
11 Brenner asked about hiring an internal auditor. Adelstein stated they talked about it  
12 last year. The State is now doing everything that the internal auditor used to do when the  
13 position was eliminated.

14  
15 Brenner stated she's not impressed with the State auditor. She hoped an internal  
16 auditor could be more in-depth and thorough.

17  
18 Mann stated he talked with the Auditor about such a position, but he refocused on  
19 creating a Council budget analyst. He asked why recording fees have dropped. Adelstein  
20 stated it's partly that the market hasn't yet picked up enough. She expects it to pick up  
21 again.

22  
23 Diana Bradrick, Auditor's Office, stated recordings are volatile and hard to project.  
24 Refinances have dropped. New sales can pick up a lot, but not have a big impact on the  
25 total recording fees collected. Refinances stopped the minute the interest rates started to  
26 rise.

27  
28 Browne asked if the \$20,000 request to scan images is low. Adelstein stated they  
29 are gradually converting older documents. They choose a specific project each year. They  
30 also use images from the title companies.

31  
32 Bradrick stated the amount is low is because they are paying a vendor to clean up  
33 and crop the images, index the images, and tie them to the Auditor number.

34  
35 Adelstein stated that if they choose to scan all the images they have, they would be  
36 talking about much more money.

37  
38 Browne asked if images from the title companies meet the threshold of authenticity.  
39 Bradrick stated they do. The Auditor's Office engages in quality control, and the companies  
40 are careful to scan at the correct resolution.

41  
42 Weimer stated there were concerns about privacy issues when documents were first  
43 put online. He asked if that is still a concern. Adelstein stated it is not.

44  
45 Browne stated several ASRs are for equipment replacement. He asks what they do  
46 to secure used specialized equipment, such as buying equipment from eBay or specialized  
47 equipment dealers, or to extend the life of equipment the County has. Louws stated the jail  
48 control project is an example of extending equipment life. The County bought every spare  
49 part it could from Ebay and other sources. They put a hold on a lot of these replacements  
50 during the recession. Technology has improved the last few years, so they will be a lot

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1 more efficient when they replace the equipment. He described instances in which the  
2 administration has purchased parts and equipment from eBay.

3  
4 Assessor's Office

5  
6 Keith Willnauer, County Assessor, described his two ASRs, one for replacing a large  
7 format copy machine. Cost efficiencies of keeping old equipment should consider that even  
8 if there are parts to be found, they can't find the technicians to work on them. It becomes  
9 more cost-efficient to replace the equipment.

10  
11 Browne asked if a reserve account will be necessary in the event the refinery  
12 companies will win their valuation appeals. Willnauer stated he looks at all the variables.  
13 Generally, there will be a compromise on the valuation based on analyses. There is a lot of  
14 discussion about very volatile accounting and judgment factors. They are prepared for the  
15 technical valuation, but not for litigation, which will require other people and other  
16 professionals. He's begun discussing this with the Prosecuting Attorney's Office, County  
17 Executive, Council, and the taxing districts. He's preparing to use specialized professionals  
18 and present a valuation appeal posture that has merit. It's not just a political battle, it's a  
19 technical battle. His goal is simply to get the right value on the refinery, not to engage in  
20 other political battles. If they aren't paying their fair share, someone else is paying more  
21 than they should, and vice versa. He began looking at costs associated with an appeal,  
22 including travel and staff expenses, employing a professional consultant to review the  
23 county's position and appraisal, reviewing the appellant's position, and reviewing the  
24 technical information. The Prosecutor recommended looking at the potential of using  
25 outside legal assistance, such as a prosecutor with experience with these types of valuation  
26 appeal cases. The need for a specialized prosecutor depends on how aggressive and long  
27 the case will be. Their new value is mostly associated with their new rail facilities, which are  
28 not incorporated yet into their previous value. Aggressive discussions are happening and  
29 are positive.

30  
31 Browne asked if the outcome won't affect the Executive's revenue forecast, and  
32 would just shift the taxpayer burden. Willnauer stated that's primarily correct, but that  
33 could change for other taxing districts.

34  
35 Weimer asked if the revenue numbers in the budget reflect that the shift has already  
36 occurred to other taxpayers and if the County will get a windfall if it wins. Willnauer stated  
37 the County will get the levy capacity back to use, but the option is to be conservative about  
38 the use of it. That translates to the return of those savings back to taxpayers.

39  
40 Mann asked if the tax burden shift could happen retroactively, which can get  
41 expensive. Willnauer stated there is a statutory adjustment in the tax base. They've  
42 already received the reduction to what they said they think they're worth. That's to protect  
43 administrative tax stability. It's a concept called valuation in controversy, which has a  
44 threshold. If the companies lose, they would pay the County back with interest.

45  
46 Mann asked when the first tax bills went out with that shift. Willnauer stated they  
47 went out last February.

48  
49 Browne stated Phillips 66 sold a small portion of property for \$250 million right after  
50 this appeal was filed. He asked how that affects this valuation. It looked like an arm's

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1 length, comparable sale. Willnauer stated it was a neighboring property that sold at an  
2 unbelievable valuable price. That doesn't go unnoticed. That sale was an LP gas storage  
3 facility that benefitted from delivery of shipments, and it was a distribution center with an  
4 outgoing pipeline. There was not \$250 million in value in those two items. The property  
5 had a small agreement to use the Intalco pier to support the offloading of LP gas, plus  
6 permitting and other things to transport out of the facility. That demonstrates the value of  
7 deep water piers at Cherry Point.

8  
9 In Washington state, taxes are not tied to valuation. The valuation mechanism in  
10 Washington state is distributional. He's always looking at how to find the best way to get  
11 the right relationship of assessed value when they're talking about market value.

12  
13 Treasurer's Office

14  
15 Steve Oliver, County Treasurer, stated this is a status quo budget with no ASRs.  
16 They are within the budget guidelines.

17  
18 Browne asked the debt the County is carrying at the moment. Oliver stated it is  
19 \$3.3 million. They refinanced the Civic Center and borrowed money for the jail control  
20 project. The County is almost debt-free, which is uncommon among counties.

21  
22 Browne asked what cash the County has. If the County has surplus cash, it should  
23 retire the debt. Oliver stated that's an option. Until recently, it wasn't a viable option given  
24 the County's cash flow requirements. The cash situation has improved slightly over the last  
25 few years. There's a process to pay off the bond issue early.

26  
27 Browne stated another question is whether they should convert cash into equity  
28 ownership in buildings and save money on rents.

29  
30 Louws stated it's better to use the County's cash than to go to the bond market for  
31 smaller items. If they don't have the money in a fund to do a project, they bring money  
32 from other funds. They are using the existing cash to accomplish these projects. They will  
33 use a substantial amount of the existing reserves to accomplish these projects. A few years  
34 ago, the mentality was to protect cash, which is why the County used bonds.

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1 County Council Office

2  
3 Dana Brown-Davis, Clerk of the Council, stated they talked about all the ASRs in  
4 June. She described the ASRs. There is an addition to the budget of \$990 for broadcasting  
5 Council meetings on BTV10.  
6

7 Brenner stated the economic outlook isn't as good as everyone portrays. The Public  
8 Defender's Office isn't able to provide the services that it must provide. There are more  
9 expenditures than revenue without all the additional budget requests that come through  
10 each year, which is in the millions. Even if they think hiring a policy analyst is a good thing,  
11 it's a bad time to do it.  
12

13 Weimer asked if the amount for webcasting is in addition to the current videotaping  
14 cost, and if they can have the same person do both. Brown-Davis stated the current budget  
15 is \$12,000. She asked for an additional \$10,000 to live stream meetings through a  
16 YouTube stream on the internet. They would still air meetings on BTV10.  
17

18 Mann asked who would manage the YouTube channel. Brown-Davis stated that if  
19 the request is approved, they would have to go out for a request for proposals (RFP).  
20

21 Browne asked about installing fixed cameras instead of continuing to hire the  
22 videographer. There should be a one-time capital purchase of about \$25,000 to install  
23 cameras.  
24

25 Buchanan stated the City has upgraded its cameras and surplus cameras may be  
26 available.  
27

28 Brenner stated she's fine with contracting a vendor to broadcast, but doesn't want to  
29 go any further.  
30

31 Browne stated the best quality, cheapest solution is installing fixed mount  
32 controllable cameras. A little money spent up front will save money in the long run.  
33

34 Brenner stated it won't cost less. It will cost more for operating and upkeep of the  
35 equipment.  
36

37 Kremen stated Bellingham has two staff who run their TV operation and hundreds of  
38 thousands of dollars invested in their own equipment. They have programming that  
39 includes other than just their City Council meetings. It's not that prudent to invest in a full  
40 recording studio or broadcast system with many camera angles and other features when the  
41 County doesn't have a television channel.  
42

43 Weimer stated people seem pleased with what the Port of Bellingham has done, and  
44 this ASR is based on that system. He's not sure he wants to vote on fixed cameras. They  
45 need a study to tell them what the public wants.  
46

47 Kremen stated not one person has communicated with him about a desire for seeing  
48 more County Council meetings on television.  
49

50 Weimer stated they've heard it from Point Roberts.

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1  
2 Kremen stated that streaming will solve that problem.  
3

4 Browne stated the current camera technology being used is very old.  
5

6 Kremen stated no one is complaining about the image quality.  
7

8 Browne stated he's not suggesting they go high definition, but that is the technology  
9 standard right now.  
10

11 Weimer stated they are behind the times in making the meetings easily available.  
12 The current ASR is the first step forward. He asked if the ASR includes a new camera.  
13 Brown-Davis stated it includes money for the vendor to buy equipment.  
14

15 Browne stated make sure the proposals include installing equipment to allow the  
16 Council staff to operate the equipment. There is a cheaper way to deal with annual costs of  
17 running the program.  
18

19 Weimer stated he doesn't know enough to make that decision. Neither the City nor  
20 the Port do it with their own staff. He asked about the Hearing Examiner budget and if they  
21 need to consider adding money to this budget for anticipated large proposals.  
22

23 Brown-Davis stated she is working on amending the unified fee schedule to include a  
24 flat fee plus an hourly rate before the budget is adopted this year. Regarding additional  
25 Hearing Examiner services, they decided to wait and request a supplemental budget request  
26 because they don't know how much extra it will cost.  
27

28 Brenner stated the proponent will have to pay that cost.  
29

30 Tyler Schroeder, Executive's Office, stated the unified fee schedule can be created to  
31 ensure that Council will get that payment. For now, look at the unified fee schedule for  
32 major development permit, Hearing Examiner-related fees only. That leaves the unified fee  
33 schedule Hearing Examiner fees for all other projects the same. In that way, the Council  
34 will be able to move forward and make decisions on how best to handle hearings associated  
35 with large major development projects.  
36

37 Brown-Davis stated it will be a permanent change, not just for one project.  
38

39 Browne asked if the Council wants to provide video of the Planning Commission  
40 hearings and Hearing Examiner Georgia Pacific Terminal (GPT) hearings.  
41

42 Brenner stated that gets out of hand. Any extra money should be used for video  
43 recording committee meetings. Brown-Davis stated this current proposal is a good place to  
44 start. They can build from there as they go along.  
45

#### 46 Miscellaneous Non-Departmental and Advisory Boards, Commissions, and Committees 47

48 Tawni Helms, Administrative Services Department, described the non-departmental  
49 budget. The first section has to do with operational items and contracts, such as animal

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1 control services. They've added two ASRs, one for the lean effort and one for the Salary  
2 Commission. The second section has to do with fund transfers.

3  
4 There are changes to the medical examiner and morgue contracts. The County no  
5 longer pays the morgue lease, but pays a building maintenance expense. Other changes  
6 include the emergency medical services (EMS) contracts and ambulance fees. Regarding  
7 the issue of the volunteer center, she is working with the new Executive Director who has a  
8 new focus and mission. They are developing a new scope that is less focused on volunteer  
9 hours and more focused on other tangible deliverables.

10  
11 Brenner asked if the Salary Commission has to meet every other year. Helms stated  
12 it does.

13  
14 Browne asked about the leave payout from the reserve fund. Helms stated the  
15 increase is due to a reserve amount for the labor contracts.

16  
17 Browne asked why these funds are not part of the departmental budgets. Louws  
18 stated it will go back to the departments once they have agreed upon labor contracts. It's  
19 easier to keep in the administrative services budget and move it to the departments when  
20 approved. They are parking the money here until the labor contracts are settled.

21  
22 Mann stated the food banks are seeking extra funding. Given the increased  
23 demands on the food banks, he's interested in supporting the requests. Helms stated the  
24 recipients of these dollars were invited to ask for funding, but Mike Cohen did not ask for  
25 additional funding.

26  
27 Mann stated the money the food bank gets now is specifically for food distribution.  
28 He wants to provide money for the food bank to strategically buy food in bulk. He asked  
29 how to provide that type of funding.

30  
31 Dewey Desler, Special Projects Manager, stated the constitution allows governments  
32 to make gifts to the poor and infirm. Because the food bank doesn't test who is poor and  
33 infirm, the County isn't allowed to give money to the food bank. Instead, the County pays  
34 for things related to services. Food delivered to older people with disabilities is done as a  
35 service. In the past, they've helped the food bank in ways the County is constitutionally  
36 allowed. The Council has always wanted to help the food bank, but must do so in a  
37 constitutionally allowable way. They must talk with Mr. Cohen and understand what he  
38 needs to use the money for. If funding can match with the legal requirements, they can  
39 develop ideas.

40  
41 Brenner asked if they can get data on poverty in each community, and deliver food  
42 that would equal the level of poverty in the communities. Desler stated the County must go  
43 through certain tests of the State Auditor and Attorney General. If someone fills out a form  
44 declaring they are below a certain income, the County can gift food. However, the food  
45 bank has chosen not to require that form.

46  
47 Kremen stated he understands why the food bank chooses not to require that form,  
48 but it does tie the County's hands. Giving away food without that verification is a gift of  
49 public funds. He's confident Mike Cohen and Mr. Desler can come up with a legal

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1 mechanism to provide food or other services as needed. The number of people who really  
2 don't have enough money to buy food to exist is very pervasive in Whatcom County.  
3

4 Brenner asked if they can fund food bank employee salaries and what is the  
5 Alternatives to Hunger Program.  
6

7 (3:23:56 PM)  
8

9 Louws stated it is a community development block grant (CDBG) pass-through grant  
10 for the food bank. He is willing to work with the food bank to find ways to legally augment  
11 their programs. The budget requests did go out, and he approved the food bank's full  
12 request. He doesn't know yet how that would happen. They are combining funding for  
13 several programs into one contribution that the food bank can use however they need.  
14

15 Kremen asked if the County is pursuing the CDBG grants. Louws stated it is.  
16

17 Weimer stated the Council used to hear from these different program  
18 representatives. He asked if they had a chance to submit an ASR. Helms stated they filled  
19 out applications to request funding.  
20

21 Brenner stated the Sean Humphrey House was told that funds are no longer  
22 available.  
23

24 Weimer stated that's a different process. Helms stated the County has been cautious  
25 during the last few budget cycles.  
26

27 Weimer stated the County didn't have any extra money, so people weren't asking.  
28

29 Brenner stated extra money should go to the senior centers, including the Lynden  
30 Senior Center. More people are going to the senior centers as the baby boomers age.  
31

32 Mann stated he was also approached by the Whatcom County Historical Society  
33 about paying for a handicap lift at the original Whatcom County territorial courthouse in the  
34 amount of \$15,000.  
35

36 Kremen stated the Parks Department may be able to access historical preservation  
37 funding. Check with Mr. McFarlane to see if they should put it in the budget or try to secure  
38 a grant from the State preservation agency. He will contact Mr. McFarlane and work with  
39 the Executive.  
40

41 Brenner stated she would like the budget to include an extra \$10,000 for each of the  
42 senior centers.  
43

44 Weimer stated there needs to be a process for all of these requests.  
45

46 Brenner stated no one told the Sean Humphrey House that funding was available.  
47 Louws stated he will talk to the director of the Sean Humphrey House.  
48

49 Browne asked if the Rotary Club work on Sun House is duplicative of what the  
50 County is proposing. Desler described the Sun House, the County's involvement with the

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1 foundation, and a project to improve the building and services. The County will contribute a  
2 matching funding amount.  
3

4 Browne asked about funding the Northwest Annex cooling tower if they are going to  
5 move staff out of the building. Louws stated they won't move forward with the project  
6 because the Council approved his proposal to move staff.  
7

8 Brenner stated the longer they wait to fix the Northwest Annex, the less likely it will  
9 get fixed at all, especially if they don't heat it. Keep the Planning and Development  
10 Department in the Northwest Annex. It has good access for people in the county. Don't let  
11 the building deteriorate by default.  
12

13 Mann stated he likes the building. It might be feasible to put a smaller department,  
14 such as the Parks Department, in the Northwest Annex. Then the County could sell the  
15 Parks Department building.  
16

17  
18 **OTHER BUSINESS**

19  
20 There was no other business.  
21

22  
23 **ADJOURN**

24  
25 The meeting adjourned at 3:46 p.m.  
26

27 The Council approved these minutes on February 10, 2015.  
28

29 ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

30  
31  
32  
33  
34 \_\_\_\_\_  
35 Dana Brown-Davis, Council Clerk  
36

\_\_\_\_\_  
Carl Weimer, Council Chair  
37

38  
39 \_\_\_\_\_  
40 Jill Nixon, Minutes Transcription  
41  
42



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WHATCOM COUNTY COUNCIL  
**Special Committee of the Whole**

October 27, 2014

**CALL TO ORDER**

Council Chair Carl Weimer called the meeting to order at 9:30 a.m. in the Civic Center Garden Level Conference Room, 322 N. Commercial Street, Bellingham, Washington.

**ROLL CALL**

(9:33:15 AM)

**Present:** Barbara Brenner, Sam Crawford, Ken Mann, Carl Weimer, Pete Kremen, Rud Browne and Barry Buchanan.

**Absent:** None.

**COMMITTEE DISCUSSION**

**1. ORDINANCE ADOPTING THE 2015-2016 WHATCOM COUNTY BUDGET (AB2014-205C)**

Planning and Development Services Department

Sam Ryan, Planning and Development Services Department, stated revenue and permit numbers have increased slightly. She proposes six to ten percent increases in fees, which will be a revenue increase of about \$300,000. There have been shortfalls in fees for fire plan review and inspections and 502 legislation. They've added a fee for additional time spent on conditional use permits. They continue to improve the permit process, shorelines, and enforcement. Their priority next year is enforcement. They will propose amending and streamlining the ordinances for enforcement. They are very good at keeping within the budget.

She described the additional services requests (ASRs) for fuel allocation, reallocation of the best available science update, a half-time pollution identification control (PIC) position to do enforcement, hiring an additional consultant for an additional study regarding the Georgia Pacific Terminal (GPT) if necessary, an additional Planner II position for the national pollution discharge elimination system (NPDES) and illicit discharge detection and elimination (IDDE) program, and the half-time purchase of development rights (PDR) position.

Brenner asked how they evaluated the building permit fees. Ryan stated they are compared to five similar counties.

Brenner asked about fees for 502 legislation. Ryan stated that is the legalized marijuana legislation, which is taking a lot of staff time.

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1  
2 Brenner asked if one enforcement person will make a difference according to the  
3 problems that Planning staff have expressed. Ryan stated Planning enforcement staff do  
4 other things besides enforcement.  
5

6 Weimer asked how many staff are doing enforcement. Ryan stated there will be  
7 three people after a position is hired in November. One person will do some initial  
8 enforcement, but won't be full-time enforcement. The PIC enforcement person is listed  
9 under natural resources.  
10

11 Weimer asked who would be the half-time critical areas enforcement staff person.  
12 Ryan stated that is the pollution identification and control (PIC) program enforcement  
13 person, which is listed in the enforcement or natural resources section. That position will  
14 strictly be for enforcement. She described the function of the PIC program enforcement  
15 person.  
16

17 Weimer asked if the County has a database of who has a farm plan and who doesn't.  
18 The PIC person will have to use a database to keep track of farm plans. The Conservation  
19 District doesn't have a database, either. PIC enforcement isn't going to work without a  
20 database. He asked why the PIC program and NPDES programs are in the Planning  
21 Department instead of the Public Works Department. Ryan stated the Planning Department  
22 thought that Planning staff would be better at enforcement.  
23

24 Jack Louws, County Executive, stated the administration decided to not create an  
25 enforcement division in the Public Works Department and instead augment the existing  
26 enforcement staff in the Planning Department.  
27

28 Browne asked what is the difference between the current enforcement staff and the  
29 planned enforcement staff. Ryan stated there are two people who are working on  
30 enforcement, and soon there will be three.  
31

32 Browne stated some of those enforcement staff are doing planning work instead of  
33 enforcement.  
34

35 Louws stated there are two enforcement staff today, three in November, and another  
36 half FTE after the budget is approved. It will be one and a half FTEs more than they have  
37 today.  
38

39 Browne asked if one FTE staff person is actually working on enforcement now, and  
40 three and a half staff people will work on enforcement next year. Ryan stated that's  
41 correct.  
42

43 Weimer asked if there will be a shortage of staff to work on planning activities once  
44 they begin more enforcement. Ryan stated other staff will take on those planning activities.  
45 Last year they lost a number of staff, but those positions have now been filled.  
46

47 Kremen stated the code enforcement staff changes aren't clear. Clearly state what  
48 the increase will be in terms of FTEs devoted to the task of enforcement.  
49

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1 Mann asked for a clearer explanation of the enforcement situation in writing. Calling  
2 a position an enforcement position isn't the same as actually doing enforcement. He asked  
3 why they decided on a \$500 flat fee instead of an hourly fee increase for additional  
4 conditional use permit (CUP) submissions. Ryan stated the current planning staff  
5 determined the average time it takes to process those applications.  
6

7 Mann asked if counties get any sales tax or other revenue from the 502 legislation.  
8 Louws stated they get the normal sales tax amount.  
9

10 Brenner asked what happens with enforcement if more County staff leave. There  
11 has to be a way to fill positions other than by shifting enforcement staff. Louws stated he  
12 and the Planning Director are committed to doing better enforcement next year. The people  
13 assigned to the enforcement positions need to do enforcement. He and Ms. Ryan will meet  
14 regularly. If staffing changes hurt the department, the administration will talk about it with  
15 the Council.  
16

17 Brenner stated the extra fee for CUPs should be hourly, not a flat fee. It's not  
18 difficult to figure out the hours. Some people won't require too many extra hours, and they  
19 shouldn't have to pay more. People who require more hours shouldn't have to pay less and  
20 have others subsidize their cost.  
21

22 Browne stated he agrees with Councilmember Brenner. He asked about the fee  
23 process. Ryan stated the fees are for all planning permits, not just the conditional use  
24 permit. She explained the planning process. Some projects are large and complicated and  
25 require additional hours for which the department isn't compensated, such as reviewing  
26 difficult scientific information, for example. Sometimes there are many revisions. If the  
27 Council feels an hourly fee is more equitable, she is fine with changing it.  
28

29 Kremen stated he agrees with Councilmembers Browne and Brenner about charging  
30 an hourly rate instead of a flat fee.  
31

32 Weimer asked about funding for the geographic information system (GIS) update.  
33 Ryan stated that funding is in the Information Technology (IT) Division budget.  
34

35 Louws stated a multi-department, multi-year program is being developed to get the  
36 GIS and land use records up to an acceptable standard.  
37

38 Weimer asked if there is outreach to the community who live in shoreline or  
39 hazardous zones to educate people of their responsibilities, depending on where they live.  
40

41 Browne stated he agrees with Councilmember Weimer about the GIS program. He  
42 asked what fees other jurisdictions charge that Whatcom County doesn't, including  
43 stormwater or impact fees. He would like to see a comparison with other counties and with  
44 other cities. Ryan stated she's not sure about the stormwater fee charge. Two staff people  
45 provide service to the overlay areas for permit review, and they charge an hourly fee for  
46 their services. They recoup about 100 percent for building services staff, 60 percent for  
47 current planning staff, and up to 80 percent for natural resources staff.  
48

49 Browne stated the County must be able to demonstrate that it neither overcharges  
50 nor undercharges relative to other jurisdictions. Ryan stated she tried to do that, but every

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jurisdiction calls their fees something different, so there were big gaps in her spreadsheet. She increased the fees so it wouldn't be so onerous to applicants, but would help cover costs a bit more.

Weimer stated increase critical areas ordinance (CAO) enforcement to full time to do education and create a farm plan database.

#### Prosecuting Attorney and Law Library

Dave McEachran, Prosecuting Attorney, stated civil attorneys represent about 30 percent of what the department does. He described the responsibilities of the civil division, which also include all the mental health civil commitments and non-supportive paternity cases. Those caseloads have doubled since 2009. They may reach a point where they can't handle the caseload with the current staff.

The criminal division includes a victim witness division that includes domestic violence cases and sexual assault cases. The Prosecutor's Office also prosecutes cases through District Court, Juvenile Court, and Superior Court, which handles the big cases. He described case types and caseload statistics. Felony caseloads have been stable the past few years, but they've had a huge increase in violent cases. Normally, they've had two to six homicide cases per year. So far this year there have been 14 homicide cases.

The department needs the most help with document management. They have to have document storage and a management system that uses less paperwork. There is also a placeholder of \$25,000 for litigation regarding the Georgia Pacific Terminal (GPT) issue. More enforcement in the Planning Department also impacts his office. They are able to meet the needs with existing staff, but they are very busy.

Mann asked what strategies the County is engaging in to reduce recidivism. McEachran stated they've completely shifted the sentencing theory. He described sentencing theory. Probation can reduce recidivism, but the State is not funding supervision. Also, when too many people go to prison, the State wants more of these people to serve in the County jails so the State doesn't have to pay anything.

Mann stated he has less sympathy for violent offenders. He asked if there is opportunity in the County budget to keep drug addicts out of jail and the legal system, and to get them the help they need so they don't come back into the system. McEachran stated people have drug problems, but they also have other problems. They send many people to drug treatment, but it often takes several attempts to be successful. Drug court and drug offender sentencing alternative (DOSA) are programs that have merit. People with drug problems also commit violent crimes. They also always thought there is a difference between property offenders and violent offenders, but there isn't. They are able to solve cases with DNA. The property and violent crimes cross over each other, depending on opportunity. A meaningful approach has to be supervision programs that come from the State. Make sure people go through the programs.

Weimer asked if the Prosecutor's Office can handle the increased emphasis on land use enforcement. McEachran stated it would be difficult for his civil division to take on any more cases.

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1 Kremen stated the County population has increased in the last 20 years. They've  
2 only had four civil prosecutors in all those years. There are millions of dollars at stake on  
3 the civil side. Contracting from the private sector as needed isn't the most effective way to  
4 deal with ongoing civil issues. McEachran stated they've reduced their total staff. Unless  
5 things dramatically change, they can make it through another year. However, an increase  
6 in enforcement will be too much.

7  
8 Brenner asked if Information Technology staff are helping with document storage.  
9 McEachran stated the administration is working on it.

10  
11 Louws stated the administration has been working with civil deputy prosecutors on  
12 the new focus on land use enforcement.

13  
14 Browne asked the impact to the County if someone is apprehended at the border and  
15 how the County gets certain cases from Yakima. McEachran stated many border cases are  
16 prosecuted by the County. Also, the County pays the cost of 80 to 100 extradition cases  
17 per year. The mental health cases are civil involuntary commitments, which require mental  
18 health commitment hearings that require his staff. People from all over the State come  
19 here to use their resources. Whatcom County gets some money for outside cases that are  
20 housed here.

21  
22 Public Defender

23  
24 (10:57:54 AM)

25  
26 Jon Komorowski, Public Defender's Office, stated they need a receptionist in the  
27 office and funding for travel and training in the amount of \$10,000. Also, they would like to  
28 increase a clerk position from .8 FTE to 1 FTE.

29  
30 Weimer asked if all ASRs have been approved. Komorowski stated they have been.  
31 More mental health case beds will open up soon in Skagit County, so that may help out.  
32 According to State standards, an attorney is not supposed to do more than 250 mental  
33 health cases per year, but that standard is low. He's done 330 so far this year.

34  
35 Sheriff and Jail

36  
37 (11:00:11 AM)

38  
39 Bill Elfo, Sheriff, gave a report on jail planning, updating the records management  
40 system, the new emergency operations center, and mental health/criminal justice system  
41 problems.

42  
43 Mann asked about a recent purchase for a specialized vehicle. Elfo stated it is a  
44 bulletproof vest on wheels. He described the vehicle.

45  
46 Brenner asked what the County can do about not reducing the gang task force. Elfo  
47 stated all positions on the task force will be kept intact.

48  
49 Brenner stated mentally ill felons cannot go to mental health court. She asked the  
50 estimated percentage of the mentally ill who are misdemeanants versus felons. Elfo stated

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1 the issue is the backload of people who are waiting in jail to go to evaluations at Western  
2 State Hospital. He's pleased with the cooperation of the Health Department to address  
3 some of these issues, increased psychiatrist and behavioral health specialist time in the jail,  
4 and a behavioral health specialist position. People are more quickly evaluated, treated, and  
5 their treatment continues after jail.

6  
7 Brenner asked if mental health services reduce the number of cases that go to jail.  
8 Elfo stated they will have to see how it's implemented. Evidence shows a strong potential  
9 for success.

10  
11 Brenner asked if the County can get people on Medicaid while in jail. Elfo stated  
12 Medicaid is cut off for inmates. Social workers in the jail try to get them re-enrolled before  
13 their release. The behavioral health fund is also paying for gaps in Medicaid.

14  
15 Brenner asked if hiring two deputies will be enough, or if they need three. Elfo  
16 stated filling the two vacancies will help. He intends to reinstate the third position as soon  
17 as funds are available to do so.

18  
19 Brenner stated the Council needs a placeholder for the third position and to make  
20 funds available so it doesn't have to do a budget amendment later.

21  
22 Crawford asked if the Sheriff's Office will have to do background checks related to  
23 gun sales. Elfo stated they hope to absorb the increased demand if the related ballot  
24 measure passes.

25  
26 Kremen asked how much the Sheriff's Office spends on travel, including out-of-state  
27 travel. He asked if they can reduce that amount enough to fund the third deputy position  
28 that isn't being filled. Elfo stated they have already reduced travel funding over the years.  
29 With the low number of deputies per capita, the staff need to be well-trained. They also  
30 fund extradition costs out of the travel budget.

31  
32 Kremen stated he would like information from the administration on travel costs  
33 from the Sheriff's Office to see if they can reduce that line item. Louws stated the majority  
34 of out-of-state travel is reimbursed from grants for specialized data. They will provide that  
35 information.

36  
37 Browne stated a local company has a firearms simulator, and the Sheriff's Office may  
38 be able to save money on ammunition by using the simulator for training instead of live  
39 ammunition. Elfo stated the Sheriff's Office has access to a firearms simulator, but they  
40 must practice with live ammunition to meet quarterly firearms qualification requirements.

41  
42 Browne asked what the administration does to verify that the County is not paying  
43 for software subscriptions it no longer uses. Louws stated Perry Rice makes sure the  
44 County doesn't pay for things it no longer needs, such as phone lines. The administration  
45 looks at service contracts on an ongoing basis.

46  
47 Browne stated he supports the program with volunteer reserve deputies. The  
48 amount of the death benefit is shocking. Elfo stated it is the same program for volunteer  
49 firefighters and reserve law enforcement officers.

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1 Mann thanked the Sheriff for the great work he does and for his responsiveness to  
2 questions and concerns from the public. He asked about the type and lifespan of new police  
3 vehicles and the possibility of using electric patrol cars. Elfo stated he's concerned about  
4 their ability to accelerate. He prefers letting other agencies experiment with electrical cars  
5 and evaluating their results.  
6

7 Kremen asked how much they spend per year on ammunition. Elfo stated they  
8 spend \$100,000 per year. Ammunition users include the specialized response team,  
9 deputies, corrections officers, and reserve officers. The law enforcement vehicles are  
10 specialized. He will commit to considering alternatives and discuss the concern with the  
11 fleet manager.  
12

13 *(Clerk's Note: The committee took a break from 11:45 a.m. to 1:00 p.m.)*  
14

15 Health Department  
16

17 *(1:02:04 PM)*  
18

19 Regina Delahunt, Health Department Director, stated they tried to maximize revenue  
20 and control costs without reducing services or staff when preparing the 2015-2016 Budget.  
21 They were mindful of the general fund contribution, which is reduced from the previous  
22 budget. Part of that reduction relates to the County's purchase of the State Street building.  
23 Rent is significantly reduced.  
24

25 The most significant changes relate to the Environmental Health Division. They  
26 propose increasing environmental health fees to better cover the direct and indirect costs of  
27 services. The budget also proposes some expansion for environmental health.  
28

29 She described the five ASRs regarding Health Department input into the Gateway  
30 Pacific project, an increased FTE in the onsite septic (OSS) program, implementing the solid  
31 waste program, an additional position in the food program and food service inspections, and  
32 a car for the food inspector. However, they have reevaluated their need for the vehicle, and  
33 they will not need that car after all. All of those ASRs are covered by environmental health  
34 fees, so there is no request for additional contribution from the general fund.  
35

36 They've reprioritized work to ensure that the Healthy Communities, Health  
37 Improvement Plan, and Community Health Assessment programs continue. They plan to  
38 increase public health services to residents in the East County. They were careful to  
39 balance expenditures against declining balances in the behavioral health fund and homeless  
40 housing fund.  
41

42 Brenner asked about the restaurant inspection fees. Base fees on the number of  
43 hours it takes to inspect and the frequency of inspections. Delahunt stated there are re-  
44 inspection fees for those establishments that take more time. The base fees are different  
45 for the different types of facilities. She described the fee structure, which is a hybrid  
46 system based on both seating capacity and risk. Most jurisdictions are going toward a risk-  
47 based fee structure. The higher-risk establishments will pay a higher fee. Most fees will  
48 increase between 15 to 20 percent. The fee actually went down in a few categories. The  
49 fee is based on the number of hours it takes them to inspect the establishment and the

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1 number of times they need to do an inspection, based on risk. Re-inspection fees occur if  
2 an establishment fails an inspection, and the inspector needs to return.  
3

4 Browne stated provide services first to local residents and children from anywhere  
5 who have ended up in Whatcom County, before providing services to adult outsiders who  
6 come here to access services. He would like to know how Whatcom County's fees compare  
7 to other jurisdictions. Delahunt stated she compares fees with other jurisdictions every  
8 year. They're usually within the same range. Some counties believe in subsidizing fees  
9 from their general fund more than Whatcom County does.  
10

11 Weimer asked if the budget for the new staff person for OSS operations and  
12 maintenance (O&M) includes funding if they make the entire Nooksack watershed a marine  
13 resource area. Delahunt stated she hopes it does.  
14

15 Weimer asked about outreach to marine resources areas. Delahunt stated they've  
16 increased that budget.  
17

18 Weimer asked the value added by moving the Solid Waste Division to the Health  
19 Department. Delahunt stated there is money in the solid waste fund. The Health  
20 Department will look for service gaps in the community, what exists that is of value to the  
21 community, and determine what programs are missing. They can provide more  
22 opportunities for programming, such as funding a program to take care of tire piles and  
23 other waste dumps. They can also leverage State funding.  
24

25 Weimer asked about meth contamination in local motels and whether the budget  
26 includes funding for those situations. Delahunt stated they are working with the City and  
27 other departments to more effectively deal with those situations.  
28

29 Browne asked how the Planning Department can enforce meth contamination in  
30 buildings that are built to code and remain at code, since the problem is a drug problem.  
31

32 John Wolpers, Health Department, stated Health Department staff and City staff  
33 have looked at mechanisms for doing that enforcement.  
34

35 Delahunt stated they are preparing a draft ordinance to incorporate enforcement.  
36

### 37 Public Works Department 38

39 Frank Abart, Public Works Department, submitted a handout (*on file*) and described  
40 the different Public Works Department divisions, including maintenance and operations  
41 (M&O), equipment rent and revolve (ER&R), river and flood, stormwater, the transition of  
42 the solid waste division to the Health Department, the number of additional FTEs,  
43

44 Brenner asked about funding for the Joint Board and Planning Unit. The Planning  
45 Unit has many different members and interests. They only meet once per month for two  
46 hours, during which they have to get everything done. That's not fair to the concept of the  
47 Planning Unit. People in the administration seem to think the Planning Unit is an  
48 annoyance. They can't expect the Planning Unit to do anything comprehensive with so little  
49 time, funding, and structure. Designate a bigger funding amount as a placeholder for the  
50 Planning Unit, and make sure Joint Board money goes to the Council for approval.



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1  
2 Crawford asked if the Planning Unit wants to meet more often.  
3

4 Brenner stated get someone who can keep the Planning Unit on track. They aren't  
5 giving the Planning Unit enough structure or time to get things done.  
6

7 Crawford asked if there is a Planning Unit proposal to meet more often.  
8

9 Brenner stated she proposes to designate more money to the Planning Unit, and let  
10 them decide. Facilitation is important.  
11

12 Weimer stated the Council asked the Planning Unit a year ago to present a work plan  
13 and budget. He doesn't recall seeing that information.  
14

15 Louws stated the Council authorized a block of money for the Joint Board many years  
16 ago. According to the Prosecuting Attorney's Office, once that money was transferred into  
17 the governing unit of the Joint Board, it was expended by the County. The County hasn't  
18 tracked the Joint Board money as it does County money. That's how the administration has  
19 operated. At the end of this year, he anticipates about \$460,000 will remain in the Joint  
20 Board fund. In 2015, they plan to: designate a block of money for water rights settlement,  
21 work on Lower Nooksack objective four, engage in data integration and supplemental  
22 analysis and reporting, pay a matching amount for the estuary and nearshore juvenile  
23 salmonid sampling and habitat characterization, and engage in projects such as  
24 groundwater modeling, community outreach, and other programs. With outgoing and  
25 incoming funds, the Joint Board will have about \$300,000 left at the end of 2015. He would  
26 provide information on what was spent in 2014. In general, the money is spent on projects  
27 related to the implementation of the Lower Nooksack Strategy.  
28

29 The Planning Unit in this budget has a \$30,000 allocation for meeting facilitation.  
30 The Planning Unit is self-governing and can choose how many times it meets. There is also  
31 \$10,000 for outreach to engage the constituency. He does not have any other money in the  
32 budget for the Planning Unit, because he's been expecting the Planning Unit to present the  
33 County with a work plan and budget. They've not done that yet, and they've been working  
34 on it for over a year. Every time he tries to help the Planning Unit, some members reject  
35 his help because the Planning Unit is self-governing, but he also hears comments that he  
36 isn't doing enough to help the Planning Unit. He anticipates that they will find money to  
37 fund the work plan once it's done. The Planning Unit has some decisions to make, and he  
38 would like to see their work plan.  
39

40 Brenner asked if the Executive lets them know that they can have more meetings  
41 and more facilitation. Louws stated he has no problem with that. The Planning Unit has  
42 \$30,000 for next year, with which they can self-govern and decide how many meetings to  
43 have and how often they meet. If they come back with a work plan that explains what  
44 they're trying to do and going to accomplish, he's open to the option of providing additional  
45 funding. Until he gets a response to the initial request for a work plan and budget, which  
46 was done 16 months ago, he isn't going to try to guess what's going on with them. At the  
47 next Council meeting, Gary Stoyka is going to present detailed information about what's  
48 going on with the Joint Board.  
49

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1 Brenner stated the Joint Board is working on the Lower Nooksack Strategy, which is  
2 the same thing the Planning Unit is supposed to be working on. The Council approved a  
3 resolution years ago that said the Council wanted Joint Board expenditures to come to the  
4 Council for approval before the Joint Board makes those expenditures.

5  
6 Browne referenced the ASRs on page 293 regarding the applied benefits. The  
7 benefit number is higher than in other departments.

8  
9 Brad Bennett, Administrative Services Department, stated the road fund charges for  
10 actual productive time and uses a flat burden rate for the benefits. The amount for wages  
11 reflects actual time that will be charged. The \$74,000 amount is for the benefits that  
12 include health coverage, vacation, and sick leave. The vacation, holiday, and sick leave are  
13 calculated with the benefits instead of the wages. The flat burden rate is used for job-  
14 costing in the road fund. They use a different system for charging actual wages and  
15 benefits in the Planning Department, for example. This is a mechanism to charge the actual  
16 costs for billable hours to the project.

17  
18 Browne stated the different formulas make it difficult to compare costs or understand  
19 true costs. He would prefer that the costs are divided by billable salaries and wages,  
20 unbillable salaries and wages, and benefits. Bennett stated the system doesn't separate the  
21 unbillable salaries and wages from the benefits. The system only allows them to use one  
22 percentage for the flat burden rate, so it includes both unbillable time and benefits.

23  
24 Browne asked how much the County spends on rental equipment during the year and  
25 how they analyze the cost of buying versus renting. Abart stated there is a difference  
26 between interdepartmental interfund rentals and outside equipment rental.

27  
28 Browne stated he supports all the work the departments are doing on developing  
29 lean efficiency and implementing lean principles. He would like to hear a report about how  
30 they've improved and about their successes.

31  
32 Buchanan asked what is included in the line item for other services and charges for  
33 the ferry. Bennett stated that line item includes the rental rates for the ferry, the commuter  
34 rate for the ferry that the County uses when the Whatcom Chief is in dry dock, fuel, and  
35 other boat operations.

36  
37 Weimer asked about funding for the pollution identification and control (PIC)  
38 program and how many of the new staff depend on receiving grants. Abart stated at least  
39 one FTE is subject to grant approval.

40  
41 Gary Stoyka, Public Works Department, described the PIC funding. One FTE at the  
42 Conservation District is also subject to grant funds.

43  
44 Weimer stated it seems the PIC program depends on the grant being approved. He  
45 asked how likely it is that the State Department of Health will grant funds to the County.  
46 Stoyka stated the County has some money for the Conservation District, and the grant will  
47 provide more. The Department of Health anticipates that the County will receive the  
48 contract within a month. It is a two-year grant.

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1 Weimer asked about the Planning Unit work. Stoyka stated the Planning Unit has a  
2 work plan. Now they need to come up with a budget.  
3

4 Browne asked about a review of what other jurisdictions are doing to fund their  
5 national pollution discharge and elimination system (NPDES) phase two requirements.  
6 Abart stated larger counties assess a separate tax or fee. They're ten or 15 years ahead of  
7 Whatcom County from a regulatory standpoint. These regulations are going to get bigger,  
8 not smaller.  
9

10 Browne stated he would like a review of how other jurisdictions have dealt with the  
11 funding challenges of the NPDES requirements.  
12

13 Weimer stated they need to address the flood fund, which will deplete over the next  
14 few years. The question is whether they should deal with it sooner or later, whether they  
15 should set up a stormwater utility, or whether they should increase the flood fund. These  
16 grants will change the outlook and projection for the flood fund. Abart stated he is  
17 comfortable getting this program going for 2015 and 2016. They figured out what it will  
18 take to get started and how many FTEs are necessary to get started. By the end of the  
19 year, they will know better what is required to insure compliance. The funding mechanisms  
20 through the road fund and flood fund are sufficient at this point. In a year, that may  
21 change.  
22

23 Weimer stated they have to do a flood fund budget every year, so they will get  
24 another chance to refine the program as it develops. Louws stated much of the program  
25 depends on grant revenue.  
26

27 Brenner stated she would like to know what counties of similar size are doing, not  
28 what King County and Pierce County are doing. One option is to get together with some of  
29 these counties to make a regional request for funds instead of letting the State bully the  
30 counties into an unfunded mandate of this size.  
31

32 Roland Middleton, Public Works Department, stated CH2MHill put together a  
33 document in 2010 regarding all the different funding mechanisms.  
34

35 Weimer stated that is a good document. He would like to know when the  
36 administration thinks the County needs to begin implementing some of those mechanisms.  
37

38 Kremen stated the State legislature no longer provides additional money for these  
39 mandates. Instead, they provide more taxing authority for local jurisdictions. The County  
40 will have to raise local revenue to accomplish these tasks, unfortunately.  
41

42 Brenner stated the NPDES is duplicative and ridiculous. They shouldn't have to do  
43 annual inspections. Because the State isn't funding it, the County's obligations are overkill.  
44

45 Abart stated they aren't ignoring road responsibilities, but they will place a higher  
46 emphasis on water-related activities over the next two years and beyond.  
47

48 Work Session  
49

50 (2:22:36 PM)

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1  
2       Louws referenced a \$16,000 request from the Historical Society for the old  
3 courthouse. There is \$8,000 per year in a fund for this year and next year that is  
4 unallocated. He's already instructed staff to write a contract for the \$16,000 to purchase  
5 and install an elevator in the old courthouse. He asked if the Council would like him to go  
6 forward with the contract. About \$200,000 is restricted for historical documents.

7  
8       Bennett stated the State approved a fee on recorded documents for historical  
9 preservation. The fees collected are restricted funds in the general fund. The definition of  
10 what can be historically preserved is broad. The County has used it before on the old  
11 courthouse, recording county documents, the totem pole, and they've talked about using it  
12 for the geographic information system (GIS) map project.

13  
14       Crawford asked the purpose of and who owns the old courthouse. Louws stated it  
15 has large rooms that would work for public meetings or art displays. Until they get the  
16 accessibility issues taken care of, they can't secure the final permits necessary to make a  
17 facility available for public use. The Historical Society owns the building.

18  
19       Kremen stated it is the oldest brick building in the state of Washington. It also used  
20 to serve as the County jail. He described fundraising efforts of the Historical Society.

21  
22       **Weimer moved** to spend \$8,000 in 2015 and \$8,000 in 2016 on an elevator  
23 purchase and installation at the old county jail for the Whatcom Historical Preservation  
24 Society.

25  
26       The motion carried by the following vote:

27       **Ayes:**       Brenner, Crawford, Mann, Weimer, Kremen and Buchanan (6)

28       **Nays:**       None (0)

29       **Absent:**     Browne (out of the room) (1)

30  
31       Louws stated the Council talked about augmenting funding for the food bank. The  
32 budget currently has \$50,000 allocated to the food bank. If the Council is going to add  
33 funds, he would be comfortable with a total of no more than \$100,000. He is trying to  
34 balance the budget, maintain the ending fund balance, provide dollars for employees in  
35 future contracts, and provide positions to take care of many mandated issues. He knows  
36 there is a lot of need at the food bank. An increase from \$50,000 to \$138,000 in a year,  
37 with an initial request of \$50,000, seems to be a bigger leap than what the County can do.  
38 He will respect the Council's decision.

39  
40       Dewey Desler, Deputy Administrator, stated there is always a concern about the  
41 provision of the Constitution that says gifts can't be made to individuals unless they are  
42 poor or infirmed. The State legislature contributes \$5 million per year to food banks for  
43 food packets. The State has gone to a new self-declaration system for their clients without  
44 documentation. He's double-checking the policies, but today they may be able to contribute  
45 County funds and still meet the test.

46  
47       **Crawford moved** to remove all funding for the food bank for the next two years.  
48 The County doesn't have a history of funding the food bank. This began in about 2007,  
49 when they were doing a building campaign and asked for \$50,000 for a one-time  
50 contribution. Anecdotally, it seems that many college students in the area use the food

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1 bank in Bellingham. There are many food programs. The statistic of 20 percent of people  
2 in Whatcom County who use the food bank equals 40,000 people. There aren't 40,000  
3 people using the food banks. He's not opposed to food banks. He's donated to food banks  
4 personally. There is a responsibility for individuals to be generous and charitable.  
5 However, he is concerned about creating a legacy program that depends on County funding.  
6 Nothing in the County Charter obligates the County to provide for food banks. People have  
7 all kinds of critical needs. Get back to the County's critical mandates. The County has a  
8 finite pool of money. Food banks have existed in Whatcom county for many decades  
9 without County funding.

10  
11 Weimer stated he is against the motion. The need for food is much greater now than  
12 in the past. The food bank recipients in Ferndale are not college students. They've heard  
13 about the need from the East Whatcom Resource Center.

14  
15 Brenner stated this is just as essential as public safety, and more essential than  
16 parks. More people are hungry than before. Any help the County can provide will not be  
17 enough.

18  
19 Mann stated he understands the concern of creating a habit of giving County money  
20 to charity and creating a legacy expense. He doubts that college kids are getting up early  
21 to go to the food bank. The people standing in line is getting longer. Data from the food  
22 bank shows the demand has gone up 150 percent and the number of households has gone  
23 up 61 percent. There is a legitimate need. Half of the people are seniors or children. This  
24 money goes to all food banks in the county. The demand is overwhelming. He supports the  
25 funding increase.

26  
27 Browne stated he doesn't support the motion. Nationally, 25 percent of children go  
28 hungry at least once per week. They can't study when hungry. This is a cost-saving  
29 measure that may prevent costs in the future.

30  
31 Kremen stated he doesn't support the motion. It's a fact that the need is greater  
32 now than ever, and it continues to get worse. The dollars the County invests will pay huge  
33 dividends. They will be able to buy food at reduced cost. The need is pervasive and must  
34 be addressed.

35  
36 The motion failed by the following vote:

37 **Ayes:** Crawford (1)

38 **Nays:** Brenner, Mann, Weimer, Kremen, Browne and Buchanan (6)

39  
40 ***Mann moved*** to increase funding for the food bank in the amount of \$80,000 per  
41 year for food purchases, pending legal approval, with the intent that \$10,000 go to each  
42 food bank in the county for the purchase of healthy food.

43  
44 Kremen stated divide the funds on a need basis. Populations using food banks  
45 around the county are different. Get a commitment from the Bellingham Food Bank to  
46 distribute it throughout the community. Leave it up to the food banks where it is  
47 distributed.

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1 Mann referenced and read from an email he received from Mike Cohen of the  
2 Bellingham Food Bank about the food bank network request. Leave it at \$80,000 for the  
3 healthy food purchases.  
4

5 Buchanan stated the professionals who deal with the community know how best to  
6 distribute according to need and demand.  
7

8 Browne stated there needs to be a policy about the parameters for the funding.  
9 Over time, requests will increase. The Council needs to decide what it will support.  
10

11 Weimer stated the Council has the ability to readjust every two years when it sets  
12 the budget.  
13

14 **Mann amended and restated** his motion to increase funding to the food bank  
15 network, general fund item 4116, in the amount of \$80,000 per year, pending legal  
16 approval, for the purchase of healthy food, for a total of \$138,000 per year.  
17

18 Louws stated the Council is authorizing the expenditure of the money, but not the  
19 contract for the expenditure. This will be allocated through a contract that comes to the  
20 Council for approval.  
21

22 The motion carried by the following vote:

23 **Ayes:** Brenner, Mann, Weimer, Kremen, Browne and Buchanan (6)

24 **Nays:** Crawford (1)  
25

26 Louws referenced Council-proposed funding for the Sean Humphrey House. The  
27 agency specifically did not apply for funding. Another request is for senior center funding in  
28 the amount of \$10,000 per senior center, for a total of \$80,000. The money the County  
29 provides goes to the Council on Aging, which distributes and manages several of the  
30 centers. The Lynden Senior Center works outside the Council on Aging program. The  
31 County increased funding to the Meals on Wheels Program during the last budget cycle,  
32 which he approved for this cycle also. The centers are making their funding work at this  
33 particular time.  
34

35 **Brenner moved** to provide \$10,000 to each senior center specifically for food.  
36

37 Browne stated consider the allocation. There is a tiny senior center in Welcome.  
38

39 Mann asked how the money would be distributed. Louws stated this is a large  
40 increase for one year. Work it out through the nutrition program and Council on Aging,  
41 rather than creating eight contracts to manage.  
42

43 Weimer stated he hasn't heard any of the senior centers ask for this funding. He  
44 would like them to come here and make a direct request.  
45

46 **Brenner amended her motion and moved** to allocate \$80,000 per year and  
47 distribute to the eight senior centers, via the Council on Aging, based on population and  
48 need.  
49

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1 Weimer stated he hasn't heard any of the senior centers ask for this funding. He's  
2 sympathetic to the request. Someone from the Council on Aging can come to the Council  
3 and discuss it.  
4

5 Brenner stated the Council isn't hearing from many organizations. The Council used  
6 to receive many wonderful presentations from agencies.  
7

8 Weimer stated the question is whether the County wants to advertise that it has a  
9 bunch of available money.  
10

11 Kremen asked if the County funds the Northwest Regional Council, which also serves  
12 the senior centers. Desler described the Northwest Regional Council and other County  
13 contributions to senior programs.  
14

15 ***Brenner withdrew*** her motion. She will get more information.  
16

17 Louws stated he will remove from the budget the expenses of the cooling unit for the  
18 Northwest Annex and the car for the Health Department.  
19

20 Brenner stated continue allocating money for the cooling unit at the Northwest  
21 Annex. If that unit goes, the building will rot. If anyone intends to save the building, the  
22 County must replace the cooling unit.  
23

24 ***Weimer moved*** to remove from the budget the funding allocated for a car for the  
25 Health Department, which the department no longer needs to purchase.  
26

27 The motion carried by the following vote:

28 **Ayes:** Brenner, Crawford, Mann, Weimer, Kremen, Browne and Buchanan (7)

29 **Nays:** None (0)  
30

31 Mann asked when they will talk about future plans for the Northwest Annex. Louws  
32 stated the administration will reconfirm its space plans. After that's done, they will decide  
33 what to do with the northwest annex. They will review it again in the Spring of 2015. They  
34 will fix any problems that arise because staff will still be in the building.  
35

36 Weimer stated leave it in the budget in case something happens. Louws stated the  
37 administration will leave the funding in the budget.  
38

39 Louws stated augment the water action plan with an increase of \$150,000 and a .5  
40 FTE, which are in the ASR on page 234. They will be able to create a good foundation over  
41 the next couple of years. It will be difficult to work efficiently with too many people.  
42

43 Weimer stated increase the PIC staff person from .5 FTE to 1 FTE, in ASR 2015-5141  
44 on page 234, at an additional cost of about \$45,000. Allow the PIC staff person to talk to  
45 people in shoreline and other areas to make those people are aware of the regulations. Also  
46 increase funding for education outreach and for building a PIC compliance and farm plan  
47 database.  
48

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1 Tyler Schroeder, Executive's Office, stated staff is already building the database  
2 within the Tidemark database. He described the database. They will make sure everyone  
3 who needs access to the database will get it.  
4

5 Weimer stated make sure the education program is broader, to include a discussion  
6 with people in critical areas and shorelines, so they're aware of the constraints on those  
7 areas. Public Works staff for the PIC program aren't going to do enforcement. A .5 FTE to  
8 work with Public Works PIC program staff, check farm plans, and do enforcement doesn't  
9 seem adequate.  
10

11 Browne stated he is concerned about the purchase of development rights (PDR)  
12 program. Recent PDR purchases didn't have a lot of value for the money. He's reluctant to  
13 spend more money on staff for those opportunities. He would rather review the underlying  
14 mission and value set before putting more money into staff.  
15

16 Weimer stated increasing the position to full time would preclude the staff from  
17 working on the PDR program. The PDR position was temporary, but is being made  
18 permanent. Schroeder stated that is correct.  
19

20 **Weimer moved** to make the FTE position in ASR 2015-5141 a 1 FTE instead of a .5  
21 FTE, and add another \$55,000 for effective, creatively-designed educational outreach  
22 regarding critical areas and shorelines.  
23

24 Louws stated he would like to have an opportunity to properly present a full-time  
25 option for this position.  
26

27 Kremen stated the budget already includes approximately 18 new FTEs. The County  
28 doesn't have the reserve fund that it used to. If it becomes necessary to reduce the work  
29 force, they won't be able to do it with attrition. There's a limit to the number of new hires  
30 they can add. If they do add this position, remove from another position they're adding.  
31

32 Weimer stated the cost could come from the flood fund, which will still be over its \$5  
33 million reserve before accounting for any grants they receive. Schroeder stated they could  
34 move .5 FTE from Public Works Department ASR 2015-5200.  
35

36 Brenner stated she doesn't support having it come from the flood fund. The  
37 administration can make enough other cuts to pay for it.  
38

39 Schroeder stated one option is to reallocate a .5 FTE from Public Works to the  
40 Planning Department, making the PDS enforcement position a full FTE. He's had that  
41 conversation with staff, in case the enforcement load is higher than the PIC program work  
42 load. The Council can formalize that if it wants.  
43

44 Weimer stated his original motion stands to make the FTE position in ASR 2015-5141  
45 a 1 FTE instead of a .5 FTE, and add another \$55,000 for effective, creatively-designed  
46 educational outreach regarding critical areas and shorelines.  
47

48 The motion carried by the following vote:

49 **Ayes:** Brenner, Mann, Weimer, Browne and Buchanan (5)

50 **Nays:** Crawford and Kremen (2)



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1  
2 Kremen asked if Mr. Schroeder's option he just described would be no net increase in  
3 FTEs, other than what is currently contained within the budget. The Council is unwilling to  
4 do that. That's why he voted against the motion.  
5

6 Louws referenced the comments about filling the third deputy position in the Sheriff's  
7 Office. Augmenting the general fund contribution to the drug task force, increasing an  
8 Information Technology (IT) position to full time, increasing support to the Emergency  
9 Management Division for support officers and reserves, and challenges regarding worker's  
10 compensation resulted in an agreement with the Sheriff to support his current  
11 recommendation. Funding an additional officer is a big increase. As they work on revenue  
12 and other challenges next year, the money may become available.  
13

14 **Brenner** stated include the money now as a placeholder. They've needed to fill  
15 these three positions for years. Two will be filled. Leave the third in the budget. She  
16 **moved** to include funding to fill all three existing vacant Sheriff deputy positions.  
17

18 Browne asked if the Sheriff asked for the third position.  
19

20 Brenner stated he initially asked for it, but he agreed to this recommendation as long  
21 as he is allowed to come forward when he needs it.  
22

23 Kremen stated the culmination of the discussion between the Executive and the  
24 Sheriff resulted in the Sheriff accepting the ability to unfreeze two of the three positions,  
25 and he would not pursue the third position.  
26

27 Brenner stated the Sheriff agreed on the recommendation as long as he is allowed to  
28 make a request when he needs the third position.  
29

30 The motion failed by the following vote:

31 **Ayes:** Brenner (1)

32 **Nays:** Crawford, Mann, Weimer, Kremen, Browne and Buchanan (6)  
33

34 **Brenner moved** to remove funding for the Council policy analyst.  
35

36 The motion failed by the following vote:

37 **Ayes:** Brenner and Crawford (2)

38 **Nays:** Mann, Weimer, Kremen, Browne and Buchanan (5)  
39

40 Louws stated the administration would like to go over all these technical corrections  
41 and have another discussion on November 10.  
42

43 **Brenner moved** to move the senior centers to the Health Department, move park  
44 planning services to the Planning Department, and move park maintenance services to the  
45 Public Works Department. Put the functions of the Parks Department into the three other  
46 departments.  
47

48 The motion failed by the following vote:

49 **Ayes:** Brenner and Mann (2)

50 **Nays:** Crawford, Weimer, Kremen, Browne and Buchanan (5)

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1  
2       **Browne** referenced Volume 1, page 6, and stated meet County Charter  
3 requirements for performance management with internal and external surveys; encourage  
4 immediate feedback from customers; engage in trending analysis to look at the  
5 performance of a department against its own performance on a quarterly basis, where  
6 possible; compare Whatcom County performance with other jurisdictions; use datasf.org  
7 from the City of San Francisco as a model for publishing datasets on everything they do to  
8 provide transparency and encourage companies and citizens to develop applications that  
9 help citizens benefit from the data. He ***moved*** to create 1 FTE within the office of the  
10 County Executive, staffed by someone with comparable skill and communication abilities as  
11 Tyler Schroeder or Perry Rice, with a \$100,000 to \$125,000 salary, to meet the  
12 requirements of the Charter, provide a mechanism to encourage continuous improvement,  
13 and raise the awareness of Whatcom County in the high-tech sector, which could encourage  
14 companies to locate here. Invite the Cities in Whatcom county to join and develop common  
15 standards for the data. It is an entirely new position that would be tasked with collecting  
16 and publishing the relevant data on the website in a format that people can use and would  
17 coordinate with departments to develop and post key performance metrics.

18  
19       Brenner stated she likes the idea, but they don't need a new position to do this work.  
20 Mr. Schroeder and Mr. Rice can work to come up with something. Whatcom County is less  
21 complicated than San Francisco. Ask that the administration look into how this could be  
22 accomplished.

23  
24       Browne stated it's a significant project that needs a dedicated position. Mr.  
25 Schroeder and Mr. Rice both already have full workloads.

26  
27       Buchanan stated the City engaged in a similar strategic planning exercise to provide  
28 metrics. The City Council was heavily involved in 50-year strategic planning and developing  
29 detailed strategic initiatives. The public was involved in creating data points. The project  
30 took two years.

31  
32       Crawford stated he is against the motion. He respects the information and would be  
33 interested in looking at it. He encourages Councilmember Browne to develop the idea and  
34 work with the administration. Recent comparisons to the municipalities of Seattle and San  
35 Francisco are problematic, and nothing like Whatcom County. Financially and socially, they  
36 have problems that Whatcom County doesn't have. Refine the idea, talk about what the  
37 County would specifically get out of the effort, and then ask the Council to fund it. He  
38 would like to know very specific outcomes. He participated in the City of Bellingham  
39 process and persuaded the City to add the farm gate value as a metric. He likes the idea in  
40 general, but doesn't support it until they understand better what specifically would be done,  
41 what is the desired end result, and how the County can use this information. For example,  
42 get input from the Chamber on whether potential new employers would find such  
43 information useful and how that information can be used to the County's benefit.

44  
45       Browne stated he intends to put the money in the budget as a placeholder, work with  
46 the Executive on the details, and bring it forward to the Council as a formal request. He  
47 recommends designating \$125,000 as a placeholder.

48  
49       Mann asked why they would hire an FTE rather than contract for the service.  
50

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1 Browne stated that may be one solution. He's estimating what is needed to get the  
2 project going. One intelligent person working with the departments would be enough to  
3 understand the value of the project, whether it's an employee or a contractor.  
4

5 Louws stated it's good for the County to make decisions based on good metrics.  
6 Given the current projects with the County website, GIS, Tidemark systems, Sheriff's Office  
7 records management system, and data management systems in the criminal justice system,  
8 the County will soon be able to trap a tremendous amount of information. The County has  
9 staff that will be able to get this work done in the next 12 to 24 months. He suggests that it  
10 is appropriate to get these projects going and review the suggestion again in a year. He  
11 would like the opportunity to direct the elected officials and department heads to agree to  
12 generating that information as much as possible.  
13

14 Browne stated he is happy if this position doesn't start until 2016. However, he  
15 would like the funding in place. Areas like San Francisco are on the forefront of information  
16 technology. In 20 years, everyone in the world will be doing what they're doing now.  
17 Whatcom County must be aware of the enhancements they've found in executing local  
18 government.  
19

20 Weimer stated this request is last minute, and has taken him by surprise. He's  
21 working on two federal workgroups to develop measureable metrics for the U.S.  
22 Department of Transportation. He's found that the more he does it, the more concerned he  
23 is about these things. Government tends to want to put up metrics that makes government  
24 look good, and doesn't always put up metrics that are neutral and fair assessment of what's  
25 going on. He would like more information before voting for this. Creating a placeholder  
26 might be alright. Pulling together such an effort is a perfect task for the Council's new  
27 policy analyst. He hesitates putting it in the budget and making the general fund look lower  
28 than they intend, even if they don't spend it.  
29

30 The motion failed by the following vote:

31 **Ayes:** Browne and Mann (2)

32 **Nays:** Buchanan, Crawford, Weimer, Kremen and Brenner (5)  
33

34 Kremen stated he would like the new Council staff position to be called "legislative  
35 analyst/coordinator," not "policy analyst." Naming the position a "policy analyst" indicates  
36 the position only delves into policy. The position is not exclusively a policy analyst. The  
37 staff person would take on other types of tasks.  
38

39 Weimer stated there was discussion of the impact to the Prosecutor's Office from  
40 increased Planning Department enforcement. He's fine with leaving it alone right now.  
41 They can revisit the situation with the Prosecutor if necessary.  
42

43 Kremen stated he supports enforcement. There are repercussions to not obeying the  
44 law. However, when the code enforcement staff engaged in an emphasis patrol in Columbia  
45 Valley, they prioritized and prosecuted the worst 22 offenders. Of the 22 highest priority  
46 code violators, the District Court Commissioner ruled in favor of the violator every single  
47 time.  
48

49 Weimer stated the Planning Department is working on enforcement techniques to  
50 streamline enforcement so they don't have that problem.

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1  
2 Louws stated he will send a list of the changes made today and schedule another  
3 meeting.  
4

5  
6 **OTHER BUSINESS**  
7

8 There was no other business.  
9

10  
11 **ADJOURN**  
12

13 The meeting adjourned at 4:15 p.m.

14  
15 The Council approved these minutes on \_\_\_\_\_, 2015.  
16

17 ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

18  
19  
20  
21  
22 \_\_\_\_\_  
23 Dana Brown-Davis, Council Clerk

\_\_\_\_\_  
Carl Weimer, Council Chair

24  
25  
26  
27 \_\_\_\_\_  
28 Jill Nixon, Minutes Transcription  
29  
30

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Whatcom County Council  
**Special Surface Water Work Session**

November 18, 2014

**ROLL CALL**

**Present:** Barbara Brenner, Sam Crawford, Barry Buchanan, and Rud Browne  
**Absent:** Carl Weimer, Ken Mann, and Pete Kremen

**SURFACE WATER WORK SESSION (AB2014-024)**

*(Clerk's Note: The work session began at 10:30 a.m. without a quorum of the Council. See below for the call to order at 10:40 a.m.)*

**3. NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) ISSUES**

Gary Stoyka, Public Works Department, stated this item will be rescheduled. Instead, the Council will have a **discussion of proposal to send a letter to the Army Corp of Engineers regarding the Puget Sound Nearshore Ecosystem Restoration Project (PSNERP) (AB2014-428)**.

**1. WATERSHED PLANNING UPDATE**

Gary Stoyka, Public Works Department, stated the Planning Unit approved a work plan at its last meeting. At its next meeting, it will discuss and possibly approve a budget for the work plan. After the Planning Unit meeting tomorrow, there is no more money for a facilitator. He will recommend to the Planning Unit that they proceed with a meeting on December 17 to discuss groundwater modeling work and get input on the Coordinated Water System Plan update. There is also a special Planning Unit meeting on December 3, when the State Department of Ecology will give a presentation on instream flow rules. The four questions for Ecology are: how are the current Nooksack rules set and how does it work; what is the science behind setting instream flows; how will Ecology set or modify instream flow rules now versus how it was done in 1986, and; what would Ecology do if there were a request to modify the current Nooksack instream flow rule, particularly in light of the Swinomish ruling and with the current Hirst case. Also, the environmental caucus has returned to the Planning Unit.

*(Clerk's Note: Discussion of this item continued after the Call to Order.)*

**CALL TO ORDER**

*(Clerk's Note: The Council achieved a quorum at 10:40 a.m.)*

Councilmember Sam Crawford called the meeting to order at 10:40 a.m. in the Civic Center Garden Level Conference Room, 322 Commercial Avenue, Bellingham, Washington.

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1 Crawford stated they need to elect a temporary chair for this meeting, since the  
2 Council Chair and Council Vice-Chair are not present. He opened nominations.

3  
4 Browne nominated Councilmember Crawford.

5  
6 The motion carried by the following vote:

7 **Ayes:** Brenner, Crawford, Browne and Buchanan (4)

8 **Nays:** None (0)

9 **Absent:** Weimer, Mann and Kremen (3)

## 10 11 **SURFACE WATER WORK SESSION (AB2014-024)**

### 12 13 **1. WATERSHED PLANNING UPDATE**

14  
15 *(Clerk's Note: Discussion continued from earlier, before a quorum.)*

16  
17 Stoyka stated the Joint Board budget was presented to the Council. The Joint Board  
18 approved its budget. It is close to finishing the scope of work for the groundwater modeling  
19 project consultant.

### 20 21 **2. COORDINATED WATER SYSTEM PLAN UPDATE**

22  
23 Gary Stoyka, Public Works Department, stated the first meeting of the Water Utility  
24 Coordinating Committee (WUCC) was in November, and they will begin meeting monthly in  
25 January for about a year. The consultant will start on the updates and begin producing  
26 information.

27  
28 Brenner asked about the budget for the consultant and how often the WUCC will  
29 meet. Stoyka stated the budget is \$176,000, and the WUCC anticipates having 12  
30 meetings. Most of the budget is for the actual update.

31  
32 Crawford asked if the new water improvement districts (WIDs) will have an impact or  
33 input. Stoyka stated they will not. This is just for public water systems and is specific to  
34 potable water supplies. It is for any system that has to have a water system plan. All  
35 public systems are invited to participate. The WUCC consists of all water systems that have  
36 at least 50 connections, which is about 64 systems. They are the official voting members of  
37 the WUCC. However, they've invited all public water systems to participate.

## 38 39 40 **OTHER BUSINESS**

### 41 42 **Discussion of proposal to send a letter to the Army Corp of Engineers regarding** 43 **the Puget Sound Nearshore Ecosystem Restoration Project (PSNERP) (AB2014-** 44 **428)**

45  
46 Crawford described a recent newspaper article about the Lummi project to remove  
47 dikes and so forth in an area south of Slater Road as part of a shoreline enhancement  
48 program. The Council received a letter from the Farm Bureau suggesting this project would  
49 destroy farmland. He would like to know if that's accurate.

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1 Paula Cooper, Public Works Department, submitted a handout (*on file*) and described  
2 the history of this project, which is aimed at looking for habitat improvement opportunities.  
3 Most of the work so far has been done in Olympia. There's no hydraulic analysis. The  
4 project is very conceptual at this point. The County's current comprehensive flood hazard  
5 management plan (CFHMP) still plans for a setback levee along Ferndale Road, which  
6 includes the estuary salmon restoration project (ESRP) throughout reach one. The PSNERP  
7 project will not condemn land and is totally voluntary. They must work with the  
8 landowners. There is opportunity in working with the PSNERP people. The County is  
9 preparing comments that say the County is moving forward with its plan, and they need to  
10 work with the County to create projects that the County and landowners can and want to  
11 do. She described the next steps in the process. Move the local process along and develop  
12 big, pricey projects that the County can hand off to the Army Corps of Engineers.  
13

14 Crawford asked about the concern about losing farmland. There are farmland areas  
15 that are allowed to flood during certain times of the year. He asked if this is the same  
16 situation. Cooper stated it depends on what works for the landowner. They need to work  
17 with the landowners. There is an opportunity to do that. The focus of the project is estuary  
18 restoration.  
19

20 Crawford stated estuary restoration may be on the priority scale, but would not be  
21 the County's top priority. He would like to know how local prioritization comes into this  
22 process. Cooper stated they said their next step is to work with the community.  
23

24 John Thompson, Public Works Department, stated the agricultural soils get wetter  
25 the farther south they go. The salmon recovery plan includes salmon habitat objectives for  
26 the lower river. The County looks first at human life and safety. The lower river project  
27 includes habitat benefits and detriments. A challenge with the Army Corps of Engineers  
28 project is ensuring that they listen to local priorities. The County may have other, higher  
29 priorities, but this may be a way to accomplish different things from another pot of money.  
30

31 Cooper stated there are serious water quality concerns that need to be addressed.  
32

33 Thompson stated the Lummi Nation has conceptually supported restoring habitat on  
34 the river and in Lummi Bay. Right now, the biggest holdup is the water quality issue.  
35

36 Crawford asked how the County gets involved in this process. Cooper stated the  
37 County staff is preparing written comments in the National Environmental Policy Act (NEPA)  
38 process.  
39

40 Crawford asked how they get this issue in front of Congress. Cooper stated this  
41 comes from the Army Corps authorization to complete work. For the Corps to keep moving  
42 forward, they need Congressional approval and funding. The County will have plenty of  
43 time to get organized and say what it wants from the program.  
44

45 Brenner asked if staff will list the County's concerns, which will include agricultural  
46 land and public safety. Cooper stated that's correct. She described the comments they're  
47 preparing.  
48

49 Browne stated they must look carefully at the value of the Army Corps projects in  
50 the county to make sure there is an actual net value to the County. Cooper stated she's

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1 hopeful that they will negotiate and agree to any project that has a net benefit to the  
2 County.  
3

4 Browne stated there are still big water rights issues the County must solve. The best  
5 place to draw water is where the fresh water hits the salt water. Incorporate into the  
6 discussion the option of drawing water for agricultural use at this point. Cooper stated  
7 that's beyond the scope of the County's project, which focuses on flood and fish.  
8

9 Browne stated it's worth looking at them jointly.  
10

11 Crawford stated it's frustrating that this is all happening in Olympia and Washington  
12 D.C., but ten of the 11 projects are north of Everett. He's concerned that they are making  
13 decisions for the County. Cooper stated their perspective may be that there is a better  
14 opportunity to restore habitat here than in the highly urbanized areas to the south.  
15

16 George Boggs, Whatcom Conservation District, stated they must adhere to the policy  
17 of no net loss of farmland and agricultural land of long-term significance. There should not  
18 be these sorts of projects without appropriate mitigation. There are over 4,000  
19 development rights on prime farmland. They should mitigate at a factor of two-to-one, so  
20 they can increase the farmland base in prime farmlands. He's concerned that a staff person  
21 will look at this farmland and conclude that it's marginal. That's not the test for no net loss  
22 of farmland. It's not the test of the Growth Management Act (GMA). It's marginal due to  
23 decisions made out of context of the land base many years ago. Going forward, make  
24 strong comments that the County's policy is no net loss of farmland, that any projects must  
25 recognize the importance of certain areas to deliver those functions, and that the County  
26 will protect its farmland. He doesn't argue against reestablishing fish and wildlife habitat or  
27 hydrologic services. However, they can't continue to erode the farmland. Loss of farmland  
28 is critical. Don't surrender it easily.  
29

30 ***Brenner moved*** that the Council write a letter reflecting Mr. Boggs' comments. She  
31 will work with Mr. Boggs.  
32

33 Jim Hanson stated it's impractical that thousands of acres will be purchased for  
34 restoration. There is a discrepancy between appraisals and market rate. The concept that  
35 all the farms will be gone and everything will be back-sloped into streams is unrealistic.  
36 However, supporting the research and development feasibility step proposed, the County  
37 could gain useful information regarding flood control and practical environmental restoration  
38 projects. The Lummi River project is highly difficult technically due to water quantity issues.  
39 He agrees with comments from Mr. Boggs about no net loss of farmland. Look at the  
40 approach for water association expansions and the lack of policy prohibiting exempt wells in  
41 closed watersheds. Those are two steps that can be taken to help limit this incursion of  
42 residential use into farmland. There are other policy steps the County can take to  
43 discourage this through a Comprehensive Plan update and critical areas update.  
44

45 Marian Beddill stated she supports the protection of the environment and of  
46 farmland. It is from this philosophy that she will base her future arguments and  
47 discussions.  
48

49 Brenner restated her motion. She also has comments from Scott Bedlington and the  
50 Farm Association. Her biggest concern is that this came late. Certain factions in the



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community are already scared. This may be a way to move forward. She read from the letter from Scott Bedlington.

Crawford stated it's important to submit comments. He will support the motion, and trust that Councilmember Brenner and Mr. Boggs create comments that are professional and respectful, and state briefly the local concerns. He doesn't know if the letter will be signed by the Council Chair, since he's not in town.

Browne stated the letter should communicate that local government should be fully engaged in this process, the proposals should incorporate local projects and priorities, and incorporate increased access to agriculture where possible.

The motion carried by the following vote:

**Ayes:** Brenner, Crawford, Browne and Buchanan (4)

**Nays:** None (0)

**Absent:** Weimer, Mann and Kremen (3)

Crawford asked if the crops growing on farmland that also serves as a flood overflow area aren't those types of crops. Cooper stated she doesn't know yet. A lot of the seed potato land upstream gets flooded. There could be opportunities, but she doesn't yet know for sure.

#### **4. HIGH CREEK PROJECT**

John Thompson, Public Works Department, submitted and read from a presentation (*on file*). He described the location and history of the creek, creek maintenance, and flooding. Permitting agencies require a management plan and that the County demonstrate the long-term need for dredging. The plan will be finished in the next couple of months. It's ranked as item 102 on the County's comprehensive water resource integration project. He showed pictures of and described an interim project done during summer.

Brenner asked if the County can develop a long range plan for dredging for several similar areas. Thompson stated the intent is to identify the preferred options.

Paula Cooper, Public Works Department, stated the local community is very supportive of this plan. They will dredge this year. It is in the improvement plan. There is money for design and implementation in 2016. They will build the two traps in 2016. After that, it will just be annual maintenance.

Brenner stated those two traps won't solve the problem. Thompson stated they won't solve the problem. They will help the County manage the program.

Cooper stated it will be the long term management strategy until they can put it in the gravel pits. The County must pay for long term maintenance of this creek. They will have to include it in the Flood Control Zone District budget every year. She will reach out to the State Department of Transportation for a cost-share agreement.

Brenner asked if dredging is an option for long term maintenance. Cooper stated she hopes they won't need to maintain the rest of the channel if they maintain the two

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1 traps. The material will be focused on the traps. They will have to remove the material  
2 every year. The traps will have a five-year maintenance permit.  
3

4 Brenner stated removing the material from the traps is the same thing as dredging.  
5

6 Crawford stated they will remove 800 cubic yards per year. He asked how many  
7 cubic yards it will take to build this project. Cooper stated the preliminary cost estimate  
8 was \$300,000.  
9

10 Thompson stated they will use the removed material to rebuild the berms.  
11

12 Crawford asked what happens to the material removed from the traps. Thompson  
13 stated it is decent fill material. They have been removing 900 to 1,000 cubic yards below  
14 the bridge periodically. He will bring additional items forward to the Council as the project  
15 moves along.  
16

## 17 **5. CANYON CREEK PROJECT**

18

19 John Thompson, Public Works Department, submitted and read from a presentation  
20 (*on file*) to summarize the work that's been done. He described the location and history of  
21 the project. He showed photos of and described the project before, during, and after  
22 completion.  
23

24 Crawford asked how far up the fish go in this canyon. Thompson stated salmon can  
25 survive to about four miles upriver from the north fork. This location is less than a mile  
26 from the river.  
27

## 28 **ADJOURN**

29

30 The meeting adjourned at 12:12 p.m.  
31

32 The Council approved these minutes on \_\_\_\_\_, 2015.  
33

34  
35 ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

36  
37  
38  
39  
40 \_\_\_\_\_  
41 Dana Brown-Davis, Council Clerk

\_\_\_\_\_  
Carl Weimer, Council Chair

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43  
44  
45 \_\_\_\_\_  
46 Jill Nixon, Minutes Transcription

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WHATCOM COUNTY COUNCIL  
**Committee of the Whole**

January 13, 2015

**CALL TO ORDER**

Council Chair Carl Weimer called the meeting to order at 6:00 p.m. in the Council Committee Room, 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.

**COMMITTEE DISCUSSION**

**1. DISCUSSION OF TRAINING PROPOSAL: EFFECTIVE MEETINGS FOR FOCUS AND PRODUCTIVITY (AB2015-018)**

Browne stated he and Executive Louws attended this session at a Washington State Association of Counties (WSAC) event. The presenter was one of the best he's seen on any topic. She did a great job on how to run effective meetings. He realized this would be a good refresher and good information for board and commission members.

Jack Louws, County Executive, stated he was very enthused about the session he attended, which was very interactive. It's a training program he can schedule here. They would like the County Council to support the training session on February 3. They will also invite members of other councils and the County boards and commissions.

Browne stated he would like the support of the Council to encourage board and commission members to participate. The Council has an opportunity to set an example by the way in which the councilmembers govern themselves and by encouraging these members to learn these procedures.

Kremen stated it will benefit the Council to be more effective and efficient. How the public perceives the Council as a legislative body is more important than any one individual. The way they are perceived is very important. When decorum breaks down, people formulate that opinion about their County government. This training session has many benefits and no drawbacks.

***Browne moved*** to move ahead with the training session.

The motion carried by the following vote:

**Ayes:** Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)

**Nays:** None (0)

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(Clerk's Note: Discussion of this item continued at the end of the meeting.)

**2. ANNUAL REORGANIZATION OF THE WHATCOM COUNTY COUNCIL (AB2015-021)**

County Council Chair

**Buchanan moved** to nominate and appoint Carl Weimer.

Mann stated the effort and leadership Councilmember Weimer has shown as chair this past year has been amazing.

The motion carried by the following vote:

**Ayes:** Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)

**Nays:** None (0)

County Council Vice-Chair, County Executive Pro Tempore and Flood Control Zone District Board of Supervisors Chair

Crawford withdrew his name from consideration for Council Vice-Chair. He **moved** to nominate and appoint Rud Browne for Council Vice-Chair, Pete Kremen for Executive Pro Tempore, and Carl Weimer for Flood Control Zone District Board of Supervisors Chair.

The motion to appoint Rud Browne the Vice-Chair carried by the following vote:

**Ayes:** Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)

**Nays:** None (0)

Crawford withdrew his name from consideration for Executive Pro Tempore.

The motion to appoint Pete Kremen as the Executive Pro Tempore and Carl Weimer as the Flood Control Zone District Board of Supervisors carried by the following vote:

**Ayes:** Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)

**Nays:** None (0)

County Council Standing Committees

Browne withdrew his name from consideration for the Public Works, Health, and Safety Committee.

**Crawford moved** to nominate and appoint the following:

- Councilmembers Browne, Buchanan, and Crawford for the Finance and Administrative Services Committee
- Councilmembers Browne, Mann, and Brenner for the Planning and Development Committee
- Councilmembers Buchanan, Crawford, and Weimer for the Natural Resources Committee
- Councilmembers Brenner, Mann, and Kremen for the Public Works, Health and Safety Committee.

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1 The motion carried by the following vote:

2 **Ayes:** Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)

3 **Nays:** None (0)

4  
5 Brenner stated she will continue attending the Lummi Island Ferry Advisory  
6 Committee meetings.

7  
8 Mann stated he will volunteer to be Councilmember Brenner's backup attendee.

9  
10 Weimer stated he will volunteer as the backup to Councilmembers Brenner and  
11 Mann.

12  
13 *(Clerk's Note: Although there was no motion to assign councilmembers to attend the*  
14 *Lummi Island Ferry Advisory Committee meetings, the Committee voted on those who*  
15 *volunteered to attend.)*

16  
17 The motion carried by the following vote:

18 **Ayes:** Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)

19 **Nays:** None (0)

20  
21 Weimer stated the Natural Resources Committee has chosen from its membership to  
22 serve on the Lake Whatcom Policy Group. There is some value to allowing any  
23 councilmember to attend to learn about Lake Whatcom issues.

24  
25 **Kremen moved** to nominate and appoint Councilmembers Weimer and Buchanan.

26  
27 The motion carried by the following vote:

28 **Ayes:** Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)

29 **Nays:** None (0)

30  
31 Bellingham International Advisory Committee

32  
33 Browne stated the original Advisory Committee split into a technical advisory  
34 committee and another committee that deals only with noise complaints. There is very little  
35 opportunity for input or for County government to be involved. It's about airport  
36 operations.

37  
38 **Kremen moved** to nominate and appoint Sam Crawford.

39  
40 The motion carried by the following vote:

41 **Ayes:** Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)

42 **Nays:** None (0)

43  
44 Various Other Committee Assignments

45  
46 **Crawford moved** to nominate and appoint the following:

- 47 • Rud Browne for Bellingham/Whatcom Chamber of Commerce and Industry
- 48 • Carl Weimer for Birch Bay Shellfish Protection District Advisory Committee
- 49 • Barry Buchanan and Pete Kremen for Council of Governments
- 50 • Rud Browne for Developmental Disabilities Board

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- Carl Weimer for Drayton Harbor Shellfish Protection District
- Barry Buchanan for the Emergency Medical Services (EMS) Oversight Board
- Sam Crawford as an alternate for the for the Emergency Medical Services (EMS) Oversight Board
- Rud Browne for Flood Control Zone District Advisory Committee (ex officio)

The motion carried by the following vote:

**Ayes:** Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)

**Nays:** None (0)

#### Intergovernmental Tribal Relations Committee

**Weimer moved** to nominate and appoint Barbara Brenner and Barry Buchanan.

The motion carried by the following vote:

**Ayes:** Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)

**Nays:** None (0)

#### Law Enforcement Officers and Firefighters (LEOFF) Board

**Weimer moved** to nominate and appoint Ken Mann.

The motion carried by the following vote:

**Ayes:** Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)

**Nays:** None (0)

#### Local Emergency Planning Committee (LEPC)

Crawford withdrew his name from consideration. He **moved** to nominate and appoint Barry Buchanan.

The motion carried by the following vote:

**Ayes:** Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)

**Nays:** None (0)

#### Marine Resources Committee

Weimer **moved** to nominate and appoint Rud Browne.

The motion carried by the following vote:

**Ayes:** Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)

**Nays:** None (0)

#### North Sound Mental Health Administration Board

Browne removed his name from consideration.

**Weimer moved** to nominate and appoint Ken Mann.

The motion carried by the following vote:

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**Ayes:** Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)

**Nays:** None (0)

Various Other Committee Assignments

***Crawford moved*** to nominate and appoint the following:

- Carl Weimer for the Northwest Clean Air Agency
- Ken Mann for Northwest Regional Council
- Ken Mann for Opportunity Council
- Carl Weimer Portage Bay Shellfish Protection District

The motion carried by the following vote:

**Ayes:** Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)

**Nays:** None (0)

Public Defense Advisory Committee

Browne withdrew his name from consideration.

***Weimer moved*** to nominate and appoint Barbara Brenner.

The motion carried by the following vote:

**Ayes:** Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)

**Nays:** None (0)

***Crawford moved*** to nominate and appoint the following:

- Barry Buchanan for the Public Health Advisory Board
- Barbara Brenner for the Solid Waste Advisory Committee
- Pete Kremen for the Washington State Association of Counties (WSAC) Legislative Steering Committee
- Pete Kremen for the Whatcom Transit Authority
- Pete Kremen as the WSAC Alternate Board Member

The motion carried by the following vote:

**Ayes:** Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)

**Nays:** None (0)

**1. DISCUSSION OF TRAINING PROPOSAL: EFFECTIVE MEETINGS FOR FOCUS AND PRODUCTIVITY (AB2015-018)**

Buchanan asked if staff is reaching out to the Bellingham City Council to invite them to the meeting.

Dana Brown-Davis, Clerk of the Council, stated Karen Goens needed Council's support tonight, first. There are only 35 spaces available for each training session. The training is open first to councilmembers and some select staff.

Louws stated priority is given to the councilmembers, Planning Commission members, Charter Review Commission members, and people who are in more formal

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1 meetings. The Bellingham City Council does know about it and plans to attend. The Council  
2 will have to make a public announcement.  
3

4 Crawford asked about the status of the public records training. Brown-Davis  
5 described the options for the required public records training.  
6

7 Browne stated the training for effective meetings is doing two sessions on the same  
8 day. One session is in the afternoon, and the second session is in the evening.  
9

#### 10 **OTHER BUSINESS**

11  
12 Weimer stated the Clerk submitted the first draft of the job description for the  
13 Council legislative analyst.  
14

#### 15 **ADJOURN**

16  
17 The meeting adjourned at approximately 6:30 p.m.  
18

19  
20 The Council approved these minutes on \_\_\_\_\_, 2015.  
21

22 ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

23  
24  
25  
26  
27 \_\_\_\_\_  
28 Dana Brown-Davis, Council Clerk  
29

\_\_\_\_\_  
Carl Weimer, Council Chair

30  
31  
32 \_\_\_\_\_  
33 Jill Nixon, Minutes Transcription  
34  
35



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WHATCOM COUNTY COUNCIL  
**Regular County Council**

January 13, 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**

(7:02:22 PM)

**Present:** Barbara Brenner, Ken Mann, Sam Crawford, Carl Weimer, Pete Kremen, Rud Browne and Barry Buchanan.

**Absent:** None.

**FLAG SALUTE**

**ANNOUNCEMENTS**

Weimer announced there was **discussion of training proposal: Effective Meetings for Focus and Productivity (AB2015-018)** and the **annual reorganization of the Whatcom County Council (AB2015-021)** during the Council's Committee of the Whole meeting.

**PUBLIC HEARINGS**

**ORDINANCE APPROVING A REZONE REQUEST FOR FIVE ACRES AT THE INTERSECTION OF SLATER ROAD AND ELDER ROAD FROM NEIGHBORHOOD COMMERCIAL (NC) TO RURAL GENERAL COMMERCIAL (RGC) (AB2014-331)**  
(7:05:34 PM)

Gary Davis, Planning and Development Services Department, gave a staff report. There is no formal recommendation from the Planning Commission. The ordinance requires a concomitant agreement. Clarify in the concomitant agreement the number of cars allowed.

Weimer opened the public hearing, and the following people spoke:

Jon Sitkin, attorney representing the applicant, stated the site now has a conditional use permit for commercial storage. The storage buildings can be developed in phases in other areas on the site. This proposal limits the used car lot area. The only neighbor who appeared at any of the hearings, Mr. Daugart, was concerned about ingress and egress from and onto Slater Road and Elder Road. He met with the applicant to work out the site plan,

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1 and then signed the sight plan in agreement. He described the site plan. He and the  
2 neighbor did not discuss the number of cars allowed. The applicant hopes the Council will  
3 approve 30 to 40 cars in the lot.  
4

5 The concomitant agreement retains the existing zoning and only allows the additional  
6 uses prescribed. It also includes detailed steps the owner would have to take to implement  
7 the used car lot. The Council would have the right to rescind if they aren't in compliance.  
8 This use is consistent with the underlying zoning and Comprehensive Plan policies.  
9

10 Dave Onkles stated there were only six Planning Commissioners at the original  
11 hearing. The motion to recommend failed 3-3, and a motion not to recommend failed 3-3.  
12 The commissioners who were opposed let their opinions about the applicant and the type of  
13 business sway their arguments. As a matter of law, it seems that this relatively unobtrusive  
14 additional business, compared to traffic, noise, and lights associated with the mini-store  
15 business, is a good use for the location. He is in favor of the rezone.  
16

17 Hearing no one else, Weimer closed the public hearing.  
18

19 **Mann moved** to adopt the ordinance and approve the substitute concomitant  
20 agreement. He's concerned because the site plan allows only 30 cars. He asked how many  
21 cars can be parked in the space designed for car sales. Sitkin stated approximately 30 cars  
22 can be parked in that area. Only the site plan is attached to the concomitant agreement.  
23

24 Kremen stated going from 30 cars to 40 cars is a 33 percent increase. Because of  
25 the nature of the area, the scale should be minimal. He suggested that they specify in the  
26 concomitant agreement that the number of cars does not exceed 35.  
27

28 Mann stated at first he did not want to legitimize a use after the fact through a  
29 rezone. However, he won't adhere to a principle that may not be relevant. This is a very  
30 small change in use. The neighbors, applicant, and owners have worked hard to answer all  
31 their questions and provide information to the councilmembers. There is good recourse if  
32 there is a violation of the concomitant agreement. He will vote for the ordinance and  
33 agreement.  
34

35 Brenner stated she was not going to support it because she didn't want to give  
36 anyone the impression that all they have to do is ask for forgiveness, but she is very  
37 impressed with how far the applicant has gone. The person who was most opposed to the  
38 rezone worked it out with the applicant. She doesn't encourage anyone to ever do this  
39 again. However, she appreciates what happened. It's been handled appropriately. This is  
40 an exception to the rule. She supports the motion to adopt.  
41

42 **Mann moved** to amend the substitute concomitant agreement to specify that 35  
43 cars are allowed, not 40 cars.  
44

45 The motion to amend the substitute concomitant agreement carried by the following  
46 vote:

47 **Ayes:** Brenner, Mann, Crawford, Buchanan, Weimer and Kremen (6)  
48 **Nays:** None (0)  
49 **Abstains:** Browne (1)  
50

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1 The motion to adopt the ordinance and approve the substitute concomitant  
2 agreement carried by the following vote:

3 **Ayes:** Brenner, Mann, Crawford, Buchanan, Weimer and Kremen (6)

4 **Nays:** None (0)

5 **Abstains:** Browne (1)

6  
7 Kremen asked Councilmember Browne to divulge why he abstained from the vote.

8  
9 Browne stated his family and the Boulos family have had a close connection for quite  
10 a while, and it's appropriate to recuse himself from the decision.

11  
12 Kremen stated it's good public policy for an elected official to divulge the reason for  
13 abstaining from a vote, so the public knows why their elected representative doesn't vote.

#### 14 15 16 **OPEN SESSION**

17  
18 The following people spoke:

- 19 • Steve Harris, Whatcom County Deputy Sheriff's Guild President, spoke about  
20 the recent trend of attacks against law enforcement officers and cutting the  
21 number of Sheriff deputies in the County 2015-2016 budget, and the Guild's  
22 choice of Councilmember Brenner to receive an award as 2014 Legislator of  
23 the Year.
- 24 • Cynthia Sue Ripke-Kutsagoitz submitted information (*on file*) and spoke about  
25 the ill effects of tetrahydrocannabinol (THC).
- 26 • Greg Brown spoke about the proposed ordinance regarding the mineral  
27 resource lands designation process and criteria (AB2014-344), the proposed  
28 ordinance to designate the Director of Whatcom County Public Works as the  
29 Administrator of the Western Washington Phase II Municipal Stormwater  
30 Permit (AB2015-036), the contract between Whatcom County and Foster  
31 Pepper, PLLC to provide legal services related to the total maximum daily load  
32 (TMDL) (AB2015-037), and the Planning Commission appointments (AB2015-  
33 035).
- 34 • Gary Honcoop spoke about the Planning Commission appointments (AB2015-  
35 035).
- 36 • Dave Onkles submitted and read from a handout (*on file*) and spoke about  
37 Planning Commission appointments (AB2015-035).
- 38 • John Heystek spoke about appointments to the Flood Control Zone District  
39 Advisory Committee (AB2015-035A).
- 40 • Karen Brown submitted and read from a handout (*on file*) and spoke about  
41 the Planning Commission appointments (AB2015-035).
- 42 • Carol Perry spoke about the Planning Commission appointments (AB2015-  
43 035).
- 44 • Christina Maginnis spoke about the Planning Commission appointments  
45 (AB2015-035).

#### 46 47 48 **OTHER ITEMS**

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1. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND FOSTER PEPPER, PLLC TO PROVIDE LEGAL SERVICES RELATED TO THE LAKE WHATCOM PHOSPHORUS AND BACTERIAL TMDL, IN THE AMOUNT OF \$50,000 (AB2015-037) (7:46:24 PM)

*Brenner moved* to approve the request.

The motion carried by the following vote:

**Ayes:** Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)

**Nays:** None (0)

2. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT BETWEEN WHATCOM COUNTY AND WASHINGTON DEPARTMENT OF HEALTH FOR PUBLIC HEALTH PROGRAMS PROVIDED BY THE HEALTH DEPARTMENT, IN THE AMOUNT OF \$1,061,946 (AB2015-038) (7:46:53 PM)

*Buchanan moved* to approve the request.

The motion carried by the following vote:

**Ayes:** Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)

**Nays:** None (0)

3. ANNUAL COUNTY COUNCIL APPOINTMENTS TO FILL VACANCIES ON VARIOUS BOARDS, COMMISSIONS, AND COMMITTEES (AB2015-035) (7:47:23 PM)

Board of Equalization

*Browne moved* to nominate and appoint Sonya Merk.

The motion carried by the following vote:

**Ayes:** Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)

**Nays:** None (0)

Whatcom Community Network

*Browne moved* to nominate and appoint Candace Wilson.

The motion carried by the following vote:

**Ayes:** Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)

**Nays:** None (0)

Lummi Island Ferry Advisory Committee

*Browne moved* to nominate and appoint Kelvin Barton, Charles Antholt, and Cris Colburn.

Brenner stated she's been to most of the meetings. Mr. Colburn has done an exceptional job. Mr. Barton is a great person who would add to the committee, but it takes

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1 more than one term for someone to understand the issues, so she supports the incumbent.  
2 She hopes Mr. Barton will apply again in the future.  
3

4 Mann stated he thanks everyone who applied to all the board and commission  
5 vacancies. There are still a lot of vacancies. For this committee, the incumbent is highly  
6 qualified and has done a great job. The other applicant is also incredible and very qualified.  
7 In this instance, they have two outstanding applicants for one position. He encourages  
8 people to keep applying for other boards and commission vacancies.  
9

10 The motion to appoint Cris Colburn to the non-island resident/property owner  
11 position carried by the following vote:

12 **Ayes:** Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)  
13 **Nays:** None (0)  
14

15 The motion to nominate and appoint Charles Antholt to a resident position carried by  
16 the following vote:

17 **Ayes:** Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)  
18 **Nays:** None (0)  
19

#### 20 Whatcom County Noxious Weed Board

21  
22 ***Browne moved*** to nominate and appoint L. Alan Yoder.  
23

24 The motion carried by the following vote:

25 **Ayes:** Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)  
26 **Nays:** None (0)  
27

#### 28 Planning Commission

29  
30 ***Mann moved*** to extend the application deadline to 10:00 a.m. on January 20 and  
31 move the appointment to the Council meeting on January 27. He was not able to talk to  
32 one of the applicants.  
33

34 The motion carried by the following vote:

35 **Ayes:** Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)  
36 **Nays:** None (0)  
37

#### 38 Portage Bay Shellfish Protection District Advisory Committee

39  
40 ***Browne moved*** to appoint Wendy Scherrer.  
41

42 The motion carried by the following vote:

43 **Ayes:** Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)  
44 **Nays:** None (0)  
45

#### 46 Solid Waste Advisory Committee:

47  
48 ***Brenner moved*** to appoint Mark Peterson to the Public Interest Group position and  
49 Martin Kuljis, Jr. to the Waste Recycling Industry position. They are both incumbents, and  
50 are doing a great job.

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The motion carried by the following vote:

**Ayes:** Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)

**Nays:** None (0)

#### Surface Mining Advisory Committee

Crawford moved to nominate and appoint all six incumbent applicants to their respective positions: Steve Cowden, Brad Davis, Leslie Dempsey, Dan McShane, Scott E. Hulse, and Christopher Secrist.

The motion carried by the following vote:

**Ayes:** Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)

**Nays:** None (0)

### **3. ANNUAL APPOINTMENTS TO FILL VACANCIES ON THE WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT ADVISORY COMMITTEE AND THE BIRCH BAY WATERSHED AND AQUATIC RESOURCES MANAGEMENT (BBWARM) ADVISORY COMMITTEES (AB2015-035A) (8:04:15 PM)**

*(Council acting as the Whatcom County Flood Control Zone District Board of Supervisors.)*

#### Flood Control Zone District Advisory Committee – Geographic Areas

***Browne nominated*** all applicants.

Brenner stated she supports the two incumbents. Also, Mr. Hulse was just appointed to the Surface Mining Advisory Committee.

Weimer stated it would be good to have someone from the Birch Bay Watershed and Aquatic Resources Management (BBWARM) Advisory Committee, such as Mr. Hulse, because BBWARM is a sub-district of the countywide advisory committee, and no one on BBWARM has ever been represented on the countywide advisory committee.

The Board of Supervisors appointed John Appel, Jeff DeJong, and John Heystek. See attached vote tally.

#### Flood Control Zone District Advisory Committee – Special Districts

***Crawford nominated*** Ron Bronsema, Harry Williams, and Scott Hulse.

The Board of Supervisors appointed Ron Bronsema and Scott Hulse. See attached vote tally.

#### Flood Control Zone District Advisory Committee – Impacted Cities

- AND -

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Flood Control Zone District Advisory Committee – Alternate

**Crawford moved** to appoint Robert Bromley and John Perry to the Impacted Cities positions and Michael Schoneveld to the alternate position.

The motion carried by the following vote:

**Ayes:** Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)

**Nays:** None (0)

Birch Bay Watershed and Aquatic Resources Management (BBWARM) Advisory Committee

**Brenner moved** to appoint all applicants.

Weimer stated Mr. Winterfeld is an incumbent, and has been doing a great job.

Brenner stated Mr. Alesse attends almost all the meetings. She hopes he is appointed.

The Board of Supervisors appointed Peter Winterfeld and Patrick Alesse. See attached vote tally.

**5. CONFIRMATION OF COUNTY EXECUTIVE APPOINTMENTS TO FILL VACANCIES ON VARIOUS BOARDS, COMMISSIONS, AND COMMITTEES (AB2015-039)**

**Crawford 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)

**INTRODUCTION ITEMS**

(8:05:44 PM)

**Crawford moved** to accept the Introduction Items.

(Clerk's Note: The Council discussed Introduction Item 3, below.)

**Browne moved** to amend Exhibit A, item 15, "15. MRL Designation A condition of any mineral extraction permit within forestry zones shall include the condition that can be no greater than 20 acres can be mined within the permitted area at any one time. Additional areas can may only be added only after an equal amount of previously mined areas are acreage has been returned to sustainable productive forest resource condition and the total MRL Designation remains no more than 20 acres." The original language would require a person to seek a mineral resource lands (MRL) designation, seek a permit, do the process, and then start the entire process all over again, which is very time consuming and inefficient.

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1 Crawford stated he is against the motion. Staff indicated that a portion of an area  
2 developed as a road can't be restored, because it must be used as access as they work  
3 across the site, so the acreage to be restored is always a certain percentage less than the  
4 original acreage.

5  
6 Browne stated he has a problem with the language because it specifies the mineral  
7 resource lands designation, not the area permitted to mine. Those are two separate things.  
8 They've been talking about wide areas of MRL designation. His proposal doesn't require the  
9 entire 20 acres to be reclaimed. To expand ten acres, then ten acres of land would first  
10 have to be reclaimed.

11  
12 Weimer stated the language is much clearer on the issue of MRL designation versus  
13 the actual mining permit.

14  
15 Kremen stated this doesn't need to be done now. It could be done later in the  
16 process. However, if the Council accepts the change, he suggests removing the first three  
17 words, "A condition of."

18  
19 Mark Personius, Planning and Development Services Department, stated this section  
20 is in the section of the code about designation criteria, not about permitting. It's talking  
21 about the zoning overlay. The Council can refer the language to the Surface Mining  
22 Advisory Committee (SMAC) and staff to address Councilmember Browne's concerns.

23  
24 Brenner stated the concern should go to the Advisory Committee and staff. She  
25 prefers to start with the ordinance as it is.

26  
27 ***Browne withdrew the amendment*** and asked that the Surface Mining Advisory  
28 Committee and staff look into alternatives to the designation criteria. Personius stated it is  
29 a valid concern and a good question. They will look at what other counties have done to  
30 change the designation criteria. They will also do geographic information system (GIS)  
31 analysis by applying the existing criteria to the new map of the potential resource areas to  
32 see what's left over for potential designation after they go through all the criteria. These  
33 criteria specifically apply to designations within the forestry zone, so it's a particular concern  
34 in forestry lands.

35  
36 The motion to accept the Introduction Items carried by the following vote:

37 **Ayes:** Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)

38 **Nays:** None (0)

- 39  
40 1. **ORDINANCE AMENDING THE 2015 WHATCOM COUNTY BUDGET, FIRST**  
41 **REQUEST, IN THE AMOUNT OF \$868,662 (AB2015-040)**  
42  
43 2. **ORDINANCE AMENDING THE WHATCOM COUNTY CODE TO PROPERLY**  
44 **DESIGNATE THE DIRECTOR OF WHATCOM COUNTY PUBLIC WORKS AS THE**  
45 **ADMINISTRATOR OF THE WESTERN WASHINGTON PHASE II MUNICIPAL**  
46 **STORMWATER PERMIT (AB2015-036)**  
47  
48 3. **ORDINANCE AMENDING WHATCOM COUNTY CODE TITLE 20 AND THE**  
49 **COMPREHENSIVE PLAN REGARDING SURFACE MINE PERMITTING, THE**



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1           **MINERAL RESOURCE LANDS DESIGNATION PROCESS, AND MINERAL**  
2           **RESOURCE LANDS DESIGNATION CRITERIA (AB2014-344)**

3  
4           *(Clerk's Note: See above for discussion of this item.)*  
5  
6

7           **COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES**

8  
9           *(8:16:16 PM)*  
10

11           Brenner reported that Planning and Development Director Sam Ryan was chosen  
12 Citizen of the Year by the Whatcom County Association of Realtors. She is an amazing  
13 person who can solve all kinds of issues with constituents. The County is lucky to have her.  
14 She appreciates Ms. Ryan's work.  
15

16           Kremen stated he was able to convince Ms. Ryan to become the Director when he  
17 was County Executive. She has done a stellar job. Ms. Ryan is positive and has a good  
18 attitude.  
19

20           Browne reported on the mineral resource land (MRL) study. The Council wants  
21 additional questions addressed. The Council needs to make a request of the Executive.  
22 Also, the County shifted to a project-based budget. The Council was going to ensure that  
23 they maintain a degree of transparency over those expenditures. They need to put that on  
24 the agenda.  
25

26           Brenner stated she's already planned an item for the next agenda.  
27

28           Weimer reported he attended the first meeting of the Charter Review Commission  
29 last night. Citizens with ideas on how County government can be changed through the  
30 Charter should contact the Commission.  
31

32           Crawford asked if his suggestion about reviewing the mineral resource overlay  
33 differently, especially reviewing the process of other counties, has to go to the Surface  
34 Mining Advisory Committee. He asked if staff needs Council direction now or after the  
35 Council votes on the new addition of environmental review during the MRL designation  
36 process. They are only a year away from the 2016 Comprehensive Plan update.  
37

38           Mark Personius, Planning and Development Services Department, stated that  
39 proposal is not on the staff work program. They went through an update of the element,  
40 including the designation criteria, with the Advisory Committee, which will be released in  
41 February. Planning Commission consideration will begin in March. He welcomes guidance  
42 from the Council on how to proceed with changing the designation process and the supply  
43 and demand issues. Staff can re-engage with the community, but it may not be done in  
44 time for the 2016 update.  
45

46           Weimer stated there seemed to be unanimous discussion of moving in that direction.  
47 He doesn't know how much work it would be to put the different overlays on a map to see  
48 what's left, once it's done. Have another discussion in the Natural Resources Committee  
49 soon to provide more specific direction. Personius stated he will talk with staff about the  
50 level of effort required.

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1  
2 Brenner stated this ordinance is an interim ordinance until that's done. People are  
3 submitting applications now, and it will take a while to get those comprehensive plan  
4 amendments. There is no clear understanding of the process. The County must determine  
5 the best places for the MRL overlay.  
6

7 Weimer stated the ordinance introduced tonight is not an interim ordinance. It's an  
8 actual change to the Comprehensive Plan. However, as they look at the bigger picture, it  
9 might change.  
10

11 Crawford stated designating an area should be determined by the location of gravel  
12 resources and whether or not the gravel should be extracted. Then have a robust  
13 permitting process to let applicants come forward in those designated areas, look at all the  
14 impacts, including environmental impacts, and go from there.  
15

16 Browne stated he would like the Surface Mining Advisory Committee and staff to look  
17 at the capacity to provide gravel under the existing designations, based on a couple of  
18 different models for consumption, a question is the impact from Canadian consumption.  
19 The City of Surrey is the fastest growing city in Canada. That could impact local reserves.  
20 Get studies from the lower mainland to get a sense of what they plan for their resources,  
21 and whether that would influence the local resources.  
22

23 Brenner stated she would like to know how much resource has been imported and  
24 exported since 2004.  
25

26 Weimer stated the paperwork doesn't require companies to report that information.  
27  
28

29 **ADJOURN**  
30

31 The meeting adjourned at 8:27 p.m.  
32

33 The Council approved these minutes on \_\_\_\_\_, 2015.  
34

35 ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

36  
37  
38  
39  
40  
41 \_\_\_\_\_  
42 Dana Brown-Davis, Council Clerk  
43  
44  
45  
46 \_\_\_\_\_  
Jill Nixon, Minutes Transcription

\_\_\_\_\_  
Carl Weimer, Council Chair

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WHATCOM COUNTY COUNCIL  
**Committee Of The Whole**

January 27, 2015

**CALL TO ORDER**

Council Chair Carl Weimer called the meeting to order at 6:17 p.m. in the Council Conference Room, 311 Grand Avenue, Bellingham, Washington.

**ROLL CALL**

**Present:** Barbara Brenner, Sam Crawford, Rud Browne, Barry Buchanan, Ken Mann, Pete Kremen and Carl Weimer

**Absent:** None

**COMMITTEE DISCUSSION**

1. **STRATEGY PLANNING DISCUSSION AND POSITIONS TO BE TAKEN REGARDING COLLECTIVE BARGAINING (AB2015-018)**
2. **CONSIDERATION OF APPEAL OF HEARING EXAMINER'S DECISION ON CUP 2013-0004, SEP 2013-0032 & APL 2014-0011, FILED BY BBC BROADCASTING, INC., REGARDING A REQUEST FOR ZONING CONDITIONAL USE APPROVAL TO INSTALL A RADIO COMMUNICATION FACILITY IN POINT ROBERTS (AB2014-343)**  
**Attorney Present: Karen Frakes**

Weimer stated that discussion of agenda item one may take place in executive session pursuant to RCW 42.30.140(4)(a) and discussion of agenda item two may take place in executive session pursuant to RCW 42.30.110(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.

***Crawford 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:** Crawford, Brenner, Browne, Buchanan, Mann, Kremen and Weimer (7)

**Nays:** None (0)

**ADJOURN**

The meeting adjourned at approximately 7:00 p.m.

The Council approved these minutes on \_\_\_\_\_ 2015.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

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1		
2	<hr/> Dana Brown-Davis, Council Clerk	<hr/> Carl Weimer, Council Chair
3		
4		
5		
6	<hr/>	
7	Jill Nixon, Minutes Transcription	

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WHATCOM COUNTY COUNCIL  
**Regular County Council Meeting**

January 27, 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**

(7:01:54 PM)

**Present:** Barbara Brenner, Ken Mann, Sam Crawford, Carl Weimer, Pete Kremen, Rud Browne and Barry Buchanan.

**Absent:** None.

**FLAG SALUTE**

**CITIZEN BOARD AND COMMITTEE VACANCIES**

Weimer announced three vacancies on the Surface Mining Advisory Committee.

**ANNOUNCEMENTS**

Weimer announced there was a **strategy planning discussion and positions to be taken regarding collective bargaining (AB2015-018)** in executive session during the Committee of the Whole meeting today.

Weimer also announced there was **consideration of appeal of Hearing Examiner's decision on CUP 2013-0004, SEP 2013-0032 & APL 2014-0011, filed by BBC Broadcasting, Inc., regarding a request for Zoning Conditional Use Approval to install a radio communication facility in Point Roberts (AB2014-343)** in executive session during the Committee of the Whole meeting today.

**Mann moved** to uphold the Hearing Examiner's decision of the appeal of CUP 2013-0004, the request for zoning conditional use approval in Point Roberts.

The motion carried by the following vote:

**Ayes:** Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)

**Nays:** None (0)

(Clerk's Note: The Council took a short recess until 7:09 p.m.)

(7:09:45 PM)

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### MINUTES CONSENT

**Browne moved** to approve the Minutes Consent items one through seven, including the substitute pages for the Regular County Council of November 25, 2014.

The motion carried by the following vote:

**Ayes:** Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)

**Nays:** None (0)

1. COMMITTEE OF THE WHOLE FOR OCTOBER 28, 2014
2. REGULAR COUNTY COUNCIL FOR OCTOBER 28, 2014
3. COMMITTEE OF THE WHOLE FOR NOVEMBER 12, 2014
4. REGULAR COUNTY COUNCIL FOR NOVEMBER 12, 2014
5. REGULAR COUNTY COUNCIL FOR NOVEMBER 25, 2014
6. COMMITTEE OF THE WHOLE FOR DECEMBER 9, 2014
7. REGULAR COUNTY COUNCIL FOR DECEMBER 9, 2014

### PUBLIC HEARINGS

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)

Weimer opened the hearing and the following people spoke:

(7:12:23 PM)

Peter Willing submitted a handout (*on file*) and stated he was a member of the Surface Mining Advisory Committee (SWAC) for about six years. He strongly supports the idea of an environmental review at the beginning of the mineral resource land (MRL) designation process. He also supports the idea of a 2,000-foot radius for notification of neighbors who may be affected by a mineral resource land designation. One thousand feet is not adequate. He prefers the conditional use process over the administrative approval process. Many gravel mines in Whatcom County have been allowed to become dormant for ten or more years. The Council should do something about those operations before designating more mineral resource lands.

Meredith Moench submitted and read from her testimony (*on file*) and referenced Finding 17 regarding the evaluation and review of potential adverse environmental impacts before an MRL is designated. Applicants only have high environmental costs if significant

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1 impacts are identified through a determination of significance (DS) decision, which then  
2 requires an environmental impact statement (EIS). If the site results in a DS, the  
3 applicants should know early on, before making their plans. It's better for all involved to go  
4 through this process at the beginning.

5  
6 Wendy Harris stated she supports the ordinance, but it should go further. Gravel  
7 mines create ecological dead zones. Expand the range of people who are given notice and  
8 require a public hearing by Council. Gravel mines create problems with air quality, water  
9 quality, and road conditions. Look at what the County requires from gravel mines based on  
10 Federal Emergency Management Agency (FEMA) standards, including an onsite wildlife  
11 assessment. Require a State Environmental Policy Act (SEPA) checklist that addresses  
12 water quality, air quality, and wildlife. The 50-year review should be changed to 20. They  
13 can't keep growing the way they have been growing.

14  
15 Suzanne Shull stated she is a member of the Friends of Sumas Nooksack Watershed  
16 and supports the ordinance. The Saxon Road expansion appeal resulted in a judicial ruling  
17 that the 50-year supply is a recommendation, not a requirement. Expand the notification  
18 area to more than 1,000-feet. Require a SEPA environmental checklist, which will save  
19 money in the long run.

20  
21 Rebecca Robertson stated she is a member of Friends of Sumas Nooksack Watershed  
22 and supports the ordinance. There are many sensitive areas. Her neighborhood  
23 experienced emptied wells, fallen trees, and other detriments from a nearby gravel mine  
24 expansion. They were not notified about the expansion. She supports extending the  
25 notification area.

26  
27 Greg Brown stated he is opposed to the ordinance. The County should identify  
28 where mineral resource lands should be. If they require the SEPA up front, they might as  
29 well do away with the permitting process. People want to live here, but don't want others  
30 to provide the materials necessary to live here. This will stop gravel mining. Stop taking  
31 resources away from the county and the jobs that go with them.

32  
33 Larry Helm stated he is opposed to the ordinance. Gravel mines produce jobs,  
34 contribute tax money, and provide infrastructure. There are fewer sawmills and dairies than  
35 there used to be. They need these resources to live.

36  
37 Susan Brass stated she supports the ordinance. She is a member of the Friends of  
38 the Sumas Nooksack Watershed. It's common sense to require an environmental review  
39 before designating land as mineral resource land. She supports an environmental SEPA  
40 checklist and expanding the notification area to 2,000 feet or more. The public won't suffer  
41 the penalty of undue costs due to detriments from nearby gravel operations.

42  
43 James Esik, Granite Construction Company, submitted and read from a handout (*on*  
44 *file*) and stated the mineral resource lands designation is a much larger issues than the  
45 notification requirement and a simple State Environmental Policy Act (SEPA) checklist. The  
46 purpose is to protect natural resource lands from competing land uses. Consider all the  
47 natural resource industries in Whatcom County, and how they provide jobs now and into the  
48 future. Mineral resource land is very important to the aggregate industry in Whatcom  
49 county. They support development through the county and beyond. The Council must be  
50 familiar with the goals of the Growth Management Act (GMA), including the goal to maintain

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1 and enhance natural resource-based industries while striking a balance with the remaining  
2 twelve. Quality aggregates are finite resources. Don't limit the amount of area designated  
3 for future use. Potential mineral lands can be eliminated by commercial or industrial  
4 development, without the vision to protect these properties for the future. Whatcom County  
5 should not support language that limits the size of mineral resource designation in forest  
6 land and should not preclude the consideration of mineral resource lands where agricultural  
7 lands and long-term forestry lands currently exist. The updated Comprehensive Plan should  
8 allow for code designation of all natural resource lands to meet the goals of the GMA and to  
9 sustain future generations.

10  
11 Hearing no one else, Weimer closed the public hearing.

12  
13 (7:36:22 PM)

14  
15 **Brenner** moved to adopt the ordinance. All the different types of natural resources  
16 aren't the same, and they don't have the same impacts. She moved to a house 30 years  
17 ago that was next to an active gravel pit. They were the best neighbors. They restored the  
18 land when they were done. She is frustrated that the legitimate concerns of people can't be  
19 addressed until the permitting process. Once land is designated, applicants assume they  
20 can get a permit. There is a misunderstanding among the applicants about what they need  
21 and when it should happen. This amendment helps to address those issues. The  
22 amendments won't make the process more costly. If someone is really planning to gravel  
23 mine, those costs will be spent up front, which will save money during the second phase of  
24 permitting. If they decide not to permit and instead sell the property, the requirements will  
25 make their property more valuable. The County should go through the process of  
26 designating its mineral resource lands. In the meantime, she can't support an MRL request  
27 when she doesn't have the information she needs to make a decision. This isn't the same  
28 as the slaughterhouse issue. She needs adequate information to make a fair decision.  
29 Some of the findings seemed to be superimposed from something else. They do not  
30 adequately explain what the Council is doing and are not accurate. She **moved** to amend  
31 finding 20 to delete the last sentence, "~~However, lands that have a proven...in the~~  
32 ~~designation process.~~"

33  
34 The motion to amend carried by the following vote:

35 **Ayes:** Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)

36 **Nays:** None (0)

37  
38 **Brenner moved** to amend finding 21 to delete most of the finding, "The proposed  
39 comprehensive plan amendments may affect the ability of the county and/or other service  
40 providers to provide adequate services and public facilities including transportation facilities,  
41 ~~though not necessarily through...the rest of the provider's budget."~~

42  
43 Crawford stated he is against the motion. It's important to note the failure of the  
44 recent efforts to designate lands. It's an important point to include.

45  
46 Brenner stated she disagrees. With this amendment, applicants would have known  
47 up front what really happens, instead of going through a general process that costs money,  
48 and then being stopped at the second process. The rest of this does not support the  
49 amendment.



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1 The motion to amend carried by the following vote:

2 **Ayes:** Brenner, Mann, Browne, Buchanan, Weimer and Kremen (6)

3 **Nays:** Crawford (1)

4  
5 **Brenner moved** to amend finding 22 to say, "The rate of conversion to mineral  
6 resource lands may slow, positively impacting the protection of agriculture and forestry  
7 lands." Remove all of the remaining language in finding 22.

8  
9 The motion to amend carried by the following vote:

10 **Ayes:** Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)

11 **Nays:** None (0)

12  
13 **Mann moved** to amend finding 33 as is in Brenner's pink handout...

14  
15 The motion to amend carried by the following vote:

16 **Ayes:** Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)

17 **Nays:** None (0)

18  
19 **Mann moved** to amend to delete finding 32. Renumber the remaining findings  
20 appropriately.

21  
22 The motion to amend carried by the following vote:

23 **Ayes:** Brenner, Mann, Browne, Buchanan, Weimer and Kremen (6)

24 **Nays:** Crawford (1)

25  
26 Brenner stated include a new finding that says, "MRL designation does not  
27 encompass all potential ability for Whatcom County to have aggregate. For example, there  
28 will very likely be dredging at the mouth of the river." It bothers her that this whole thing  
29 hasn't addressed removing gravel from the river. They will end up doing it with the  
30 assistance of the Lummi Tribe. She will write language and make a motion.

31  
32 **Browne moved** to amend to delete the mineral resource land designation general  
33 criteria item 15 and amend Exhibit A section 20.73.153(7), "Where the underlying zoning is  
34 Rural Forestry or Commercial Forestry, any mineral extraction permit shall include the  
35 condition that no greater than 20 acres can be mined within the permitted area at any one  
36 time. Additional acreage may only be added after an equal amount of previously mined  
37 land has been returned to sustainable productive forest resource condition. prior to moving  
38 on to a new phase, previously minded areas shall meet reclamation criteria as identified on  
39 an approved Department of Natural Resources Surface Mining Reclamation Permit."

40  
41 Several mines are already greater than 20 acres. He is concerned that someone will  
42 effectively be limited to mining the 20 acres and would have to completely remediate that  
43 area before moving on to the next 20 acres. That theoretically includes removing and  
44 replacing the roads. Allow people to continue to operate in the areas where they are  
45 approved to operate, as long as the area in which they mine at any one time does not  
46 exceed 20 acres.

47  
48 Mann asked if keeping a road to access new mining areas would count as part of an  
49 actively mined area, so the road would eventually take up more and more of the area  
50 allowed for mining. He asked if this amendment addresses that concern.

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1  
2 Browne stated as originally written, the entire 20 acres have to be remediated.  
3

4 Weimer asked if this amendment removes it from the designation process, so they  
5 wouldn't worry about the 20 acre limit for designation. It would only be about the actual  
6 mined area.  
7

8 Browne stated a person could have a designation of 100 acres, but be permitted only  
9 for 20 acres at one time.  
10

11 Weimer stated they would have to reclaim acreage before opening up more area.  
12

13 Browne stated that's correct.  
14

15 Weimer asked if these changes would require a new hearing.  
16

17 Mark Personius, Planning and Development Services Department, said that's correct.  
18

19 Weimer asked if it would be a problem to delay concurrent review. Personius said it  
20 would not be a problem.  
21

22 Brenner asked if the amendment would change the proposal to doing the  
23 environmental review requirement during the MRL designation process or the 2,000 foot  
24 notification area.  
25

26 Browne stated it would not.  
27

28 The motion to amend carried by the following vote:

29 **Ayes:** Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)

30 **Nays:** None (0)  
31

32 **Crawford moved** to amend the language approved in the previous amendment to  
33 Exhibit A section 20.73.153(7), "Where the underlying zoning is Rural Forestry or  
34 Commercial Forestry, any mineral extraction permit shall include the condition that no  
35 greater than 20 acres can be mined within the permitted area at any one time. Additional  
36 acreage may only be added after an equal amount of previously-mined land has been  
37 returned to sustainable productive forest resource condition, less the area of any roads  
38 constructed in previously-mined land, to access a newly permitted area. ~~prior to moving on~~  
39 ~~to a new phase, previously minded areas shall meet reclamation criteria as identified on an~~  
40 ~~approved Department of Natural Resources Surface Mining Reclamation Permit."~~  
41

42 Staff mentioned that people involved in this process brought forward this concern.  
43 They are talking about areas that have already been mined for gravel. There is no better  
44 place for an access road for a new area than an area that's already been mined.  
45

46 The motion to amend carried by the following vote:

47 **Ayes:** Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)

48 **Nays:** None (0)  
49

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1 Browne referenced his proposal for a new subsection 8 of section 20.73.153, to  
2 amend policy 8K-8, and a new general criterion for the mineral resource lands designation.  
3 These proposals attempt to make clear the definition of common ownership and have a  
4 common theme. The intent is to work through the issue of common ownership and hold  
5 people accountable if they are out of compliance.

6  
7 Weimer asked the meaning of the word 'beneficial' in this context.

8  
9 Crawford asked why the section specifies one percent.

10  
11 Browne stated he chose one percent as a minimum threshold.

12  
13 Crawford stated he's concerned that it's arbitrary and capricious.

14  
15 Brenner stated specifying a percentage is necessary, and indicates that they intend  
16 to apply it to any common ownership.

17  
18 Browne stated the word 'beneficial' tries to capture situations where it may be an  
19 indirect ownership.

20  
21 Kremen asked if legal counsel could write language that captures what  
22 Councilmember Browne is trying to achieve and is more appropriate and consistent with the  
23 norm for ordinances like this.

24  
25 Karen Frakes, Prosecutor's Office, stated there isn't a norm for language like this.  
26 This seems unique. She can't offer anything that is an accepted norm.

27  
28 Personius asked that the Council amend the proposal to insert language about being  
29 in compliance with all operating permits and regulations to new subsection 20.73.153(8), to  
30 include language about being in compliance with all operating permits and regulations.

31  
32 **Browne moved** to amend Exhibit A:

- 33 1. Add a new subsection to section 20.73.153(8), "(8) When mineral extraction is  
34 proposed on a parcel that was not designated Mineral Resource Lands prior to  
35 January 1, 2015, all existing mines on parcels contiguous to, and held by  
36 more than 1% common beneficial ownership with the proposed mine shall be  
37 in complete compliance with all operating permits and regulations before  
38 extraction of the proposed mine may commence."
- 39 2. Amend policy 8K-8, "Policy 8K-8: Expansion of MRL designations to parcels  
40 contiguous to, and held by more than 1% common beneficial ownership with,  
41 an existing mine, shall require that the existing mine is substantially in  
42 compliance with all operating permits and regulations before expansion of the  
43 designation will be approved, and must be in complete compliance before  
44 extraction of the additional area may commence."
- 45 3. Amend general criterion 12 for the mineral resource lands designation,  
46 "Expansion of MRL designations to parcels contiguous to, and held by more  
47 than 1% common beneficial ownership with an existing mine, shall require  
48 that the existing mine is substantially in compliance with all operating permits  
49 and regulations before expansion of the designation will be approved."
- 50

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1 Crawford stated he will vote against the motion to amend, based on his  
2 understanding of ownership issues, such as to avoid lot consolidation. Requiring a County  
3 administrator to make a legal decision about who those entities of ownership are puts the  
4 staff in a difficult position.

5  
6 Brenner asked if it would put staff in a difficult position. Frakes stated it's likely. It  
7 can be a complicated determination to make.

8  
9 Browne stated it will only come up if someone is noncompliant and wants to expand.  
10 This gives the Planning Department leverage to require compliance in the existing facility  
11 before expansion.

12  
13 The motion to amend carried by the following vote:

14 **Ayes:** Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)

15 **Nays:** None (0)

16  
17 ***Browne moved*** to amend Section 20.73.153 to add a new subsection:

18 (9) If a permit(s) is granted for mineral extraction and title to the property is later  
19 transferred to a new owner then:

20 (a) the new owner may continue with the mineral extraction provided that  
21 the new owner assumes:

22 i. responsibility to undertake the reclamation, remediation and  
23 mitigation of all impacts related to any operations that may  
24 occur during their ownership.

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

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

33  
34 There was a question of whether the new owner inherits the right to continue  
35 operating the mine if there is a change in ownership of the land. That right should continue  
36 with the new owners if it's a permitted facility that is in compliance. A change in ownership  
37 should not absolve the new owner or old owner from doing reclamation.

38  
39 Brenner stated a new owner would have the responsibility. Frakes stated it's unlikely  
40 that someone would have the benefits of a permit without having the responsibilities of the  
41 permit, also.

42  
43 Crawford asked if the current permit system allows the County to hold a new buyer  
44 responsible for reclamation.

45  
46 Browne stated another question is whether the owner who derived financial benefit  
47 from the operation is relieved of his or her responsibility because the mining operation is  
48 sold.

49  
50 Frakes stated the State regulates the reclamation process.

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1  
2 Weimer stated staff can look into whether or not the State already covers this  
3 concern, and remove the language later if it does.  
4

5 The motion to amend carried by the following vote:

6 **Ayes:** Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)

7 **Nays:** None (0)  
8

9 **Brenner moved** to amend by adding a finding, "MRL designation does not  
10 determine all usable aggregate within Whatcom County."  
11

12 The motion to amend carried by the following vote:

13 **Ayes:** Brenner, Mann, Browne, Buchanan, Weimer and Kremen (6)

14 **Nays:** Crawford (1)  
15

16 Crawford stated he is against the ordinance. This amendment perpetuates a  
17 permitting and planning process that isn't currently working for the people of Whatcom  
18 County. Most people have observed this effective process. He urges the Council to consider  
19 redefining what constitutes an MRL designation in Whatcom county, re-map and designate  
20 accordingly, and construct a robust and thorough permitting process for future proposals to  
21 extract mineral resources in Whatcom county.  
22

23 Brenner stated this is effectively an interim ordinance until that work gets done. The  
24 County must determine the MRL areas, and then allow people to apply for permits in those  
25 areas. The process now is duplicative. If the process has to be duplicative, she wants to  
26 know at the beginning what the potential environmental problems are.  
27

28 Browne stated he agrees with Councilmember Crawford, but he will vote for the  
29 amended ordinance. He looks forward to working on that review, which is in everyone's  
30 best interest.  
31

32 Weimer stated he also supports the changes. It's important to do the environmental  
33 assessment earlier so people know what is going on in their neighborhoods and more people  
34 in the area are notified. This adoption doesn't preclude the County Council from taking a  
35 look at MRLs countywide.  
36

37 Due to all the amendments, the Council will have to hold another hearing. The  
38 Council will introduce the amended ordinance at its meeting on February 10, 2015.  
39  
40

#### 41 **OPEN SESSION** 42

43 The following people spoke:

- 44 • Greg Brown spoke about the order of Council agenda items and open session and  
45 Planning Commission appointments.
- 46 • Wendy Harris spoke about the deteriorating water and air quality and wildlife  
47 corridors and the Comprehensive Plan update.
- 48 • Patrick Alesse spoke about funding the water resources inventory area (WRIA)  
49 Planning Unit.
- 50 • Roger Sefzik spoke about proposed marijuana grow operations.

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- Dannon Traxler spoke about medical marijuana dispensaries and collective gardens in the county.

Brenner stated Ms. Traxler should contact the Sheriff's Office and, if they won't respond, she should contact her.

Kremen stated the authorities need to be apprised of what is going on. The Bellingham City Council and Whatcom County Council can exert influence on law enforcement to enforce the law.

Crawford stated the Prosecutor or Sheriff could be invited to discuss the medical marijuana issue at a Council committee meeting.

- Kathy Kershner spoke about requirements for medical marijuana advertising.
- Nicholas Kunkle spoke about his application for Planning Commission.

## **CONSENT AGENDA**

*(8:45:34 PM)*

**Browne** reported for the Finance and Administrative Services Committee and **moved** to approve Consent Agenda items one through nine, including the replacement pages for item two.

Brenner withdrew item one.

The motion to approve Consent Agenda items two through nine carried by the following vote:

**Ayes:** Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)

**Nays:** None (0)

### **1. REQUEST AUTHORIZATION FOR THE COUNTY EXECUTIVE TO ENTER INTO A CONTRACT WITH COMPUCOM SYSTEMS, INC., PURSUANT TO WASHINGTON STATE CONTRACT T11-MST-579, FOR THE RENEWAL OF THE MICROSOFT ENTERPRISE AGREEMENT, IN THE ANNUAL AMOUNT OF \$154,146.53 (AB2015-049)**

Brenner stated she is against the request. The price has increased since they entered into the verbal agreement. She's not convinced about this. Microsoft oversaw the contract. They should count on a company to not increase its fee by quite a bit. Find out if the problem came from Microsoft or CompuCom. Stand firm and say that the County expects them to honor the price they gave to the Council.

**Browne moved** to approve the request.

Kremen asked if the County has another option if the Council does not approve this request.

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1 Perry Rice, Administrative Services Department, stated the County currently doesn't  
2 have an agreement. Microsoft has allowed the month of January as a grace period. He  
3 would have to ask Microsoft for an extension of the grace period to fully resolve the  
4 situation. CompuCom sent him an email that indicated it was their mistake. CompuCom is  
5 an official Microsoft business partner.

6  
7 Brenner stated Microsoft is a big enough company to admit their mistake and fix it,  
8 but they aren't doing it.

9  
10 Buchanan asked what CompuCom does. Rice stated companies in the state of  
11 Washington that get licensing from Microsoft go through CompuCom.

12  
13 The motion carried by the following vote:

14 **Ayes:** Mann, Crawford, Browne, Buchanan, and Weimer (5)

15 **Nays:** Brenner and Kremen (2)

16  
17 **2. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO A**  
18 **CONTRACT FOR SERVICES AGREEMENT BETWEEN WHATCOM COUNTY AND**  
19 **PUBLIC FINANCIAL MANAGEMENT, INC., TO PROVIDE ASSISTANCE IN**  
20 **DEVELOPING A FINANCING PLAN FOR THE CONSTRUCTION OF A NEW JAIL**  
21 **AND SHERIFF'S HEADQUARTERS, IN THE AMOUNT OF \$60,000 (AB2015-**  
22 **047B)**

23  
24 **3. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO**  
25 **AMENDMENT #2 TO THE SIGNAL MAINTENANCE INTERLOCAL AGREEMENT**  
26 **BETWEEN WHATCOM COUNTY AND THE CITY OF BELLINGHAM TO ADD**  
27 **SEVERAL LIGHTS FROM RECENT COUNTY CONSTRUCTION PROJECTS TO THE**  
28 **EXISTING SIGNAL LIST (AB2015-050)**

29  
30 **4. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO RENEW THE PUBLIC**  
31 **USE SCHEDULING AGREEMENT BETWEEN WHATCOM COUNTY AND THE JET**  
32 **OLDSTERS ASSOCIATION OF FERNDAL FOR THE FERNDAL SENIOR**  
33 **ACTIVITY CENTER (AB2015-051)**

34  
35 **5. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO RENEW THE**  
36 **CONTRACT FOR SERVICES BETWEEN WHATCOM COUNTY AND THE JET**  
37 **OLDSTERS ASSOCIATION OF FERNDAL TO PROVIDE STAFFING AND**  
38 **OPERATIONAL SUPPORT AT THE FERNDAL SENIOR ACTIVITY CENTER, IN**  
39 **THE ANNUAL AMOUNT OF \$58,750 (AB2015-052)**

40  
41 **6. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO RENEW THE**  
42 **CONTRACT FOR SERVICES BETWEEN WHATCOM COUNTY AND THE COUNCIL**  
43 **ON AGING TO PROVIDE STAFFING AND OPERATIONAL SUPPORT AT THE**  
44 **BELLINGHAM SENIOR ACTIVITY CENTER, IN THE ANNUAL AMOUNT OF**  
45 **\$58,750 (AB2015-053)**

46  
47 **7. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO RENEW THE**  
48 **INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND THE CITY OF**  
49 **LYNDEN TO PROVIDE STAFFING AND OPERATIONAL SUPPORT INCLUDING**



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1 MINOR CUSTODIAL SUPPLIES FOR THE LYNDEN SENIOR CENTER, IN THE  
2 ANNUAL AMOUNT OF \$58,750 (AB2015-054)  
3

4 8. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO RENEW THE  
5 INTERLOCAL AGREEMENT BETWEEN WHATCOM COUNTY AND THE CITY OF  
6 BLAINE TO PROVIDE STAFFING AND OPERATIONAL SUPPORT AT THE  
7 BLAINE SENIOR ACTIVITY CENTER, IN THE ANNUAL AMOUNT OF \$58,750  
8 (AB2015-055)  
9

10 9. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER IN TO A  
11 CONTRACT FOR SERVICES AGREEMENT BETWEEN WHATCOM COUNTY AND  
12 DOMESTIC VIOLENCE AND SEXUAL ASSAULT SERVICES TO SUPPORT THEIR  
13 EFFORTS TO REDUCE AND PREVENT DOMESTIC VIOLENCE IN WHATCOM  
14 COUNTY, IN THE AMOUNT OF \$70,000 (AB2015-056)  
15

#### 16 17 OTHER ITEMS 18

19 1. ORDINANCE AMENDING THE WHATCOM COUNTY CODE TO PROPERLY  
20 DESIGNATE THE DIRECTOR OF WHATCOM COUNTY PUBLIC WORKS AS THE  
21 ADMINISTRATOR OF THE WESTERN WASHINGTON PHASE II MUNICIPAL  
22 STORMWATER PERMIT (AB2015-036) (8:51:26 PM)  
23

24 **Buchanan** reported for the Natural Resources Committee and **moved** to adopt the  
25 ordinance.  
26

27 The motion carried by the following vote:

28 **Ayes:** Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)

29 **Nays:** None (0)  
30

31 2. PRESENTATION OF WATER RESOURCES INVENTORY AREA (WRIA) 1  
32 PLANNING UNIT WORK PLAN AND BUDGET, AND DISCUSSION OF COUNTY  
33 STAFF'S REQUEST FOR GUIDANCE ON HOW TO PROCEED WITH PLANNING  
34 UNIT WORK (AB2015-046) (8:51:59 PM)  
35

36 **Buchanan** reported for the Natural Resources Committee and **moved** to reaffirm  
37 the Council's budget allocation to the Planning Unit of \$30,000 for facilitation and \$10,000  
38 for caucus support, in a total amount of \$40,000.  
39

40 Brenner stated the Planning Unit requested an additional \$20,000 for the County to  
41 provide. Some caucuses, such as the private well owner caucus and other non-  
42 governmental caucuses, need money and staff to contact their members. If they don't  
43 provide the extra \$20,000, then make sure the \$10,000 for caucus support goes to the  
44 caucuses that don't have staff.  
45

46 Weimer stated the Planning Unit still hasn't decided if it wants to use the money for  
47 facilitation or to evolve into an advisory committee to get more administrative assistance  
48 from the County.  
49



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1 Browne stated he is against the motion. The WRIA 1 Planning Unit was originally a  
2 State mandated entity that was funded with State money. Now they County is taking over  
3 an unfunded mandate. He's reluctant to do that. Whatcom County is bound by State rules  
4 for the operation of the entity. Several members of the Planning Unit have said they don't  
5 believe they're bound by the County government, yet they're asking the County to give  
6 them funding. It's odd to fund an organization that says they're not under the County's  
7 authority. The Planning Unit meeting process is awkward and difficult. It has overhead  
8 costs that other groups don't have. He recommends that the Council put the Planning Unit  
9 on hold, create a Council water resources committee, and invite Planning Unit members to  
10 participate. The Council would provide them a governance structure, support, and specific  
11 agendas that the other committees have.

12  
13 Brenner stated she doesn't support Councilmember Browne's recommendation.  
14 There can be disagreements about the function, but it would be highly insulting to dissolve  
15 the Planning Unit and call it an advisory committee. She supports the motion to reaffirm  
16 the expenditures.

17  
18 Browne stated he recommends putting the Planning Unit on hold, not dissolving it, in  
19 case the State decides to provide additional funding. While the County funds the Planning  
20 Unit, it should operate within the County committee structure.

21  
22 Kremen stated there are many significant unfunded mandates. The Planning Unit  
23 has value. The Council must continue funding it. He prefers to spend more of the money  
24 on the actual caucuses, and less on facilitation, but it's up to the Planning Unit to decide.  
25 Waiting for the State to fund the Planning Unit in the future is unrealistic.

26  
27 Mann stated the Planning Unit has value, but Councilmember Browne's suggestion is  
28 the best suggestion he's heard regarding the Planning Unit in many years. However, it may  
29 be too soon, because it took a big effort to get the caucuses together and functioning again.  
30 The Planning Unit members are valuable. If changing to an advisory committee structure  
31 wasn't considered an insult, he would do that now. The Council should respect the effort  
32 they have put in so far and approve the motion to reaffirm their budget. Give the Planning  
33 Unit a chance to do what they set out to do.

34  
35 Weimer stated the Planning Unit is looking for direction from the Council. Many are  
36 willing to be more advisory if the Council gives the Planning Unit issues to work on. They've  
37 already changed their voting rules. He would be willing to bring to the Council a proposed  
38 guidance document for the Planning Unit.

39  
40 Browne stated he accepts Councilmember Weimer's suggestion if the Council  
41 provides the Planning Unit with three things to work on and a timeline for submitting a  
42 response. If the Planning Unit can work in an efficient manner, he is happy to accept its  
43 continued operation. However, it's taken them 20 months to come up with a budget, which  
44 the Council still doesn't have. If the Planning Unit is willing to accept the Council's guidance  
45 on their work plan and is willing to produce within a reasonable period of time, he's willing  
46 to continue their support.

47  
48 Buchanan stated he suggests that there be a joint meeting with the Planning Unit  
49 and the Council during a surface water work session (SWWS).

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1 Browne stated the Planning Unit would function more efficiently as a committee. The  
2 Council must be clear about the goals and timelines the Planning Unit must meet to  
3 continue receiving funding from the County.  
4

5 Tyler Schroeder, Executive's Office, stated the funding issue for the Joint Board is  
6 scheduled for an upcoming Joint Board meeting. Those members will talk about how to  
7 fund the Joint Board after 2015. There is enough money to accomplish the work plan  
8 through 2015. That discussion will continue through the year. Let this play out during 2015  
9 to see how they all move forward. It's appropriate to give the Planning Unit topics to work  
10 on.  
11

12 Brenner stated the County allocated a lot of money to the Joint Board. Any contracts  
13 with the Joint Board were supposed to receive approval by the Council before going to the  
14 Joint Board. It's never happened. She would require that the Council get information about  
15 it beforehand, not after.  
16

17 The motion carried by the following vote:

18 **Ayes:** Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)

19 **Nays:** None (0)  
20

21 **3. ORDINANCE AMENDING THE 2015 WHATCOM COUNTY BUDGET, FIRST**  
22 **REQUEST, IN THE AMOUNT OF \$868,662 (AB2015-040) (9:09:18 PM)**  
23

24 **Browne** reported for the Finance and Administrative Services Committee and  
25 **moved** to adopt the ordinance.  
26

27 The motion to amend carried by the following vote:

28 **Ayes:** Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)

29 **Nays:** None (0)  
30

31 **4. RESOLUTION RECOGNIZING THAT LEED (LEADERSHIP IN ENERGY AND**  
32 **ENVIRONMENTAL DESIGN) "SILVER" CERTIFICATION FOR THE NEW JAIL**  
33 **AND SHERIFF'S HEADQUARTERS IS NOT FEASIBLE (AB2015-047A) (9:10:12**  
34 **PM)**  
35

36 Browne reported for the Finance and Administrative Services Committee and stated  
37 this item is held in committee.  
38

39 **5. CONFIRMATION OF COUNTY EXECUTIVE'S LIST OF REMAINING 2015**  
40 **APPOINTMENTS TO FILL VACANCIES ON VARIOUS BOARDS, COMMISSIONS,**  
41 **AND COMMITTEES (AB2015-039A) (9:10:29 PM)**  
42

43 **Brenner moved** to confirm the appointments.  
44

45 The motion to amend carried by the following vote:

46 **Ayes:** Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)

47 **Nays:** None (0)  
48

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6. **ANNUAL COUNTY COUNCIL APPOINTMENTS TO FILL VACANCIES ON VARIOUS BOARDS, COMMISSIONS, AND COMMITTEES: PLANNING COMMISSION, VARIOUS APPLICANTS (AB2015-035) (9:10:49 PM)**

Browne nominated all nine applicants.

Brenner stated she will vote for Dave Onkels, because he's just served his one term. He's worked very hard. She will also vote for Michael Knapp, who used to be the County Planning Director. The Council received many qualified applicants. She hopes the others will apply again, apply for something else, or contribute to local politics some other way.

Browne stated he agrees with Councilmember Brenner that the applicant list is outstanding. He was able to speak to all but one.

*(Clerk's Note: See the attached vote tally sheet.)*

The Council appointed Nicole Oliver and Michael Knapp.

**APPROVAL OF COMPREHENSIVE PLAN AMENDMENTS**

Weimer stated these four items are held in Council.

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)**
4. **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)**

**INTRODUCTION ITEMS**

***Brenner moved*** to accept the introduction items.

The motion to amend carried by the following vote:

**Ayes:** Brenner, Mann, Crawford, Browne, Buchanan, Weimer and Kremen (7)

**Nays:** None (0)

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1. RECEIPT OF APPLICATION FOR THE LUMMI ISLAND FERRY ADVISORY COMMITTEE-RESIDENT/PROPERTY OWNER VACANCY, APPLICANT: STU CLARK (AB2014-044) (APPLICATION DEADLINE FOR ANY OTHER APPLICANTS TO THIS VACANCY IS 10 A.M. ON FEBRUARY 3, 2015)
2. ORDINANCE AMENDING WHATCOM COUNTY CODE 3.08, PURCHASING SYSTEM (AB2015-042)

#### **COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES**

(9:17:38 PM)

Mann reported he was elected Chair of the Council Planning and Development Committee.

Brenner reported she was elected Chair of the Public Works, Health, and Safety Committee.

Weimer reported that Councilmember Buchanan was elected Chair of the Natural Resources Committee and Councilmember Browne was elected Chair of the Finance and Administrative Services Committee.

Brenner reported that today is the 70<sup>th</sup> anniversary of the liberation of people from Auschwitz. No one should ever forget. Also, the Animals for Natural Therapy Fifth Annual Gala is on March 2.

Weimer asked if it's necessary that the surface water work sessions be scheduled every month, and if they can schedule six per year instead of 12.

Kremen stated he suggests scheduling six per year but make them longer, such as three hours.

Browne stated he supports scheduling six. If the meetings are longer, then start earlier.

Brenner stated schedule six a year, but have more if they need them.

Weimer stated he is fine with leaving it flexible and letting staff set the schedule. He asked if the Council approves of reducing the number of surface water work sessions if possible.

***The Council concurred.***

Buchanan reported that he participated in a fundraising video for a new low power FM community radio station, KVWV on 94.9.

Mann reported that he went to New York City over the holidays and toured a massive waterfront redevelopment project in Brooklyn. The creativity, ideas, executive, and community involvement were inspirational. They need to make the most of their local waterfront. There are many possibilities.

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1  
2 Weimer reported that he attended the second meeting of the Water Utility  
3 Coordinating Council (WUCC).  
4

5 Kremen reported that Lummi Nation Chairperson Tim Ballew has invited Council to  
6 attend a gathering on the evening of January 30. It would be a wonderful opportunity to  
7 build relationships with the Lummi Nation.  
8

9 Crawford read his letter of resignation to the Whatcom County Council effective  
10 March 1, 2015.  
11

12 Weimer stated he thanks Councilmember Crawford for his 16 years of service and  
13 the historical knowledge he brings to Council decisions. He described the Council  
14 appointment process.  
15

16 Crawford stated his resignation is not effective until March 1. He will attend the  
17 February 10 Council meeting and the National Association of Counties (NACO) Conference in  
18 Washington D.C. in February. He is well-versed on some of the issues, such as rural  
19 schools funding, and will be an effective representative for the County Council. He would be  
20 grateful for the Council's support in allowing him to attend that conference.  
21

22 ***The Council concurred.***  
23

24 Browne stated he appreciates Councilmember Crawford's help with navigating the  
25 NACO Conference, because this is his first time attending.  
26

27 Mann stated he is not happy about the resignation. He is shocked and upset. He  
28 really appreciates Councilmember Crawford's excellent and commendable service. He's  
29 learned a lot from Councilmember Crawford, and is sad to see him go.  
30

31 Crawford stated this is a great opportunity for him. His employers are two of the  
32 most astute business people he's ever met. Offering him a leadership role in that  
33 organization is very exciting. Unfortunately, he can't continue the part-time responsibilities  
34 of the County Council at the same time.  
35

36 Kremen stated Councilmember Crawford has always maintained the utmost integrity,  
37 intelligence, thoughtfulness, dedication, collaboration, positivity, and trustworthiness to the  
38 people of Whatcom County. He is sad about the resignation. Councilmember Crawford has  
39 been an asset to the County and to the County Council, and his departure is a loss for the  
40 entire community.  
41

42 Jack Louws, County Executive, stated Councilmember Crawford has been an asset to  
43 the citizens of Whatcom County with his insight, dedication, understanding, and  
44 respectfulness.  
45

46 Weimer stated he thanks Councilmember Crawford for his service.  
47  
48

49 **ADJOURN**  
50

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1           The meeting adjourned at 9:38 p.m.

2  
3           The County Council approved these minutes on \_\_\_\_\_, 2015.

4  
5  
6   ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

7  
8  
9  
10  
11 \_\_\_\_\_  
12 Dana Brown-Davis, Council Clerk

\_\_\_\_\_  
Carl Weimer, Council Chair

13  
14  
15  
16 \_\_\_\_\_  
17 Jill Nixon, Minutes Transcription

# WHATCOM COUNTY COUNCIL AGENDA BILL

NO. AB2014-344

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator: Joshua Fleischmann	<i>JF</i>	2/3/2015	<div style="text-align: center;"> RECEIVED   FEB 03 2015   WHATCOM COUNTY COUNCIL </div>	11/12/2014	Natural Resources Committee
Division: Mark Personius	<i>MP</i>	2/3/2015		11/12/2014 12/9/2014	Introduction Nat. Rec. Comm.
Dept. Head: J.E. "Sam" Ryan				1/13/2015	Nat. Rec. Comm./ Introduction
Prosecutor: Royce Buckingham	<i>RB</i>	2-4-15		1/27/2015 2/10/2015	Public Hearing Introduction
Purchasing/Budget:				3/3/15	Public Hearing
Executive: Jack Louws				3/3/15	Council-Concurrent Review

**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

## COMMITTEE ACTION:

## COUNCIL ACTION:

2/10/2015: Amended and Introduced 7-0 (proposed schedule - March 3 Public Hearing)

Related County Contract #:

Related File Numbers:

Ordinance or Resolution Number:

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

**WHATCOM COUNTY**

Planning & Development Services  
5280 Northwest Drive  
Bellingham, WA 98226-9097  
360-676-6907, TTY 800-833-6384  
360-738-2525 Fax



**J.E. "Sam" Ryan**  
Director

**Memorandum**

**TO:** Whatcom County Council

**FROM:** Joshua Fleischmann, Planner *JF*

**THROUGH:** Mark Personius, Long Range Planning Manager *MP*

**DATE:** February 3, 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 for a public hearing to be held on February 24th.



PROPOSED BY: \_\_\_\_\_  
SPONSORED BY: \_\_\_\_\_  
INTRODUCTION DATE: 02/10/2015

**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 in common ownership with, an existing mine, shall 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 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:

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

\_\_\_\_\_  
Royce Buckingham  
Civil Deputy Prosecutor

\_\_\_\_\_  
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 ±2,000 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 ±2,000 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, less the area of any roads constructed in previously-mined land, 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 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 owners(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 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 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**

125. Prohibit MRL designations in areas designated Agriculture by the Whatcom County Comprehensive Plan that contain "Prime Farmland Soils" as listed in Table 5, Soil Survey of Whatcom County Area, Washington, U.S. Department of Agriculture Soil Conservation Service. A Goldin (1983).

### **River and Stream Gravel**

136. MRL Designation status applies to river gravel bars 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.
- 169. Mineral Resource Designation Status extends to all currently permitted industrial mineral deposits of long-term commercial significance.
- ~~1720~~. All other non-patented mineral deposits must meet the non-metallic MRL Designation criteria, numbers 6 through ~~12~~ 15, 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.

~~.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 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

- 12~~10~~. Abutting parcel size density must not exceed one unit per nominal five acres for more than 25% of the perimeter of the site unless project specific mitigation is created.

#### Additional Criteria for Designated Forestry Areas

- 13~~11~~. 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

- 14~~12~~. Prohibit MRL designations in areas designated Agriculture by the Whatcom County Comprehensive Plan that contain "Prime Farmland Soils" as listed in Table 5, Soil Survey of Whatcom County Area, Washington, U.S. Department of Agriculture Soil Conservation Service. A Goldin (1983).

#### **River and Stream Gravel**

- 15~~13~~. MRL Designation status applies to river gravel bars possessing necessary permits and containing significant quality reserves.
- 16~~14~~. MRL Designation status may apply to those upland sites located in proximity to river gravel sources and used primarily for handling and processing significant amounts of river gravel.

#### **Metallic and Industrial Mineral Deposits**

- 17~~15~~. For metallic and rare minerals, mineral designation status extends to all patented mining claims.
- 18~~16~~. Mineral Resource Designation Status extends to all currently permitted industrial mineral deposits of long-term commercial significance.
- 19~~17~~. 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), inasmuch 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 2G:** *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



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 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 19<sup>th</sup>, 2013 and the appeal period concluded July 29<sup>th</sup>, 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.

13. 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.

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 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...",<sup>1</sup> address the Mineral Resource Land (MRL) approval process<sup>2</sup> and identify criteria for designating MRLs<sup>3</sup>. 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.

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<sup>1</sup> Whatcom County Comprehensive Plan, Chapter 8 Resource Lands, Section 8K Adverse Impacts

<sup>2</sup> Whatcom County Comprehensive Plan, Chapter 8 Resource Lands, Section 8P MRL Approval Process

<sup>3</sup> Whatcom County Comprehensive Plan, Chapter 8 Mineral Resource Lands (MRL) – Designation Criteria, Non-Metallic Deposits.

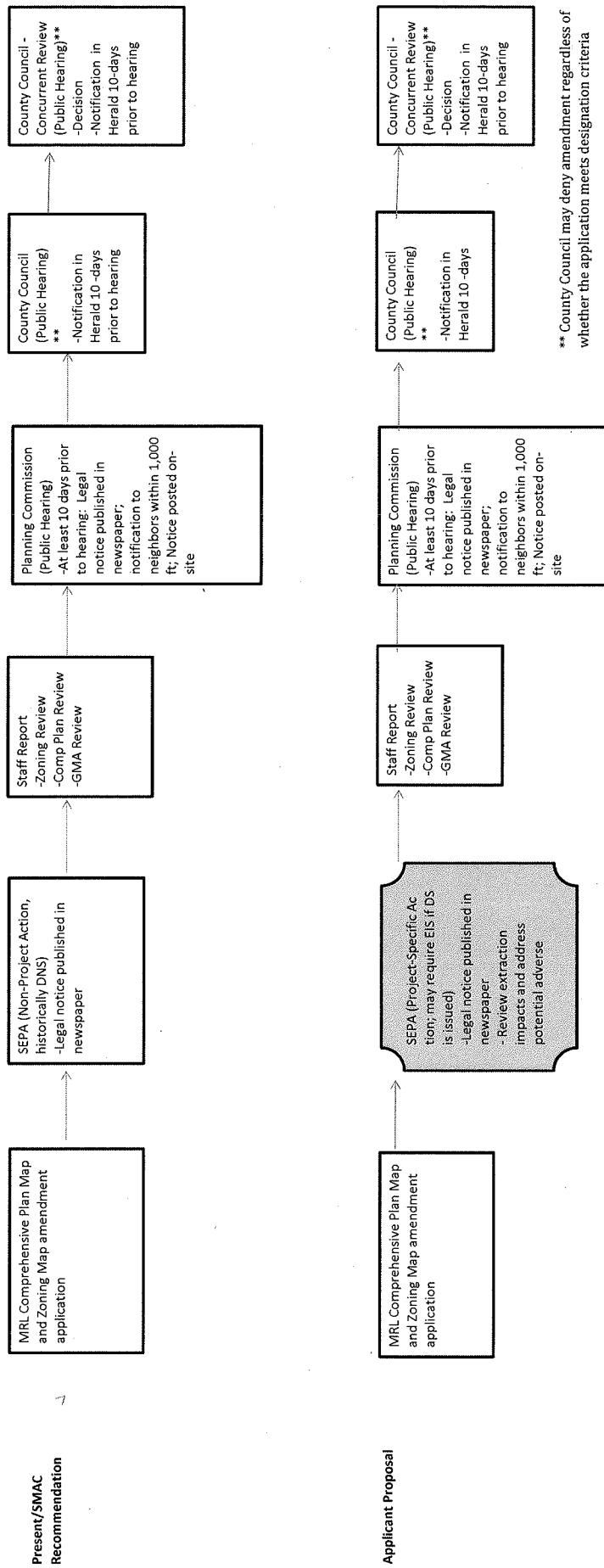
The rationale for changing from an administrative review to a conditional use mine permitting process includes the following:

- 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



# Permitting process for mineral extraction

## PRESENT

Administrative Approval Use  
 -Notification to neighbors within 1,000 ft.  
 -SEPA (project specific action) if over 500 cu yds  
 -Staff Decision  
 -Notice posted on-site

## SMAC RECOMMENDATION

Conditional Use  
 -Notification to neighbors within 1,000 ft  
 -SEPA (project specific action) if over 500 cu yds  
 -Staff Recommendation  
 -Public Hearing  
 -Hearing Examiner Decision

## APPLICATION

Conditional Use  
 -Notification to neighbors within 2,000 ft  
 -SEPA (project specific action) if over 500 cu yds (completed as part of designation)  
 -Staff Recommendation  
 -Public Hearing  
 -Hearing Examiner Decision

# WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2015-069

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:	JJW	1/20/15	<div style="text-align: center;"> <p>RECEIVED</p> <p>FEB 03 2015</p> <p>WHATCOM COUNTY COUNCIL</p> </div>	2/10/15	Introduction
Division Head:				3/3/15	Hearing
Dept. Head:	RAD	1/21/15			
Prosecutor:	KAF	1/22/15			
Purchasing/Budget:					
Executive:		2/3/15			

## TITLE OF DOCUMENT:

Ordinance amending WCC 24.13, Illegal Drug Manufacturing or Storage Sites

## ATTACHMENTS:

Illegal Drug Manufacturing or Storage Sites Ordinance

Strike out version of proposed amendments to WCC 24.13 Illegal Drug Manufacturing or Storage Sites

Clean version of WCC 24.13 Illegal Drug Manufacturing or Storage Sites

SEPA review required?	( ) Yes	( X ) NO	Should Clerk schedule a hearing?	( ) Yes	( X ) NO
SEPA review completed?	( ) Yes	( X ) NO			

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

The purpose of the proposed amendments to WCC 24.13 is to be consistent with Chapter 246-205 WAC- Illegal Drug Manufacturing or Storage Sites and to clarify processes with illicit methamphetamine use sites.

## COMMITTEE ACTION:

## COUNCIL ACTION:

2/10/2015: Introduced 7-0 (proposed schedule - March 3 Public Hearing)

Related County Contract #:

Related File Numbers:

Ordinance or Resolution Number:

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

**WHATCOM COUNTY**  
**Health Department**

*Leading the community in promoting health  
and preventing disease.*



**Regina A. Delahunt**  
Director  
**Greg Stern, M.D.**  
Health Officer

**Memorandum**

**RECEIVED**

JAN 26 2015

**TO:** Jack Louws, Whatcom County Executive  
**FROM:** <sup>PAD</sup> Regina A. Delahunt, Health Director  
**DATE:** January 21, 2015  
**RE:** **Ordinance Amending WCC 24.13, Decontamination of Illegal Drug Manufacturing or Storage Sites**

**JACK LOUWS**  
**COUNTY EXECUTIVE**

**Requested Action**

Attached is an ordinance for amending WCC 24.13, Decontamination of Illegal Drug Manufacturing or Storage Sites, for Council review and approval on March 3, 2015.

**Background and Purpose**

On July 12, 2005, Council adopted WCC 24.13, Decontamination of Illegal Drug Manufacturing or Storage Sites regulations which mirrored WAC 246-205 with the addition of illicit use sites.

On April 15, 2014, health staff presented to the Health Board how current enforcement of WCC 24.13 has shown to be onerous for property owners with confirmed illicit use sites. The enforcement process is the same as for a manufacturing site where the level of public health risk is much greater. The Board of Health directed the Public Health Advisory Board and health department staff to draft recommendations to amend WCC 24.13.

On May 1, 2014 and June 5, 2014, the PHAB discussed eliminating restrictive decontamination requirements thereby decreasing financial and enforcement barriers to self-reporting and clean-up. By providing technical assistance to use site property owners rather than enforcement, the result would actually increase cleanups. It was agreed to move forward for Council consideration amended language to local code that is consistent with state requirements.

During the time period July 2014 through December 2014, the Health Department worked in collaboration with City of Bellingham officials to further clarify the intent and use of this regulation.

**Information**

Enclosed are an agenda bill, ordinance, and the revised WCC 24.03 both strike-out version and final (clean) version.

Thank you for your consideration. Please call me at extension 50801 if you have any questions.

Encl.

509 Girard Street  
Bellingham, WA 98225-4005  
(360) 676-6724  
FAX (360) 676-6771

**PUBLIC HEALTH**  
ALWAYS WORKING FOR A SAFER AND  
HEALTHIER WHATCOM COUNTY  
[www.whatcomcounty.us/health](http://www.whatcomcounty.us/health)

1500 North State Street  
Bellingham, WA 98225-4551  
(360) 676-4593  
FAX (360) 676-6772

**ORDINANCE NO. 2015-**

**AMENDING WHATCOM COUNTY HEALTH CODE WCC 24.13, DECONTAMINATION OF  
ILLEGAL DRUG MANUFACTURING OR STORAGE SITES**

**WHEREAS**, the state Board of Health enacted Washington Administrative Code section 246-205 Decontamination of Illegal Drug Manufacturing or Storage Sites effective January 23, 2003; and

**WHEREAS**, local Boards of Health are required to adopt the WAC by reference or local regulations that are at least as stringent; and

**WHEREAS**, the Whatcom County Board of Health adopted local regulation July 12, 2005; and

**WHEREAS**, those regulations included additional language for illicit methamphetamine use sites; and

**WHEREAS**, the Health Department on May 1, 2014, presented to the local Board of Health compelling financial and enforcement barriers for property owners with illicit methamphetamine use sites; and

**WHEREAS**, the Public Health risk associated with illicit methamphetamine use sites can be minimized more effectively through technical assistance guidance; and

**WHEREAS**, the Whatcom County Board of Health requested the Public Health Advisory Board to recommend amendment language of the local regulation to address these issues; and

**WHEREAS**, the State Department of Health modified the decontamination standards from a "detection" limit to a "health based" limit; and

**WHEREAS**, the proposed amendment language addresses illicit use site protocols and provides consistency with state regulation;

**NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council, acting as the Whatcom County Board of Health, that WCC 24.13 Decontamination of Illegal Drug Manufacturing or Storage Sites be amended as outlined in Exhibit A.

ADOPTED this \_\_\_\_ day of \_\_\_\_\_ 2015.

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

ATTEST:

\_\_\_\_\_  
Dana Brown Davis, Clerk of the Board

\_\_\_\_\_  
Carl Weimer, Council Chair

APPROVED AS TO FORM:

( ) Approved ( ) Denied

\_\_\_\_\_  
Royce Buckingham, Civil Deputy Prosecutor

\_\_\_\_\_  
Jack Louws, County Executive

Date: \_\_\_\_\_



# EXHIBIT A

## Chapter 24.13

### DECONTAMINATION OF ILLEGAL DRUG MANUFACTURING OR STORAGE SITES

#### Sections:

24.13.010 Authority.

24.13.020 Purpose.

24.13.030 Adoption by reference.

24.13.040 Applicability.

24.13.050 Definitions.

24.13.060 Determination of contamination for illegal manufacturing and storage sites.

24.13.065 Contamination of Illegal Use Sites

24.13.070 Decontamination.

24.13.080 Violations.

24.13.090 Appeals.

24.13.100 Fees.

24.13.110 Severability.

#### **24.13.010 Authority.**

The statutory authority for the adoption of this chapter is provided in Chapter 64.44 RCW, Contaminated Properties, and Chapter 70.05 RCW, Local Health Departments, Boards, Officers – Regulations. Any subsequent amendment to these chapters shall be incorporated into this chapter without the need for further amendment. (Ord. 2005-055 Exh. A).

#### **24.13.020 Purpose.**

This chapter provides for the protection of the health, safety, and welfare of the public by reducing the potential for exposure to hazardous chemicals associated with illegal drug manufacturing or storage sites. (Ord. 2005-055 Exh. A).

#### **24.13.030 Adoption by reference.**

Chapter 246-205 WAC, Decontamination of Illegal Drug Manufacturing or Storage Sites, is hereby adopted by reference. If a conflict arises between Chapter 246-205 WAC and this chapter, the more

person illegally manufactured or stored a controlled substance. J. "Initial site assessment" means the first evaluation of a property to determine the nature and extent of observable damage and contamination.

K. "Person" means an individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or other entity.

L. "Posting" means attaching a written or printed announcement conspicuously on property, which may be, or is determined to be, contaminated by illegal drug manufacturing or the storage of a hazardous chemical.

M. "Property" means any site, lot, parcel of land, structure, or part of a structure involved in the illegal manufacture of a drug or storage of a hazardous chemical including, but not limited to: single-family residences, units or multiplexes, condominiums, apartment buildings, motels and hotels, boats, motor vehicles, trailers, manufactured housing, any ship, booth, or garden; or any site, lot, parcel of land, structure, or part of a structure that may be contaminated by previous use.

N. "Property owner" means a person with a lawful right of possession of the property by reason of obtaining it by purchase, exchange, gift, lease, inheritance, or legal action.

O. "Illegal Use Site" means any property where a law enforcement agency believes a person or persons illegally used a controlled substance.

P. "Violation" means an act or omission contrary to a health regulation or permit including an act or omission at the same or different location by the same person and including a condition resulting from such act or omission. (Ord. 2005-055 Exh. A).

#### **24.13.060 Determination of contamination for illegal manufacturing and storage sites.**

A. Within one working day of notification from a law enforcement agency of potential contamination, the director shall post a written warning on the property informing potential occupants that entry is unsafe, in accordance with WAC 246-205-520, Posting property.

B. Within 14 days of notification, the director shall inspect the property in accordance with WAC 246-205-530, Inspecting property.

C. The director shall make a determination of contamination when the inspection reveals the property is contaminated.

D. Any property determined to be contaminated as defined in this chapter and identified in this subsection is considered a health violation and is subject to orders and notices issued in accordance with Chapter 24.07 WCC, Administrative Notice Proceedings, Civil Penalties, and Abatement.

E. Within 10 days after the director determines that a property is contaminated by illegal manufacturing or storage, the director shall issue a notice of contamination in accordance with WCC 24.07.070(A).

1. When a notice of contamination is issued, the director shall:

- a. File a copy of the notice prohibiting use of the property with the county auditor;
- b. Provide a copy of the notice to the local building or code enforcement department; and
- c. Post the notice in a conspicuous place on the property within one working day of issuance of the notice. (Ord. 2005-055 Exh. A).

#### **24.13.065 Contamination of Illegal Use Sites**

A. The director may, when requested by a law enforcement agency, investigate an illegal use site for contamination. A site is "contaminated" for purposes of this subsection if it exceeds the decontamination standards set forth in section 070.

B. Within 10 working days after the director determines that an illegal use site property is contaminated, the director shall issue a notice to the owner of the property and to the local building or code enforcement department of the contamination. The department may provide technical assistance to the property owner to assist with decontamination.

C. The owner shall not preclude or prevent a local jurisdiction, through their building or code enforcement department from enforcement related to a contaminated use site.

#### **24.13.070 Decontamination.**

A. As per Chapter 246-205 WAC, the decontamination standards are as follows:

1. Methamphetamine of less than or equal to 1.5micrograms per 100 square centimeters;
2. Total lead of less than or equal to 20 micrograms per square foot;
3. Mercury of less than or equal to 50 nanograms per cubic meter in air; or
4. Volatile organic compounds (VOC) of one part per million total hydrocarbons and VOCs in air.

B. All sampling performed for an initial site assessment or following decontamination procedures shall be conducted by a certified contractor or the director using standardized sampling protocols and methodology.

C. The owner shall decontaminate the property in accordance with this chapter, or dispose of the property in accordance with state and local laws. The owner of the contaminated property shall submit a decontamination plan within 45 days and decontaminate or dispose of the property within 90 days of notification of contamination by the director, unless otherwise approved by the director.

1. Any decontamination or disposal activities shall be performed through the services of a certified contractor unless otherwise authorized by the director.

2. Prior to commencing any decontamination or disposal activities, a decontamination work plan must be approved by the director, unless otherwise authorized by the director. Any deviations from the work plan must be approved in advance by the director.

D. Any person submitting a work plan for approval by the director shall use the Washington State Department of Health Work Plan Template, as amended.

1. Upon review and approval of a decontamination work plan, the director shall provide written approval of the work plan to the owner.
2. After decontamination activities are completed, a final decontamination report shall be submitted for review by the director, which includes disposal receipts and post sampling results. (Ord. 2005-055 Exh. A).

**24.13.080 Violations.** Violations of this chapter are subject to Chapter 24.07 WCC, Administrative Notice Proceedings, Civil Penalties, and Abatement. As per WCC 24.07.140, contaminated properties used as illegal drug manufacturing facilities or storage sites that are abated by the county shall be foreclosed. (Ord. 2005-055 Exh. A).

**24.13.090 Appeals.**

Any aggrieved party may appeal any notice of violation in accordance with WCC 24.07.090, Hearing and appeals. (Ord. 2005-055 Exh. A).

**24.13.100 Fees.**

A fee for review of decontamination work plans may be established in the unified fee schedule, and shall be payable at the time of plan submittal. (Ord. 2005-055 Exh. A).

**24.13.110 Severability.**

Should any section, subsection, paragraph, sentence, clause or phrase of this regulation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this regulation. (Ord. 2005-055 Exh. A).

## **Chapter 24.13**

### **DECONTAMINATION OF ILLEGAL DRUG MANUFACTURING OR STORAGE SITES**

#### Sections:

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The statutory authority for the adoption of this chapter is provided in Chapter 64.44 RCW, Contaminated Properties, and Chapter 70.05 RCW, Local Health Departments, Boards, Officers – Regulations. Any subsequent amendment to these chapters shall be incorporated into this chapter without the need for further amendment. (Ord. 2005-055 Exh. A).

#### **24.13.020 Purpose.**

This chapter provides for the protection of the health, safety, and welfare of the public by reducing the potential for exposure to hazardous chemicals associated with illegal drug manufacturing or storage sites. (Ord. 2005-055 Exh. A).

#### **24.13.030 Adoption by reference.**

Chapter 246-205 WAC, Decontamination of Illegal Drug Manufacturing or Storage Sites, is hereby adopted by reference. If a conflict arises between Chapter 246-205 WAC and this chapter, the more

restrictive regulation shall apply. Any subsequent amendment to Chapter 246-205 WAC shall be incorporated into this chapter without the need for further amendment. (Ord. 2005-055 Exh. A).

#### **24.13.040 Applicability.**

This chapter shall apply to any new or existing site defined as an illegal drug manufacturing or storage site as per WCC 24.13.050, ~~and as defined in this section, to any illegal use site when a law enforcement agency has requested that a health officer investigate contamination at that site, as of the effective date~~ of the ordinance codified in this chapter. (Ord. 2005-055 Exh. A).

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#### **24.13.050 Definitions.**

The following definitions apply to this chapter:

A. "Abatement" means any actions taken or ordered by the director to remove or reduce unsanitary, unsafe or nuisance conditions regarding property associated with illegal drug manufacturing or storage.

B. "Approved" or "approval" means agreed to in writing by the director.

C. "Certified contractor" means a person who has been issued written approval by the Washington State Department of Health to decontaminate, demolish, or dispose of contaminated property as required by this chapter.

D. "Contaminated" or "contamination" means polluted by hazardous chemicals so that the property is unfit for human habitation or use due to immediate or long-term hazards, ~~or exceeds the decontamination standards listed in WCC 24.13.070.~~ Property that at one time was contaminated but has subsequently been satisfactorily decontaminated according to procedures established by this chapter is not contaminated.

E. "Decontamination" means the process of reducing levels of known contaminants to the lowest practical level using currently available methods and processes.

F. "Director" means the administrative director of the Whatcom County health department or the director's authorized representative.

G. "Disposal of contaminated property" means the disposition of contaminated property under the provisions of Chapter 70.105 RCW.

H. "Hazardous chemicals" means the following substances used in the manufacture of illegal drugs:

1. Hazardous substances as defined in RCW 70.105D.020; and
2. Precursor substances as defined in RCW 69.43.010 which the State Board of Health, in consultation with the State Board of Pharmacy, has determined present an immediate or long-term health hazard to humans.

I. "Illegal drug manufacturing or storage site" means any property where a person illegally manufactures or illegally stores a controlled substance, or a law enforcement agency or the property owner believes a person illegally manufactured or stored a controlled substance. ~~This chapter shall also apply to any property that exceeds the decontamination standards listed in WCC 24.13.070.~~

J. "Initial site assessment" means the first evaluation of a property to determine the nature and extent of observable damage and contamination.

K. "Person" means an individual, firm, association, copartnership, political subdivision, government agency, municipality, industry, public or private corporation, or other entity.

L. "Posting" means attaching a written or printed announcement conspicuously on property, which may be, or is determined to be, contaminated by illegal drug manufacturing or the storage of a hazardous chemical.

M. "Property" means any site, lot, parcel of land, structure, or part of a structure involved in the illegal manufacture of a drug or storage of a hazardous chemical including, but not limited to: single-family residences, units or multiplexes, condominiums, apartment buildings, motels and hotels, boats, motor vehicles, trailers, manufactured housing, any ship, booth, or garden; or any site, lot, parcel of land, structure, or part of a structure that may be contaminated by previous use.

N. "Property owner" means a person with a lawful right of possession of the property by reason of obtaining it by purchase, exchange, gift, lease, inheritance, or legal action.

~~O. "Illegal Use Site" means any property where a law enforcement agency believes a person or persons illegally used a controlled substance.~~

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~~O-P.~~ "Violation" means an act or omission contrary to a health regulation or permit including an act or omission at the same or different location by the same person and including a condition resulting from such act or omission. (Ord. 2005-055 Exh. A).

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B. Within 14 days of notification, the director shall inspect the property in accordance with WAC 246-205-530, Inspecting property.

C. The director shall make a determination of contamination when the inspection reveals the property is contaminated. ~~The property will be considered contaminated if (1) law enforcement has declared the property an illegal drug manufacturing or storage site, (2) the inspection reveals evidence of illegal drug manufacturing, or (3) the property exceeds decontamination standards listed in WCC 24.13.070.~~

D. Any property determined to be contaminated as defined in this chapter and identified in this subsection is considered a health violation and is subject to orders and notices issued in accordance with Chapter 24.07 WCC, Administrative Notice Proceedings, Civil Penalties, and Abatement.

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E. Within 10 days after the director determines that a property is contaminated by illegal manufacturing or storage, the director shall issue a notice of contamination in accordance with WCC 24.07.070(A).

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1. When a notice of contamination is issued, the director shall:

- a. File a copy of the notice prohibiting use of the property with the county auditor;
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and
- c. Post the notice in a conspicuous place on the property within one working day of issuance of the notice. (Ord. 2005-055 Exh. A).

#### 24.13.065 Contamination of Illegal Use Sites

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A. The director may, when requested by a law enforcement agency, investigate an illegal use site for contamination. A site is "contaminated" for purposes of this subsection if it exceeds the decontamination standards set forth in section 070.

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B. Within 10 working days after the director determines that an illegal use site property is contaminated, the director shall issue a notice to the owner of the property and to the local building or code enforcement department of the contamination. The department may provide technical assistance to the property owner to assist with decontamination.

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C. The owner shall not preclude or prevent a local jurisdiction, through their building or code enforcement department from enforcement related to a contaminated use site.

#### **24.13.070 Decontamination.**

A. As per Chapter 246-205 WAC, the decontamination standards are as follows:

1. Methamphetamine of less than or equal to 0.1-1.5 micrograms per 100 square centimeters;
2. Total lead of less than or equal to 20 micrograms per square foot;
3. Mercury of less than or equal to 50 nanograms per cubic meter in air; or
4. Volatile organic compounds (VOC) of one part per million total hydrocarbons and VOCs in air.

B. All sampling performed for an initial site assessment or following decontamination procedures shall be conducted by a certified contractor or the director using standardized sampling protocols and methodology.



C. The owner shall decontaminate the property in accordance with this chapter, or dispose of the property in accordance with state and local laws. The owner of the contaminated property shall submit a decontamination plan within 45 days and decontaminate or dispose of the property within 90 days of notification of contamination by the director, unless otherwise approved by the director.

1. Any decontamination or disposal activities shall be performed through the services of a certified contractor unless otherwise authorized by the director.
2. Prior to commencing any decontamination or disposal activities, a decontamination work plan must be approved by the director, unless otherwise authorized by the director. Any deviations from the work plan must be approved in advance by the director.

D. Any person submitting a work plan for approval by the director shall use the Washington State Department of Health Work Plan Template, as amended.

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Violations of this chapter are subject to Chapter 24.07 WCC, Administrative Notice Proceedings, Civil Penalties, and Abatement. As per WCC 24.07.140, contaminated properties used as illegal drug manufacturing facilities or storage sites that are abated by the county shall be foreclosed. (Ord. 2005-055 Exh. A).

#### **24.13.090 Appeals.**


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#### **24.13.100 Fees.**

A fee for review of decontamination work plans may be established in the unified fee schedule, and shall be payable at the time of plan submittal. (Ord. 2005-055 Exh. A).

#### **24.13.110 Severability.**

Should any section, subsection, paragraph, sentence, clause or phrase of this regulation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this regulation. (Ord. 2005-055 Exh. A).

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:	County Cou	1/30/2015		2/10/2015	Council Introduction
Division Head:				3/3/2015	Council
Dept. Head:		1-24-15			
Prosecutor:					
Purchasing/Budget:					
Executive:					

**TITLE OF DOCUMENT:**

Appointment to Surface Mining Advisory Committee: applicant Kyle Strengtholt

**ATTACHMENTS:**

Application

SEPA review required? ( ) Yes ( ) NO Should Clerk schedule a hearing? ( ) Yes ( X ) 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.)

1 vacancy to the Surface Mining Advisory Committee. Two-year term ends 1/31/2017.

**COMMITTEE ACTION:****COUNCIL ACTION:**

2/10/2015: Introduced 7-0 (proposed schedule - March 3 Council)

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).

RECEIVED  
COUNTY  
Bar

Barbara E. Brenner  
Sam Crawford  
Kathy Kershner  
Bill Knutzen  
Pete Kremen  
Ken Mann  
Carl Weimer

JAN 29 2015

WHATCOM COUNTY  
COUNCIL

## PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS.

Name: Kyle Strengholt Date: 1/29/2015  
Street Address: 311 Kwanzan Drive  
City: Lynden Zip Code: 98264  
Mailing Address (if different from street address): same  
Day Telephone: (360) 354-2210 Evening Telephone: (360) 739-0761 Cell Phone: (360) 739-0761  
E-mail address: kyle.strengholt@gmail.com

- SURFACE MINING ADVISORY COMMITTEE**
- 
1. Name of board or committee: \_\_\_\_\_
  2. You must specify which position you are applying for. **Please check one:** ( ) geologist ( ) ecologist  
( ) environmental consultant ( ) member of surface mining industry ( ) potable groundwater supply ( ) forestry.  
- None of the above: I'm applying for the "surface mining material user"
  3. Do you meet the residency, employment, and/or affiliation requirements of the position for which you're applying?  
\_\_\_\_\_ (x) yes ( ) no
  4. Are you a US citizen? \_\_\_\_\_ (x) yes ( ) no
  5. Are you registered to vote in Whatcom County? \_\_\_\_\_ (x) yes ( ) no
  6. Have you ever been a member of this Board/Commission? \_\_\_\_\_ ( ) yes (x) no  
If yes, dates: NA
  7. Do you or your spouse have a financial interest in or are you an employee or officer of any  
business or agency that does business with Whatcom County? \_\_\_\_\_ (x) yes ( ) no  
If yes, please explain: See page 2.
  8. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community  
activities, and education.

See page 2.

10. Please describe why you're interested in serving on this board or commission: \_\_\_\_\_  
See page 3.

References (please include daytime telephone number): Len Honcoop: (360) 815-4421,  
Allan Haak: (360) 961-3417, Josh Husband: (425) 785-5226

Signature of applicant: *Mike Strong*

**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.

**7. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County?**

Yes, I am an employee and officer of Strengholt Construction Company Inc. Strengholt Construction is currently doing a project for Whatcom County. The project is the: Central Plaza Building Structural Roof Support Modification. Strengholt Construction has done other construction projects for the county as a general contractor in the past, typically these projects are larger projects put out for public bid.

My wife is an employee at PeaceHealth St. Joseph Medical Center, she is an Assistant Manager for the Medical Care Unit. While I am not aware of any business between PeaceHealth and Whatcom County I would suspect that PeaceHealth does conduct business with the county.

**8. Please describe your occupation, qualifications, professional and/or community activities, and education:**

Currently at Strengholt Construction I'm working as an Estimator and as an Assistant Project Manager. As an Estimator I am responsible for pre-project take offs and overall bid preparation. I am also the company's LEED Coordinator for any LEED Certified projects, and am the company's Recycling and Construction Waste Manager. I am also a Certified Erosion and Sediment Control Lead (CESCL).

I feel that Strengholt Construction, as an industrial and commercial general contracting company, falls into the category of a "surface mining material user." Strengholt Construction is often ordering various structural fills, from the local surface miners, for our construction projects. At Strengholt Construction I am involved in the ordering, and sometimes the transportation (I have a commercial driving license) and placing of material on our project sites. I also think my knowledge of being a CESCL gives me good perspective into some of the concerns that exposed surface mining can have on our environment.

In the last six years I have lived in Whatcom County, Bellingham, and Lynden. I take pride in this environmentally blessed county and the high quality of life it provides. I enjoy kayaking in our bays, fishing in our lakes, hiking in our mountains, hunting in our backcountry, and snowboarding at the ski area. My dog also enjoys all the walks she can take in the numerous parks and green spaces throughout the county. I take pleasure in being an active participant in Sonlight Community Christian Reformed Church in Lynden. I am also involved in the co-management of thirty eight apartment units in the Lynden area.

I graduated from Lynden Christian High School with Honors. After that I attended Calvin College in Grand Rapids, Michigan. I graduated from Calvin College with a Bachelor's Degree. I graduated with a Business Major with concentrations in Operations and Economics, and with a Pre-Architecture specialization.

**10. Please describe why you're interested in serving on this board or commission:**

I am excited about potentially serving on the Surface Mining Advisory Committee as a Surface Mining Material User. My interest in serving the county in this position comes first from the fact that I care deeply about this county. Whatcom County is my home and has been my home for my entire life, except for my college years which were spent in Michigan, thus I love Whatcom County for many reasons. I think the county is worth protecting for future generations. Not only does the county's environment need protecting, but also its people, resources, and economy. The proper balance of protecting all four of those things is what makes the quality of life so good in Whatcom County, and I feel that the surface mining industry is one of the crucial places where all of those things come together.

My second reason for wanting to serve the county in this position is because I think I can add value to the committee. I think my experiences in my industry, education, and general knowledge of the community can be a benefit to the committee. I would truly appreciate being able to be a part of the committee as it advises the County Council before it amends the Mineral Resource Land policies and updates the Comprehensive Plan.

**WHATCOM COUNTY COUNCIL AGENDA BILL**

NO. 2015-086

<b>CLEARANCES</b>	<b>Initial</b>	<b>Date</b>	<b>Date Received in Council Office</b>	<b>Agenda Date</b>	<b>Assigned to:</b>
Originator:	SM	2/12/15	<div>RECEIVED</div> <div>FEB 24 2015</div> <div>WHATCOM COUNTY COUNCIL</div>	March 3, 2015	Council
Division Head:					
Dept. Head:					
Prosecutor:					
Purchasing/Budget:					
Executive:	JL/L5	2/23/15			

**TITLE OF DOCUMENT:** Reappointment to the Whatcom County Agricultural Advisory Committee.**ATTACHMENTS:** Application for Reappointment from Richard Yoder

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.)

County Executive Jack Louws requests confirmation of his reappointment of Richard Yoder to the Whatcom County Agricultural Advisory Committee.

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

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



RECEIVED

DEC 22 2008

PETE KREMEN  
COUNTY EXECUTIVE

COUNCILMEMBERS:

Barbara E. Brenner  
Laurie Caskey-Schreiber  
Sam Crawford  
Seth M. Fleetwood  
Robert Kelly  
L. Ward Nelson  
Carl Weimer

APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

Name of board or committee-please see reverse: Agricultural Ad. Committee

Which position on this board are you applying for (if applicable)? \_\_\_\_\_

Which Council district do you reside in? ( ) One ☒ Two ( ) Three

Are you a US citizen? ☒ yes ( ) no Are you a registered voter? ☒ yes ( ) no

Name: John L. Bayer Date: \_\_\_\_\_

Street Address: 2419 E. Badger Rd.

City: Everson WASH Zip Code: 98247

Mailing Address (if different from street address): Same

Day Telephone: 966-4035 Evening Telephone: \_\_\_\_\_

Fax Number: \_\_\_\_\_ E-mail address: \_\_\_\_\_

Occupation (If retired, please indicate former occupation): Nodack Valley Sch Dist.

Professional/Community Activities: Retired Sch. Bus Driver

Education: College

Qualifications related to position: Past Pres. of Whatcom Co. Cattleman's Association

Describe why you are interested in serving on this board or commission: I have been in farming (raising beef & hay) for the last 20 yrs. I would like to see farming continued in Whatcom Co.

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: \_\_\_\_\_

References (please include name and daytime telephone number): Dick Yoder 354-2945

Signature of applicant: John L. Bayer

As a candidate to a public board or commission, the above information will be available to the County Council, County Executive, and the public.

# WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2014-196

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator: Matt Aamot	M.A.	5/5/2014	<div style="text-align: center;"> <p>RECEIVED</p> <p>MAY 13 2014</p> <p>WHATCOM COUNTY COUNCIL</p> </div>	5/20/2014	Introduction
Division Head: Mark Personius	MP	5-5-14		6/3/2014	P&D Committee and Council
Dept. Head: Sam Ryan	SR	5-7-14		1/27/2015	Council - Concurrent Review
Prosecutor: Royce Buckingham	RB	5-8-14		3/3/15	Council - Concurrent Review
Purchasing/Budget:					
Executive: Jack Louws	JL	05-12-14			

## TITLE OF DOCUMENT:

Repeal the Eliza Island Plan and amend provisions in the Whatcom County Comprehensive Plan and Zoning Code relating to the subarea plan.

## ATTACHMENTS:

1. Staff Memo
2. Proposed Ordinance and Exhibits
3. Planning Commission Findings of Fact and Reasons for Action
4. Planning Commission minutes

Other background information is on file at the Council office.

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

Should Clerk schedule a hearing? ( ) Yes ( X<sup>1</sup> ) NO  
Requested Date

<sup>1</sup> The Council must hold a hearing if they want to change the Planning Commission's recommendation (WCC 2.160.100(B)).

**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.)

Repeal the Eliza Island Plan and amend provisions in the Whatcom County Comprehensive Plan and Zoning Code relating to the subarea plan. The Eliza Island Plan was adopted in 1994, prior to the first Whatcom County Comprehensive Plan that was adopted under the GMA.

NOTE: Final approval of these amendments would occur as part of concurrent review of comprehensive plan amendments in early 2015.

## COMMITTEE ACTION:

6/3/2014: Committee recommended that the Council forward for concurrent review

## COUNCIL ACTION:

5/20/2014: Introduced 6-0, Weimer absent  
6/3/2014: Recommended for concurrent review 7-0  
1/27/2015: Held to a later date

Related County Contract #:

Related File Numbers:

Ordinance or Resolution Number:

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



**WHATCOM COUNTY**

Planning & Development Services  
5280 Northwest Drive,  
Bellingham, WA 98226-9097  
360-676-6907, TTY 800-833-6384  
360-738-2525 Fax



**J.E. "Sam" Ryan**  
Director

# RECEIVED

MAY 8 - 2014

May 5, 2014

**JACK LOUWS**  
**COUNTY EXECUTIVE**

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

From: Matt Aamot, Senior Planner *MA*

Through: Mark Personius, Long Range Planning Division Manager *MP*

RE: Repeal the Eliza Island Plan and Related Amendments

The Growth Management Act (GMA) allows, but does not require, a county to adopt subarea plans under RCW 36.70A.080. However, the GMA also requires that subarea plans must be consistent with a county's comprehensive plan. Specifically, RCW 36.70A.080(2) states: "A comprehensive plan may include, where appropriate, subarea plans, each of which is consistent with the comprehensive plan."

The comprehensive land use plan designation in the 1994 Eliza Island Plan is not the same as the designation in the current Whatcom County Comprehensive Plan. Additionally, the Eliza Island Plan is 20 years old and contains some outdated information. Therefore, we recommend repealing the subarea plan and amending provisions in the Whatcom County Comprehensive Plan and Zoning Code relating to the subarea plan.

Planning & Development Services is requesting Council consideration of these amendments on June 3. However, the proposed Comprehensive Plan amendments are subject to concurrent review. Therefore, the Council will not render a final decision on the proposal until early 2015.

Thank you for your consideration of this matter.

SPONSORED BY: \_\_\_\_\_  
PROPOSED BY: \_\_\_\_\_  
INTRODUCTION DATE: \_\_\_\_\_

**ORDINANCE NO.** \_\_\_\_\_

**REPEALING THE 1994 ELIZA ISLAND PLAN  
AND AMENDING PROVISIONS IN THE WHATCOM COUNTY  
COMPREHENSIVE PLAN AND ZONING CODE RELATING TO THE PLAN**

**WHEREAS,** The Whatcom County Council initiated the subject amendments for review in 2014; and

**WHEREAS,** The Whatcom County Planning Commission held a public hearing on April 24, 2014; and

**WHEREAS,** The Whatcom County Planning Commission recommended the comprehensive plan amendments on April 24, 2014; and

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

**FINDINGS OF FACT**

1. The subject proposal includes:
  - a. Amending Whatcom County Comprehensive Plan provisions relating to the subarea plan.
  - b. Amending Whatcom County Zoning Code Plan provisions relating to the subarea plan.
  - c. Repealing the Eliza Island Plan (1994).
2. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on March 25, 2014.
3. Notice of the Planning Commission hearing was posted on the County website on April 8, 2014.
4. Notice of the Planning Commission hearing and that the proposal had been posted on the County website was sent to citizen, media and other groups on the County's e-mail list on April 8, 2014.

5. Notice of the subject amendments was submitted to the Washington State Department of Commerce on April 8, 2014.
6. Notice of the Planning Commission hearing for the subject amendments was published in the Bellingham Herald on April 11, 2014.
7. The Planning Commission held a public hearing on the subject amendments on April 24, 2014.
8. Pursuant to WCC 2.160.080, in order to approve the proposed comprehensive plan amendments the County must find all of the following:
  - a. The amendment conforms to the requirements of the Growth Management Act, is internally consistent with the county-wide planning policies and is consistent with any interlocal planning agreements.
  - b. Further studies made or accepted by the Department of Planning and Development Services indicate changed conditions that show need for the amendment.
  - c. The public interest will be served by approving the amendment. In determining whether the public interest will be served, factors including but not limited to the following shall be considered:
    - i. The anticipated effect upon the rate or distribution of population growth, employment growth, development, and conversion of land as envisioned in the comprehensive plan.
    - ii. The anticipated effect on the ability of the county and/or other service providers, such as cities, schools, water and/or sewer purveyors, fire districts, and others as applicable, to provide adequate services and public facilities including transportation facilities.
    - iii. Anticipated impact upon designated agricultural, forest and mineral resource lands.
  - d. The amendment does not include or facilitate spot zoning.
  - e. Urban growth area amendments that propose the expansion of an urban growth area boundary are required to acquire development rights from a designated TDR sending area, with certain exceptions.

## **Growth Management Act**

9. The Growth Management Act (GMA) allows, but does not require, a county to adopt subarea plans under RCW 36.70A.080 (“Comprehensive plans – Optional elements”).
10. However, the GMA requires that subarea plans must be consistent with a county’s comprehensive plan. Specifically, RCW 36.70A.080(2) states: “A comprehensive plan may include, where appropriate, subarea plans, each of which is consistent with the comprehensive plan.”
11. The Eliza Island Plan was adopted in 1994. The Whatcom County Comprehensive Plan was adopted in 1997 and subsequently amended from time to time. The Subarea Plan’s land use designation is not the same as the Whatcom County Comprehensive Plan’s land use designation.

## **County-Wide Planning Policies**

12. The County-Wide Planning Policies do not require the County to retain old subarea plans.

## **Interlocal Agreements**

13. There are no interlocal agreements relating to the Eliza Island Plan.

## **Further Studies/Changed Conditions**

14. The Eliza Island Plan was adopted in 1994.
15. The Whatcom County Comprehensive Plan was originally adopted in 1997, and subsequently amended.
16. Adoption of the Whatcom County Comprehensive Plan constitutes a changed condition that warrants repealing the 1994 Eliza Island Plan.

## **Public Interest**

17. Repealing the 1994 Eliza Island Plan will serve the public interest by removing a 20 year old plan that is no longer necessary because of adoption of the Whatcom County Comprehensive Plan.

## **Spot Zoning**

18. The subject proposal does not involve rezoning property.

**CONCLUSION**

The subject proposal is consistent with the approval criteria of WCC 2.160.080.

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

Section 1. The Whatcom County Comprehensive Plan Chapter 2 (Land Use) is hereby amended as shown on Exhibit A.

Section 2. The Whatcom County Zoning Code is hereby amended as shown on Exhibit B.

Section 3. The Eliza Island Plan (1994) is hereby repealed as shown on Exhibit C.

Section 4. Adjudication of invalidity of any of the sections, clauses, or provisions of this ordinance shall not affect or impair the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

\_\_\_\_\_  
Dana Brown-Davis, Council Clerk

\_\_\_\_\_  
Carl Weimer, Chairperson

APPROVED as to form:

( ) Approved      ( ) Denied

\_\_\_\_\_  
Civil Deputy Prosecutor

\_\_\_\_\_  
Jack Louws, Executive

Date: \_\_\_\_\_

# Exhibit A

*Amend Chapter 2 of the Whatcom County Comprehensive Plan as follows:*

Policy 2L-2:

Retain and periodically review the adopted Subarea Plans (Lummi Island, Cherry Point-Ferndale, Lake Whatcom, Urban Fringe, Birch Bay Community Plan, Foothills, Point Roberts, and South Fork Valley, and Eliza Island). Subarea Plans represent a long history of plan development in Whatcom County and provided the foundation for the county's first Growth Management comprehensive plan adopted in 1997.

1. Utilize a process which ensures consistency between the Whatcom County Comprehensive Plan and subarea plans. The subarea plan review process should include the following steps:
  - a. Consistency Analysis. The County should review subarea plans based on the priority order in subsection "b" for gaps, overlaps, or inconsistencies. Topics include, but are not limited to, plan boundaries, growth forecasts, land uses, capital facilities and services, horizon year, and other appropriate issues.
  - b. Regional and Local Government Coordination. The County should consult and coordinate with cities where city-associated UGAs are included in subarea plan boundaries.
  - c. Public Participation. Each subarea plan update process will be based on a public participation program that addresses citizen input on the key issues associated with the subarea plan update.
  - d. Subarea Plan Amendment. Only those portions of existing subarea plans in conflict with the Comprehensive Plan are required to be amended. Local issues of concern or changed conditions may be addressed.
  - e. Comprehensive Plan Revisions. Where the subarea plan process recommends growth levels, growth boundaries, or other essential features, Comprehensive Plan amendments will be considered in conjunction with the subarea plan update process.

Land capacity analysis may also be updated if appropriate.

2. Prioritize review of subarea plans. Subarea plans should be reviewed in the following order.
  - a. Post-GMA Subarea Plans addressing UGAs. These subarea plans should be reviewed and amended, if necessary, during Whatcom County's periodic review of the comprehensive plan. Subarea plans addressing UGAs associated with a city should be coordinated with the city's comprehensive plan update process.
  - b. Post-GMA Subarea Plans addressing Rural Areas. These subarea plans should subject to a consistency review. If significant inconsistencies are found, these should be considered for potential update during Whatcom County's periodic review of the comprehensive plan. Minor updates may be considered through the County's docket process in subsequent years.
  - c. Pre-GMA Subarea Plans. These should be repealed or updated in accordance with County department work programs or the docketing process. Priority criteria may be used to determine the order of update. Example criteria include:
    - i. whether update is needed for health, safety, or welfare concerns;
    - ii. whether there is a city-associated UGA included in the subarea plan boundaries – in which case, the subarea plan update could be timed to be developed in association with or following city comprehensive plan update process;
    - iii. whether the subarea plan would benefit from broader policy concepts to be completed in advance or in tandem, such as agricultural land protection measures;
    - iv. whether a significant policy objective would be met by amending the plan.

In the event there is an inconsistency between a Subarea Plan and the Whatcom County Comprehensive Plan, the Whatcom County Comprehensive Plan shall prevail.

***NOTE: The text of Policy 2L-2 above is also being amended in association with the proposed repeal of the Lake Whatcom Subarea Plan (file # 2014-00002) and the South Fork Valley Subarea Plan (file # 2014-00003). The changes to Policy 2L-2 proposed in the subject amendment are intended to be harmonious and compatible with the changes to Policy 2L-2 proposed in these other two amendments.***



## Exhibit B

*Amend Chapter 20.35 of the Whatcom County Zoning Code as follows:*

### **20.35.010 Purpose.**

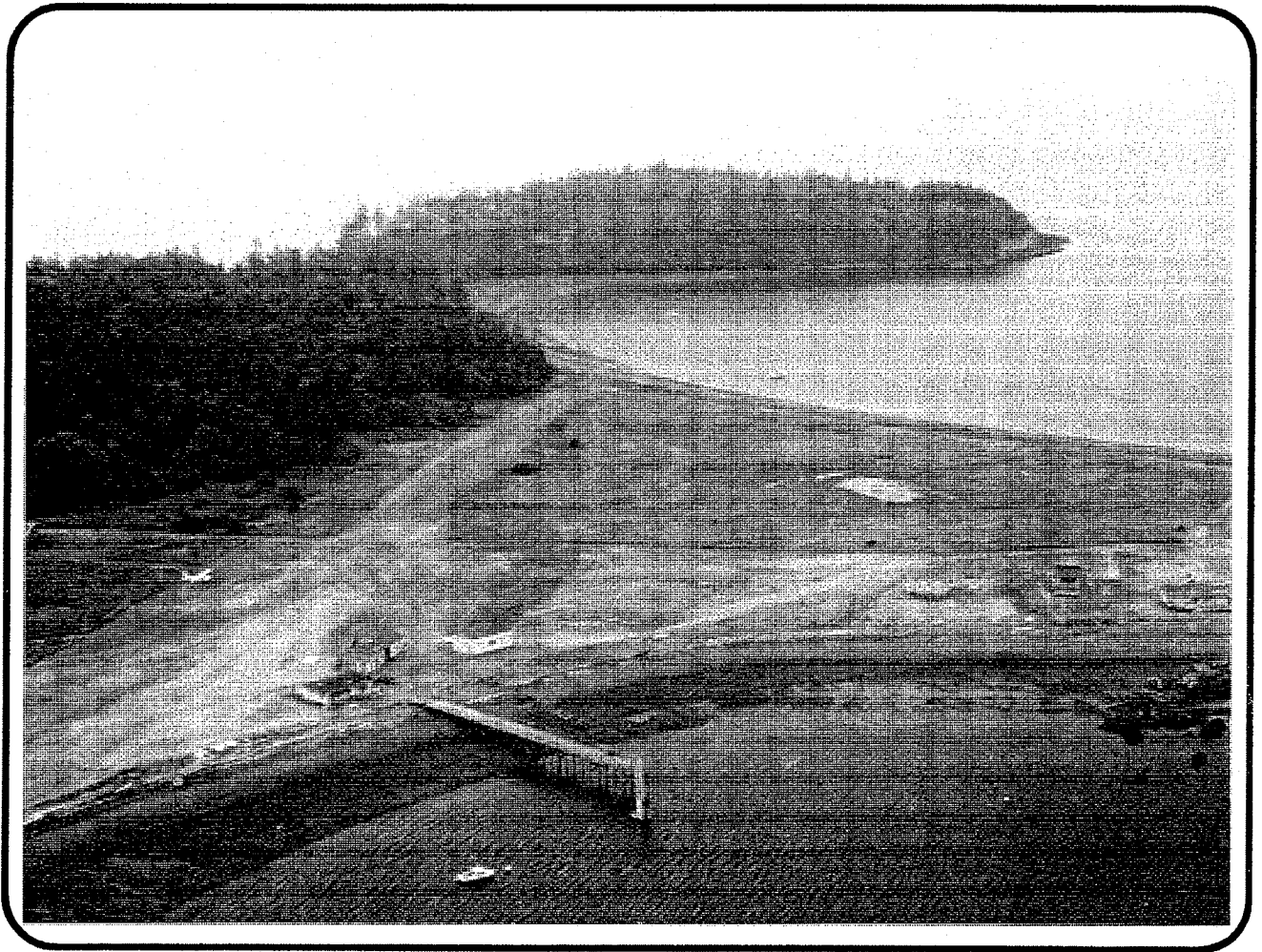
The Eliza Island District has been formed as a separate district due to its unique character. The purpose of this district is to allow for a harmonious mixture of residential, seasonal residential, recreational, and accessory uses. ~~In addition, the district requires that new uses complement the island character by adherence to the goals and policies of the Eliza Island Subarea Plan.~~ When making a determination about uses, consideration will be given to the rural land use policies as outlined in the Comprehensive Plan, as well as cumulative impacts of uses in this rural area. (Ord. 2011-013 § 2 Exh. B, 2011; Ord. 94-032, 1994).

# **Exhibit C**

**(Repealing the Subarea Plan)**

# ELIZA ISLAND PLAN

A Component of the Whatcom County Comprehensive Plan



Whatcom County, Washington

May, 1994

# ELIZA ISLAND PLAN

## A Component of the Whatcom County Comprehensive Plan

WHATCOM COUNTY IS A NUCLEAR FREE ZONE  
As approved by the voters of Whatcom County, County  
Initiative Measure #1-84, November 6, 1984; Adopted by  
Whatcom county Resolution #85-29, June 20, 1985.

### Whatcom County Executive Shirley Van Zanten

### Whatcom County Council

Barbara E. Brenner  
Marlene Dawson  
Kenneth R. Henderson  
Larry Harris

Robert A. Imhof  
Ward Nelson  
Alvin Starkenburg

### Whatcom County Planning Commission

Emil Baijot  
Rod Erickson  
David Ernst  
Clare Fogelsong  
Leslie Hamilton

Jerry Landcastle  
Elaine McRory  
David Simpson  
Phillip Urso

### Eliza Island Citizen Advisory Committee

David Boeringa  
Myrna Boeringa  
Linda Bothell  
Theo Hames  
Glenn Hawley  
Jack Hovde  
Lenny Hovde  
Robert Littleton  
Salvatore Papetti

Joan Potter  
William Potter  
Hal Thurston  
Bert Webber  
Sue Webber  
Glenn Wielick  
Mary Writer  
Nicholas Zaferatos  
Dean Peterson

### Whatcom County Planning and Development Services Department

Nathan W. Brown, Director  
Daniel W. Taylor, Planning Division Manager  
Project Staff:  
Jeffrey R. Griffin, Project Planner  
Sarah Bussard Watts, Planner II  
Elizabeth K. Olsen, Chief Cartographer  
Carole Magner, Clerk III/Word Processor  
Jane Doughty, Receptionist

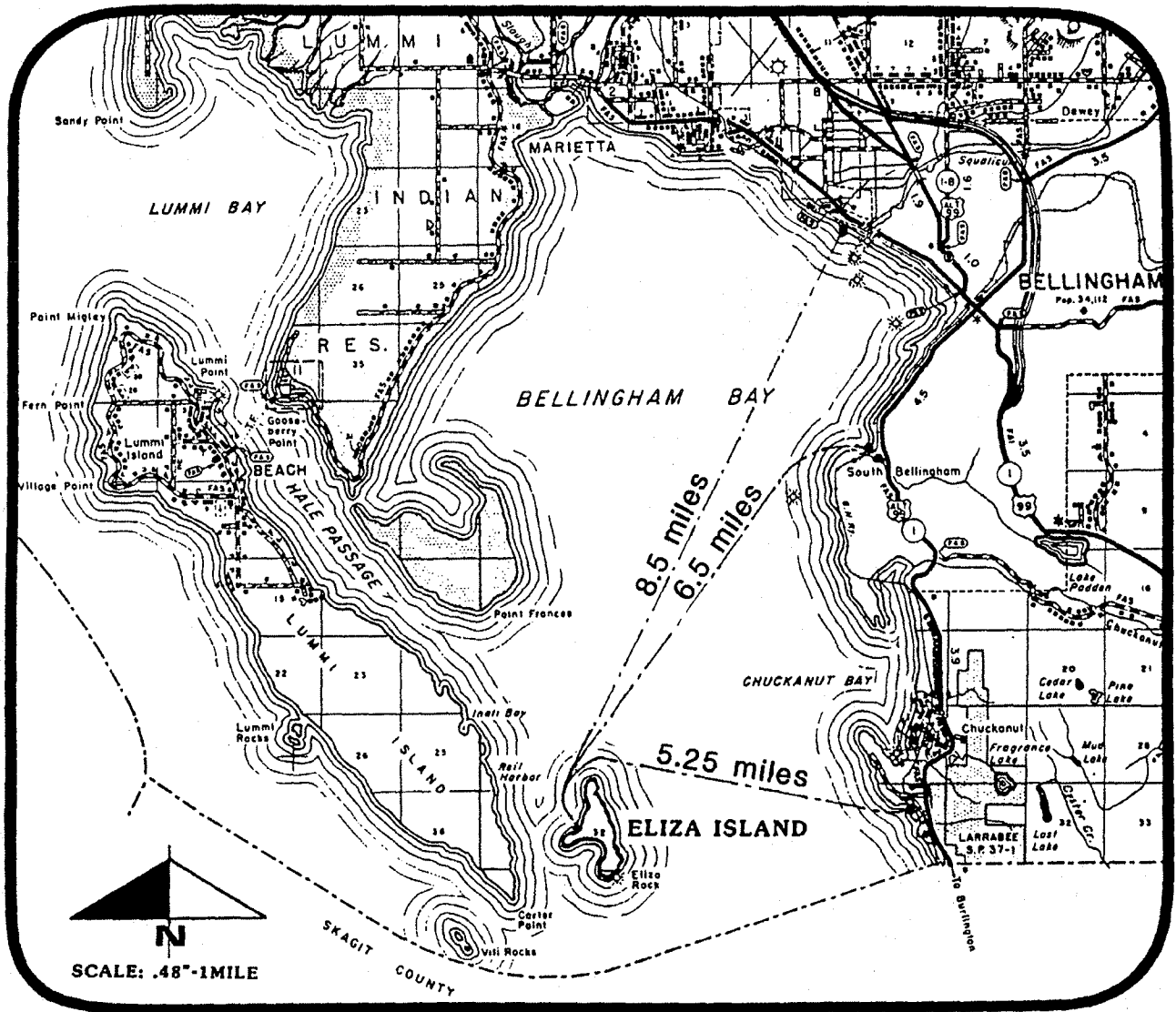
Whatcom County, Washington

May, 1994

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## introduction



## VICINITY MAP

## **CHAPTER 1. INTRODUCTION**

### **Land Use Planning**

The following document plans for the physical development and conservation of Eliza Island. It is intended to serve as a guide for the preparation and adoption of official controls, such as zoning regulations, and to provide a basis for reviewing proposed public and private projects. Although comprehensive plans have been adopted for the majority of the County, planning for land use on Eliza Island was never effected. This has not been a serious problem, however, as the existing subdivision and Beach Club restrictions, and apparent preference for vacation use by individual lot owners, have largely dictated the kind of land use the island has experienced over the last thirty or so years. Whether or not this preference and intensity of use will continue for the next thirty years is questionable due to increasing population and increasing ownership distribution.

A comprehensive plan is a source of reference to aid in developing, correlating and coordinating official regulations and controls, and is a means for promoting the general welfare. It is also a means for anticipating and influencing the orderly and coordinated development of land and building uses. Statutory authority for county comprehensive land use planning is established in the Washington State Planning Enabling Act, which states that "each planning agency shall prepare a comprehensive plan for the orderly physical development of the county or any portion thereof..." (RCW 36.70.320). The Eliza Island Comprehensive Plan has been developed in response to statutory authority as well as in recognition of the widely accepted principle that future Whatcom County land use decisions should be made in a coordinated and responsible manner by both the public and private sectors.

Many planning elements are required by the Washington State Growth Management Act as well. These include planning for capital facilities, transportation, economic development, housing, industrial and commercial land, protecting agricultural, mineral, and forestry resource lands, and critical environmental areas. These elements are being addressed under a broad County-wide Comprehensive Plan, a separate planning process that is currently in its formulative stages of development.

Minimum requirements for the Eliza Island Plan are: (1) the plan must contain a land use element, providing policies for and showing the general distribution and location of land for various uses such as, for example, residential, recreational, commercial, and open space; and (2) a circulation element, setting policy for and outlining transportation and utility routes. The Eliza Island Comprehensive Plan contains additional elements in light of its unique qualities, which is especially important where county-wide policies are or may be too generalized.

### **Citizen Advisory Committee**

A Citizen Advisory Committee, composed of property owners on Eliza Island, was formed on April 17, 1993 to work together with County planning staff in developing the proposed Eliza Island Comprehensive Plan and implementing zoning. Members fully participated in a consensus process throughout the course of eleven meetings over a one year period. The Committee chose to survey all property owners on Eliza Island during the summer of 1993 on land use issues important to the development of the Comprehensive Plan. The Committee also coordinated with the Eliza Island Beach Club Board, a property and homeowners association serving the island community.



## **Plan Implementation**

Implementation of the plan will require and guide the amendment of existing zoning regulations for Eliza Island. It could also direct the County to address pertinent issues through other mechanisms, such as zoning regulations. Under the direction of the Comprehensive Plan, zoning classifies land according to allowed uses. Generally accepted rationale for zoning includes the preservation of property values or community character and the more nebulous "promotion of the general welfare." The typical zoning ordinance, by zone district, establishes uses as either outright permitted, permitted conditionally (subject to additional review, a public hearing, and the imposition of conditions), or prohibited. Current zoning regulations on Eliza Island were temporarily established in 1974. These regulations are very generalized and provide little or no assurance from the County as to future uses and character of the area. Other existing programs or land use controls are described below.

### **Shoreline Management Program**

The Shoreline Management Program, established in 1976, contains policies and regulations for shore-front properties. The Conservancy Designation was applied to the majority of Eliza Island shorelines in 1976. The purpose of the Conservancy Designation is to obtain long-term, wise use of natural resources, encourage multiple use whenever practical, and prevent forms of development which would be unsafe or incompatible with geo-hydraulic processes. Two areas on Eliza Island received a Natural Designation in 1976, the Federal Reserve at the south end and the South Beach wetland area. The Natural Designation was applied to areas having high value in a natural condition. Development in these areas is limited to low key, compatible recreational facilities.

### **Beach Club Rules and Covenants**

All property owners within the Eliza Island plat belong to the Eliza Island Beach Club which was incorporated in 1961. Subdivision covenants limit improvements to lots to a single family dwelling and appurtenant structures, and a guest house which may not be rented. Building plans must be submitted to the Board of Directors of the Beach Club who approve the general location and layout of proposed improvements with regard to health and nuisance.

In July 1976, Rules of the Island were adopted prohibiting private piers, mobile homes, or trailers. Private motorized vehicles, other than Beach Club owned ones, are not allowed on the island except for delivery of fuel, building materials, and for owners who require them for health reasons. Airplanes may not use trails or roads for travel to and from owners' lots.

### **Federal Policy for Reserves**

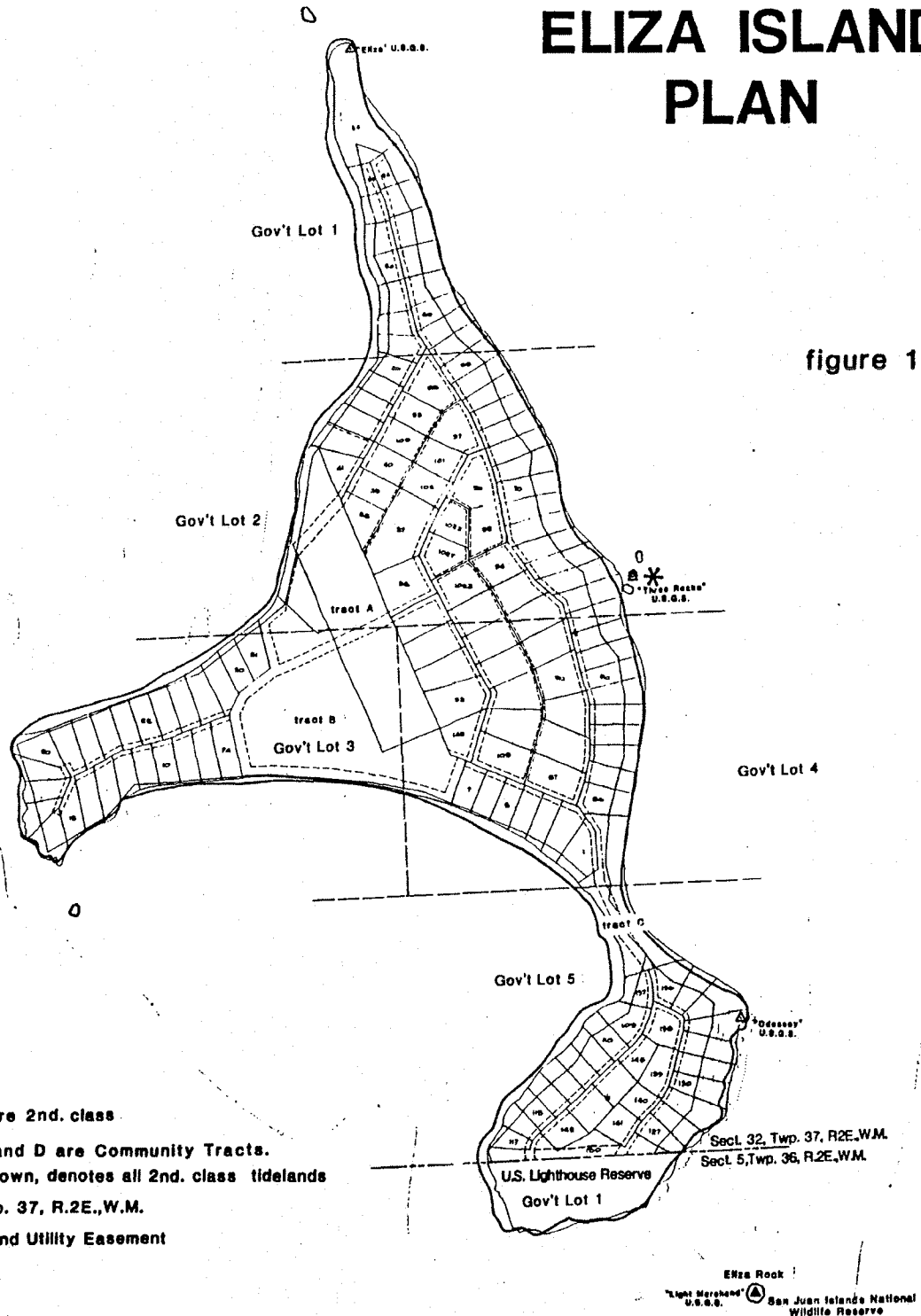
The lighthouse reserve at the southern tip of the island is Federally owned and managed by the Bureau of Land Management in Wenatchee. This agency plans to allow the property to remain in a natural state in the public interest. Tidelands adjacent to this property are State owned.

Eliza Rock is located just southeast of Eliza Island and is a San Juan Islands National Wildlife Refuge (NWR) managed by the U.S. Fish and Wildlife Agency. Federal guidelines recommend avoidance of this area by air and water craft, and prohibit public access on the Rock.

land use  
element

# ELIZA ISLAND PLAN

figure 1



## LEGEND

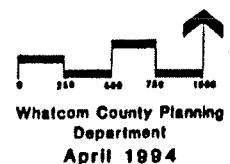
- 1) All tidelands are 2nd. class
- 2) Tracts A,B,C and D are Community Tracts.  
Tract D, not shown, denotes all 2nd. class tidelands  
in Sect. 32,Twp. 37, R.2E.,W.M.

===== Walkways and Utility Easement

Depths in fathoms

Sources: 1986 Aerial Photo,Whatcom County Planning Dept.  
Plat Map,Whatcom County Engineering Dept.,  
NOAA Nautical Chart #18421,USGS Topog. Map "Eliza Island"  
Quadrangle.

## ELIZA ISLAND PLAT MAP



## **CHAPTER 2. LAND USE ELEMENT**

### **History**

For many years, the island, named by the Native Americans "Tukwitch" for its bow shape, was frequented often by members of the Lummi Nation. These people found the island's surrounding waters attracted a healthy population of herring during the spring when the fish spawn. It was in 1791 that an early Spanish explorer, Lieutenant Francisco Eliza, came upon the San Juan Islands and provided for the island's present name.

In the late 1880's, the island was purchased by Illinois Senator Eugene Canfield and developed into a large chicken ranch. After smugglers depleted the poultry supply, a potato farm was started but soon abandoned. Pacific American Fisheries Incorporated (P.A.F.) purchased the island in 1899 for storage and fish trap construction, and repair of fish traps, boats, and other gear. P.A.F. also put a large reduction plant into operation which produced commercial fertilizers from fish scraps from the local canneries. During this period, several hundred people lived on the island. The banning of fish traps substantially slowed all activity, and a fire in 1938 closed the site. In 1940, the Navy purchased Eliza and used it as a bombing range for military aircraft during World War II. In 1948, Oregon State University leased the island and conducted a study of pheasants. In the early 1950's, the island was again purchased and selectively logged (mostly second growth) for timber.

Eliza Island Development Company acquired most of Eliza in 1961 and subdivided it into 139 residential parcels and five common tracts, covering all the island except for a Federal lighthouse reserve at the southern tip. The subdivision was extensively advertised as a recreational get-away and is now owned by a number of private individuals and managed by the Eliza Island Beach Club.

### **Current Land Use**

Of the 139 residential lots on Eliza, approximately 55 structures have been built, ranging in size from small cabins to three bedroom houses. Most of the lots are owned separately and are in the 25-30,000 square footage range. Actual buildable lot area, however, is much smaller on most of the shoreline lots.

The five community tracts are owned and managed by the Eliza Island Beach Club. These tracts include the airstrip (Tract A), a community area which includes a large marsh and playground area (Tract B), an eroding "isthmus" to the south of the island (Tract C), the intertidal area encompassing the island except for the south end (Tract D), and the caretaker/equipment storage community area (Tract E). The Club allows only members and guests access to their community owned tidelands.

The lighthouse reserve at the southern tip of the island is Federally owned. Tidelands adjacent to this property are State owned. State and Federal laws allow public access to the tidelands and uplands for low intensity, recreational use.

### **Population Characteristics**

The current population ranges from two year-round residents (the caretakers) to approximately 144 people over the Fourth of July holiday. Although there are no zoning restrictions prohibiting permanent occupancy, the islanders have chosen, thus far, to use their lots and cabins for seasonal and recreational purposes only.

The zoning adopted in the 1970s allows a density of one unit per acre, which would not allow further subdivision of the existing lots unless the islanders decided to change the use of the community tracts, or the Federal government sold the southern end, both of which are unlikely. Therefore, under existing zoning and covenant restrictions, the maximum theoretical population on the island could become 417 persons, assuming permanent occupancy of 139 lots at three persons per household. The accustomed recreational use of the lots, along with limitations on the cost of potable water, however, should limit population growth.

### **Land Use Goals and Policies**

#### **Goals:**

- 1      Given the exceptional natural and wildlife resources of the island, and a strong desire by islanders to preserve these resources for future generations to enjoy, Eliza Island should maintain its unique qualities through the continued development of modest sized structures designed and located in a manner which minimizes impacts to the island's character.
- 2      Encourage the dedication of land for both passive and active recreation, preserve the environmental quality of the island and maintain the island character.

#### **Policies:**

##### **Physical Development**

- 1      Site design and building layout should take advantage of natural topography, vegetation and solar access. Vegetated buffers should be utilized between cabins and other developments.
- 2      Non-porous surfaces should be minimized and directed away from marine bluffs to prevent erosion
- 3      Development should be limited in height and size in order to maintain the islands rural and scenic qualities, reduce cumulative environmental impacts occurring from full buildout, and encourage a recreational island lifestyle.
- 4      Material used for development on the island should be compatible with the islands scenic qualities. Trailers and mobile homes should be prohibited.
- 5      Commercial land uses on the island should be prohibited.
- 6      Applicants for development on Eliza Island should not be required to transport County personnel. The County should be responsible for their own transportation to the island.

##### **Open Space**

- 1      The aesthetic value and open views of the beaches and shoreline areas should be preserved.
- 2      Eliza Rock should continue to be utilized as a natural open space area and wildlife refuge.

- 3 Whatcom County and the Eliza Island Beach Club should acknowledge the lighthouse reserve at the south end of the island as publicly owned and a permanent open space area for passive recreational use.
- 4 The community tracts of the island subdivisions should continue to be utilized for passive recreation, natural open space, caretaker facilities, and small plane access.

#### Recreation

Recreational camping should be allowed on individually owned lots provided all health related concerns are addressed.

#### Noise

Uses on the island should not present incompatible noise nuisances to residents.

#### **Land Use Designation**

An "Island" plan designation has been formed for Eliza Island. This new designation was created because no other existing plan designation appropriately characterized the Island and its' seasonal residential, residential, and recreational mixture of land uses.

**community  
facilities and  
utilities element**

# ELIZA ISLAND PLAN

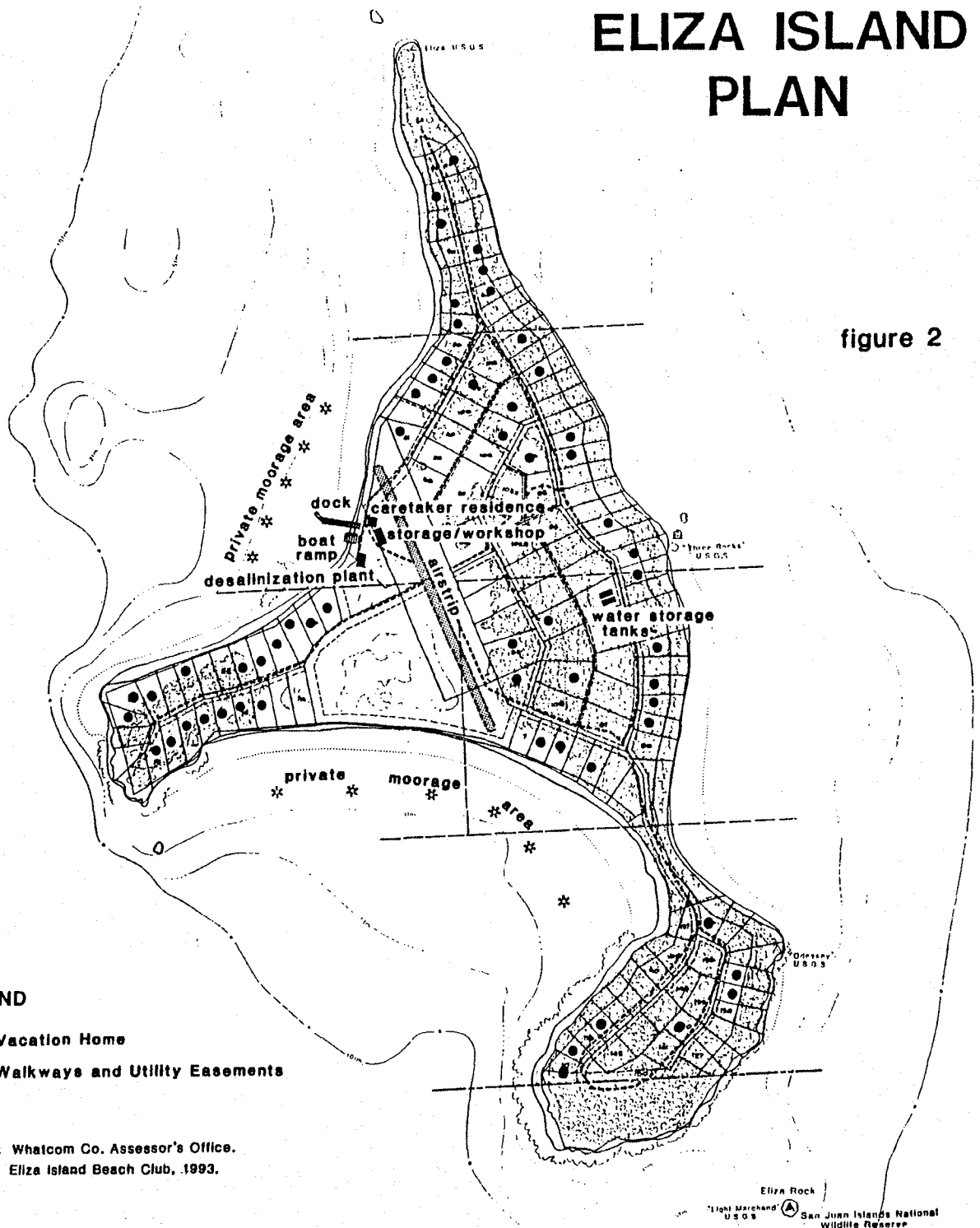
figure 2

## LEGEND

- Vacation Home
- == Walkways and Utility Easements

Sources : Whatcom Co. Assessor's Office.  
Eliza Island Beach Club, 1993.

## COMMUNITY FACILITIES AND UTILITIES





## **CHAPTER 3. COMMUNITY FACILITIES AND UTILITIES ELEMENT**

### **Transportation/Access**

Access is by private or chartered boat or plane, with the majority using private boats. The island has one boat dock and an airstrip for the residents' use. The 25-foot long dock is located at the end of a 100-foot pier on the mid-west shore of the island and is primarily used for loading and unloading. Boats are then moored at one of the sixty personally owned buoys. During the summer months, Eliza Island may be serviced by the Island Shuttle Express, a privately operated ferry that departs daily from Bellingham with the San Juan Islands as its destination, but may stop at Eliza Island upon request.

The airstrip, located in the mid-west center of the island, is unpaved and 1510 feet long, and is suitable for small propeller plane use only. The lack of night-time lighting restricts landings to daylight hours. Several air taxis service the island with commuter planes upon request.

Eliza Rock is designated as a National Wildlife Reserve and as such is closed to the public to protect breeding colonies of seabirds, endangered and threatened species, and marine mammals. Boaters are requested to stay at least 200 yards away from these islands to avoid disturbance to these animals. In addition, Federal Aviation Authority (FAA) guidelines state all aircraft are requested to maintain a minimum altitude of 2000 feet over refuges, wilderness areas, and primitive areas (FAA Advisory Circular 91-36C). Low-flying aircraft may pose a threat to marine birds while nesting or wintering on Eliza Rock by causing stress to the birds at critical times.

Motorized vehicles on the island are restricted to various community-owned utility equipment. Other motorized vehicles are only allowed under unique situations. Dirt and gravel road easements lead to cabins, common tracts, and facilities.

### **Fire Protection and Emergency Services**

Present fire protection for improvements consists of a tank/pump trailer with a capacity of 500 gallons, several fire extinguishers, and nine standpipes located throughout the island.

The island is not within a fire district boundary. An attempt to form a district was made in 1979, however the proponents only had two commissioners. The formation of a district requires at least three residents who are registered voters to serve as commissioners. Until Eliza Island annexes into a fire district or forms its own, it will not qualify for mutual aid from other districts nor from the Bellingham Fire Department and its water boat. The Bellingham Fire Department will, however, perform fee based emergency medical service to the islanders.

The Department of Natural Resources (DNR) is required by State law to suppress all wildfires on unimproved land regardless of parcel size. The DNR estimates that it would take at least two or three hours for the department to reach the island and coordinate boat, land, or helicopter operations. The Coast Guard might assist in these efforts by providing transport for fire fighters. The DNR is prohibited, however, from entering or leaning ladders against any improvements because the responsibility of protecting improvements is left to the local fire districts, or, in this case, the Eliza Island Beach Club.

## **Fire Flow Standards**

Building and fire codes require certain levels of water service for each building type and use and are applied when long subdivisions are being developed. When the Eliza Island plat was approved in 1961, however, such standards were not required. Current codes exempt from fire flow standards single family houses and all secondary buildings under 2,500 square feet.

## **Public Safety**

Law enforcement on Eliza Island is provided by the Whatcom County Sheriff's Department. The Sheriff's Department is located in the Whatcom County Courthouse in Bellingham and serves an area of approximately 2,087 square miles including all of Whatcom County with the exception of Bellingham, Blaine, Everson, Ferndale, Lynden, Nooksack, Sumas, and parts of the Lummi Reservation. The estimated service area population in 1991 was approximately 62,578 persons.

The department currently employs 82 full-time paid personnel assigned to the entire county and consists of four divisions: Corrections, Civil, Criminal, and Emergency Management. In addition, there are 48 full-time deputies; 36 of whom are assigned to patrolling and responding to service calls; the remaining 12 deputies perform administrative and supervisory tasks at the main station, although they are also available to respond to calls. There are 13 administrative staff and approximately 45 jail staff. Currently the Sheriff's Department is conducting a staffing survey to determine whether the department has enough personnel to provide an adequate level of service.

The Sheriff's Department will respond to calls from the island. It is estimated, however, that the response time for in-progress crimes would be at least one hour. Transportation would have to be arranged either by Coast Guard escort or by flight services at the Bellingham International Airport. The Sheriff's Department does not have adequately sized boats of their own to respond to calls outside of the harbor area.

## **Power Supply and Communications**

There is no public source of electricity supplied to Eliza Island. Some individual cabins are powered by privately owned generators and some cabins operate low voltage, 12 volt systems supplied from storage batteries which are charged by generator or solar collection arrays. Other cabins have no electricity. Heat is produced by wood burning stoves and propane heaters.

A phone CB at the caretaker's house can be used to contact the Coast Guard in the event of an emergency. Cellular phones are also available to the caretakers and private owners. Television and radio reception are limited.

The island has the potential for wind and/or solar energy generation which might serve as an appropriate energy alternative for the islanders' seasonal recreation usage, resulting in a reduced reliance on imported fuels.

Due to the unique nature of Eliza Island, the limited services available and the seasonal use of many structures, Whatcom County is authorized under the Uniform Building Code to allow some flexibility when issuing construction permits for projects on Eliza Island. This may include the allowance for pier and post foundations, wood stoves as the primary heating source, and reduced energy code compliance.

## **Solid Waste**

Solid waste is either burned or packed off the island and disposed on the mainland. Most burning activities require a permit from Whatcom County Fire Division. Only burning of natural vegetation and untreated lumber materials is permissible. Any activity releasing airborne particulates must also comply with the regulations of Northwest Air Pollution Authority. In addition, activity may be suspended whenever the County or the Department of Natural Resources declare a burn ban. The Beach Club also monitors burning activity.

## **Sewage Disposal**

Sewage disposal is by septic tank with individual drainfields. Increased use from existing drainfields designed for limited use may become problematic. New systems require full compliance with the Whatcom County Health Department standards. Some systems may require careful design to account for slow or rapid infiltration rates, depending upon soil conditions (see Appendix C for soils information.)

One of the principal criterion used to determine whether an area is urban or rural in character is the availability of a public sewer system. Development of a public sewer system would be costly and would conflict with the goals of keeping the island rural and recreational. A more appropriate solution for Eliza Island is to continue the use of septic systems, but at a level of intensity which maintains the environmental integrity of the island.

## **Water Supply**

Up until 1993, water had been supplied to residents from a single well treated by a chlorination system and stored within five fiberglass boat molds and one steel tank with a total capacity of 100,000 gallons. Although this system provided the water necessary to the island lot owners for 30 years, it failed to meet current health standards due to limitations in both quantity and quality. During August 1991, water became unavailable because the well yield became too low during the summer to meet daily demand and sufficient quantities had not been stored in the tanks when water was available during the winter and spring months.

Amendments to the Growth Management Act were adopted in 1991 through House Bill 1025. Section 63 of the legislation, including the amendments, states that local jurisdictions shall require: "Each applicant for a building permit of a building necessitating potable water shall provide evidence of an adequate water supply for the intended use of the building..." Accordingly, in July 1991, the County established an interim policy to address this mandate. Due to the water situation on Eliza Island, the County would not issue new residential building permits until evidence of an adequate water supply is demonstrated. In this case, it must be approved by the State Department of Health because it has jurisdiction for approving public water systems.

In 1991, the Eliza Island Beach Club appointed a water committee to investigate options available to provide potable water for island lot owners. After a review of alternatives, this committee decided that turning salt water into potable water was the best alternative (see Appendix D for a discussion of ground-water resources on the island) and was the first in the State of Washington to receive state and local agency endorsement. This consent was based upon part-time, recreational use of the cabins on the island, at a water rate to be determined based upon demonstrated usage. The reverse osmosis, de-salinization plant was constructed in 1993 and began service to a portion of the lot owners that year. As a requirement of state approval, a Water Conservation Plan must be followed in order to foster water conservation practices.

## **Community Facilities and Utilities Goals and Policies**

### **Goal:**

Increased population on the island could necessitate improved or additional transportation systems, fire and police protection, power supplies, communication systems, solid waste disposal methods, sewage disposal, and water supply. These improvements and/or additions should be designed in keeping with the overall goal of maintaining a low intensive recreational use of the island.

### **Policies:**

#### **Transportation/Access**

- 1 Shoreline accessory developments, such as piers and docks, should be limited to those that are owned by and accessible to the community.
- 2 Federal Aviation Administration guidelines with respect to National Wildlife Refuges should be observed by those utilizing the airstrip facilities on the island and for any future expansions to avoid impacts to sensitive marine animals on Eliza Rock.
- 3 The use of motorized vehicles should be minimized and in accordance with island covenants, conditions, and restrictions.
- 4 Transportation routes on the island should continue to be of the low intensive trails type.

#### **Fire Protection and Emergency Services**

The island is poorly equipped to handle an emergency fire situation, especially under dry weather and high wind conditions. Whatcom County should support the Islanders efforts to develop a fire protection plan.

#### **Public Safety**

Whatcom County should ensure that the necessary staff and equipment are available in the Whatcom County Sheriff's Department to provide adequate protective services for the Eliza Island population.

#### **Power Supply - Energy Code**

- 1 Whatcom County should encourage the physical development of passive or active solar heating and water heating, and wind power plants for residential uses on the island.
- 2 Whatcom County should allow code flexibility to the extent permissible for construction of cabins that will be used on a part-time recreational basis.

#### **Solid Waste**

Islanders are encouraged to follow the "carry in, carry out" rule in the handling of waste. Disposal on the island should be prohibited.

## Sewer Systems

Whatcom County should discourage the siting of a public sewer system on Eliza Island. The use of individual septic systems should be encouraged in accordance with Whatcom County Health Department standards.

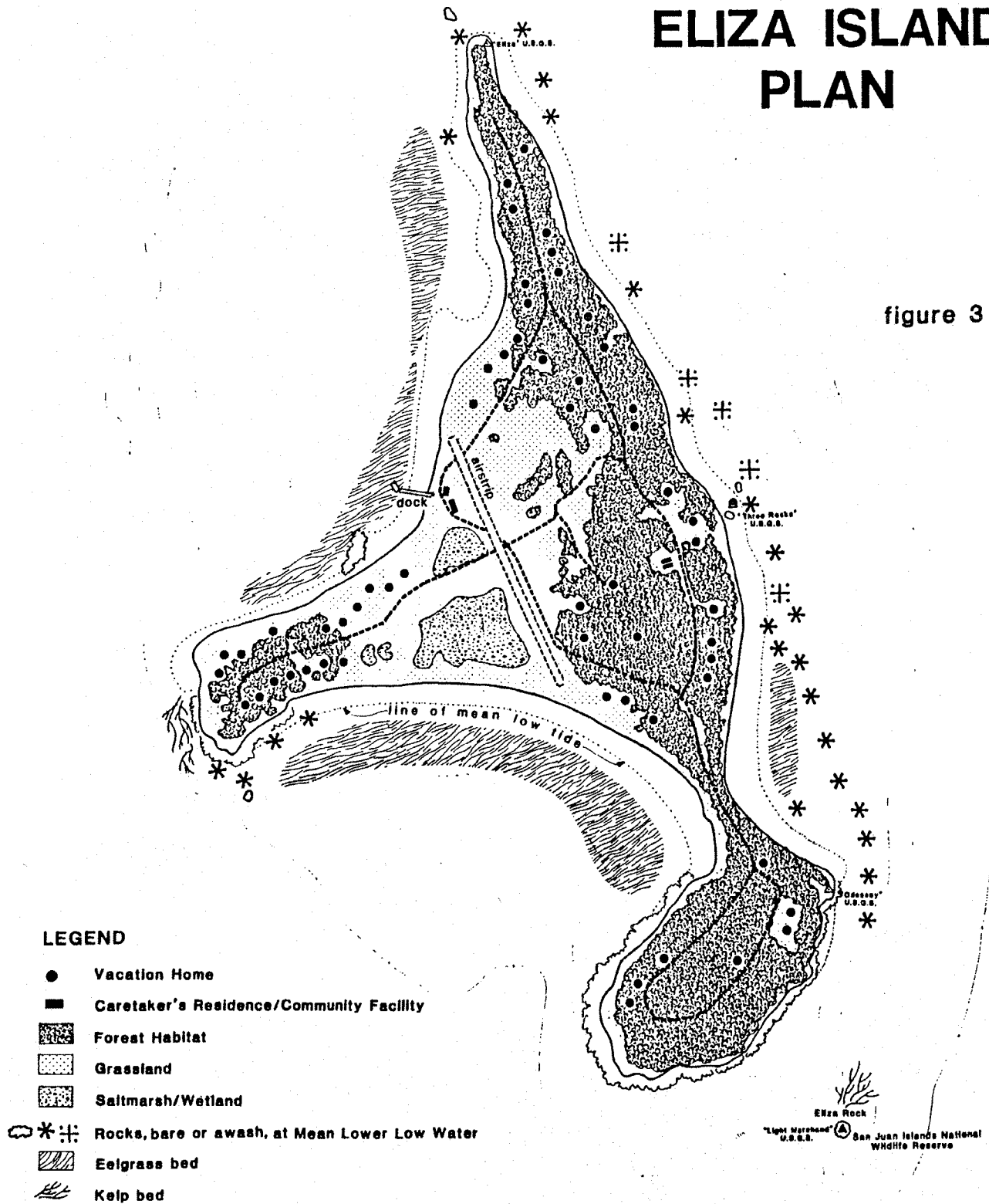
## Water Systems

- 1 Whatcom County encourages the Eliza Island Water Conservation Plan.
- 2 Whatcom County should coordinate with Washington State Department of Health by encouraging recreational land use on the island which is consistent with the capabilities of the island's approved water system.

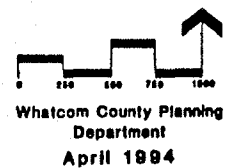
**environmental  
characteristics element**

# ELIZA ISLAND PLAN

figure 3



## ENVIRONMENTAL CHARACTERISTICS



## CHAPTER 4. ENVIRONMENTAL CHARACTERISTICS ELEMENT

### Climate

The Island experiences a temperate marine climate, characterized by mild temperatures, muted extremes, and narrow diurnal fluctuations. Winters are wet and mild, with an average daily temperature of 36 degrees F in January. Summers are relatively cool and dry, with average daily temperatures in July of 63 degrees F. The Vancouver Island mountains and the Olympic Mountain Range in northwestern Washington shelter the island from major storms moving landward off the Pacific Ocean and produce a rain shadow effect. Based on the nearest available formal weather stations, Olga on Orcas Island and Bellingham Airport, average annual precipitation is estimated to be less than 32 inches per year, most of which falls between October 1 and March 31.

### Topography

The irregularly shaped island has an area of 158 acres, or approximately one-quarter square mile, enclosed by approximately 3.1 miles of shoreline. The island is T-shaped with different surface features on each peninsula (see figure 3). The western bedrock knob is fairly flat with the highest elevation being twenty feet above sea level. The rocks of the southern bedrock knob have an elevation up to 87 feet with a slope of 12 percent. The central region has the highest elevation of 88 feet. The northern point of the island consists of a narrow ridge that descends northward from the high point of the island. The eastern shore consists of a marine bluff created by wave erosion and small slope failures. The eastern part of the island is connected to the western knob by a low-lying area bounded by beach berms and containing a saltwater marsh.

### Shore Processes and Erosion

Rates of erosion and shoreline retreat are undocumented on Eliza Island, but based on similar shorelines in other parts of the region, the glacial bluffs might be expected to retreat at approximately one foot per decade, but will do so in an episodic fashion, losing a few feet in a small slide every several decades. It will be centuries before the south end is cut off from the rest of the island.

Two aspects of shore processes bear directly on development practices on Eliza Island. The first concerns development of the low-lying barrier beach. The berms that form portions of both the south and north beaches were built by wave action and as a result are subject to further wave action in the future. The berms have been modified by human activity as well. Although flooding does not occur frequently, it can and will occur again. Serious damage may occur if high water is accompanied by wave action. The south beach is retracting gradually over time and this will accelerate if feeder bluffs are bulk-headed. In addition, short term erosion may occur as a response to large storms. Erosion will put any structure near the berm at risk and will increase pressure to armor the shoreline. The impact of a small earthquake-generated tsunami could be devastating to structures built on or adjacent to the berm.

The second concern involves development of the bluffs. Although erosion rates are slow, small landslides can be expected to continue. Armoring of the shoreline with bulkheads or rip rap to limit erosion or stabilize bluffs will result in the loss of sediment supply to the beach and may result in greater erosion down-drift. All efforts should be made to locate structures so that the pressure to bulkhead is minimized. Clearly, bulkheading represents a significant change to the natural character of the shoreline and is accompanied by loss of important shoreline habitat.



Many of the problems property owners have with erosion and slope failure on shoreline sites can be traced to clearing of vegetation. Much of the stability of shoreline bluffs is due to the root strength created by bluff top and bluff slope vegetation. Just as importantly, vegetation controls bluff hydrology and prevents slope failures due to soil saturation. Trees prevent the infiltration of water during rainstorms and remove large amounts of water from the soil through evapotranspiration. When the vegetation is removed, the stability is weakened, increasing the natural rate of erosion. This acceleration can lead a property owner to consider protections such as bulkheads, seawalls, and rip-rap. However, because shoreline environments are a balance of large and changing forces, disruption can have unforeseen consequences. Not only is the delicate interplay between geologic, hydrologic and biologic systems easily damaged, but a structural modification at one point along a shoreline can have impacts to other areas away from the site. An alternative method of bank stabilization is to re-introduce vegetation to the area and locate improvements as far from the bluff edge as possible.

### **Seismic Hazards**

The Uniform Building Code includes a Seismic Risk Map for the United States which considers potential earthquake intensity and resulting damage. Five zones are identified with the following relationships to potential damage: Zone 0 - no damage, Zone 1 - minor damage, Zone 2 - moderate damage, Zone 3 - major damage, and Zone 4 - areas within Zone 3 that are in proximity to major fault systems. The Puget Sound Basin lies in the Circum-Pacific earthquake belt that extends along the West Coast of North and South America. Based upon this and the geologic structure of the region, it has been categorized as within seismic risk Zone 3. There are no known faults within the island that are considered active (movement having occurred within the past 10,000 years).

Seismic vibration would be the major result from an earthquake. The degree of shaking is primarily dependent on two variables, the geologic unit involved and the degree of water saturation (see Appendix A, Geologic Conditions). The sand and gravel deposits of the Outwash and Undifferentiated Glacial deposits are susceptible to seismic shaking. Organic soils in the wetland area and any areas of artificial fill are highly susceptible to shaking, especially in thick deposits. The fine soil components of deposits within the lowland, central area of the island are highly susceptible to liquefaction when shaken because of the high water table.

### **Plants, Fish, and Wildlife Habitat**

The habitats on Eliza Island provide plants, fish, and wildlife with their basic requirements for survival, such as food, water, and cover, as well as special seasonal requirements related to growth and reproduction. The open waters offshore provide important habitat for thousands of organisms, including phytoplankton and zooplankton, subtidal macroalgae (seaweed), benthic invertebrates, fish, and marine birds and mammals. Many species require both marine and non-marine habitats at different times in their life cycles. The physical features of the irregular shoreline including promontories, bluffs, cliffs, cobble and sandy beaches and marshes create a variety of habitat and forage opportunities for many species. Rich marine bird habitat is found in shallow bays where the birds forage on eelgrass plants, small fish, and invertebrates.

A wide variety of life inhabits the uplands of Eliza Island both seasonally and year-around. The assortment of vegetation provides habitat for many species of birds and insects as they utilize several differing types of habitat; one species may forage for a variety of insects in lowland clearings including the salt marsh and return to forested areas for shelter, while another may visit the nearshore environment from a nesting site on another island (see also Appendix E, for further discussion of habitat types).

Planning for habitat protection on Eliza Island requires that activities affecting habitat be managed in a comprehensive manner to insure that the best representation and distribution of habitats remain to preserve the natural values and functions of those habitats. Virtually every land use action affects wildlife habitat. When recognizing the dependency of wildlife on soils, vegetation, clean air and water, one can appreciate the importance of minimizing the adverse impacts on wildlife through careful land use. Incremental habitat loss results in cumulative impacts and ultimately the need for crisis management. Cumulative adverse impacts on habitat is the greatest threat to wildlife, generally, and species diversity, specifically. Potential cumulative impacts must be identified in the planning process. Further, the creation of clearly stated policies directly linking various land use elements with wildlife requirements is needed.

## **Environmental Goals and Policies**

### **Goals:**

- 1 Protect and preserve the diversity of plant and animal species on Eliza Island and the surrounding shoreline areas.
- 2 Protect the general health, safety and welfare by insuring that development in geological hazardous areas minimizes the danger to life and property and is environmentally sound. Prevent erosion and landslides on steep slopes.
- 3 Promote residential landscaping that preserves and is compatible with natural vegetation and requires low levels of water consumption.

### **Policies:**

#### **Shoreline Bluffs**

- 1 Vegetation removal on eroding shoreline bluffs and banks should be prohibited to maintain bank stability. Natural vegetation should be retained along marine bluffs.
- 2 The dumping of any vegetation or debris over the edge of a bluff will increase the potential for landslide and should be prohibited.
- 3 The visual integrity of the shoreline should be protected. Encroachment on geohydraulic processes should be prohibited. Developments should be located well away from the waters edge.
- 4 Shore defense works should be located, designed, and maintained in a manner which preserves or enhances the quality of affected waters, and conserves or enhances fish and wildlife resources and their respective habitats.
- 5 Non-structural, non-obtrusive shore defense works are preferred over artificial, structural alternatives.
- 6 Saturating soils along bluffs should be prevented by minimizing watering and maintaining natural vegetation in order to help prevent slope failure.

## Land Clearing

- 1 The visual integrity of the uplands should be protected. Land clearing on the island should be minimized.
- 2 Minor tree de-limbing and small tree thinning is emphasized as preferable to clearing for view access and to decrease shading.
- 3 Because of erosion problems caused by large areas of exposed soil, construction sites should not be cleared until shortly before actual construction is to begin. Land clearing, grading, and filling should be limited to the minimum amount necessary to accomplish the primary purpose of the development.

## Seismic

When located within areas of high seismic risk, new construction should be reviewed to minimize damage due to earthquakes.

## Flooding

- 1 Flood prevention activities should rely upon appropriate placement and construction of developments to minimize the necessity for artificial defense systems.
- 2 Maintenance of flood protection berms should minimize disruption to natural shore processes and sensitive environmental areas. Gravel used to rebuild berms should not be excavated from below the ordinary high water level.

## Plants and Fish and Wildlife Habitat

- 1 Natural vegetation should be retained as much as possible when developing sites in order to provide a continuous wildlife habitat. Large trees and snags should be preserved.
- 2 Kelp and eelgrass beds and other marine plants surrounding the island should be protected and enhanced.
- 3 Critical habitat of threatened, rare and endangered wildlife species should be preserved and protected.
- 4 Whatcom County should work with the property owners of Eliza Island, citizen groups, the State of Washington, and other agencies in identifying and protecting bald eagle habitat, near shore habitat, and general environmental quality of the island.
- 5 Whatcom County should encourage island property owners to use the current use tax assessment provisions of RCW 84.34, and/or conservation easements to reduce taxation and retain important wildlife habitats, such as bald eagle nest areas, in open space.

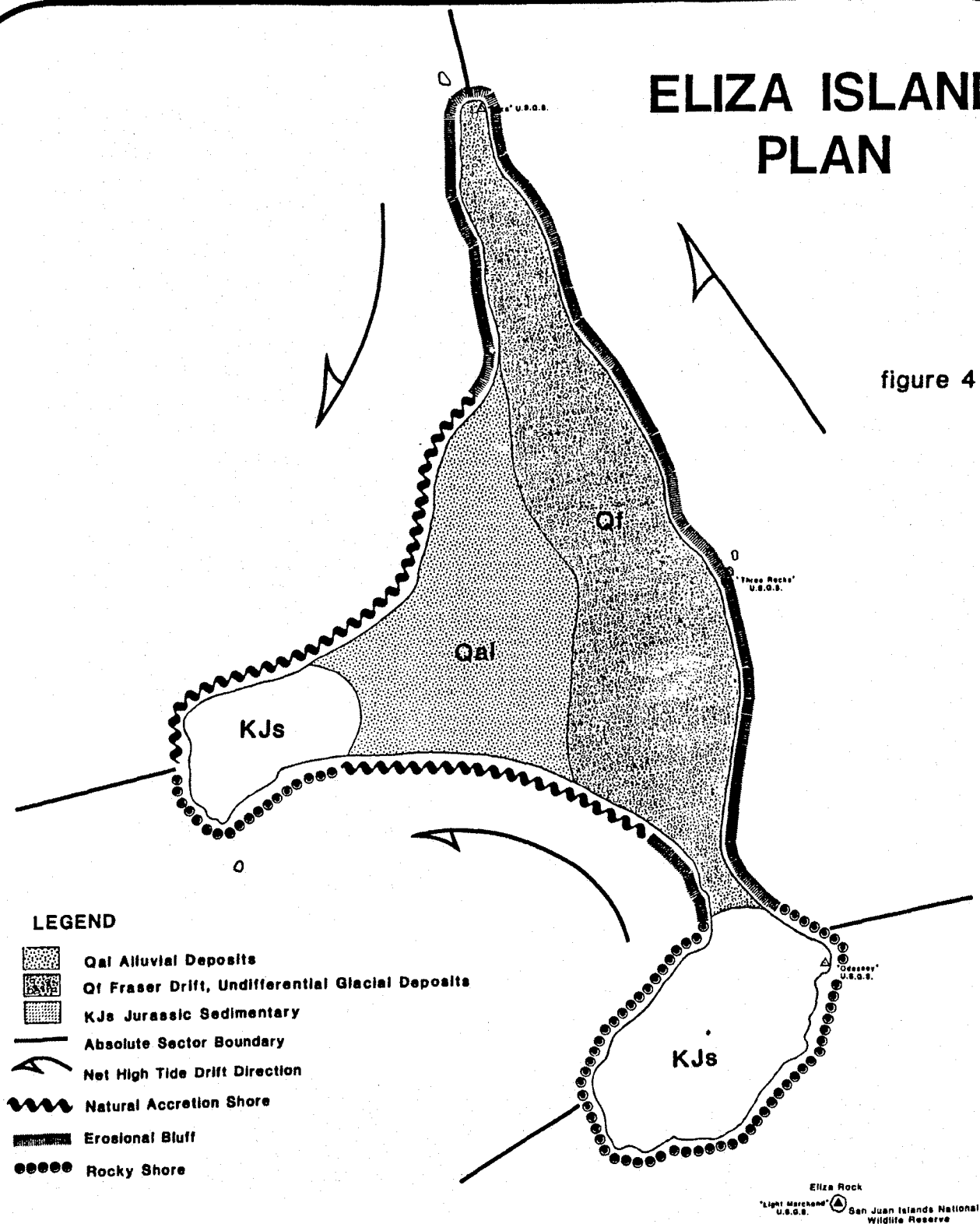
## Marsh/Wetland

Whatcom County should work with the property owners of Eliza Island, citizen groups, the State of Washington, and other agencies in developing management practices to restore and enhance the salt water marsh on Eliza Island.

## appendices

# ELIZA ISLAND PLAN

figure 4



## GEOLOGIC CONDITIONS AND MARINE SHOREFORMS

## **Appendix A: Geologic Conditions**

Eliza Island consists of three basic geologic formations: 1) bedrock, 2) glacial deposits, and 3) alluvial deposits.

The bedrock forms the rocky knobs at the south and the west ends of the island and underlies glacial materials along portions of the northeastern shore. The bedrock consists of phyllite of Jurassic and Cretaceous Age (many tens of millions of years old). This phyllite is slightly recrystallized sandstone and shale that preserves some sedimentary characteristics but is unfossiliferous.

The glacial deposits overlie the bedrock and form most of the eastern part of the island. These poorly exposed sediments were deposited during the Fraser glaciation, approximately 15,000 years ago. The Coastal Atlas suggests (but is uncertain) that these materials consist of advance outwash, glacial till, and glacial-marine drift.

Alluvial deposits make up the central, lowland area and are composed of stratified sands, silts, and gravels. These deposits are largely the result of the building of a barrier beach system between the eastern and western portions of the island, which may have originally been separated by water. This beach building occurred during the Holocene, the last 10,000 years, and continues today.

The bedrock provides generally stable building sites and erodes extremely slowly, but may present difficulties in excavation and construction of septic systems. The glacial deposits are subject to greater rates of shoreline erosion and are less stable, particularly on steep slopes or where ground-water is abundant. The low-lying alluvial deposits may be subject to flooding and though soils may perk, the high water table may limit their application for septic systems.

## **Appendix B: Marine Shoreforms**

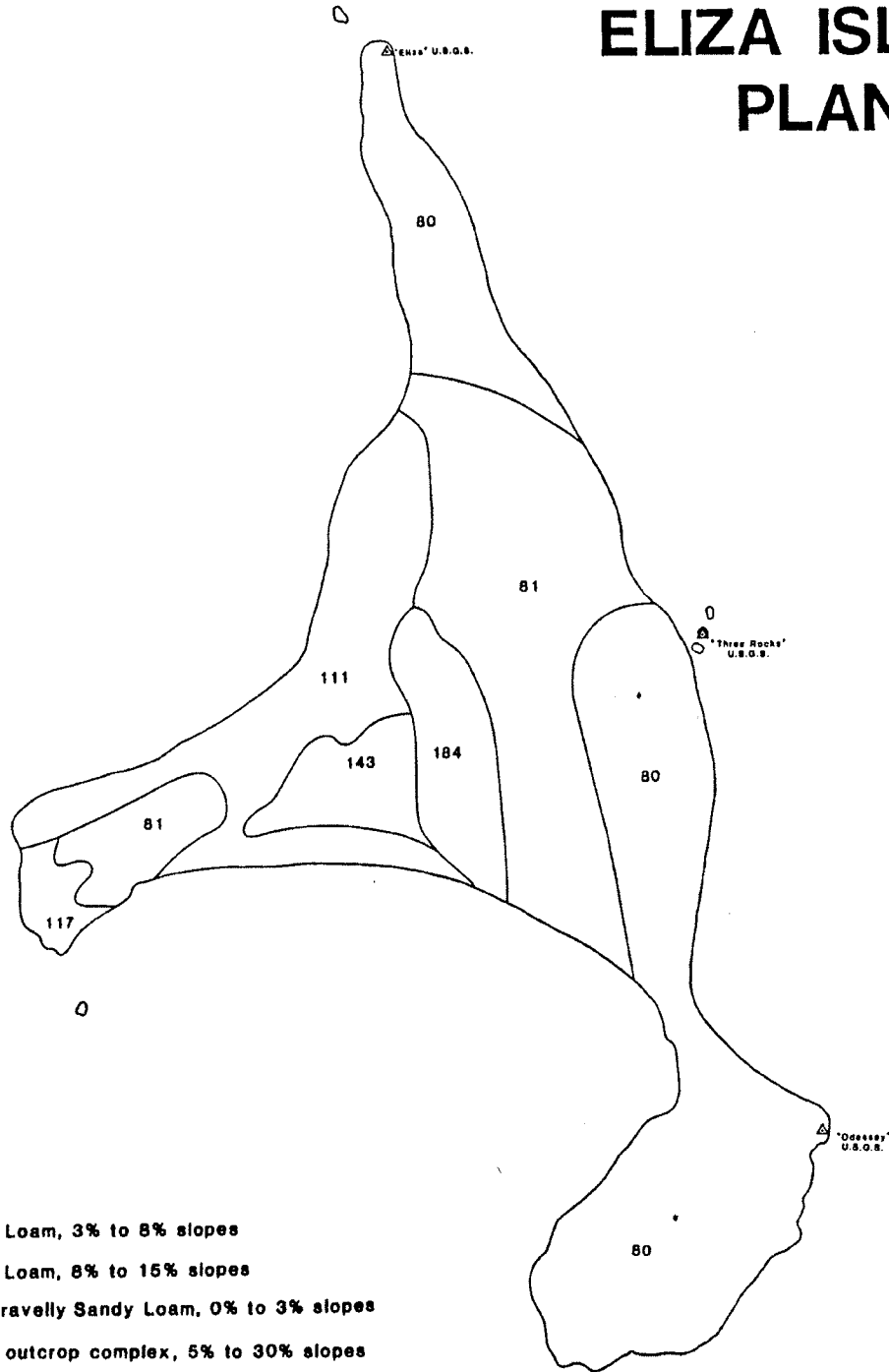
**South shore:** The south shore of Eliza Island consists of a broad crescent-shaped barrier beach backed by a broad backshore and marsh/meadow. This beach comprises a single drift cell, contained between the rocky promontories at the southern and western ends of the island. The material that forms this beach is derived from the erosion of the glacial bluffs at the southeast end of the embayment. This beach retreats landward slowly as the bluff erodes and eventually may cut off the narrow neck of land at the south end, creating an island of the southern tip of the island. Eroded material is moved by shore-drift along the beach to the west, although reversals will occur depending on wind and wave directions.

**East shore:** The eastern shore consists of a north-south trending shore bluff of glacial material. This shore forms a drift cell bounded by the rocky southern point and by the sharp point at the northeastern end of the island. The bluffs are generally less than fifty feet high and a narrow beach has formed at the base of the bluffs. Eroded material is moved both north and south along the shore depending on wave conditions, but the predominant movement is toward the north as a result of the greater fetch from the south.

**North shore:** The western half of the north beach is an accretion beach terminating at the rocky western promontory. The berm is higher and broader than the berm on the south shore and may be older. The beach is fed by erosion of the bluff at the northern end of the island and by erosion of the low terrace between the bluff and the accretion beach. Exposure to the north is protected somewhat by Lummi and Portage Islands.

# ELIZA ISLAND PLAN

figure 5



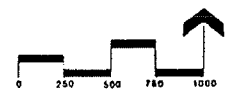
## LEGEND

- 80 Kickerville Silt Loam, 3% to 8% slopes
- 81 Kickerville Silt Loam, 8% to 15% slopes
- 111 Neptune very gravelly Sandy Loam, 0% to 3% slopes
- 117 Pickett - Rock outcrop complex, 5% to 30% slopes
- 143 Shalcar Muck, drained, 0% to 2% slopes
- 184 Whitehorn silt Loam, 0% to 2% slopes

Source: Soil Conservation Service, U.S.D.A. and Wa. State D.N.R., May 1992

Eliza Rock  
'Light Marshland' U.S.G.S.  San Juan Islands National Wildlife Reserve

## SOIL UNITS



Whatcom County Planning  
Department  
April 1994

## **Appendix C: Soils**

The northwest shoreline contains the Neptune soil type. It consists of very deep, excessively drained soil, on a marine terrace. Permeability of this soil is very rapid. It has a slope of 0-3 percent. The soil is subject to rare periods of flooding from tidal inundation. The rapid permeability does not allow proper filtration of septic field overflow. The absorption fields need to be surrounded by Health Department approved fill to compensate for this problem.

The south central region contains Shalcar muck. It is a very deep well drained soil common in depressional areas on outwash terraces, till plains, and stream terraces. This soil was formed from herbaceous and woody organic material that was deposited upon rock materials. Permeability is moderately slow near the surface and rapid through underlying material. It has a slope of 0-2 percent. The high water table and the low strength make this soil unsuited for homesite development.

White Horn silt loam is located in the center of the island. It is poorly drained on wave eroded, glacial marine drift plains. Slope is between 0-2 percent. Permeability is very slow and water capacity is high.

Nearly fifty percent of the island is composed of Kickerville silt loam. There are two variations of the soil depending on its slope. Kickerville with a slope of 3-8 percent is located on the tips of the north and south peninsulas. Kickerville with a slope of 8-15 percent is located in between. Both soil types are very deep, and well drained on outwash terraces. The main limitations to homesite development is the steepness of slope, especially with slope of 8-15 percent. The limitations for septic tank absorption fields is the poor filter ability of the underlying rock. Placing the drainfield in approved fill helps compensate for this problem.

On the west peninsula there is a small region of Pickett Rock soil. It is on glacially eroded backslopes and ridgetops. The soil is well-drained and moderately deep. Permeability is moderate. It has a slope of 5-30 percent.

## **Appendix D: Hydrogeologic Conditions**

The geology has two types of water-bearing material: the bedrock of sandstone and conglomerate where water is stored principally in fractures and fissures, and the overlying glacial material, where water is stored in both the permeable sands and gravel and in the less permeable but still porous clays and tills. The storage capacity of the latter materials is judged to be at least ten times as good as the bedrock and the transmissivity (ability of the water to move through the materials) generally is judged to be higher and much less variable. A 1961 report by Leland R. Jones characterized the island's potable water as follows:

Explorations consisted of reconnaissance, three churn drill holes, and electrical resistivity geophysical explorations. These explorations showed that there is only one potential source of potable domestic water. This area is roughly the northern half of the main body of the island. In this area, the water can be obtained from a relatively thin sand stratum confined between layers of clay. The sand stratum evidently connects with or drains overlying gravel and clay strata which collect rain water. Because of its relatively low permeability, special measures are necessary to obtain an adequate water supply in the area.



## Ground Water Recharge

Precipitation falling on the land surface of the island is the only known source of recharge for which figures can be computed (estimated at 32 inches per year). The amount of this precipitation actually reaching the ground water supply varies from place to place on the island according to surface topography, extent and type of vegetation, and characteristics of the soil and geologic material.

## Saltwater Intrusion

The proximity of saltwater makes island ground water resources among the most fragile and sensitive systems in nature. Beneath the surface are both fresh ground water and salt ground water with a diffusion zone in between. The fresh ground water is constantly moving seaward, "leaking out." If fresh ground water is also removed by pumping, then, unless an equivalent amount of water is returned to the aquifer in the vicinity of the well, or, unless there is an impervious layer separating the fresh water from the saltwater, the net effect is to raise the level of the saltwater in the ground due to reduced head. To insure against saltwater intrusion, the well depth must be within the fresh water zone and recharge must be sufficient both to offset "leakage" and pumping, and to keep the saltwater a safe distance from the bottom of the well.

In 1961, Leland R. Jones conducted a ground water investigation on Eliza Island to determine what ground water supplies, in addition to the existing well, were available. Three wells were drilled at different locations and all encountered saltwater between 46-54 feet. No attempt to drill deeper was performed although there are reports that a very deep privately owned well on the island supplies freshwater.

It was determined after this study that a horizontal trench well would provide the desired quantity of water. An attempt then followed to build a trench filled with gravel that would intercept fresh ground water as it moved along the gradient from the higher areas of the island to the flat marsh area. It was estimated from salinity tests taken from the lowland ponds that "at least 40 or 50 gallons per minute (of fresh water) are flowing to the pond." The finished horizontal trench well, however, was abandoned due to high salinity levels.

## Appendix E: Biologic Conditions

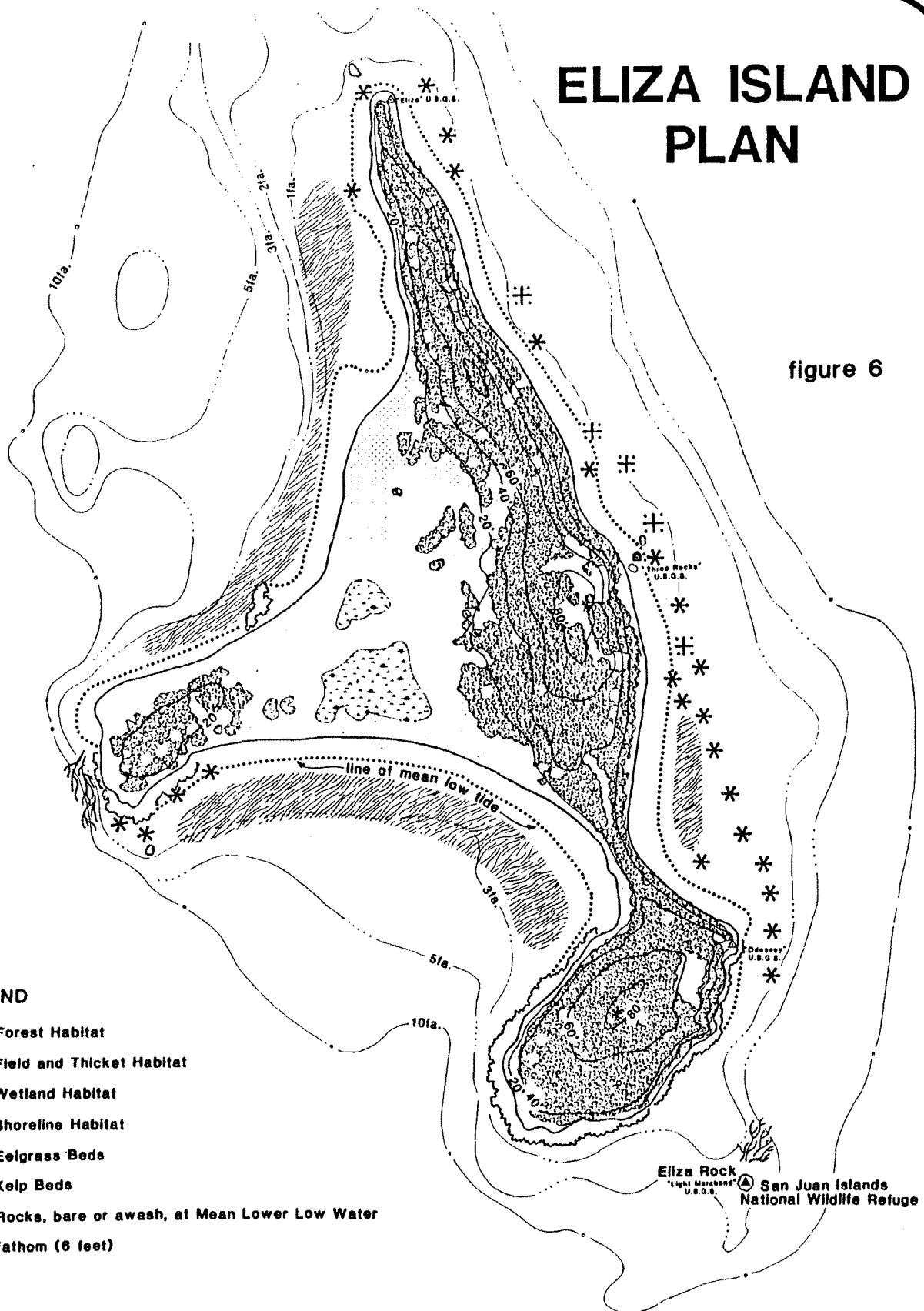
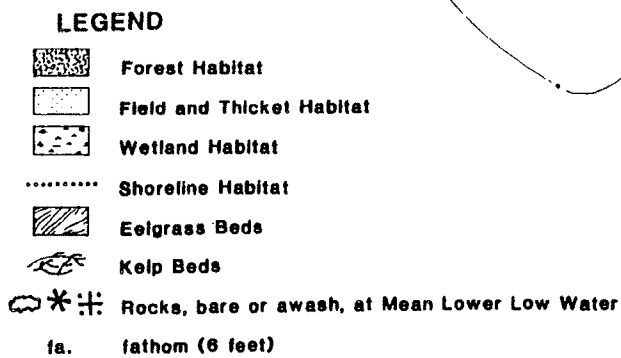
The greatest diversity of species occurs in "edge" areas where different habitat zones adjoin or overlap. Prime examples of edge areas are the forest/aquatic interface and the marsh/thicket/woodland interface where greater diversity of vegetation results in the presence of many insect and bird species. This island, with its forested areas, shorelines, open space areas, and marsh and estuaries, provides many areas of edge habitat. Categorized below are five habitat zones within or around Eliza Island: Forest; Field-and-Thicket; Wetlands; Shorelands; and Open Salt Water.

### Forest Habitat

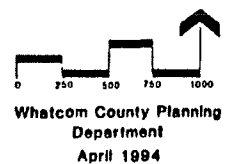
The dominant tree species on the island is Douglas fir. Other important constituent trees are western hemlock, western red cedar, madrone and bigleaf maple. Willow, vine maple, and western yew are also present. Shrubs commonly found in association with deciduous and mixed coniferous and deciduous forests include wild rose, ocean spray, elderberry, salmonberry, thimbleberry, wild gooseberry, chokecherry, and hazelnut. Typical herbaceous plants include deer fern, vanilla leaf, twisted stalk, trillium, false Solomon's seal, star flower, bleeding heart, yellow violet, stinging nettle and buttercup in moderately moist areas.

# ELIZA ISLAND PLAN

figure 6



## BIOLOGIC CONDITIONS



Birds generally associated with forest habitats in the region include hawks, bald eagles, ospreys, grouse, owls, band-tailed pigeons, Vaux's swifts, hummingbirds, woodpeckers, flycatchers, swallows, ravens, jays, crows, chickadees, bushtits, nuthatches, brown creepers, wrens, robins, thrushes, kinglets, waxwings, starlings, vireos, wood warblers, Bullock's orioles, brown-headed cowbirds, Western tanagers, grosbeaks, finches, siskins, rufous-sided towhees, red crossbills, juncos, sparrows and the great blue heron.

#### Field-and-Thicket Habitat

The field and thicket habitat encompasses open space areas, yards and hedge rows, trail thickets and dense underbrush which grows along banks and cliffs above the beaches. Flora commonly includes English ivy, honeysuckle, and scotchbroom and native species such as the wild rose, salmonberry and red elderberry.

Birds commonly found in shrub and thicket habitats include California quail, ring-necked pheasants, swallows, chickadees, bushtits, wrens, wood warblers, brown-headed cowbirds, rufous-sided towhees, juncos, and sparrows.

#### Wetland Habitat

A relatively large salt marsh, one of the few in Whatcom County, is located in the island's south central area. The bottom of the mudflat consists of rich organic sediment while numerous amphipods, plankton, and other organisms live in the mudflat's shallow water. Along the northern perimeter of the mudflat, in a few centimeters of standing water, grow sedges. The ground immediately surrounding the mudflat is thoroughly saturated with salt water. This area is characterized by mats of pickleweed interlaced with orange dodder, salt grass, salt weed, gum weed, and various grasses, including the exotic Reed canary grass. Between the south beach and the entire grass lowland lie three meter high dunes, all of which are covered with dune grass.

Aquatic birds visiting the wetland may include great blue herons, loons, grebes, swans, geese, ducks, bald eagles, falcons, ospreys, hawks, coots, rails, plovers, killdeer, snipes, sandpipers, phalaropes, gulls, terns, kingfishers, swallows, crows, long-billed marsh wrens, water pipits, common yellowthroats, and blackbirds.

Due to a number of drainage ditches, wet meadows, the saltmarsh, and vacationers, the island supports a large number of mosquitos. Because of this, the Beach Club has maintained a practice of draining these areas and spraying with pesticides. Unfortunately, this has a detrimental effect on the habitat and aesthetic value of the wetland. The loss of open water restricts its use by a variety of birdlife and aquatic insects, and leaves the site more vulnerable to invasive noxious weeds such as Reed canary grass.

#### Shoreland Habitat

The shoreland habitat includes all of the beaches on Eliza Island, along with the tidelands. This area provides habitat for many species of plants and animals and serves as rearing grounds for species from other habitat areas.

Lichens and surfgrass typically grow on the marine shorelines of Eliza Island. Various algae also are found, including sea lettuce, sea staghorn, rockweed, bull kelp, and sea moss. The sea grasses and algae species, especially the kelp beds, are vital links in the marine food cycle. They provide shelter as well as feeding areas for birds and spawning areas for fish. Marine fishes inhabiting nearshore waters adjacent to shorelines include several varieties of surf perches, rockfishes, greenlings, lingcod, and sculpins. Many of these species are important

food sources for marine birds and mammals. Shellfish include crabs, shrimp, clams, mussels, and scallops which are collected along shorelines. Area tidepools host a variety of marine life including periwinkles, limpets, barnacles, rock crabs, sea anemones, chitons, sponges, tunicates, and starfish.

The tidal flats on the north and south bays of Eliza Island appear to support a rich growth of marine flora. Of these, perhaps the most important species is the eelgrass. Eelgrass typically grows on sandy or muddy substrates in the outer edge of the intertidal region of Puget Sound. Dense beds of eelgrass support a diverse assemblage of species. Several types of epiphytic plants (plants that grow on other plants) as well as animals can live on the eelgrass blades, and an array of diatoms, protozoans, worms, small crustaceans, and other organisms thrive on the food material found in or on the substrate around eelgrass communities. These organisms in turn provide food and cover for invertebrates and larger animals, such as rockfish, shellfish, and juvenile salmonids. Eelgrass also benefits larger mammals, such as orcas, seals, and sea lions, which feed on species of fish and crab that rely on eelgrass for cover of food. Black brant rely heavily on eelgrass during the winter. Additionally, eelgrass beds provide a substrate for spawning herring, and help to buffer erosional impacts from wave action.

#### Open Salt Water

The salt water surrounding Eliza Island provides a path for many migratory fish such as pink, sockeye, coho, chum, and chinook salmon. These waters also provide spawning and feeding grounds for herring, shrimp, Dungeness crab, and many other organisms. Anadromous as well as local fish and plankton species attract such marine mammal species as harbor seals, river otters, minke whales, and several different bird species.

There are a number of birds that use this habitat in quite different ways. Kingfishers, crows, oyster catchers, sandpipers and great blue herons are not birds of open salt water. However, they do use the edges for feeding. Eagles and osprey sometimes feed over open water. There are a number of other birds that use the open water more or less extensively. Some, like the murrelets, guillemots, auklets, and brants live most of their lives there. Others, such as the loons, geese, saltwater ducks, sandpipers, phalaropes, gulls, terns and cormorants may only use open salt water seasonally and may spend considerable time either in fresh water habitats or on land.

#### Eliza Rock

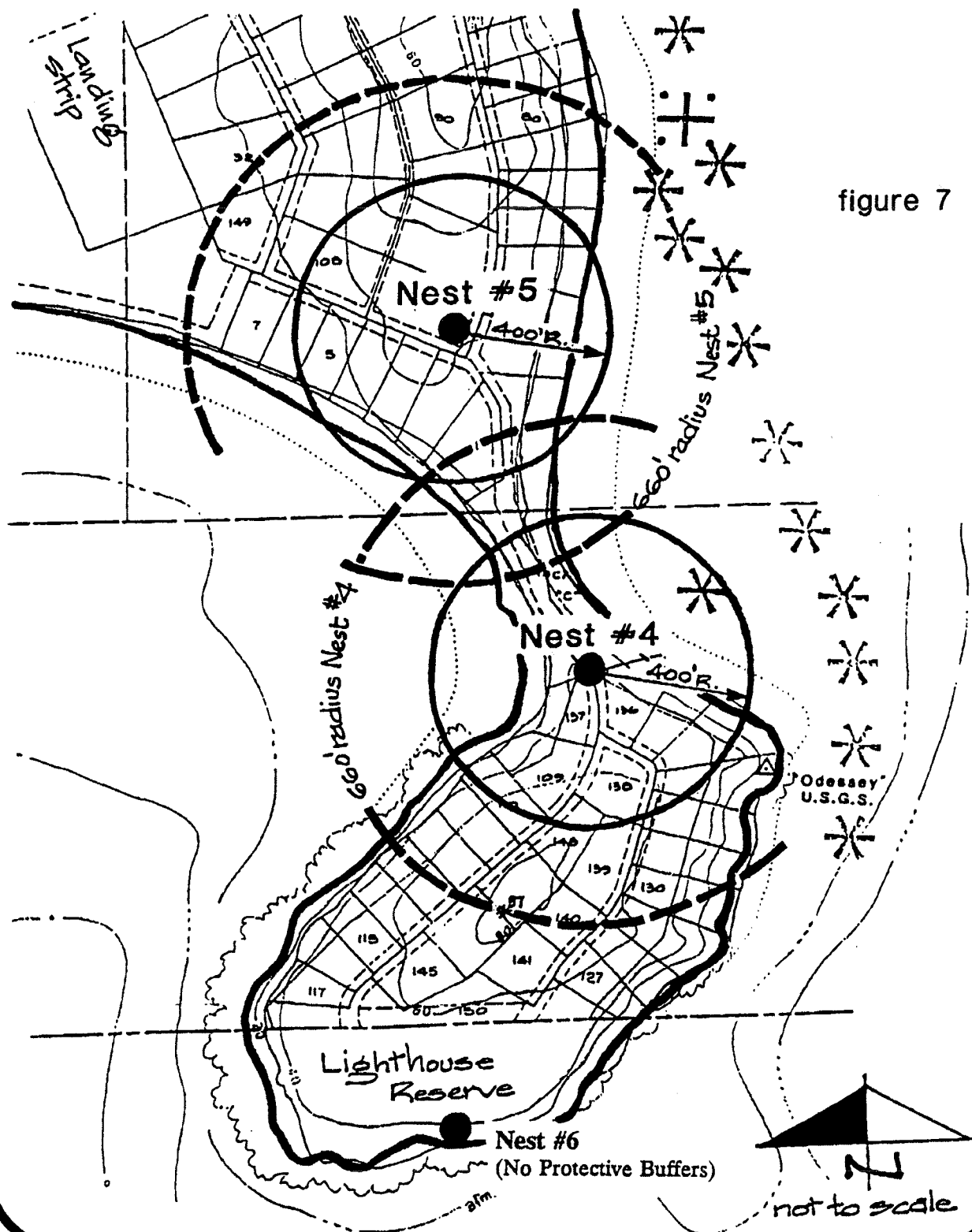
Eliza Rock is designated as a National Wildlife Reserve and as such is closed to the public to protect breeding colonies of seabirds, endangered and threatened species, and marine mammals. According to the Puget Sound Environmental Atlas, this particular area is the nesting site of black oyster catchers, glaucous-winged gulls, and pigeon guillemots. Harbor seals are also known to haul out on this small island.

### Appendix F: Bald Eagle History and Management

#### Introduction

The bald eagle (*Haliaeetus leucocephalus*) is classified as a threatened species and is protected by both state and federal laws. The Washington Bald Eagle Protection Rules (WAC 23212-292) and enabling legislation (RCW 77.12.655) were enacted in 1986 to protect bald eagles and their habitat. The goal is to eventually de-list bald eagles from the threatened category. To meet this goal, criteria outlined in the Pacific Bald Eagle Recovery Plan must be met. The North Puget Sound Region has "recovered", but minimum criteria have not been met statewide or in

# Location of Viable Nests and Protective Buffer on Eliza Island, 1993



the Pacific Recovery Region (Washington, Oregon, California, Montana, Wyoming, Idaho, and Nevada). In fact, only 49% (24 of 51) and 70% (7 of 10) of the subregions have met minimum breeding population recovery goals in the Pacific region and Washington respectively. The outlook is optimistic, but it will be well into the 21st century before bald eagles are de-listed.

It will always be important, if not required, to maintain bald eagle habitat. Currently, under Washington's Bald Eagle Protection Rules, site-specific management plans are developed when land use changes are proposed which may affect bald eagle habitat. Landowners are often unaware of potential land use restrictions until they apply for a county or state permit to alter the landscape. Developing a management plan often involves a site visit between the landowner and eagle biologist. The process can be very time consuming and frustrating for both the landowner and biologist.

Through planning, eagle habitat can be maintained over the entire island without causing undue burden on individual landowners. Management conditions, if accepted by the landowner, will become a condition of development permits. Only landowners within 400 feet of a viable nest site and those objecting to conditions set forth in this plan will site specific plans be developed with the Washington Department of Wildlife (WDW).

#### Eliza Island Bald Eagle History

Residents report nesting bald eagles on Eliza Island since at least the early 1970's, although WDW has only been documenting nesting since 1980. Of seven historic nest sites, only 3 currently contain nests (Figure 7). Three of the nests have fallen since 1989 and nest #4 recently lost a supporting branch and is partially fallen. Nest #6 is believed to have been built at least 20 years ago, although it has never been documented or reported as active. The eagles last used nest #5 during the summer of 1993. Nest #5 is in a "white" or "grand" fir which break or blow down relatively easily. Although the tree has made it through recent strong winds, it is not considered to be a good long term nest tree.

Reports of a nest on the north end of the island have not been confirmed despite aerial surveys and ground searches. The eagles have apparently tried building a new nest on lot 134 in 1993. Only a few sticks remain and it does not appear to be a preferable nest tree.

#### Eagle Habitat Management

The nest history on Eliza Island eagles emphasizes the dynamic nature of forest habitat and the need for long term planning. Wind storms have removed three nest trees and numerous perch and potential nest trees. Construction and land clearing has added to the net loss in eagle habitat. Lots have also been landscaped to exclude forest regeneration. The overall result is increased wind throw and reduced recruitment of new trees. Although there may appear to be enough trees to support nesting eagles, suitable eagle trees are being lost at a rapid rate. The goal is to maintain suitable habitat 50, 100, and 200 years from now. Landowners who landscape to eliminate forest regeneration often fail to recognize the long term consequences of their actions. As eagle habitat is lost, it forces even more restrictive measures on adjacent landowners to protect remaining habitat. The key is to plan ahead and spread the responsibility over numerous landowners before the majority of the habitat disappears.

Disturbance must also be considered in eagle management. Human activity can cause a nest site to fail or be abandoned. However, determining what is "disturbing" to an individual or pair of eagles is difficult. Every eagle has a different tolerance level for a given activity. Some birds will perch next to a running bulldozer while others will flush at the sight of a kayak 1000 feet away. Some eagles may acclimate while others may completely abandon the area if an activity

is persistent. Few studies have been conducted and recommended "disturbance free" nest buffers have been "best guess" estimates.

Seasonal considerations are also important when determining the potential impact of an activity. The nesting season is generally January 1 through August 15th in Washington. The most critical time is late February through early June. From just prior to incubation until the eaglets are about 4 weeks old, adult eagles are more prone to flush from disturbance with more serious consequences. Eggs and young eaglets need persistent adult attention. Adults flushed from the nest expose the eggs and young to predation (gulls, ravens, etc.) and potential hypothermia. Once the eaglets reach about 4 weeks old (late May or early June), the importance of adult attendance diminishes and nestling mortality is generally low. However, there is still a concern that human activity may cause fewer food deliveries or premature fledgling. Reduced food or early fledgling would result in increased mortality and would not be obvious to an observer. The mortality would probably occur after fledgling, miles from the nest, leading an observer to conclude human activity had no impact on the eagles.

Since reaction to disturbance is so variable and difficult to document, the only alternative is a conservative approach. The most widely accepted disturbance free buffer recommendations for during the nesting season vary from 660 to over 1200 feet. Given the relative small scale construction that is likely to occur on Eliza Island and apparent tolerance of the eagles, it is reasonable to use the smaller buffer.

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### **Personal Contacts**

Atkeson, Anne. Environmental Health Specialist, Whatcom County Department of Health.

Barriball, John. Deputy, Whatcom County Sheriff's Department. December 1, 1992.

Bernatowicz, Jeff. Wildlife Biologist, Washington State Department of Wildlife.

Cummings, Richard. Deputy Fire Marshall, Fire Inspector, Whatcom County Division of Buildings and Code Administration.

Gunzales, Jay. Fire Chief, City of Bellingham. November 30, 1992.

Fischer, Jim. Area Manager, Bureau of Land Management. Wenatchee.

Forslof, Shirley. Auditor, Whatcom County Auditors Department. March 17, 1993.

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## **WHATCOM COUNTY PLANNING COMMISSION**

### **Repeal the 1994 Eliza Island Plan and Amend Provisions in the Whatcom County Comprehensive Plan and Zoning Code relating to the Eliza Island Plan**

#### **FINDINGS OF FACT AND REASONS FOR ACTION**

1. The subject proposal includes:
  - a. Amending Whatcom County Comprehensive Plan provisions relating to the subarea plan.
  - b. Amending Whatcom County Zoning Code Plan provisions relating to the subarea plan.
  - c. Repealing the Eliza Island Plan (1994).
2. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on March 25, 2014.
3. Notice of the Planning Commission hearing was posted on the County website on April 8, 2014.
4. Notice of the Planning Commission hearing and that the proposal had been posted on the County website was sent to citizen, media and other groups on the County's e-mail list on April 8, 2014.
5. Notice of the subject amendments was submitted to the Washington State Department of Commerce on April 8, 2014.
6. Notice of the Planning Commission hearing for the subject amendments was published in the Bellingham Herald on April 11, 2014.
7. The Planning Commission held a public hearing on the subject amendments on April 24, 2014.
8. Pursuant to WCC 2.160.080, in order to approve the proposed comprehensive plan amendments the County must find all of the following:

- a. The amendment conforms to the requirements of the Growth Management Act, is internally consistent with the county-wide planning policies and is consistent with any interlocal planning agreements.
- b. Further studies made or accepted by the Department of Planning and Development Services indicate changed conditions that show need for the amendment.
- c. The public interest will be served by approving the amendment. In determining whether the public interest will be served, factors including but not limited to the following shall be considered:
  - i. The anticipated effect upon the rate or distribution of population growth, employment growth, development, and conversion of land as envisioned in the comprehensive plan.
  - ii. The anticipated effect on the ability of the county and/or other service providers, such as cities, schools, water and/or sewer purveyors, fire districts, and others as applicable, to provide adequate services and public facilities including transportation facilities.
  - iii. Anticipated impact upon designated agricultural, forest and mineral resource lands.
- d. The amendment does not include or facilitate spot zoning.
- e. Urban growth area amendments that propose the expansion of an urban growth area boundary are required to acquire development rights from a designated TDR sending area, with certain exceptions.

### **Growth Management Act**

- 9. The Growth Management Act (GMA) allows, but does not require, a county to adopt subarea plans under RCW 36.70A.080 ("Comprehensive plans – Optional elements").
- 10. However, the GMA requires that subarea plans must be consistent with a county's comprehensive plan. Specifically, RCW 36.70A.080(2) states: "A comprehensive plan may include, where appropriate, subarea plans, each of which is consistent with the comprehensive plan."

11. The Eliza Island Plan was adopted in 1994. The Whatcom County Comprehensive Plan was adopted in 1997 and subsequently amended from time to time. The Subarea Plan's land use designation is not the same as the Whatcom County Comprehensive Plan's land use designation.

### **County-Wide Planning Policies**

12. The County-Wide Planning Policies do not require the County to retain old subarea plans.

### **Interlocal Agreements**

13. There are no interlocal agreements relating to the Eliza Island Plan.

### **Further Studies/Changed Conditions**

14. The Eliza Island Plan was adopted in 1994.
15. The Whatcom County Comprehensive Plan was originally adopted in 1997, and subsequently amended.
16. Adoption of the Whatcom County Comprehensive Plan constitutes a changed condition that warrants repealing the 1994 Eliza Island Plan.

### **Public Interest**

17. Repealing the 1994 Eliza Island Plan will serve the public interest by removing a 20 year old plan that is no longer necessary because of adoption of the Whatcom County Comprehensive Plan.

### **Spot Zoning**

18. The subject proposal does not involve rezoning property.

## **CONCLUSION**

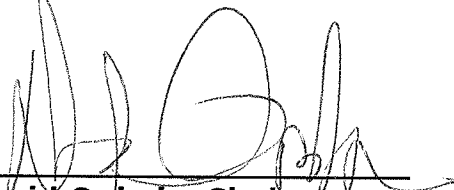
The subject proposal is consistent with the approval criteria of WCC 2.160.080.

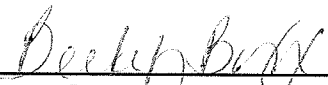
## **RECOMMENDATION**

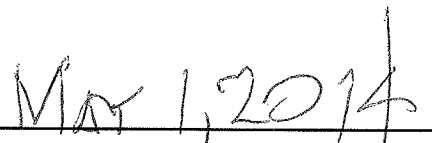
Based upon the above findings and conclusions, the Whatcom County Planning Commission recommends the following:

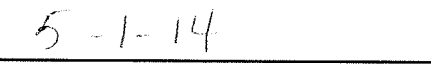
1. Approval of Exhibit A, amendments to Whatcom County Comprehensive Plan Chapter 2 (Land Use); and
2. Approval of Exhibit B, amendments to Whatcom County Zoning Code; and
3. Repealing Exhibit C, the Eliza Island Plan (1994).

## **WHATCOM COUNTY PLANNING COMMISSION**

  
\_\_\_\_\_  
David Onkels, Chair

  
\_\_\_\_\_  
Sam Ryan, Secretary  
*becky boxx*

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Date

Commissioners present at the April 24, 2014 meeting when the vote was taken: Ken Bell, Ben Elenbaas, Walter Haugen, Gary Honcoop, David Hunter, Natalie McClendon, David Onkels, Mary Beth Teigrob, and Gerald Vekved.

**Vote: Ayes: 9, Nays: 0, Abstain: 0, Absent: 0. Motion carried to adopt the above amendments.**

**NOTE:**

In order to avoid redundancy, Exhibits A, B and C are only attached to the proposed Ordinance that will be considered by the County Council.

RECORD OF PROCEEDINGS OF THE  
**WHATCOM COUNTY PLANNING COMMISSION**  
April 24, 2014

**DRAFT**<sup>3</sup>

Regular Meeting

---

1 Commissioner McClendon asked under what circumstances are subarea plans needed?

2  
3 Mr. Aamot stated staff has thought about that. They think it may be good to retain the  
4 plans for active communities and those that stand alone from other areas.

5  
6 Commissioner McClendon asked how the subarea plans relate to the Comprehensive Plan.

7  
8 Mr. Aamot stated they add detail to the countywide plan.

9  
10 Commissioner Bell asked if more resources were applied to the subarea plans would there  
11 be more activity? For example, Lake Whatcom is a large area which makes it difficult for  
12 people to come together as they do in a smaller area such as Birch Bay.

13  
14 **Roll Call Vote: Ayes – Bell, Elenbaas, Haugen, Honcoop, Hunter, McClendon,**  
15 **Onkels, Teigrob, Vekved; Nays – 0; Abstain – 0; Absent -0. The motion carried.**

16  
17 File # PLN2014-00003: Repealing the South Fork Valley Subarea Plan, which was adopted  
18 in 1991, and amending related provisions in the Whatcom County Comprehensive Plan.

19  
20 Matt Aamot presented the staff report. (A map and aerial photo of the subarea was shown  
21 with the boundaries) The South Fork Plan was adopted in 1991; right after the GMA was  
22 adopted in 1990. The population projection for the subarea was through 2000. It had a  
23 more flexible planning period, however, that planning period has ended so it is not  
24 consistent with the current comprehensive plan period of 2029. There were five land use  
25 designations in the plan. There were two forestry zoning districts but the subarea plan  
26 only had one forestry land use designation. Some of the areas have been rezoned or now  
27 have different comprehensive plan designations. One of the policies in the plan reaffirms  
28 the 1970 comprehensive plan, which is outdated. That policy is now outdated and creates  
29 a conflict. Staff recommends repeal of the plan.

30  
31 The hearing was opened to the public.

32  
33 There was no public testimony.

34  
35 The hearing was closed to the public.

36  
37 **Commissioner Honcoop moved to recommend approval of Exhibit A-Amendments**  
38 **to the Whatcom County Comprehensive Plan, chapter 2; and repeal of Exhibit B-**  
39 **the South Fork Valley Subarea Plan. Commissioner Teigrob seconded.**

40  
41 **Roll Call Vote: Ayes – Bell, Elenbaas, Haugen, Honcoop, Hunter, McClendon,**  
42 **Onkels, Teigrob, Vekved; Nays – 0; Abstain – 0; Absent -0. The motion carried.**

43  
44 File # PLN2014-00004: Repealing the Eliza Island Plan, which was adopted in 1994, and  
45 amending related provisions in the Whatcom County Comprehensive Plan and Zoning  
46 Code.



RECORD OF PROCEEDINGS OF THE  
**WHATCOM COUNTY PLANNING COMMISSION**

April 24, 2014

4

*DRAFT*

Regular Meeting

1 Matt Aamot presented the staff report. (A map and aerial photo was shown of Eliza Island  
2 with relationship to Lummi Island, Bellingham and the Chuckanut area. There is a U.S.  
3 Light House Reserve on the southern end of the island. The plan was adopted in 1994.  
4 When it was adopted the Eliza Island zoning district was adopted under Title 20. The  
5 Comprehensive Plan designation now rural. During the Rural Element update the zoning  
6 text was changed. It used to allow for ½ acre lot sizes and now it is 5 acres. In the plan  
7 there are not the inconsistencies that are in the other plans. There are some outdated  
8 things. Staff recommends repeal of the plan.

9  
10 The hearing was opened to the public.

11  
12 There was no public testimony.

13  
14 The hearing was closed to the public.

15  
16 **Commissioner Elenbaas moved to recommend approval of Exhibit A-**  
17 **Amendments to the Whatcom County Comprehensive Plan, chapter 2; Approval**  
18 **of Exhibit B-Amendments to the Whatcom County Zoning Code; and repeal of**  
19 **Exhibit C-the Eliza Island Plan. Commissioner Hunter seconded.**

20  
21 Commissioner Bell stated Eliza Island seems perfect for a subarea plan because they are  
22 separate and have different interests from the rest of the county. Is the only reason they  
23 don't have one because they aren't active?

24  
25 Mr. Aamot stated it gets to how many resources does staff put into a plan and they do  
26 have a unique zoning district which regulates land use. Mr. Bell's point was well taken.

27  
28 Commissioner Hunter noted that all of the lots are vested so the real issue may be water  
29 resources.

30  
31 Commissioner Haugen asked if a desalinization plant was an option if more people wanted  
32 to live there.

33  
34 Mr. Aamot did not know.

35  
36 Commissioner Honcoop stated this was a GMA issue that was appealed so that will drive  
37 what is done.

38  
39 **Roll Call Vote: Ayes – Bell, Elenbaas, Haugen, Honcoop, Hunter, McClendon,**  
40 **Onkels, Teigrob, Vekved; Nays – 0; Abstain – 0; Absent -0. The motion carried.**

41  
42 The meeting was adjourned at 7:15 p.m.

43  
44 Minutes prepared by B. Boxx.

# WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2014-197

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator: Matt Aamot	M.A.	5/5/2014	<div>RECEIVED</div> <div>MAY 13 2014</div> <div>WHATCOM COUNTY COUNCIL</div>	5/20/2014	Introduction
Division Head: Mark Personius	WP	5-5-14		6/3/2014	P&D Committee and Council
Dept. Head: Sam Ryan	SR	5-7-14		1/27/2015	Council - Concurrent Review
Prosecutor: Royce Buckingham	R/B	5-8-14		3/3/15	Council - Concurrent Review
Purchasing/Budget:					
Executive: Jack Louws		05/12/14			

## TITLE OF DOCUMENT:

Repeal the South Fork Valley Subarea Plan and amend provisions in the Whatcom County Comprehensive Plan relating to subarea plans.

## ATTACHMENTS:

1. Staff Memo
2. Proposed Ordinance and Exhibits
3. Planning Commission Findings of Fact and Reasons for Action
4. Planning Commission minutes

Other background information is on file at the Council office.

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

Should Clerk schedule a hearing? ( ) Yes ( X<sup>1</sup> ) NO  
Requested Date

<sup>1</sup> The Council must hold a hearing if they want to change the Planning Commission's recommendation (WCC 2.160.100(B)).

**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.)

Repeal the South Fork Valley Subarea Plan and amend provisions in the Whatcom County Comprehensive Plan relating to subarea plans. The South Fork Valley Subarea Plan was adopted in 1991, prior to the first Whatcom County Comprehensive Plan that was adopted under the GMA.

NOTE: Final approval of these amendments would occur as part of concurrent review of comprehensive plan amendments in early 2015.

## COMMITTEE ACTION:

6/3/2014: Committee recommended that the Council forward for concurrent review

## COUNCIL ACTION:

5/20/2014: Introduced 6-0, Weimer absent  
6/3/2014: Recommended for concurrent review 7-0  
1/27/2015: Held to a later date

Related County Contract #:

Related File Numbers:

Ordinance or Resolution Number:

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

**WHATCOM COUNTY**

Planning & Development Services  
5280 Northwest Drive,  
Bellingham, WA 98226-9097  
360-676-6907, TTY 800-833-6384  
360-738-2525 Fax



**J.E. "Sam" Ryan**  
Director

# RECEIVED

MAY 8 - 2014

May 5, 2014

**JACK LOUWS**  
**COUNTY EXECUTIVE**

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

From: Matt Aamot, Senior Planner *MAA*

Through: Mark Personius, Long Range Planning Division Manager *MP*

RE: Repeal the South Fork Valley Subarea Plan and Related Amendments

The Growth Management Act (GMA) allows, but does not require, a county to adopt subarea plans under RCW 36.70A.080. However, the GMA also requires that subarea plans must be consistent with a county's comprehensive plan. Specifically, RCW 36.70A.080(2) states: "A comprehensive plan may include, where appropriate, subarea plans, each of which is consistent with the comprehensive plan."

Most of the comprehensive land use plan designations in the 1991 South Fork Valley Subarea Plan are not the same as the designations utilized in the current Whatcom County Comprehensive Plan. The Subarea Plan has an "Urban Reserve" designation, but the current Comprehensive Plan does not include any urban designations in the Subarea. The GMA was amended in 1997 to include criteria for limited areas of more intensive rural development (LAMIRDs). The South Fork Valley Subarea Plan does not address LAMIRDs. Finally, the 1991 Subarea Plan utilized a 10 to 20 year planning period. Therefore, we recommend repealing the Subarea Plan and amending provisions in the Whatcom County Comprehensive Plan relating to subarea plans.

Planning & Development Services is requesting Council consideration of these amendments on June 3. However, the proposed Comprehensive Plan amendments are subject to concurrent review. Therefore, the Council will not render a final decision on the proposal until early 2015.

Thank you for your consideration of this matter.

SPONSORED BY: \_\_\_\_\_  
PROPOSED BY: \_\_\_\_\_  
INTRODUCTION DATE: \_\_\_\_\_

**ORDINANCE NO.** \_\_\_\_\_

**REPEALING THE 1991 SOUTH FORK VALLEY SUBAREA PLAN  
AND AMENDING PROVISIONS IN THE WHATCOM COUNTY  
COMPREHENSIVE PLAN RELATING TO SUBAREA PLANS**

**WHEREAS,** The Whatcom County Council initiated the subject amendments for review in 2014; and

**WHEREAS,** The Whatcom County Planning Commission held a public hearing on April 24, 2014; and

**WHEREAS,** The Whatcom County Planning Commission recommended the comprehensive plan amendments on April 24, 2014; and

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

**FINDINGS OF FACT**

1. The subject proposal includes:
  - a. Amending Whatcom County Comprehensive Plan provisions relating to subarea plans.
  - b. Repealing the South Fork Valley Subarea Plan (1991).
2. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on March 25, 2014.
3. Notice of the Planning Commission hearing was posted on the County website on April 8, 2014.
4. Notice of the Planning Commission hearing and that the proposal had been posted on the County website was sent to citizen, media and other groups on the County's e-mail list on April 8, 2014.
5. Notice of the subject amendments was submitted to the Washington State Department of Commerce on April 8, 2014.

6. Notice of the Planning Commission hearing for the subject amendments was published in the Bellingham Herald on April 11, 2014.
7. The Planning Commission held a public hearing on the subject amendments on April 24, 2014.
8. Pursuant to WCC 2.160.080, in order to approve the proposed comprehensive plan amendments the County must find all of the following:
  - a. The amendment conforms to the requirements of the Growth Management Act, is internally consistent with the county-wide planning policies and is consistent with any interlocal planning agreements.
  - b. Further studies made or accepted by the Department of Planning and Development Services indicate changed conditions that show need for the amendment.
  - c. The public interest will be served by approving the amendment. In determining whether the public interest will be served, factors including but not limited to the following shall be considered:
    - i. The anticipated effect upon the rate or distribution of population growth, employment growth, development, and conversion of land as envisioned in the comprehensive plan.
    - ii. The anticipated effect on the ability of the county and/or other service providers, such as cities, schools, water and/or sewer purveyors, fire districts, and others as applicable, to provide adequate services and public facilities including transportation facilities.
    - iii. Anticipated impact upon designated agricultural, forest and mineral resource lands.
  - d. The amendment does not include or facilitate spot zoning.
  - e. Urban growth area amendments that propose the expansion of an urban growth area boundary are required to acquire development rights from a designated TDR sending area, with certain exceptions.

#### **Growth Management Act**

9. The Growth Management Act (GMA) allows, but does not require, a county to adopt subarea plans under RCW 36.70A.080 (“Comprehensive plans – Optional elements”).

10. However, the GMA requires that subarea plans must be consistent with a county's comprehensive plan. Specifically, RCW 36.70A.080(2) states: "A comprehensive plan may include, where appropriate, subarea plans, each of which is consistent with the comprehensive plan."
11. The South Fork Valley Subarea Plan was adopted in 1991. The Whatcom County Comprehensive Plan was adopted in 1997 and subsequently amended from time to time. The Subarea Plan is inconsistent with the Whatcom County Comprehensive Plan. Specifically, the Subarea Plan contains different land use designations, is inconsistent with the Comprehensive Plan's rural element, and has a different planning period.

### **County-Wide Planning Policies**

12. The County-Wide Planning Policies do not require the County to retain old subarea plans.

### **Interlocal Agreements**

13. There are no interlocal agreements relating to the South Fork Valley Subarea Plan.

### **Further Studies/Changed Conditions**

14. The South Fork Valley Subarea Plan was adopted in 1991.
15. The GMA was amended in 1997 to include criteria for limited areas of more intensive rural development (LAMIRDs). The 1991 South Fork Valley Subarea Plan does not address LAMIRDs.
16. The Whatcom County Comprehensive Plan was originally adopted in 1997, and subsequently amended. The 1991 South Fork Valley Subarea Plan is not consistent with the County Comprehensive Plan.
17. The 1991 South Fork Valley Subarea Plan utilized a different planning period than the Whatcom County Comprehensive Plan.
18. Changed conditions, including adoption of the Whatcom County Comprehensive Plan and the passage of time, warrant repealing the 1991 South Fork Valley Subarea Plan.

### **Public Interest**

19. Repealing the 1991 South Fork Valley Subarea Plan will serve the public interest by removing a plan that is inconsistent with the Whatcom County Comprehensive Plan.

### **Spot Zoning**

20. The subject proposal does not involve rezoning property.

**CONCLUSION**

The subject proposal is consistent with the approval criteria of WCC 2.160.080.

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

Section 1. The Whatcom County Comprehensive Plan Chapter 2 (Land Use) is hereby amended as shown on Exhibit A.

Section 2. The South Fork Valley Subarea Plan (1991) is hereby repealed as shown on Exhibit B.

Section 3. Adjudication of invalidity of any of the sections, clauses, or provisions of this ordinance shall not affect or impair the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

ATTEST:

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

\_\_\_\_\_  
Dana Brown-Davis, Council Clerk

\_\_\_\_\_  
Carl Weimer, Chairperson

APPROVED as to form:

( ) Approved      ( ) Denied

  
\_\_\_\_\_  
Civil Deputy Prosecutor

\_\_\_\_\_  
Jack Louws, Executive

Date: \_\_\_\_\_

# Exhibit A

*Amend Chapter 2 of the Whatcom County Comprehensive Plan as follows:*

Policy 2L-2: Retain and periodically review the adopted Subarea Plans (Lummi Island, Cherry Point-Ferndale, Lake Whatcom, Urban Fringe, Birch Bay Community Plan, Foothills, Point Roberts, ~~South Fork Valley~~, and Eliza Island). Subarea Plans represent a long history of plan development in Whatcom County and provided the foundation for the county's first Growth Management comprehensive plan adopted in 1997.

1. Utilize a process which ensures consistency between the Whatcom County Comprehensive Plan and subarea plans. The subarea plan review process should include the following steps:
  - a. Consistency Analysis. The County should review subarea plans based on the priority order in subsection "b" for gaps, overlaps, or inconsistencies. Topics include, but are not limited to, plan boundaries, growth forecasts, land uses, capital facilities and services, horizon year, and other appropriate issues.
  - b. Regional and Local Government Coordination. The County should consult and coordinate with cities where city-associated UGAs are included in subarea plan boundaries.
  - c. Public Participation. Each subarea plan update process will be based on a public participation program that addresses citizen input on the key issues associated with the subarea plan update.
  - d. Subarea Plan Amendment. Only those portions of existing subarea plans in conflict with the Comprehensive Plan are required to be amended. Local issues of concern or changed conditions may be addressed.
  - e. Comprehensive Plan Revisions. Where the subarea plan process recommends growth levels, growth boundaries, or other essential features, Comprehensive Plan amendments will be considered in conjunction with the subarea plan update process.



Land capacity analysis may also be updated if appropriate.

2. Prioritize review of subarea plans. Subarea plans should be reviewed in the following order.

- a. Post-GMA Subarea Plans addressing UGAs. These subarea plans should be reviewed and amended, if necessary, during Whatcom County's periodic review of the comprehensive plan. Subarea plans addressing UGAs associated with a city should be coordinated with the city's comprehensive plan update process.
- b. Post-GMA Subarea Plans addressing Rural Areas. These subarea plans should subject to a consistency review. If significant inconsistencies are found, these should be considered for potential update during Whatcom County's periodic review of the comprehensive plan. Minor updates may be considered through the County's docket process in subsequent years.
- c. Pre-GMA Subarea Plans. These should be repealed or updated in accordance with County department work programs or the docketing process. Priority criteria may be used to determine the order of update. Example criteria include:
  - i. whether update is needed for health, safety, or welfare concerns;
  - ii. whether there is a city-associated UGA included in the subarea plan boundaries – in which case, the subarea plan update could be timed to be developed in association with or following city comprehensive plan update process;
  - iii. whether the subarea plan would benefit from broader policy concepts to be completed in advance or in tandem, such as agricultural land protection measures;
  - iv. whether a significant policy objective would be met by amending the plan.

In the event there is an inconsistency between a Subarea Plan and the Whatcom County Comprehensive Plan, the Whatcom County Comprehensive Plan shall prevail.

*Amend the Land Use Action Plan in Chapter 2 of the Whatcom County Comprehensive Plan as follows:*

- ~~6. Undertake a limited planning process for exclave parcels and incorporate the results along with the Newhalem Diablo area plans in the Foothills and South Fork Subarea Plans.~~

***NOTE: The text of Policy 2L-2 above is also being amended in association with the proposed repeal of the Lake Whatcom Subarea Plan (file # 2014-00002) and the proposed repeal of the Eliza Island Plan (file # 2014-00004). The changes to Policy 2L-2 proposed in the subject amendment are intended to be harmonious and compatible with the changes to Policy 2L-2 proposed in these other two amendments.***

# **Exhibit B**

**(Repealing the Subarea Plan)**

# **SOUTH FORK VALLEY SUBAREA**

a component of the

## **Whatcom County Comprehensive Land Use Plan**

- Cherry Pt. - Ferndale Subarea
- Lake Whatcom Subarea
- Urban Fringe Subarea
- Lummi Island Subarea
- Chuckanut - Lake Samish Subarea
- Lynden - Nooksack Valley Subarea
- Birch Bay - Blaine Subarea
- Foothills Subarea
- **South Fork Valley Subarea**
- Pt. Roberts Subarea

# **SOUTH FORK VALLEY SUBAREA**

## **COMPREHENSIVE PLAN**

**APRIL 1991**

### **WHATCOM COUNTY IS A NUCLEAR FREE ZONE**

*As approved by the voters of Whatcom County, County Initiative Measure #1-84, November 6, 1984; Adopted by Whatcom County Resolution #85-29, June 20, 1985.*

#### **WHATCOM COUNTY EXECUTIVE**

Shirley Van Zanten

#### **WHATCOM COUNTY COUNCIL**

Donald G. Hansey  
Robert A. Imhoff  
Emily Jackson  
Margaret M. Laidlaw

Marvin G. Vanderpol  
Dennis Vander Yacht  
Daniel M. Warner

#### **WHATCOM COUNTY PLANNING COMMISSION**

Emil Baljot  
Lyle Balcom\*  
Fred Bierlink  
David Ernst  
Robert Funkhouser\*  
Lois Garlick

Larry Harris  
Jim Heeringa  
Gerry Landcastle  
Elaine McRory  
John Shintaffer\*  
David Simpson

\*Former Planning Commission Members

#### **WHATCOM COUNTY PLANNING DEPARTMENT STAFF**

Daniel W. Taylor, Director of Land Use and Economic Planning  
Diane E. Harper, Assistant Director  
Carl F. Batchelor, Planner III  
Terry Galvin, Planner III  
Craig Mapel, Planner III  
Sarah Bussard Watts, Planner I  
Jeff Griffin, Planner I  
Gordon Scott, Planner I  
Jennifer Olson, Administrative Secretary  
Elizabeth K. Olsen, Chief Cartographer  
Chris Behee, Cartographer  
Carole Magner, Clerk III/Word Processor  
Heidi Karl, Receptionist/Secretary I

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**SECTION I**  
**COMPREHENSIVE LAND USE PLANNING**

## COMPREHENSIVE LAND USE PLANNING

### STATUTORY AUTHORITY

Statutory authority for county comprehensive land use planning is established in the Washington State Planning Enabling Act, in which it is stated that "each planning agency shall prepare a comprehensive plan for the orderly physical development of the county or any portion thereof..." (RCW 36.70.320). The South Fork Valley Subarea Comprehensive Plan has been developed in response to statutory authority as well as in recognition of the widely accepted principle that future Whatcom County land use decisions should be made in a coordinated and responsible manner by both the public and private sectors.

### DEFINITION AND APPLICATION

The Whatcom County Comprehensive Plan is defined as an official public document to be used by both the public and private sectors as a policy guideline for making orderly decisions concerning the future use of land in the county. The plan has been formulated using a public review process that includes analysis and recommendations by Planning staff, community response, policy formulation by the Whatcom County Planning Commission, and final review and passage by the Whatcom County Council.

The South Fork Valley Comprehensive Plan is comprehensive, general and long-range in nature. The plan is comprehensive in that it encompasses major geographic areas of the county and the functional elements that bear on physical development. The plan is general in that it summarizes major policies and proposals and is not, by statute, a detailed regulation. The plan is long-range in application because it addresses current issues, as well as anticipated problems and possibilities of the future.

The purpose of this document is to foster a responsible process of land use decision-making. It serves to amend the 1970 Whatcom County Comprehensive Plan for the geographic area defined as the South Fork Valley Subarea. The 1970 plan served as a basic plan for the past 20 years, but as times change, people's attitudes, technologies and economies also change. Consequently, the primary decision-making document of local government must be revised to address current and anticipated issues of the future.

The County is aware that changes will continue and realizes that the policies contained herein will be subject to modification and revision over a period of time. As is discussed in the following section, this subarea plan will be reviewed on a seven to ten year basis.

### SUBAREA PLANNING CONCEPT

Because of the county's diverse physical and cultural composition, the Planning Commission elected to revise the plan on an individual geographic area basis. Thus, the Commission divided the western one-third of the county into ten logical geographic areas where the planning process could be applied in a uniform and consistent manner. Denoted as "subareas", these geographic areas were delineated to address various land use related issues that appeared to be unique to particular areas of the county.

The criteria used by the Commission to delineate subarea boundaries include natural and physical features; political subdivisions such as sewer, water, fire and school districts; existing land use patterns; and the presence of a city or town to act as a nucleus for the area. Thus, subareas are planning units determined through the application of criteria and are considered as a practical means of revising the comprehensive plan in a consistent and orderly fashion.



### **WHATCOM COUNTY PLANNING PROCESS**

The Whatcom County comprehensive planning process is defined as a continual process of evaluating goals, conducting various land-related studies, and then using the goals and studies to fashion a balanced and practical set of land use policies and proposals for future land uses in the county. Stated differently, the planning process serves as a blueprint for the logical development of the comprehensive plan, as well as the formulation of effective implementation tools.

The process describes, through a logical sequence, the various land use related factors that must be considered to effect the formulation of responsible and meaningful land use policies and proposals. These factors include the definition of county-wide goals; the inventory and analysis of land use, community facilities and utilities, transportation, economic, and environmental resource characteristics; the forecasting of population levels and the county's economic vitality; the analysis of issues both technical and citizen related; the development of policies to resolve or address the relevant issues; and the transformation of policies into the plan map and attendant implementation tools.

The planning process is continual. The implementation of the comprehensive plan, through the application and use of various regulatory tools, must be continually monitored. The effectiveness of the planning process in Whatcom County relies on the County's ability to keep the major components of the plan current through periodic review and adoption of any necessary amendments.

### **PLAN FORMAT**

The Comprehensive Plan for the South Fork Valley Subarea includes the necessary information for the appropriate formulation of land use decisions by both the public and private sectors of Whatcom County. The components of the plan include the following:

1. **Comprehensive Land Use Planning:** To assist both the public and private sectors in understanding the development, adoption, and amendment of the comprehensive plan policies and map.
2. **Goal Statements:** To provide the overall direction for land use planning in Whatcom County.
3. **Population Forecasts:** To correlate anticipated demand for land uses with the supply of land.
4. **Subarea Description:** To generally define subarea characteristics and establish issue topics as determined by area residents, the Planning Commission, and the planning staff.
5. **Rationale and Locational Criteria:** To establish the necessity of land use designations and the spatial determinants to be used in applying land use designations.
6. **Policies:** To provide the primary decision-making tools required to address the land use, community facility and utility, transportation/circulation, parks and recreation, and the environmental resource and economic issues of the subarea.
7. **Amendment Criteria:** To assist both the public and private sectors with respect to revisions of the comprehensive plan policies and map.
8. **Comprehensive Land Use Plan Map:** To reflect the spatial distribution of the policy statements together with the policies; perhaps, the most widely used component of the comprehensive plan.

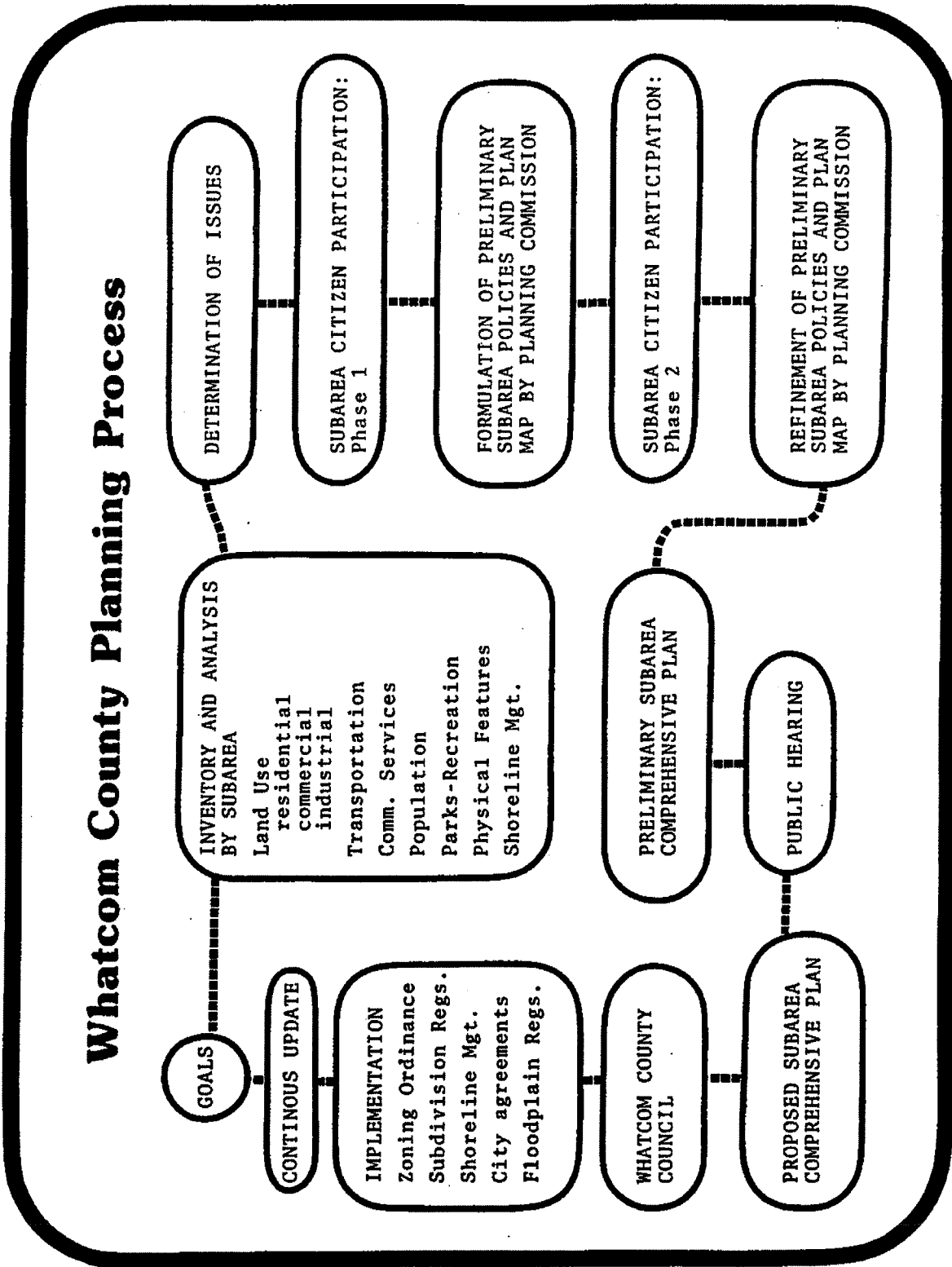


figure 1

## COMPREHENSIVE LAND USE PLANNING

### STATUTORY AUTHORITY

Statutory authority for county comprehensive land use planning is established in the Washington State Planning Enabling Act, in which it is stated that "each planning agency shall prepare a comprehensive plan for the orderly physical development of the county or any portion thereof..." (RCW 36.70.320). The South Fork Valley Subarea Comprehensive Plan has been developed in response to statutory authority as well as in recognition of the widely accepted principle that future Whatcom County land use decisions should be made in a coordinated and responsible manner by both the public and private sectors.

### DEFINITION AND APPLICATION

The Whatcom County Comprehensive Plan is defined as an official public document to be used by both the public and private sectors as a policy guideline for making orderly decisions concerning the future use of land in the county. The plan has been formulated using a public review process that includes analysis and recommendations by Planning staff, community response, policy formulation by the Whatcom County Planning Commission, and final review and passage by the Whatcom County Council.

The South Fork Valley Comprehensive Plan is comprehensive, general and long-range in nature. The plan is comprehensive in that it encompasses major geographic areas of the county and the functional elements that bear on physical development. The plan is general in that it summarizes major policies and proposals and is not, by statute, a detailed regulation. The plan is long-range in application because it addresses current issues, as well as anticipated problems and possibilities of the future.

The purpose of this document is to foster a responsible process of land use decision-making. It serves to amend the 1970 Whatcom County Comprehensive Plan for the geographic area defined as the South Fork Valley Subarea. The 1970 plan served as a basic plan for the past 20 years, but as times change, people's attitudes, technologies and economies also change. Consequently, the primary decision-making document of local government must be revised to address current and anticipated issues of the future.

The County is aware that changes will continue and realizes that the policies contained herein will be subject to modification and revision over a period of time. As is discussed in the following section, this subarea plan will be reviewed on a seven to ten year basis.

### SUBAREA PLANNING CONCEPT

Because of the county's diverse physical and cultural composition, the Planning Commission elected to revise the plan on an individual geographic area basis. Thus, the Commission divided the western one-third of the county into ten logical geographic areas where the planning process could be applied in a uniform and consistent manner. Denoted as "subareas", these geographic areas were delineated to address various land use related issues that appeared to be unique to particular areas of the county.

The criteria used by the Commission to delineate subarea boundaries include natural and physical features; political subdivisions such as sewer, water, fire and school districts; existing land use patterns; and the presence of a city or town to act as a nucleus for the area. Thus, subareas are planning units determined through the application of criteria and are considered as a practical means of revising the comprehensive plan in a consistent and orderly fashion.

### **WHATCOM COUNTY PLANNING PROCESS**

The Whatcom County comprehensive planning process is defined as a continual process of evaluating goals, conducting various land-related studies, and then using the goals and studies to fashion a balanced and practical set of land use policies and proposals for future land uses in the county. Stated differently, the planning process serves as a blueprint for the logical development of the comprehensive plan, as well as the formulation of effective implementation tools.

The process describes, through a logical sequence, the various land use related factors that must be considered to effect the formulation of responsible and meaningful land use policies and proposals. These factors include the definition of county-wide goals; the inventory and analysis of land use, community facilities and utilities, transportation, economic, and environmental resource characteristics; the forecasting of population levels and the county's economic vitality; the analysis of issues both technical and citizen related; the development of policies to resolve or address the relevant issues; and the transformation of policies into the plan map and attendant implementation tools.

The planning process is continual. The implementation of the comprehensive plan, through the application and use of various regulatory tools, must be continually monitored. The effectiveness of the planning process in Whatcom County relies on the County's ability to keep the major components of the plan current through periodic review and adoption of any necessary amendments.

### **PLAN FORMAT**

The Comprehensive Plan for the South Fork Valley Subarea includes the necessary information for the appropriate formulation of land use decisions by both the public and private sectors of Whatcom County. The components of the plan include the following:

1. **Comprehensive Land Use Planning**: To assist both the public and private sectors in understanding the development, adoption, and amendment of the comprehensive plan policies and map.
2. **Goal Statements**: To provide the overall direction for land use planning in Whatcom County.
3. **Population Forecasts**: To correlate anticipated demand for land uses with the supply of land.
4. **Subarea Description**: To generally define subarea characteristics and establish issue topics as determined by area residents, the Planning Commission, and the planning staff.
5. **Rationale and Locational Criteria**: To establish the necessity of land use designations and the spatial determinants to be used in applying land use designations.
6. **Policies**: To provide the primary decision-making tools required to address the land use, community facility and utility, transportation/circulation, parks and recreation, and the environmental resource and economic issues of the subarea.
7. **Amendment Criteria**: To assist both the public and private sectors with respect to revisions of the comprehensive plan policies and map.
8. **Comprehensive Land Use Plan Map**: To reflect the spatial distribution of the policy statements together with the policies; perhaps, the most widely used component of the comprehensive plan.

Figure 1  
Whatcom County Planning Process Diagram

## GOAL STATEMENTS

The following goals provide the general direction for making land use decisions in the subarea and Whatcom County as a whole. They were developed and adopted by the Planning Commission and County Council in July 1979.

### REGIONAL DESIGN GOALS

- 1.Future urban development should occur within or immediately adjacent to existing urban areas in order to eliminate sprawl and strip development, assure the provision of an adequate range of urban services, conserve agricultural and forestry lands, optimize investments in public services and conserve energy resources.
- 2.Future development in rural areas should be low density, complement existing rural character, contribute to the conservation of agricultural and forestry land and not result in demands for urban-level services.

### GROWTH MANAGEMENT GOALS

- 1.To promote a conscientious program designed to plan, guide, and influence the appropriate location, timing, intensity, type, and servicing of diverse land use patterns.
- 2.To determine the required amounts of land anticipated to be utilized within the planning period (15 years) while retaining options for future land use decisions beyond the planning period.
- 3.To encourage a predictable pattern of urban and rural development which utilizes previously committed land areas and existing facility investments before committing new areas for development.
- 4.To ensure that a beneficial balance exists between the supply and demand for public services. To encourage the cooperation among municipalities, special districts, and associations in the planning and provision of public services. To discourage the proliferation of unnecessary special purpose districts.
- 5.To develop a concise, equitable, and practical set of land use regulations intended to implement the goals, policies, and proposals of the County Comprehensive Plan in a timely and orderly fashion.

### LAND USE GOALS

- 1.To conserve the agricultural and forestry lands of Whatcom County for the continued production of food, forage, and timber crops while promoting the expansion and stability of the County's agricultural and forestry economies.
- 2.To plan urban residential development in areas that can be economically and efficiently served with existing or planned services, optimize energy use, function as integral neighborhood units, and can environmentally support intensive land uses.
- 3.To encourage adequate community and neighborhood commercial facilities in appropriate locations while avoiding incompatible land uses and the proliferation of unnecessary new commercial areas.
- 4.To encourage a balanced and diversified economy in order to assure desirable local employment opportunities and to strengthen and stabilize the tax base. To accommodate anticipated economic

development in an environmentally responsible manner with due consideration for public cost, energy availability, land use compatibility, and transportation accessibility.

- 5.To promote the availability of economical and attractive housing for all income, age, and ethnic groups, while also enhancing the integrity and identity of existing communities.
- 6.To promote a functional, coordinated, and multi-mode transportation system which provides for the safe and efficient movement of people and goods, avoids undesirable environmental impacts, and optimizes public investments and the conservation of energy resources.
- 7.To encourage adequate facilities and services which provide diverse education, recreation, cultural, and social opportunities.

### **CULTURAL AND NATURAL RESOURCES**

- 1.To identify and manage environmentally sensitive areas in such a manner as to prevent destruction of the resource base and reduce potential losses to property and human life.
- 2.To continue the identification of cultural and natural resources and formulate viable methods to preserve and conserve such resources in recognition of their irreplaceable character.
- 3.To promote a park and recreation system which is integrated with existing and planned land use patterns and is diverse, abundant, and assures maximum public access and usage.

### **CITIZEN INVOLVEMENT AND INTERGOVERNMENTAL COORDINATION**

- 1.To assure opportunity for citizens to be involved in the formulation of land use goals, policies and proposals and to provide a structure for citizen participation in the planning program of federal, state, regional, and local agencies.
- 2.To participate in intergovernmental coordination with federal, state, provincial, regional, and local agencies, to develop a coordinated approach to problems which transcends local government bodies and to create an environment for the exchange of information and technical assistance.

### **SOUTH FORK SUBAREA PLAN GOALS**

- 1.To identify and manage those environmentally sensitive areas in the South Fork planning area, including wetlands, steep slopes and other geologically hazardous areas, unstable drainage basins, critical wildlife habitat, frequently flooded areas, and shorelines.

## POPULATION FORECASTS

### **INTRODUCTION**

The purpose of population forecasting, as it relates to land use planning, is to accommodate the long-term spatial requirements of various land uses such as residential, commercial, industrial, recreational, and public facilities. Population forecasting is also of assistance in decision-making for land use related matters, such as determining the appropriate scale and location of public works facilities and land development activities. Population forecasts are subject to revision which may be accomplished in the comprehensive plan update process.

The population information contained in this section is a summary of the forecasts prepared by several agencies. Due to the large area in the East Whatcom census tract (census tract 101), much of the information available covers both the Foothills Subarea and the South Fork Subarea. Conclusions regarding the South Fork Subarea involve assumptions about the similarities and differences between the two subareas. Therefore, this information has been used in a qualitative manner or as a general guideline, rather than as a specific numerical forecast.

Table 1 indicates the historic and projected population changes of Whatcom County. The graphs in Figure 2 represents total Whatcom County and unincorporated Whatcom County population trends. Conclusions about population growth derived from Table 1 include:

- Unincorporated Whatcom County grew 43% between 1970 and 1980.
- Unincorporated Whatcom County grew 28% between 1980 and 1990.
- Total growth for the County (including incorporated cities) decade was 18%. This was slightly higher than the 1985 state Office of Financial Management projection of 16.68%

### **SOUTH FORK VALLEY SUBAREA APPLICATION**

To relate this information to the South Fork Valley Subarea Comprehensive Plan, the following assumptions have been made based upon the data provided in the graphs, Table 1, and Background Document.

1. **Location of population growth:** The majority of population growth will occur in the unincorporated town of Acme with scattered growth on the valley edge between the agriculture and commercial timber lands.
2. **Reasonable population growth:** The rate of population growth in the South Fork Valley Subarea should be at unincorporated Whatcom County rates. However because this subarea is located 20 to 30 minutes from the city of Bellingham and is not located between any major economic centers it may grow somewhat slower than other subareas. This slower growth may be compounded by the many environmental constraints that exist here. The state predicts a 39% growth from 1980 to 2000 for Whatcom County as a whole; however, unincorporated areas have been growing much faster than the cities. (Table 1). A realistic growth rate projection for the subarea should be from 1.0 to 2.0 percent annually during the next 10 years. That means that the subarea may grow as much as 20 to 40 percent over the next 15 to 20 years.
3. **Zoning limitations on population growth:** The zoning adopted in the 1970s would allow a growth in dwelling units, and presumably population, of over 2,100%. That means the population would increase to 26,664 assuming 3 persons per household (based on a maximum possible density of



one dwelling per acre in the General Protection zone district, excluding county, state, and tribal lands). The zoning implementing this comprehensive plan allows approximately a 200% increase over the existing number of houses for the length of the current planning period (10 to 20 years) plus any bonuses obtained through the PUD process. Assuming a 20 year planning period, the proposed zoning allows a growth rate of approximately 10% per year, well above the projected growth rate of 1.0 to 2.0 percent annually.

#### **ASSUMPTIONS AND VARIABLES RELATING GENERALLY TO POPULATION FORECASTS**

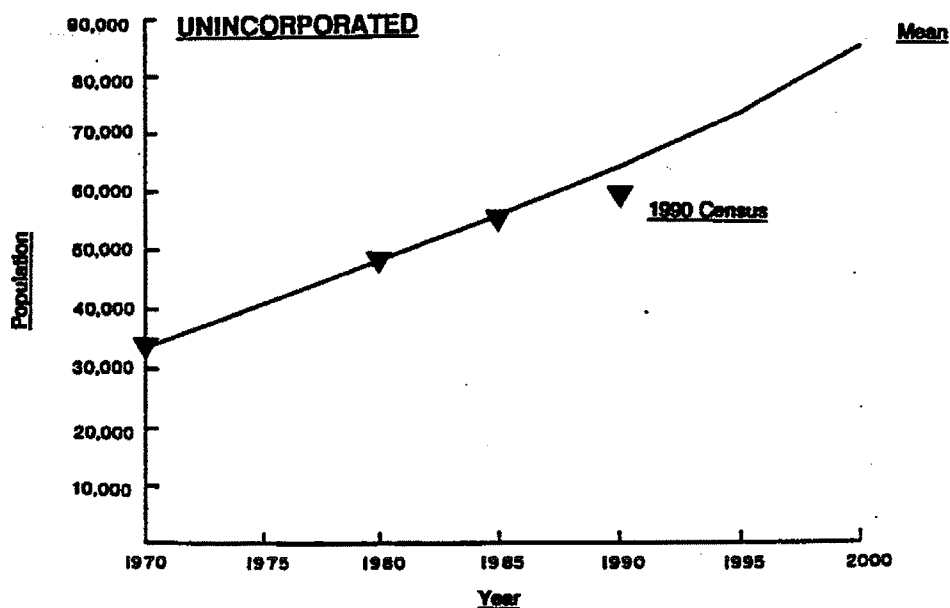
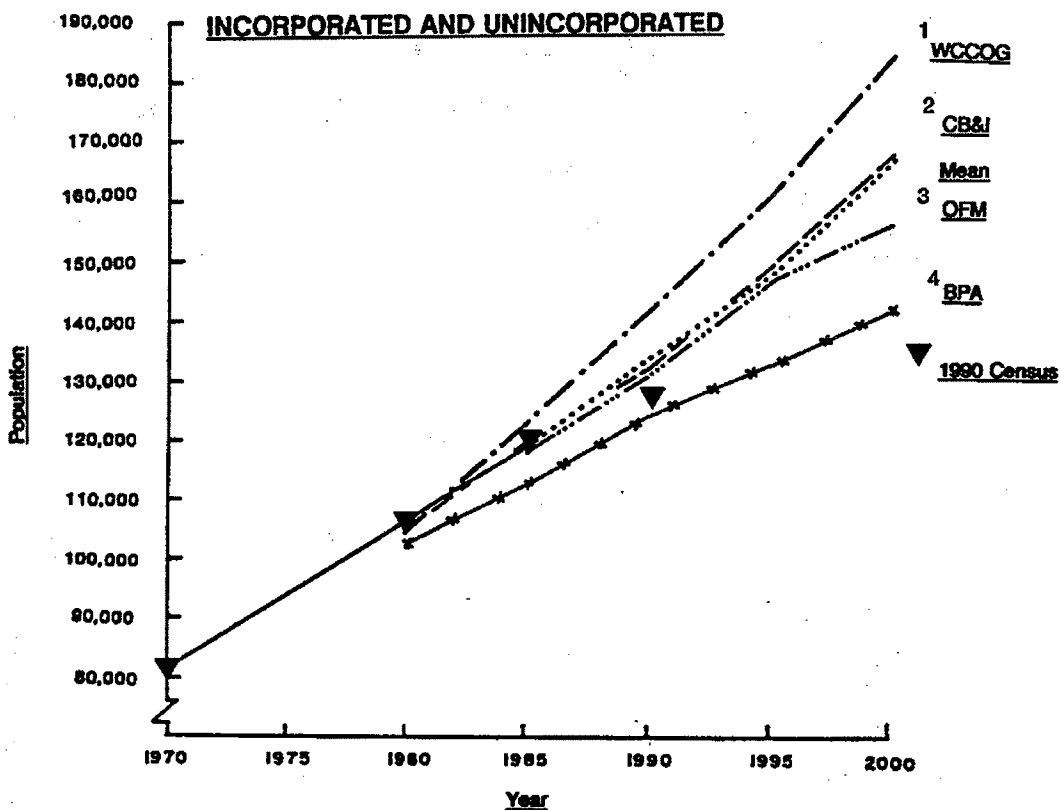
All population forecasts are based on assumptions which affect the numerical results and different population forecasting agencies do not make the same assumptions. The following items are intended to present an overview of assumptions as they relate to Whatcom County populations:

1. In-migration<sup>5</sup> will continue to contribute substantially to population increases at the Washington State and Whatcom County levels.
2. The trend of decreasing family size and population per household will continue.
3. Labor market potential and location will affect population distribution, gross natural increase and in-migration levels.
4. The purpose of the population forecast affects assumption utilization, which in turn affects the results.

Agencies which prepare population forecasts often make revisions due to changes in the variables affecting their assumptions. The following variables are intended as an overview for potential Whatcom County population forecast revisions, and may not affect all the agencies whose forecasts are contained herein:

1. Changes in Whatcom County birth, death, and in-migration rates.
2. Changes in the level of industrial development and the related labor market potential of Whatcom County.
3. Changes in the Canadian economy and the related level of Canadian spending<sup>6</sup> in Whatcom County.
4. Changes in the demand for the products of local resources such as agriculture, forestry, fishing and mining by local, state, national, and international markets.

**FIGURE 2**  
**POPULATION TRENDS AND FORECASTS, 1970-2000**  
**WHATCOM COUNTY**



**Footnotes for Text and Graphs**

<sup>1</sup>Whatcom County Council of Governments, Population Forecasts, June, 1980.

<sup>2</sup>Parametrix, Inc., et al, Environmental Impact Statement for Chicago Bridge & Iron Co. and Snelson Anvil, Inc., Cherry Point Marine Construction Facility, page 198.

<sup>3</sup>Office of Financial Management, "April 1, 1986 Population," June, 1986.

<sup>4</sup>Bonneville Power Administration, Population, Employment and Households Projected to 2000, July, 1979.

<sup>5</sup>In-migration is equal to total population less natural increase, in which natural increase is equal to total births less total deaths.

<sup>6</sup>The Whatcom County Council of Government's population forecast exhibits a high correlation with the Canadian Impact Study and is thus presumed to accommodate Canadian spending.

**TABLE 1  
POPULATION CHANGES**

<b>Actual Year</b>	<b>Unincorp. What. County</b>	<b>% Change Over Decade</b>	<b>All of What. County</b>	<b>% Change Over Decade</b>
1910	20,183		49,511	
1920	19,621	-2.8	50,600	2.2
1930	23,112	17.8	59,128	16.9
1940	25,860	11.9	60,355	2.1
1950	26,462	2.3	66,733	10.6
1960	25,990	-1.8	70,317	5.4
1970	34,004	30.8	81,983	16.6
1980	48,628	43.0	106,701	30.2
1990	68,593	28.2	127,780	18.5
Projected 2000	64,451	3.0	148,200	17.2

**Source:** Office of Financial Management/PAF, February 1987, 1985 and 1979,  
Population Trends for Washington State.

## SUBAREA FINDINGS, ISSUES, AND RECOMMENDATIONS

### INTRODUCTION

In 1979 prior to beginning the Comprehensive Plan update process, 10 Subarea boundaries were established by the Whatcom County Planning Commission. The criteria used by the commission to delineate subarea boundaries include natural and physical features; political boundaries such as sewer, water, fire and school districts; existing land use patterns; and the presence of a city or town to act as a nucleus for the area. The boundaries for the South Fork Valley and adjacent Foothills Subareas were revised by the Planning Commission in 1987.

In November 1990, the Whatcom County Planning Department published the Draft Background Document for the South Fork Valley Subarea. The document contains descriptions of existing conditions related to land use, the physical environment, transportation, and community facilities and utilities. In addition, the document identifies specific issues for the subarea. For additional detail concerning analysis, findings and issues, the **South Fork Valley Subarea Background Document** can be consulted.

The following section addresses the issues identified in the background document, and develops recommendations that help formulate specific comprehensive plan policy statements found in the policy section of this document. After a general description of the South Fork Valley Subarea, a summary of **Findings** is presented relating to each element analyzed in the background document. Following the findings, there is a review of critical **Issues** relevant to the subarea with **Recommendations** to address these issues in a timely manner.

### SUBAREA DESCRIPTION

**Findings:** The South Fork Valley Subarea is comprised of the South Fork Nooksack River watershed and the portion of the Samish River watershed within Whatcom County. It is located in the southeast corner of the western one third of Whatcom County and includes approximately 61,204 acres or 95 square miles of valley and mountains. The subarea is bounded on the north by the main stem of the Nooksack River, on the east by the Van Zandt Dike and the Mount Baker National Forest, on the south by Skagit County and on the west by the ridge of Stewart Mountain. Access is via Mount Baker Highway (SR542) to Highway 9 from Bellingham; via Highway 9 from the south and Mosquito Lake Road from the east; and via Park Road from the west.

The South Fork of the Nooksack River is the dominant environmental feature in the valley of the Subarea. It provides scenic beauty, recreational opportunities, wildlife habitat, water for human consumption, and hydroelectric power to the nearby community. The river is pastoral and meandering in the valley with gravel islands, channel bars, and minor braiding across point bars. Further upstream above the Saxon Bridge the river takes on the characteristics of a mountain stream with occasional presence of rocky narrow gorges and steep banks.

The river and its tributary streams contain large populations of anadromous and resident fish. These include a number of species of salmon, dolly varden, steelhead, and trout. There is one major fish production facility operating in the South Fork Valley Subarea. The Skookum Creek Fish Hatchery is located adjacent to and receives its water from Skookum Creek. The hatchery is owned and operated by the Lummi Indian Nation.

The population of this Subarea is approximately 1200 people. Most of the 404 houses are scattered along the valley floor or along the foothills of the mountains to the east or west. Much of the valley is flood prone and is used for agricultural purposes. Dairy farming and hay production are the predominate agricultural

activities. Unincorporated communities include Acme, Van Zandt and Wickersham. Acme is the only town with potential for growth. Environmental constraints which are prevalent in the subarea, hamper expansion of Van Zandt and Wickersham. The Nooksack Indian Tribe collectively own close to 500 acres in the subarea.

## 1. ENVIRONMENTAL FEATURES

### Air and Climate

**Findings:** Air quality is generally quite good except for brief periods of pollution in late fall and winter under conditions of clear skies, light wind, and a sharp temperature inversion. The average rainfall in the valley is between 50 and 60 inches per year with amounts as high as 84 inches recorded east of Van Zandt. The subarea experiences approximately 25 inches more of precipitation than is experienced in the lowland areas of the County. In the more mountainous regions east of the subarea, precipitation totals have reached 120 inches per year.

**Issue:** The mountains on each side of the valley tend to trap pollution. Air quality degradation is a problem during slash burning or during periods of climatic inversions in conjunction with wood stove smoke and smog from regional urban areas.

**Recommendation:** Commercial and industrial uses that emit measurable air pollutants should be discouraged.

### Topography

**Findings:** The South Fork Valley Subarea features a landscape of rugged forested slopes and cleared valleys. Elevations in the valley range from 240 to 400 feet above sea level. The highest point in the subarea is 4,574 feet above sea level on Bald Mountain in the extreme southeast corner of the subarea. Slopes of 15% or greater cover approximately 60% of the subarea. Slopes of 40% or greater account for 15% of the subarea.

**Issue:** Steep slopes on each side of this valley, many of which are over 40% in grade, pose a risk to the health, safety, and welfare of the citizens when incompatible development is located in areas of significant hazard.

**Recommendation:** Slopes greater than 15% in grade should be identified and the risk to development below should be assessed. Where it has been determined that an unacceptable risk to the public is present, development should be curtailed.

### Geology

**Findings:** The upper Nooksack River area consists of ancient, uplifted, and deeply dissected erosion surfaces cut into a complex series of metamorphic rocks. These are overlain by early tertiary sandstones, shales, and coal beds which occupy the central portion of the Nooksack River Basin. All three forks of the Nooksack River flow through valleys which were initially stream-cut and later modified by glaciation. Generally the valley floors are underlain by a fill several hundred feet thick of glacial and stream sediments. There are thirteen separate geologic units identified in the South Fork Valley Subarea: alluvial deposits, Sumas Outwash, undifferentiated glacial deposits, landslide deposits, Chuckanut Formation, Huntington Formation, Chilliwack Formation, Turtleback Complex, phyllite, pre-Tertiary Serpentinite, Twin Sisters Dunite, Mesozoic sedimentary rocks, and Jurassic sediments.

The mountain regions of the subarea have a history of slope failure on each side of the South Fork Valley. This is particularly true on the Stewart Mountain. Analysis of geology, soils and drainage patterns indicate that these slopes are inherently unstable in their natural state. Further instability results when these slope are altered by human activity.

In the past year there has been an increase in the number of seismic events in the South Fork area. Reaction can be amplified on the greater slope angles that exist on over 50% of the Subarea, and on slopes with fractured bedrock. The alluvial deposits that comprise the valley floor can also amplify the seismic event.

**Issue:** The combination of steep slopes and unstable geologic units of Chuckanut and phyllite in conjunction with the large amounts of rainfall have resulted in conditions conducive to slides, mass wasting, debris flows, and other forms of erosion. These conditions pose a risk to the health, safety, and welfare of the citizens when incompatible development is located in areas of significant hazard.

**Recommendation:** Slopes of 40% or greater and other areas susceptible to erosion hazards should be altered as little as possible. This is particularly important in the Stewart Mountain and Van Zandt Dike areas which are relatively unstable in conjunction with existing development at the base of these ranges.

**Recommendation:** Geologically hazardous areas should be identified and the risk determined to development below these areas. Where it has been determined that an unacceptable risk to the public is present, development should be appropriately curtailed.

**Issue:** The Deming area has been seismically active in recent years producing numerous measurable events. If they continue, these events could produce some damage to new and existing structures in the subarea.

**Recommendation:** New development and construction should be located away from steep slopes and meet current UBC standards.

**Issue:** Mineral extraction can have long term negative effects upon the natural environment. Coal reserves are recorded in the Fall Creek headwaters above Hillside Road. Future mining of this resource could lead to erosion, mine runoff, and leachate contamination in the Nooksack River and local groundwater.

**Recommendation:** Careful consideration of all costs and benefits should be given before any extensive mining projects take place in the subarea.

### **Soils**

**Findings:** There are 100 different soils identified in the subarea. These can be grouped according to landscape into five broad categories: soils on alluvium and floodplains, soils on outwash terraces, soils on glaciomarine drift plains, soils on foothills, and soils on mountains. Alluvial and flood plain soils have severe limitations for development due to their rapid permeability, unstable base and/or their susceptibility to flooding. Mountain soils are severely limited because of steep unstable slopes and unreliable groundwater supplies. The least restricted soils in this subarea are the outwash soils which are concentrated along the edges of the South Fork Valley and in the valley region along Mosquito Lake Road.

Approximately 6% of the soils in the subarea are found in the valley of the South Fork. The U.S. Department of Agriculture, Soil Conservation Service, has determined that most of the valley soils are prime agricultural soils when either drained or irrigated. Over 85% of the Subarea is comprised of soils in the mountains. Soils in these mountains are well suited for commercial timber production.

**Issue:** Limited suitability of soils for development (very rapid permeability rates and/or high seasonal water tables in lowland valleys; and steep slopes, poor permeability, and shallow depths to impermeable layer in mountains) may limit population growth and minimum parcel sizes in the subarea. Many of the soils are poorly suited for septic tank systems. The most suitable soils also have extremely rapid permeability with a potential for contaminating surface waters and ground water. The cost of developing sewer systems is generally not considered to be feasible at this time, given the low population base and dispersed settlement patterns.

**Recommendation:** Residential densities should be kept to a maximum of one dwelling unit per five acres throughout the subarea, with the exception of areas where public sewer and water services are available or where prior development at higher densities has already taken place. Lower residential densities (one dwelling per ten or twenty acres) should be maintained where soils are severely limited and steep and unstable slopes exist.

**Issue:** Whatcom County is experiencing a significant loss of prime farmland soils due to increased development pressure and changes in the agriculture industry.

**Recommendation:** Whatcom County should seek every means available to preserve prime agricultural soils for future agricultural use.

**Issue:** Soils on forested mountain regions are thin and can be susceptible to sliding and other forms of erosion. Disturbance of these soils through road development or over harvesting of timber resources can lead to slope destabilization and increased erosion, thus reducing future production and creating potential hazards in the valley below.

**Recommendation:** Whatcom County should seek to identify erodible soils and preserve their stability.

**Recommendation:** Whatcom County should encourage sustainable forestry practices. A coordinated harvesting schedule and road construction program should be developed and maintained by the members of the timber industry. Both the schedule and program should be subject to review by the community.

### **Surface Water Resources**

**Findings:** There are two major watershed basins in the South Fork Valley Subarea: 1) the South Fork Nooksack River Basin and; 2) the Samish River Basin. The most significant surface water features in the South Fork Valley Subarea are the Nooksack River and its tributaries. The South Fork Nooksack River system provides scenic beauty, recreational opportunities, wildlife habitat, water for human consumption, and hydroelectric power. Recreational uses of the river includes floating, fishing, wildlife observation, and scenery viewing. The South Fork river also provides habitat and spawning grounds for a number of wildlife species. The salmon is highly valued among these for their commercial value.

Water quality in the South Fork River and its tributaries is good but declining. This is in part due to increased forest practices in the watershed. The increased volumes of surface water runoff during periods of heavy rainfall are contributing to stream bank and surface soil erosion, earth slides, stream sedimentation, channel siltation and debris loading.

The South Fork Nooksack River is prone to flooding as is many of its tributaries. Tributary flooding has taken place on almost every creek draining Steward Mountain in recent years. Notable among these are Jones Creek and Sygitowicz Creek, where major flooding and debris deposits took place in 1983. Jones drains immediately north of the unincorporated town of Acme.

Floods generally occur during the late fall when heavy rains fall (sometimes on snowpack), and in the spring when melting snow is supplemented by rainfall. Severe flooding occurs when there is a combination of above average temperatures causing rapid snow melt and above normal precipitation.

The United States Geological Survey (U.S.G.S.) has determined that a flow rate in excess of 19,000 cubic feet per second (cfs) at Deming will result in some flood damage from the Nooksack River. Geographically the 1977 Flood Insurance Study, conducted by the Department of Housing and Urban Development, has identified approximately 70% of valley region within the boundaries of the 100 year floodplain. The U.S.G.S. currently has one active gaging station on the South Fork at river mile 14.8 which has kept annual records from 1935 to 1977.

Wetlands in the South Fork Subarea are found near the channels of the South Fork of the Nooksack River and the Samish River and comprise roughly 20% of the valley. They provide excellent hydrological utility, offering natural flood control, flood desynchronization, and flow stabilization of the South Fork of the Nooksack River during periods of high water. They also aid in ground water recharge and maintenance of stream flows.

**Issue:** Flooding occurs frequently in the South Fork Valley Subarea. Floods have been increasing both in occurrence and area in recent years causing damage to both the natural and built environments. Should a 100 year event take place, wide spread damage would occur to the community.

**Recommendation:** Whatcom County should encourage the use of land in the 100 year floodplain for low density agricultural purposes and low density recreational use.

**Issue:** Site analysis of the 1977 Floods Insurance Maps (FIRM), produced by the Department of Housing and Urban Development, indicates that some of the floodplain boundaries appear to be in error.

**Recommendation:** Whatcom County is currently updating their informational base. Changes to the FIRM floodplain maps should be made to correct errors that exist in the subarea.

**Issue:** Forest cover can enhance water quality by reducing the impact of precipitation on the ground surface and by holding the soil with tree roots. Soil erosion and sediment flow to surface waters are thereby reduced. Also, through the reduction of erosion, the quality and quantity of both surface water and groundwater are enhanced.

**Recommendation:** Whatcom County should continue to play an active role in monitoring Forest Practices Applications. The County should also continue to cooperate with federal, state, and local agencies, and tribes as appropriate, in monitoring and protecting water quality in the Nooksack drainage. Existing and future development that may have negative impacts on the water quality of the Nooksack should be closely controlled. With 86% of the subarea forested, it is important that relationships between forest practices, environmental quality, and the role that public agencies play in mitigating adverse impacts on these systems be clearly understood.

**Issue:** Preservation of a high level of water quality is extremely important to the successful maintenance of native and hatchery fish populations.

**Issue:** The U.S.G.S. currently has one active gauging station on the South Fork river located near Wickersham. Data from this station does not provide the information necessary to meet the minimum flow requirements necessary to meet the standards set forth in WAC 173-501-030 and, subsequently, to address many issues associated with river flows.

**Recommendation:** Whatcom County should work with the U.S.G.S. to immediately install one additional gaging station immediately upstream from the confluence of the South Fork and the main stem of the



Nooksack River. Gaging stations should be installed as soon as possible in those tributary creeks of the South Fork drainage that are under the jurisdiction of WAC 173-501-030.

**Recommendation:** Whatcom County should develop a Nooksack basin water resource plan with the cooperation of the Nooksack Indian Tribe, the Lummi Indian Nation, and small cities. This planning process was endorsed by the Whatcom County Council, the Lummi Tribal Business Council and the Nooksack Tribal Council in 1989. An overall Nooksack Basin Plan would investigate all three forks as well as the mainstem of the Nooksack River for water quality and quantity concerns. This should include both study and evaluation of low flow and high flow readings and standards.

**Issue:** Wetlands and reoccurring flooding offer considerable development constraints in the valley region of the subarea if preserved. By contrast, unrestricted dredging, filling, and draining of these wetlands would destroy valuable habitat for fish and wildlife and reduce the ability of the wetlands to store flood water and filter sediment and pollutants.

**Recommendation:** Many of the wetlands are a valuable natural resource and need to be protected. However, there is currently no information available that have sorted out those wetlands with high value/high function attributes from the small isolated low value/low function wetlands. A study of this kind is necessary in order to determine to what extent the wetlands in the South Fork Valley should be drained and filled. Until this is done, Whatcom County should discourage fill, drainage or alteration of wetlands.

**Issue:** Jones Creek, McCarty Creek, Standard Creek, Hardscrabble Creek, Sygitowicz Creek and Fall Creek, all located on the east side of Stewart Mountain and draining into the South Fork of the Nooksack River, have a history of instability and deposit large amounts of sediment and debris into the valley below during heavy rain periods. Jones and Sygitowicz Creeks in particular, pose a hazard to the Community. Debris torrents and flooding were recorded in 1979, 1983, 1985, and 1989. The effects of these debris torrents resulted in damage to homes, transportation routes, and loss of fish habitat.

**Recommendation:** The headwaters and mountainous upstream reaches of these creeks should be altered as little as possible. The areas affected by potential flooding from these streams should be identified and with development appropriately restricted. Whatcom County should encourage minimal use of these stream corridors, drainage swales and alluvial areas for building sites.

**Issue:** Jones Creek erodes the existing gravel berm located on the southeast bank of the creek and uphill from the Turkington Road bridge. During periods of extremely high precipitation, the stream can penetrate the berm and flow down Turkington Road and can cause damage to structures downstream.

**Recommendation:** A retention berm sufficient to contain drainage during peak flow periods should be constructed from the Turkington Road bridge and extending upstream to the private bridge located at the end of Galbraith Road. Specifications should be determined by the Whatcom County Division of Engineering.

### **Ground Water Resources**

**Findings:** Ground water supplies in the subarea are generally abundant and of high quality where wells have been drilled. Since ground water tends to conform to topography, the most abundant sources are the wells that are closest to the river valleys. Supplies diminish moving uphill away from the streams and toward the areas where the bedrock is closest to the ground surface. In theory, the areas having the least potential for ground water are the mountain areas where soils are thin and glacial deposits are nonexistent. Since these areas are almost exclusively used for timber production, very few wells have been drilled and information about groundwater quantity and quality is virtually nonexistent.

**Issue:** Although groundwater seem to be abundant in the South Fork Valley, good groundwater information is scarce and well logs are spotty. There are no current groundwater studies for the South Fork Subarea. Detailed hydrologic studies have never been done.

**Recommendation:** Whatcom County should embark on a detailed study of hydrologic features in the South Fork Basin.

**Issue:** Areas where the water table is five feet or less from the surface, particularly along the 100 year floodplain, deserve particular consideration with respect to septic system use because of the potential for groundwater contamination.

**Recommendation:** Residential densities should be as discussed in the section on soils issues. Detailed studies of the ground water resources of the South Fork Subarea are needed.

### **Plants and Animals**

**Findings:** The South Fork Valley Subarea, with its mountains and streams, provides habitat for a wide diversity of plant and animal species. Foremost in importance among the plant species are the forests of Douglas fir, Cedar, and Hemlock upon which the region has been economically dependent for many years. The most significant aquatic animal species are the salmon and steelhead which inhabit the rivers and streams of the area. Equally significant is the presence of an elk herd which roams the east and southern portions of this subarea.

The South Fork Valley Subarea is valuable in a number of ways relating to plants and animals. It is the southeastern terminus of low elevation wildlife habitat, with a wide riparian zone, general food and prey base, and bio-diversity.

**Issue:** The fish of the Nooksack River and its tributaries are an important economic and recreational resource. The viability of fish habitat in the South Fork Nooksack River is dependent upon preservation of water quality and unobstructed access to spawning areas.

**Recommendation:** Whatcom County should make every effort to preserve the high level of water quality in the Nooksack system and should assure the preservation of habitat for fish.

**Issue:** Property damage can occur when the elk herd travels from the foothills into the valley.

**Issue:** Travel corridors necessary for elk habitat are severely constrained by Highway 9 and other roads, cleared and extensively managed areas, and clearcutting. Increased hunting and fishing in conjunction with decreased habitat due to overcutting, development and increased recreation activity are putting both the elk herd and salmon runs at risk. There is a need to protect sensitive salmon spawning areas and elk roaming areas from encroachment while preserving opportunities for recreational and scientific observation.

**Recommendation:** The County should work with the Washington State Departments of Wildlife and Fisheries and the local Indian tribes to educate residents on the importance of protecting the wildlife environment and encourage enhancement of the resource.

## **2.LAND USE**

**Findings:** There are approximately 61,204 acres in the South Fork Valley Subarea. The region is largely can be described as rural with dispersed development in the valley. There are a number of environmental constraints many of which are derived from large amounts of rainfall in the region. Most notable among them are floodplain, steep and unstable slopes and wetlands. The subarea is largely a resource area with an economy based on fisheries, agriculture, and forestry.

Of the 61,204 acres in the subarea, a large portion of it is not suitable for various land uses. Soil conditions influenced by recent glaciation, limit the amount of land suitable for development. Much of the land is too steep to be built upon safely. Most of the valley region is flood prone, and is better suited for agricultural. Within the South Fork Subarea's 95 square miles, there are approximately 1,269 parcels.

There is 52,887 acres of forest land comprising 86.4% of the subarea. Approved forest practice applications in the last three and one half years amount to 6,384.50 acres or approximately 12 percent of the forest land. This means that between three and four percent (1,800 av.) is being harvested annually assuming a 50 year rotation. At a 3.5% harvest rate, to would take approximately 18 years to harvest the 32,000 acres currently in an age class over 40 years.

Agriculture is the second largest land use in the study area with 5,355 acres or 8.7% of the study area. Close to 60% of the parcels are over 40 acres in size. Another 30% average between 20 and 40 acres. There are several dairy farms in the valley. Other agricultural practices include meat production, hay, and some grain and corn growing.

Residential uses amount to 509 acres or 8% of the subarea and is largely scattered on five acre, ten acre and larger tracts of land. Commercial and industrial property add up to five acres each. Developed recreational property other than parks is nonexistent.

The Skookum Creek Fish Hatchery is the major hatchery operating in the South Fork Valley Subarea. It is located adjacent to and receives its water from Skookum Creek and is operated by the Lummi Indian Nation.

**Issue:** Although information is scarce or lacking in many cases, actual documentation and visual evidence suggest a general decline in fish stocks in the South Fork Valley.

**Issue:** Preservation of a high level of water quality is extremely important to the successful maintenance of native and hatchery fish populations.

**Issue:** Agriculture, forest practices, and settlement can play significant roles in the degradation of fish stocks. Altering of aquatic habitats through diking, river channelization, filling, and erosion can be a result of these practices.

**Recommendation:** Whatcom County should continue to work with both the Lummi Indian Nation and the Nooksack Indian Tribe to protect both the fish populations and their habitat.

**Issue:** Recreational uses of the river are increasing and many are extremely hard on the fisheries habitat. This is especially true with extensive tubing during the summer months.

**Recommendation:** The Whatcom County Parks Department has made several attempts to monitor tubing activity during the summer months. Plans are ongoing and may include limited access to only certain parts of the river, as well as timing and capacity limitations.

**Issue:** Forestry continues to be a major land use in the South Fork Valley Subarea, and with timber reaching harvestable age and continued population growth in Whatcom County, it will continue.

**Issue:** Commercial forests cover most of the uplands above the settled valley of the South Fork. The edge of these commercially forested lands can be a source of conflict where development exists.

**Recommendation:** Whatcom County is proposing a text amendment to Title 20 (zoning ordinance) which will split the existing forestry zone into two forestry zones; a "Commercial Forestry zone" and a "Rural Forestry zone". A Commercial Forestry zone will allow only forest practices and related activity to take place within the zone thereby precluding the presence of conflicting uses like residential development. The creation of a Rural Forestry zone will allow low density development within its boundaries to facilitate the stewardship of land dedicated to timber production. Its location, typically at the foothills of mountain regions, should help to buffer commercially forested land from rural and residential development.

**Issue:** Forest practices in the South Fork Subarea are not currently being practiced at a sustained yield level. Market conditions fluctuate dramatically in the timber business making it difficult for the industry to plan cutting schedules over a long period of time. Prices in the last three years have been relatively high, resulting in large amounts of timber being cut.

**Recommendation:** The State Department of Natural Resources along with many other state, federal and local agencies have made significant progress working with the industry, environmental interests and other interested parties to both encourage sustainable and environmentally sound forest practices in Washington State and Whatcom County. Whatcom County should continue to work with the forest industry to insure that future cuts are smaller in size, not adjacent to one another, adequately buffered from streams and other water courses, buffered from steep slopes subject to slope failure, and executed using best forest practice techniques available. The South Fork watershed should be logged on a sustainable yield rotation.

**Recommendation:** Economic viability of existing agricultural practices varies yearly. The introduction of new agricultural commodities, such as commercial deer stock and orchard crops, may help to provide for agricultural viability of appropriate areas of the valley.

**Issue:** Whatcom County is experiencing a significant loss of prime farmland soils due to increased development pressure, and changes in the agriculture industry. Although this has not yet taken place in the South Fork Valley Subarea, population trends indicate that development pressure will be there in the near future.

**Recommendation:** Whatcom County should pursue farmland preservation through the implementation of the Agricultural zoning district where feasible, and through the use of incentive programs to encourage the active agricultural use of arable land.

**Issue:** Although the majority of the lands in the valley are classified as prime for agricultural use, many are prone to flooding and standing water. Without adequate drainage, these areas cannot support agricultural practices.

**Recommendation:** Whatcom County should adopt and implement a comprehensive farm preservation program that seeks to preserve to the fullest extent possible, arable lands and to facilitate the best utility of these lands.

#### **Lands in Current Use Tax Status**

**Findings:** Current use taxation includes lands that qualify for property tax deferments for forestry, agriculture, environmentally sensitive areas or other open spaces. Since there is a liability for back taxes plus interest when withdrawn from this status, it is anticipated that these lands will remain undeveloped during the planning period. These lands comprise a total of 37,692 acres or 62% of the subarea, of which

33,034 acres, or 54% of the subarea, are designated or classified forest lands. The remainder is in Open Space Agriculture, Open Space Timber, or Open Space/Open Space.

**Issue:** Current use taxation provides an incentive for land owners to keep their land undeveloped or developed at a very low density.

**Recommendation:** Whatcom County should encourage property owners to use the current use tax assessment provisions of RCW 84.34 to retain agriculture, forested, environmentally sensitive lands, shorelines, and unique or important wildlife.

### **Public and Tribal Lands**

**Findings:** The State of Washington owns and manages 18,885 acres or 30.9% of the subarea. Whatcom County owns 16.9 acres and the Nooksack Indian Tribe owns 522.5 acres, bringing the total for public and tribal lands to 19,424 or 31% of the area.

**Issue:** The Nooksack Indian Tribe owns 522.5 acres of "Trust" land in the South Fork Valley Subarea. This land does not fall under the jurisdiction of Whatcom County. Development of this land without the coordination of a comprehensive plan nor implemented by zoning regulations could create potential use conflicts in the region.

**Recommendation:** Whatcom County should work with the Nooksack Indian Tribe to insure that compatibility is achieved.

## **3.HISTORY, POPULATION, AND ECONOMICS**

### **Population and Characteristics**

**Findings:** The South Fork Valley Subarea has 404 dwelling units. If one were to assume an average household of three persons, that would mean a population of 1,212. Analysis of population growth resulted in three types of population forecasts:

1. **Location of population growth:** The majority of population growth will occur in the unincorporated town of Acme with scattered growth on the valley edge between the agriculture and commercial timber lands.
2. **Reasonable population growth:** Barring any major economic changes, the rate of population growth will be at unincorporated Whatcom County rates. The state predicts a 39% growth from 1980 to 2000 for Whatcom County as a whole; however, unincorporated areas have been growing much faster than the cities (Table 1). A realistic growth rate projection for the subarea should be from 1.5 to 2.5 percent annually during the next 10 years. That means that the unincorporated county is projected grow 40 to 50 percent over the next 15 to 20 years.
3. **Zoning limitations on population growth:** The zoning adopted in the 1970's would allow a growth in dwelling units, and presumably population, of over 2,100%. That would mean the population would increase to 26,664 assuming 3 persons per household( based on a maximum possible density of one dwelling per acre in the General Protection zone district, excluding county, state, and tribal lands). The zoning implementing this comprehensive plan allows approximately 200% increase over the existing number of houses for the length of the current planning period (10 to 20 years) plus any bonuses obtained through the PUD process. Assuming a 20 year planning period, that

allows a growth rate of approximately 10% per year, well above the projected growth rate of 1.5 to 2.5 percent annually.

**Issue:** Population growth brings increased opportunity for business and for development of services. It can bring new life into the community but can place increasing demand upon public facilities and natural resources areas. It can help a community's tax base, thereby making feasible certain needed local improvements. The population base of the South Fork Valley Subarea has remained stable but future growth will require increased services and amenities for residents.

**Recommendation:** The proposed zoning districts should provide for adequate growth in the South Fork Valley Subarea while preserving the character of the area and quality of life that most people in the valley seem to desire. Urban growth should take place in the unincorporated town of Acme where a full set of urban service should be provided.

### **Economic Activity**

**Findings:** The subarea's economy has traditionally been based on natural resources. The quest for gold brought many of the first settlers to the area and the promise of jobs in the timber industry kept them there. This has not changed much in the ensuing years. The concern for fisheries industry is increasingly becoming a factor that impacts the economics of mineral and timber resources. Recreation and tourism unlike other parts of the county, have not taken on a large role in the subarea. The area also supports a small number of service businesses, home occupations and cottage industries.

**Issue:** Cottage industries make up a substantial portion of the businesses in the subarea and tend to be scattered throughout the Valley. Their presence is important to the economy of the subarea.

**Issue:** The economy of the valley has been primarily resource based and tied to agriculture and forestry. This may begin to shift as these industries change.

**Issue:** Although much of the valley land in the South Fork Valley is conducive to farming, many of the dairies are doing poorly and other farmers have complained that markets are too far away, the growing season is short, soils are thin and wet.

**Recommendation:** Whatcom County should seek to provide every opportunity for the farmer to utilize arable land in the most efficient manner possible and to facilitate a viable agricultural industry in the South Fork Valley.

## **4. COMMUNITY FACILITIES AND UTILITIES**

Community services in the subarea include education, public safety, fire protection, energy, solid waste, water and wastewater systems, transportation systems, and parks and recreation facilities.

### **Sewage Disposal**

**Findings:** Sewage disposal is provided solely by individual private septic systems. During the land use inventory of the subarea during the summer of 1990, 404 dwelling units were identified as possible year around residences.

The Federal Environmental Protection Agency recommends that a residential density of over 40 dwelling unit equivalents (three bedroom home) per square mile in areas where soils are highly permeable is a potential source of ground water contamination. This is the equivalent of one dwelling per 16 acres.

**Issue:** There are some unreliable sources for potable water in the subarea. Areas of obtainable ground water are sporadic.

**Issue:** Contamination of ground water due to inadequate soils supporting individual septic systems is possible in certain areas of the subarea.

**Issue:** Costs involved in installing a sewer system in Acme could be prohibitive.

**Recommendation:** Development in the Urban Reserve area (Acme) should be limited until public sewer is provided in order to prevent health and economic impacts from contaminated surface and ground water.

### **Water**

**Findings:** There are no public water purveyors in the subarea. There are two private water systems in the subarea: Wickersham Water Association is a Class 2 systems with approximately 31 connections and no room for expansion and the Van Zandt Community Club is a Class 3 system with one connection and no additional capacity. The Van Zandt System has an unreliable spring source.

The most prevalent form of water service are the individual wells serving one to two households. It is difficult to pin down the exact number of individual groundwater withdrawals but it is estimated to be approximately 500 based on 1980 U.S. Census data and the Health Department. Surface withdrawals also serve as a water source but they are hard to account for since they are not monitored.

### **Solid Waste**

**Findings:** Solid waste disposal is accomplished by residents or private haulers taking refuse to a transfer station, a sanitary land fill, or to an incineration plant. County-wide mandatory garbage collection is currently being proposed to the County Council and presently Sanitary Service Corporation is the company contracted to collect waste in the South Fork Valley. The company is certified by the Washington State Utilities and Transportation Commission and has the exclusive right to collect commercial and residential garbage in the subarea.

**Issue:** There is a lack of recycling facilities in the subarea. Drop-off centers located in Van Zandt and Acme have been closed.

**Recommendation:** Recent zoning amendments have made neighborhood recycling collection centers conditionally permitted in the Rural and Forestry zones. The South Fork Valley community should work with the County Division of Solid Waste to establish such centers as a part of the county wide curbside recycling program.

### **Fire Protection**

**Findings:** The South Fork Subarea is served by Whatcom County Fire Protection District #16, with the primary Fire station located at Acme and a second station in Van Zandt. The Washington Department of Natural Resources is responsible for fire protection on state managed forest lands. The Uniform Fire Code specifies minimum flow standards for fire protection of all but single family residential structures and accessory structures under 2,500 square feet.

**Issue:** Some residents living along Mosquito Lake Road and upper reaches of Saxon Road are not within Fire District #16 boundaries and therefore not protected in case of fire. The Department of Natural Resources (DNR) does not have the ability to fight structure fires nor are they an emergency response agency. The DNR is responsible for all undeveloped state and private lands that are not cultivated or developed outside of fire district boundaries.

**Recommendation:** Development outside of Fire District boundaries should be discouraged.

#### **Law Enforcement:**

**Findings:** Law Enforcement in the subarea is provided by the Whatcom County Sheriff's Department. In 1988 and 1989, the type and severity of calls varied greatly. They ranged from loud parties, littering, and hot rodding to child abuse, search and rescue, and kidnapping. The most common type seem to be that of malicious mischief and burglary or suspicion of burglary. In 1988, 48 citations were issued for 342 calls for service while in 1989, 42 citations were issued for 396 calls. Calls for service in the South Fork Valley area increased by 15% from 1988 to 1989.

**Issue:** Response time in the Valley is perceived as being slow, especially in the summer months when use of the river is high. This is partly due to the subarea's distance from the central part of the county which can slow down response time. General rowdiness and use of alcohol associated with use of the river causes problems for residents along the river and creates driving hazards.

**Recommendation:** High usage of the river during the summer creates the highest need for law enforcement and magnifies the slower response time. Monitoring of river use could help alleviate this problem.

#### **Energy**

**Findings:** Puget Sound Power and Light Company provides energy to the South Fork Valley Subarea and has the capacity to serve additional customers. They do not, however, have any substations in the subarea nor do they own any land for use as substations. The nearest substation is located in Deming. The present peak demand in the subarea is approximately 1.5 MW (megawatts). Puget Power has no immediate plans for expansion in the area since growth has typically been slow and also because of the lack of an improved infrastructure

Cascade Natural Gas serves the Acme area via Northwest Pipeline which runs the entire length of the subarea just east of Highway 9. Those living on Rothenbuhler, Galbraith and Hudson Roads and those along Turkington Road 3/4 mile west of Highway 9 and from Rothenbuhler Rd. to Turkington Rd. along Highway 9 are currently being served. At present there are 43 active accounts with an average use of 778 therms per year per customer.

#### **Education**

**Findings:** Education is provided by the Mount Baker School District which has its administrative offices at Mount Baker Junior/Senior High School in Deming. The attendance area for the South Fork Subarea utilizes Acme Elementary on Turkington Rd. and the Mount Baker Junior and Senior High School in Deming. The 1989-1990 total expenditure per student for the Mount Baker School District was \$3,313.25, compared to \$3,661.12 per student in 1987. The Student/Teacher ratio for the 1989-90 school year was slightly less than the previous year.

**Issue:** Schools serving the subarea are at capacity. Expansion of Mt. Baker Junior/Senior will alleviate some of the pressure.



**Recommendation:** Recent additional funding may help alleviate this problem.

### **Transportation**

**Findings:** The major circulation route in the South Fork Subarea is Highway 9 also known as the Valley Highway. It begins in Woodinville, enters Whatcom County south of Wickersham, and continues to its end in at the Canadian Border at Sumas. In the South Fork Subarea, it covers the 11 mile length of the subarea. Traffic entering Highway 9 from the Mount Baker Highway averages 2600 daily. Traffic counts at Park Rd., one mile north of the Whatcom/Skagit boundary, average 1700 vehicles daily.

The only other access points into the Subarea are via Mosquito Lake Road which feeds into Acme from the Mount Baker Highway and via Park Road which directs traffic from southern shore of Lake Whatcom to just north of Wickersham. Both of these roads are classified as Minor Collector Roads. All of the other roads in the subarea are classified as local access since they are primarily dead end roads feeding onto Highway 9 that serve local residents only.

**Issue:** Creating a four lane highway through the South Fork Valley to Sumas could devastate the Valley environmentally, economically, and culturally. However, Highway 9 is an existing north/south corridor that could be examined as an alternative to alleviate transportation pressures from Seattle to Vancouver.

**Recommendation:** If there is one thing the community in the South Fork Valley can agree on, it is that the creation of a major four lane arterial will devastate the quality of life there.

**Issue:** By using Highway 9, truckers travelling to Canada have been able to bypass the weigh station on Interstate 5.

**Issue:** Collector roads and particularly local access roads are inadequate to support increasing traffic volumes. Road widths and shoulders are narrow and their general condition is poor. The lack of adequate shoulders forces bicycle and pedestrian traffic onto the roads thus creating potential conflict and hazards

**Issue:** Seasonal flooding at both ends of the Valley can restrict access on Highway 9 and isolate the Valley. This is particularly true on the north end where a dip in highway 9 approximately one half of a mile north of the intersection of Potter Road and Highway 9 is frequently inundated with one to two feet of water making the road impassable. This condition hinders emergency traffic at a time when it may be needed most.

**Recommendation:** The Washington State Department of Transportation should embark on a road improvement plan that would elevate that section of Highway 9 which is frequently inundated by flooding so that the road base is elevated by approximately three feet.

### **Parks and Recreation**

**Findings:** The subarea's location between federal recreation lands and the population centers of Northern Puget Sound and the lower British Columbia mainland contribute to its popularity as a recreational site. The Mt. Baker District in Whatcom, Skagit, and Snohomish Counties, includes 545,246 acres. As part of these federal lands, the Mt. Baker District offers year round recreation, including hiking, climbing, camping, scenic driving, berry-picking, cross country skiing and downhill skiing. There is no formal recreational facilities in the South Fork Valley Subarea.

Within the Subarea recreational activity focuses on the South Fork of the Nooksack River. River usage, especially by "tubers" has markedly increased over the years and has created a strain on the existing

facilities as and threatens habitat and water quality. Access to the river is limited by private ownership and the rivers own geographical isolation.

**Issue:** In recent years the presence of inner tubers on the South Fork of the Nooksack during the summer months has greatly affected the natural environment and quality of life along the South Fork. Problems have included: destruction of property and farm equipment; trespassing; threatening of wildlife habitat, especially in terms of fisheries; rowdiness and drunkenness; illegal and dangerous parking; short and long term camping along Saxon Road; and lack of sanitation.

**Recommendation:** The Whatcom County Parks Department has made several attempts to monitor tubing activity during the summer months. Plans are ongoing and may include limited access to only certain parts of the river, as well as timing and capacity limitations.

**Issue:** There is a lack of public access points to the river which contributes to the tubing problems.

**Recommendation:** The Whatcom County Parks Department is currently looking for locations along the South Fork of the Nooksack River that the County can either buy or lease over a long period of time. In doing so the Parks Department hopes to better control access to the river.

**Issue:** Unsupervised motorcycle use of a Whatcom County right-of-way immediately east of Skookum Creek has resulted in damage to the natural environment (wetlands, flora, fauna). The timing and frequency of this type of activity threatens salmon spawning areas, some of which are located in the immediate area and are directly impacted by this activity.

**Recommendation:** Whatcom County should work with the Department of Natural Resources, the tribes and private land owners to restrict access to this environmentally sensitive area. A gate located at the Skookum Creek Bridge would provide the most effective access deterrent. Pedestrian access should continue to be granted to this section of the Nooksack Valley.

## 5. EXISTING PLANS AND LAND USE REGULATIONS

### 1970 Whatcom County Comprehensive Plan Designations

**Findings:** Approximately 45,000 acres of the South Fork Valley are designated Forestry under the 1970 Plan. This designation promotes preservation of forest lands for their timber and mineral resources, open space, wildlife habitat, and watershed values. The Rural designation applies to 7,700 acres and includes areas where there is a mixture of part time farming, forests, and rural residences. Another 8,500 acres has been designated as floodplain acknowledging the large area of the South Fork Valley that is periodically inundated by high river flows.

### 1972 General Protection Zoning District

**Findings:** In 1972, the entire subarea was zoned General Protection (GP) under the Whatcom County Interim Zoning Ordinance. Interim zoning is intended as a stopgap measure to preserve the status quo while permanent regulations are being developed. The GP district is intended as a multiple-use zone in which expansion of business, industry and concentrated residential development is restricted to the minimum extent necessary to prevent disruption of the use and value of surrounding properties and of areas which may later prove best suited for other uses; to prevent untimely or uncompensated requirements for roads, utilities or other services requiring public finance; to avoid conflicts with the policies in the Comprehensive Plan and its amendments or supplements; and to avoid detrimental effects on public health, safety and general welfare. For anything other than low intensity uses, such as single family homes,

conditional use permits are required so that a citizen review process will occur. Little guidance is given as to what types of uses are acceptable. The General Protection zone places no restrictions on building lot sizes beyond the minimums specified by the Whatcom County Department of Health.

**Issue:** The General Protection zone creates public and administrative uncertainty regarding permitted, conditional, and prohibited uses. The zone provides little or no assurance to residents as to future uses and character of their surrounding area. The zone does not establish parcel size for forestry or non-forestry uses, thereby providing no mechanism for conservation of forest resources. In addition, the zone classification is deficient in guidelines for critically evaluating conditional uses which might occur in areas designated for forestry. Finally, the General Protection zone does not establish buffer provisions which are intended to minimize impacts between forestry and non-forestry uses.

**Recommendation:** Whatcom County is currently updating the Comprehensive Plan for the South Fork Valley Subarea and implementing Comprehensive Plan Policies by bringing the subarea into conformance with the Official Whatcom County Zoning Ordinance Title 20.

#### **Shoreline Management Program Designations**

**Findings:** The Whatcom County Shoreline Management Program was adopted in 1976 pursuant to the Washington Shoreline Management Act. The Program applies to areas generally within 200 feet of the ordinary high water mark of streams and rivers with greater than 20 cubic feet per second mean annual flow, lakes larger than 20 acres in size, and Puget Sound.

## LAND USE DESIGNATIONS

Land use designations are overlay districts that when applied to a geographic area, indicate where and how the goals and policies of a Comprehensive Plan will assure the orderly and efficient development that addresses or resolves land use needs in that geographic area. The Comprehensive Land Use Plan Map illustrates the location of these designations (Figure 3).

The land use designations together with the policies, represent the most appropriate uses of land in the subarea for the planning period. These land use designations have been developed as a means of addressing land use needs, resolving particular land use problems, or preserving existing land use patterns.

Whatcom County has developed sixteen land use designations to allow for the necessary flexibility and specificity in applying land use standards. Five of the land use designations are applied in this subarea, they include **URBAN RESERVE**, **RURAL**, **AGRICULTURE**, **FORESTRY**, and **GENERAL COMMERCIAL**.

Land use designations establish the boundaries of those zoning districts that implement the Comprehensive Plan. The following is a descriptive summary of each designation.

1. **URBAN RESERVE DESIGNATION:** Residential land use designations were determined according to existing ownership and density patterns, suitability for residential uses, and availability of services as described in the **URBAN RESERVE**, locational criteria. Before full development of the residential zone occurs, improvements should be made to water, waste water, and transportation systems. The residential land use designation are applied by balancing the densities of the prior Comprehensive Plan and the potential carrying capacity of water sources, waste water service options and feasible transportation system service levels.
2. **RURAL DESIGNATION:** In the South Fork Valley Subarea, the **RURAL** Comprehensive Plan designation overlays those rural areas that have some environmental constraints; serve as a buffer between denser residential patterns and typical commercial forestry practices; have a multiple use capability; are predominantly parcels under current use tax status; and lack public water and sewer.
3. **FORESTRY DESIGNATION:** The **FORESTRY** designation has been applied to almost all of the forested uplands of the subarea. The designation recognizes existing land use, ownership, and parcel size patterns; environmental constraints such as steep slopes, soils unsuitable for development, 100 year floodplains, and sensitive and critical resource areas; and predominance of forestry current use taxation status.
4. **AGRICULTURE DESIGNATION:** The **AGRICULTURE** designation has been applied to the valley region where soils and topography and parcel size facilitate viable farming practices.
5. **COMMERCIAL DESIGNATION:** The **COMMERCIAL** designations were applied in recognition of the character of existing commercial centers and projected future commercial needs. The **COMMERCIAL** designation at Van Zandt is intended to accommodate the convenience buying needs of local residents as well as transient buying patterns. The Acme commercial area, though larger in area, serves that same consumer demands. Although the potential market area for each location occasionally may be county-wide, it is anticipated that the primary market area will be a smaller, more localized area.

To be consistent in the application of the designations, the following methodology has been used for each of the designations:

**Rationale**  
**Objectives**  
**Locational Criteria**  
**Implementing Zoning District**

## South Fork Valley Subarea Location URBAN RESERVE DESIGNATION

### Rationale

It is a well established trend in the western United States for urban areas to respond to growth pressures by outward expansion of their boundaries. With this trend comes a continuing demand for land, the most fundamental of all urban resources. Although outward expansion is an accepted city planning practice, problems have typically arisen when potential urban lands have been committed to long-term "non-urban" uses. Primarily caused by the lack of coordinated public policy among governmental jurisdictions, this situation has resulted in uncoordinated and costly service systems, inefficient transportation networks and unmanageable land use patterns.

As a means of alleviating the problems associated with outward expansion, the Comprehensive Plan establishes the **URBAN RESERVE** land use designation. The designation is applied to urban fringe and outlying satellite areas where previous commitments to urban densities and attendant services (sewer, stormwater drainage, schools, parks, water, fire and sheriff protection) can be efficiently provided. It is also applied to outlying satellite areas where urban densities and services have been previously planned and the available level of water and sewer service and existing land use character warrant it.

Prior to the provision of public services, the **URBAN RESERVE** designation is intended to maintain a low density character that discourages the establishment of interim uses and subdivision patterns that may foreclose significant future alternatives pertaining to urban densities and the efficient provision of services. It does however allow reasonable uses of property by permitting compatible residential, recreational, commercial, forestry, and agricultural land uses.

When services are available, development should occur in neighborhood units with appropriate levels of densities, uses, and circulation networks that result in an orderly, economic and expeditious transition from rural to urban land use patterns.

### Objectives

The application of the **URBAN RESERVE** designation is intended to accomplish the following objectives:

- 1.To reduce urbanization and encroachment pressures on lands that are most suitable for other uses; 2.To stabilize land speculation and the artificial inflation of land values in the urban fringe and outlying satellite areas by designating an adequate amount of land for urban growth and uses during the planning period;
- 3.To provide land owners with a reasonable expectation of future municipal and county land use policies;
- 4.To reduce inequitable taxing structures on non-urban land located near urbanizing areas;
- 5.To conserve energy resources by reducing unnecessary travel between living, shopping, and work places; and
- 6.To encourage the conservation of natural resources and environmentally sensitive areas, both within and outside of the area designated as **URBAN RESERVE**;

### Locational Criteria

The criteria to be utilized for the application of the **URBAN RESERVE** designation include the following;

- 1.Satellite areas that are of sufficient size to adequately accommodate the projected demands for residential, commercial, transportation and public uses for a ten to fifteen year period;
- 2.Land areas where a range of urban services such as sewer, water, storm drainage, transportation improvements, fire and sheriff protection, and parks and recreation presently exist or can be economically and efficiently provided in the near future;

- 3.Areas that contain an adequate supply of vacant urban type land to avoid the artificial inflation of land values;
- 4.The boundaries of the **URBAN RESERVE** designation should;
  - a.be well defined, logical, provide a physical "sense of community," and be capable of expanding to accommodate additional urban growth as the need arises; and
  - b.acknowledge the existing character of land use densities and the existing or potential level of utility servicing.

#### **Implementing Zoning District**

**URBAN RESIDENTIAL (UR) Zoning District:** The **URBAN RESERVE** Comprehensive Plan Designation should be implemented by the **URBAN RESIDENTIAL** Zoning District.

**URBAN RESIDENTIAL (UR-4 ) Density:** The **URBAN RESIDENTIAL** Zoning District in the South Fork Valley should have a density of four dwelling units per acre. This density is based upon existing urban level of services including public sewer, public water, storm drainage, transportation, fire and police protection. Until such time that public sewer and water are provided, and stormwater drainage facilities are provided where specified by the Comprehensive Plan policies, the density should be one dwelling unit per five acres.

#### **South Fork Valley Subarea Location**

The **URBAN RESIDENTIAL** Zoning District for the South Fork Valley Subarea should be located within the urban area of the town of Acme within sections 37-05-06 and 37-05-07, and totalling 106 acres as follows:

<b>URBAN RESIDENTIAL-4 ACRE (UR-4)</b>			
	<b>T-R-S</b>	<b>ACREAGE</b>	<b>DESCRIPTION OF AREA</b>
<b>1</b>	37-05-06	41 Ac.	N. Turkington Rd./Acme/long and short plats/public water
	37-05-07	65 Ac.	S. Turkington Rd./Acme/single family/1 multi/small lots
	<b>TOTAL</b>	<b>106 Ac.</b>	

See Figure 4 for detailed location and configuration.

## **RURAL DESIGNATION**

#### **Rationale**

The **RURAL** land use designation is intended to move toward attaining the Regional Design Goal of keeping residential densities low and minimizing the demand for urban level services in rural areas. It also acknowledges physical factors such as soil percolation rates, depth to ground water, steep topography, slope stability, flood plains, ground water aquifers, and sensitive wildlife habitats that are, and will continue to be, limitations to higher densities. This type of landscape can be considered suitable for multiple uses including agriculture, forestry, mining, low density residential, home occupations, and cottage industries. Dispersed settlement patterns are a function of physical conditions such as soils, water, or topography that impose constraints to higher densities of development. Dispersed settlement patterns also can be a function of the lack of public commitment for the provision of sewer, water, and roadway improvements. Very low density residential areas offer alternative residential living styles that allow preferences for increased privacy

and aesthetic advantages of particular sites, or small scale agriculture and forestry, as compared to that of the urban or moderately dense residential setting.

These areas may contain non-renewable natural resources, such as soils which contribute to agricultural or forestry productivity; sand and gravel deposits suitable for extraction; environmentally sensitive areas such as wetlands, steep slopes, or 100-year floodplains; or natural scenic resources that form the visual identity of an area.

Existing parcel sizes generally are large and would be able to accommodate land uses such as agriculture, forestry, or low to moderate density residential uses in future planning periods. The large parcels also provide ample buffering for cottage industries that would not be appropriate in more densely developed residential areas. Employment opportunities also exist that are associated with part to full-time agriculture, forestry, home occupations, cottage industries, neighborhood grocery stores, and related activities. An example of flexibility is the potential for future commercial development in areas where appropriate public services, such as sewer and water utilities, are available and additional commercial land is needed. In order to facilitate potential future commercial development, large parcel **RURAL** zoning is appropriate as an interim step in the development of an industry, while still allowing immediate rural uses such as mineral resource extraction and agriculture.

### **Objectives**

The application of the **RURAL** designation is intended to accomplish the following objectives:

- 1.To provide flexibility concerning very low density residential, forestry and agricultural land uses while retaining a range of private and public land use options for the future;
- 2.To retain future options for access to non-renewable natural resources (sand, gravel, coal and minerals, and soils which contribute to agricultural and forestry productivity) and the renewable timber resources;
- 3.To preserve options for future zone districts when economic development potential exists;
- 4.To retain the rural character of an area as an alternative to urban, suburban, and commercial land use patterns elsewhere in the subarea; and
- 5.To provide the option of clustering in the design of new rural subdivisions in order to retain productive land uses and future options for development.

### **Locational Criteria**

In order to define those locales where the **RURAL** designation would be most appropriate, the following criteria are applied:

- 1.Those areas that possess a very low residential density and are compatible with existing land use plans;
- 2.Those areas where a buffer is needed between higher density population and land use practices associated with commercial agriculture and forestry;
- 3.Those areas where features of the physical environment, such as 100 year flood plains, lack of adequate groundwater, slow or very rapid soil permeability rates, the presence of aquifers or groundwater recharge areas, seasonal ponding, unstable slopes, or steep topography require very low densities in order to mitigate the impacts of these physical constraints;
- 4.Those areas where there exists the possibility of utilization of natural resources such as soils, sand/gravel, coal or timber;
- 5.Those areas where there are no planned capital improvements to community facilities, utilities or transportation systems; and
- 6.Those areas where large parcel sizes lack of residential development are desirable to assure the feasibility of future commercial or recreational development.

**Implementing Zoning District**

**RURAL (R) Zoning Districts:** The **RURAL** Comprehensive Plan Designation is implemented by the **RURAL 2, 5, and 10 acre** zoning designations.

**RURAL (R) Zoning Districts Density:** The **RURAL** Zoning District has three densities; one dwelling units per two acres, one dwelling unit per five acres, and one dwelling unit per ten acres. The following criteria define the application of each of these densities.

1. The **density of one dwelling unit per two acres** should be applied where:
  - a. existing density is less than or equal to one dwelling unit per five acres and average parcel size is greater than or equal to two acres;
  - b. physical limitations such as lack of adequate groundwater, slow or very rapid soil permeability rates, the presence of aquifers or groundwater recharge areas, seasonal ponding, unstable slopes, or steep topography prohibit increased densities;
  - c. existing public services do not justify greater densities and there are no planned capital improvements; and
  - d. maximum build-out at the prescribed density level will be compatible with the surrounding land use character.
2. The **density of one dwelling unit per five acres** should be applied where:
  - a. existing density is less than or equal to one dwelling unit per ten acres and average parcel size is greater than or equal to five acres; and
  - b. items "b," "c," and "d" of Section 1 above are applicable.
3. The **density of one dwelling unit per ten acres** should be applied where:
  - a. existing density is less than or equal to one dwelling unit per twenty acres and average parcel size is greater than or equal to ten acres;
  - b. the possibility of the utilization of natural resources, such as sand and gravel, coal, or timber requires low densities to facilitate their extraction;
  - c. agriculture and silviculture are, or possibly could be, viable economic enterprises; d. 100-year floodplains are located; and
  - e. items "b," "c," and "d" of Section 1 above are applicable.

**South Fork Valley Subarea Location**



The **RURAL 2, 5, and 10 acre** Zoning Districts for the South Fork Valley Subarea should be located as follows:

<b>RURAL 2 ACRE (R-2A)</b>			
	<b>T-R-S</b>	<b>ACREAGE</b>	<b>DESCRIPTION OF AREA</b>
<b>1</b>	37-05-31	27 Ac.	Town of Wickersham/platted--many lots consolid./wet
	<b>TOTAL</b>	27 Ac.	

<b>RURAL 5 ACRE (R-5A)</b>			
	<b>T-R-S</b>	<b>ACREAGE</b>	<b>DESCRIPTION OF AREA</b>
<b>1</b>	38-05-17	175 Ac.	Nelson Rd./short plat/parcels--5-20 Ac./17 d.u./24 lots
	38-05-20	80 Ac.	End Nelson Rd./short plat/parcels--4-20 Ac./8 lots
<b>2</b>	38-05-02	80 Ac.	Mosquito Lake Rd./Avg parcel size--5 Ac./5 d.u./15 lots
	37-05-35	42 Ac.	Mosquito Lake Rd./Avg parcel size--5 Ac./3 d.u./8 lots
<b>3</b>	37-05-06	132 Ac.	Turkington Rd./2 short plats/parcel sizes--2-30 Ac.
	37-05-07	28 Ac.	S. Turkington Rd./Avg. parcel size--5-7 Ac./2 d.u.
<b>4</b>	37-05-07	67 Ac.	S. Acme-Galbraith Rd./parcels--6-20 Ac./
<b>5</b>	37-05-20	225 Ac.	Doren-Bowman Rd./Avg. parcel size--5-7 Ac./bench area
	<b>TOTAL</b>	829 Ac.	

<b>RURAL 10 ACRE (R-10A)</b>			
	<b>T-R-S</b>	<b>ACREAGE</b>	<b>DESCRIPTION OF AREA</b>
<b>1</b>	37-05-32	57 Ac.	Innis Creek Rd./very wet/parcels--1-14 Ac.
	37-05-29	19 Ac.	
	37-05-29	60 Ac.	Innis Creek Rd./two parcels/wet but some dry areas
<b>2</b>	37-05-20	140 Ac.	Doren Rd./Hwy 9/Avg. parcel size--10 Ac.
	37-04-29	20 Ac.	1 parcel/Hwy 9
	37-04-30	167 Ac.	Hwy 9/parcels--1-40 Ac./9 d.u./short plat
	37-05-31	121 Ac.	Hwy 9/Wickersham/wet areas/parcels--1-15 Ac.
<b>3</b>	37-05-08	19 Ac.	2 parcels/Hwy 9/adjacent AG
	37-05-17	136 Ac.	Hwy 9/Maleng Rd./parcels--1-25 Ac./5 d.u.
	37-05-20	50 Ac.	Flanks Hwy 9/parcels--5-10 Ac.
<b>4</b>	37-05-05	35 Ac.	Adjacent Mosquito Lake Rd./one parcel
<b>5</b>	37-05-06	35 Ac.	East of Turkington Rd./two parcels
<b>6</b>	37-05-03	160 Ac.	Single ownership/bisected by Mosq. Lake Rd./8 parcels/1-75 Ac.
<b>7</b>	38-05-25	100 Ac.	Mosquito Lake Rd./avg. parcel size--10 Ac.
<b>8</b>	38-05-28	80 Ac.	E. end Strand Rd./parcels--1-26 Ac./2 d.u./cem.
	38-05-29	78 Ac.	E. end Strand Rd./All 9-10 Ac. parcels/2 d.u.
	38-05-20	109 Ac.	E. end Strand Rd./parcels--18-31 Ac./some D.F.
<b>9</b>	38-04-24	120 Ac.	W. side Hillside Rd./Avg. parcel size--25 Ac.
<b>10</b>	38-05-18	285 Ac.	Hillside-Caron-Potter/parcels--1-40 Ac./11 d.u
	38-05-07	80 Ac.	Caron Rd./4 lots/Avg. parcel size--20-40 Ac.
<b>11</b>	38-05-08	193 Ac.	E. Van Zandt/short plat/parcels--4-9 Ac./wet/19 d.u
	38-05-09	94 Ac.	Schornbush Rd./3 short plats/parcels--4-9 Ac./10 d.u.
	38-05-16	35 Ac.	Linnell Rd./5 lots/4 d.u./parcels--2-20 Ac.
	38-05-17	96 Ac.	S. Potter-W. Hwy 9-E. Linnell/parcels--2-19 Ac./wet
<b>12</b>	38-05-05	44 Ac.	Hwy 9-Rutsatz Rd./short plat/9 lots/2 d.u./cemetery
	38-05-08	36 Ac.	Hwy 9/Nooksack/short plat/3 lots
	<b>TOTAL</b>	<b>2369 Ac.</b>	

## FORESTRY DESIGNATION

### Rationale

Forestry and related industries historically have been significant factors in the local economy, a role that has expanded to affect state, national and international economies. Not only is forestry economically important, forest management provides a significant renewable resource base to Whatcom County. In addition, forested areas often contain non-renewable mineral and non-mineral resources, serve as wildlife habitat, and contribute to watershed management. Population increases may create pressure to irrevocably convert forest land to other uses. It is important that Whatcom County provide for the long term productivity of forests and related resources by safeguarding prime forest areas from conversion to non-forest uses.

### Objectives

The application of the **FORESTRY** designation is intended to accomplish the following objectives:

- 1.To preserve the viability of Whatcom County's forest resources and industries;
- 2.To promote the conservation of forest lands and provide for the sustained yield management and economic vitality;
- 3.To identify areas which are suitable for the long-term productivity and sustained use of forest resources;
- 4.To discourage residential and recreational residential uses in order to minimize conflict with and encroachment by non-forest uses and to guard against conversion of forest lands to non-forest uses;
- 5.To accommodate other compatible and related uses such as non-renewable resource extraction, wildlife management, watershed management, and dispersed recreation; and
- 6.To promote uses that are conducted in accordance with applicable local, state, and federal regulations.

### Locational Criteria

The criteria to be utilized for the application of the **FORESTRY** designation include the following:

- 1.Land use and ownership patterns indicate a predominance of large parcel sizes ranging from 20 to 640 acres;
- 2.Parcels are usually owned by major timber industries, logging companies, the State of Washington, or private individuals engaged in woodlot operations for the purpose of growing and harvesting timber;
- 3.The majority of parcels are classified in Forestry Current Use tax status consistent with the provisions of Washington State law;
- 4.There is a minimal amount of public roads and other services that generally precede and augment residential development;
- 5.Certain physical constraints to residential development may also exist, such as slopes in excess of 15%, soils that are not suitable for septic systems or conventional building foundations, unstable geologic units, 100 year floodplains, or important wildlife habitats; and
- 6.Non-renewable natural resources such as minerals, coal, sand and gravel, or soils that are useful for forest management may also be present.

### Implementing Zoning District

**RURAL FORESTRY (RF) Zoning District:** The **FORESTRY** Comprehensive Plan Designation should be implemented by application of the **RURAL FORESTRY** Zoning District in areas that meet the criteria set forth in the 3.03.1 of the Policy section.

**RURAL FORESTRY (RF) Zoning District Density:** The residential density for **RURAL FORESTRY** should allow one dwelling unit per twenty acres. This density is based upon existing rural level of services and utilities including fire and police protection, public and private road access, and energy service.

**COMMERCIAL FORESTRY (CF) Zoning District:** The **FORESTRY** Comprehensive Plan Designation should be implemented by application of the **COMMERCIAL FORESTRY** Zoning District in areas that meet the criteria set forth in the 3.03.2 of the Policy section.

**COMMERCIAL FORESTRY (CF) Zoning District Density:** No residential development is allowed in the **COMMERCIAL FORESTRY** Zoning District.

## AGRICULTURE DESIGNATION

### Rationale

The **AGRICULTURE** land use designation identifies areas suitable for the practice of commercial agriculture. Commercial agriculture is a significant industry in Whatcom County and has the potential to become increasingly significant as indicated by trends related to local farm incomes. Related industries add additional dollars to the local and regional economy as a direct result of agricultural production.

As significant as agriculture is in the local economy, agricultural lands are often considered for other purposes, namely urban or rural uses. Urban and rural encroachment can raise assessed valuation, resulting in higher property taxes for the agricultural operator. In addition, encroachment of residences not associated with agriculture can create conflicts with customary agricultural operations. Premature conversion to urban or rural uses occasionally forces the operator to cease agricultural uses. This situation is especially pronounced in the fringe areas of communities where residential growth pressures are most evident. The rapid rate of farmland conversion is being recognized by federal, state and local governments. Increasingly, communities are taking steps to inventory existing farmland and agriculturally productive soils, to determine alternative locations for residential uses, and to devise techniques for preserving farmland with the assistance and cooperation of the agricultural operator.

The comprehensive plan established the **AGRICULTURE** designation to promote agriculture by identifying and retaining land suitable for commercial agricultural pursuits.

### Objectives

The application of the **AGRICULTURE** designation is intended to accomplish the following objectives:

- 1.To maintain and encourage the conservation of agricultural lands in Whatcom County;
- 2.To promote the continuation of viable economic livelihoods for the agricultural operator, agricultural producer and related agricultural services;
- 3.To provide clear direction for nonagricultural uses to locate in other urban or rural designations; thereby minimizing potential conflicts between agricultural operators and uses that are not directly involved in agriculture;
- 4.To maintain open space;
- 5.To conserve natural resources and natural systems;
- 6.To minimize energy and expense through the prioritization of agricultural operations at fertile locations;
- 7.To sustain existing county agricultural products;
- 8.To encourage the development of additional agricultural products; and
- 9.To encourage the stewardship approach to land management.

### **Locational Criteria**

Areas that are suitable for application of the **AGRICULTURE** designation conform to the following criteria:

- 1.The majority of area contains Prime Farmland Soils as determined by the Soil Conservation Service;
- 2.The area may contain 100-year floodplains as delineated by the Soil Conservation Service and the U.S. Army Corps of Engineers;
- 3.Existing land uses are primarily full-time agriculture intermixed with part-time agriculture and woodlots; and minimal commitment to non farm uses has been made;
- 4.The area is composed of agricultural operations that have historically been and continue to be economically viable;
- 5.Parcel sizes are generally greater than forty acres;
- 6.Urban utility services including public sewer and water are not planned;
- 7.Special purpose districts that are oriented to enhancing agricultural operations exist, including drainage improvement and flood control;
- 8.Areas have a pattern of landowner capital investment in agricultural operation improvements including irrigation, drainage, manure storage, barn refurbishing, enhanced livestock feeding techniques, livestock upgrading, agricultural worker housing, etc.; and
- 9.Areas contain a predominance of parcels that have current use tax assessment derived from the Open Space Taxation Act. RCW 84.34.

### **Implementing Zoning District**

**AGRICULTURE (AG) Zoning District:** The **AGRICULTURE** Comprehensive Plan Designation should be implemented by **AGRICULTURE** Zoning District.

**AGRICULTURE (AG) Zoning District Density:** The residential density for **AGRICULTURE** allows a density of one dwelling unit per forty acres.

## **COMMERCIAL DESIGNATION**

### **Rationale**

The goal of the **COMMERCIAL** plan designation is to provide a broad range of goods and services to people living within Whatcom County, as well as other regions. The designation intends to maximize safe and efficient on and off-site transportation systems, delineate areas that are conducive to overall site planning, acknowledge existing patterns of general commercial land use forms, and promote compatibility with surrounding non-commercial uses. The Planned Unit Development (PUD) provision is an option that may be used in the development of designated commercial areas. Additional policies on PUD's are located the section addressing Land Development Options, Guidelines and Requirements. Zoning regulations are located in the Whatcom County Official Zoning Ordinance, Title 20.

### **Objectives**

The application of the **COMMERCIAL** designation is intended to accomplish the following objectives:

- 1.To provide a broad range of retail goods and services that will benefit a large trade area;
- 2.To facilitate safe and efficient circulation systems;
- 3.To provide methods to attain compatibility with surrounding non-commercial uses; and
- 4.To promote site design that will efficiently use available commercial land.

**Locational Criteria**

Areas that are suitable for application of the **COMMERCIAL** plan designation conform to the following criteria:

1. Parcels are served by principal or minor arterials, or major collectors;
2. Parcels will be provided with urban services including public sewer and water, stormwater drainage, sheriff and fire protection; except that existing concentrations of general commercial uses may be recognized based on adequate levels of waste water disposal, water, and fire flow;
3. The designation contains a minimum of ten (10) acres configured in a concentrated and consolidated arrangement;
4. The designation is located on property where ownership patterns and land parcelization are conducive to feasible land packaging for future development; and
5. The designation is located where a public need for general commercial shopping exists.

**Implementing Zoning District:**

**GENERAL COMMERCIAL (GC) Zoning District:** Whatcom County should implement the **COMMERCIAL** land use designation with the **GENERAL COMMERCIAL** zone district.

**GENERAL COMMERCIAL (GC) Zoning District Density:** no requirements.

**South Fork Valley Subarea Location:**

The **GENERAL COMMERCIAL** District for the South Fork Valley Subarea should be located:

<b>GENERAL COMMERCIAL ZONE (GC)</b>			
	<b>T-R-S</b>	<b>ACREAGE</b>	<b>DESCRIPTION OF AREA</b>
<b>1</b>	38-05-17	1.5 Ac.	Everybody's Store/2 adjacent lots/Van Zandt
<b>2</b>	37-05-07	5 Ac.	Groc. Store/church/etc./single family/Hwy 9/Acme
	37-05-08	7 Ac.	Fire Station/Post Office etc./single family/Hwy 9/Acme
	<b>TOTAL</b>	<b>13.5 Ac.</b>	

See Figure 4 for detailed location and configuration.

# SOUTH FORK VALLEY SUBAREA

## COMPREHENSIVE LAND USE PLAN

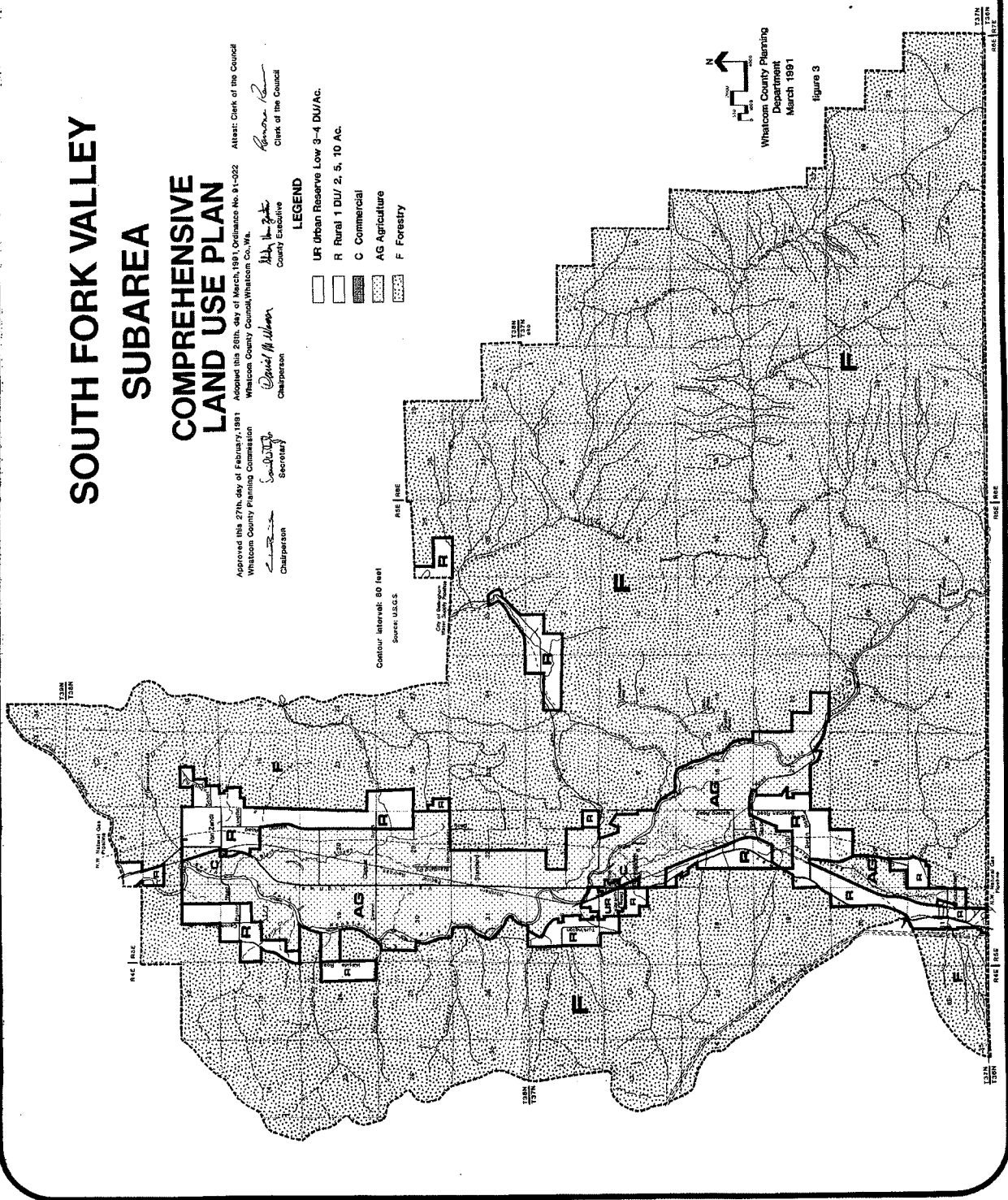
Approved this 27th day of February, 1991  
Whitson County Planning Commission  
Chairperson

Approved this 26th day of March, 1991 Ordinance No. 9-1-022  
Whitson County Council, Whitson Co., W.Va.  
County Executive

Attest: Clerk of the Council  
Clerk of the Council

### LEGEND

- UR Urban Reserve Low 3-4 DU/Ac.
- R Rural 1 DU/ 2, 5, 10 Ac.
- C Commercial
- AG Agriculture
- F Forestry



# SOUTH FORK VALLEY SUBAREA

## ZONING DISTRICTS

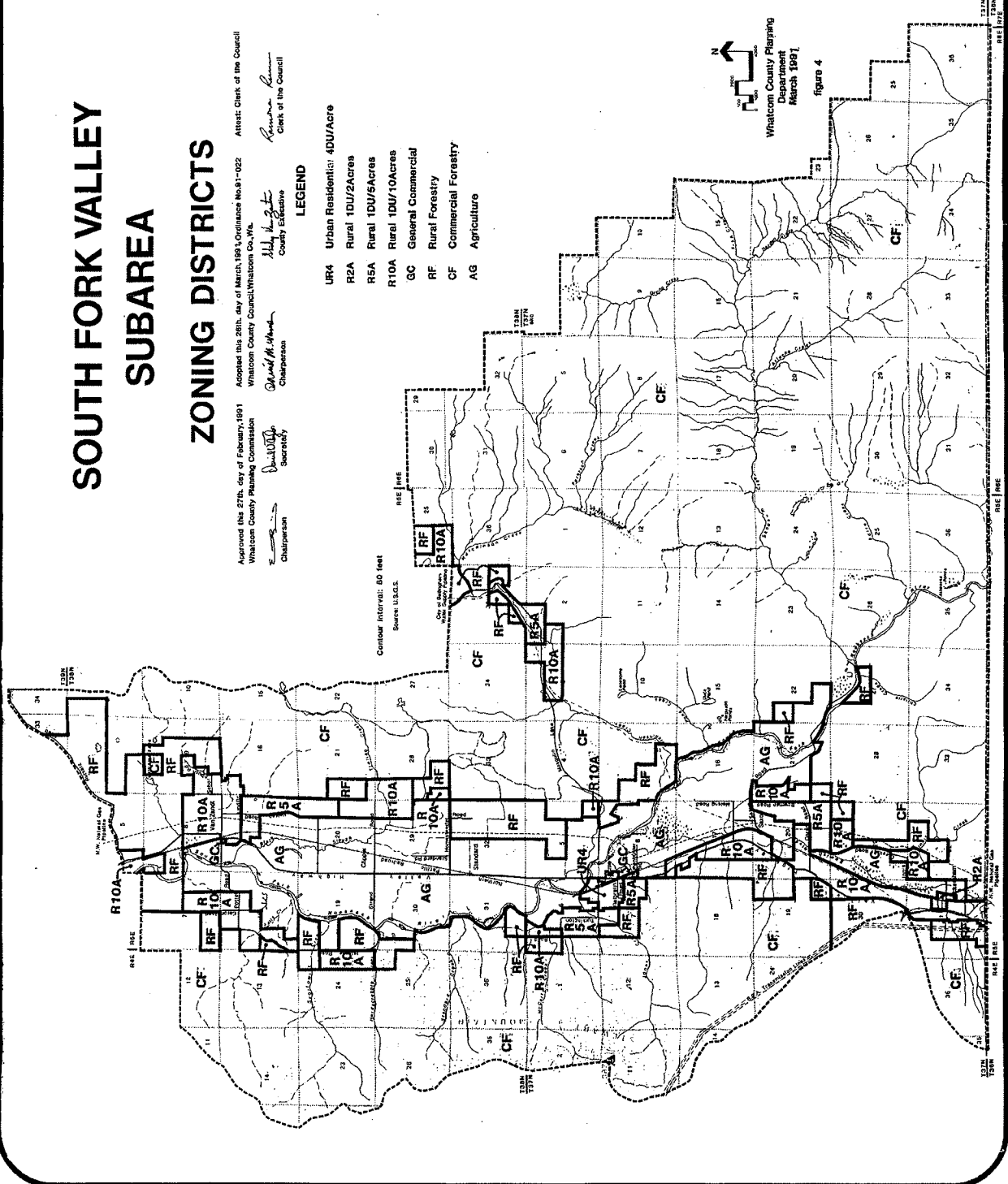
Approved the 27th day of February, 1991  
Whitcomb County Planning Commission  
Chairperson

Approved the 28th day of March, 1991, Ordinance No. 91-022  
Whitcomb County Council/Whitcomb Co., VA.  
County Executive

Attest: Clerk of the Council  
Clerk of the Council

### LEGEND

- UR4 Urban Residential: 40U/Acre
- R2A Rural 10U/2Acres
- R5A Rural 10U/6Acres
- R10A Rural 10U/10Acres
- GC General Commercial
- RF Rural Forestry
- CF Commercial Forestry
- AG Agriculture





## LAND USE POLICY

Land use policies specify the course of action that Whatcom County should follow in meeting the Whatcom County Goal Statements listed in Section II. Policies provide direction for the most economic, environmentally sensitive and appropriate land uses for the planning period in the South Fork Valley Subarea.

### 1. URBAN RESERVE POLICY

1.01 It is the policy of Whatcom County to promote an orderly transition from rural land uses and densities to urban uses and densities by designating a portion of the unincorporated area of Acme in the South Fork Valley Subarea as **URBAN RESERVE**.

1.01.1 The predominant land use pattern within the **URBAN RESERVE** area should be residential and related forms, including neighborhood commercial, neighborhood parks and other public uses. The **URBAN RESERVE** policy discourages the establishment of interim uses and subdivision patterns that can foreclose significant alternatives pertaining to future urban densities and the efficient provision of services. Therefore, this policy maintains the low density character of the area while permitting compatible residential, recreational, commercial, forestry, and agricultural land uses until an urban level of water, sewer, and stormwater facilities are available.

1.01.2 To implement this policy, the **URBAN RESIDENTIAL** zone district density of four dwelling units per acre should not be effective until such time that a full range of urban services is provided as specified in Section 1.04 below. In areas where such services do not yet exist, the applicable density should be one dwelling unit per five acres of land.

1.02 The areas designated as **URBAN RESERVE** should be indicated as such on the Comprehensive Land Use Plan Map.

1.03 Whatcom County should implement the **URBAN RESERVE** land use designation by application of the **URBAN RESIDENTIAL** zone district. The density in the Acme area is four dwelling units per acre and is applied based upon the **URBAN RESERVE** locational criteria.

1.04 It is the policy of Whatcom County to encourage efficient land use patterns and cooperation among municipalities, special districts, associations, and other governmental agencies in the provision of a full range of urban services in the **URBAN RESERVE** areas.

1.04.1 In the Acme **URBAN RESERVE** area, public sewer and water should be provided by Water District #18. Until such time that public sewer and water are provided, these areas should have a density of one dwelling unit per five acres.

1.04.2 In the Acme **URBAN RESERVE** area stormwater drainage facilities should be subject to the regional stormwater management plan when adopted. When adopted by the County, on-site stormwater collection and retention should be required during development in accordance with the Whatcom County Engineering Development Standards and the Regional Stormwater Management Plan.

1.04.3 Where urbanization occurs on the periphery of large parcels, urban residential subdivisions and other urban uses should be designed to buffer less intensively utilized parcels with adequate

landscaping, screening or fencing to prevent encroachment by vehicles, pedestrians, animals, and nuisances.

- 1.04.4 Where practical, subdivisions and other urban uses adjoining other zone districts should be designed so that vehicular and pedestrian networks are channelled to the internal area of the site and intersections with county roads are as few as possible.
- 1.04.5 Cluster subdivisions and Planned Unit Developments are permitted in **URBAN RESERVE** areas and are encouraged for developments on large parcels. These alternative methods of land subdivision are described more fully in the section titled "Land Development Options and Guidelines."

## 2. RURAL POLICY

- 2.01 It is the policy of Whatcom County to provide for very low density residential areas where multiple uses are suitable, or where community facility or resource constraints preclude higher densities, by designating certain portions of the South Fork Valley Subarea as **RURAL**.
- 2.01.1 Within the areas designated as **RURAL**, typical uses include low density residential, pasture, agriculture, woodlots, home occupations, and cottage industries.
- 2.01.2 To implement this policy, residential densities of one dwelling unit per two acres, one dwelling unit per five acres and one dwelling unit per ten acres are provided.
- 2.02 The areas designated as **RURAL** should be indicated as such on the Comprehensive Land Use Plan Map.
- 2.03 Whatcom County should implement the **RURAL** land use designation with the **RURAL** zone district. The residential densities are one dwelling unit per ten acres, one dwelling unit per five acres, and one dwelling per two acres, applied according to the Locational Criteria.
- 2.04 It is the policy of Whatcom County to encourage effective land use patterns and adequate provision of services for **RURAL** densities.
- 2.04.1 **RURAL** areas should be served by private water systems, water associations, and septic drainfields. Where water is obtained from off-site sources, written agreement must be made with all affected property owners and presented as part of subdivision or building permit review.
- 2.04.2 Several methods of creating residential lots and mixed use developments are established including conventional subdivision, cluster subdivision, and planned unit development. Additional policies are contained in the section addressing land development options, guidelines and requirements. Regulations concerning densities, parcel sizes and uses are contained in the **RURAL** zone text and the Planned Unit Development section of the Title 20 Zoning Ordinance.
- 2.04.3 Subdivisions should be designed so as to minimize intersections along existing county roads and to discourage lineal residential patterns adjacent to county roads.
- 2.04.4 New residential development adjacent to areas designated **FORESTRY** should require a covenant or deed restriction agreeing to refrain from any legal action against reasonable and lawful forest practices.

2.04.5 It is the policy of Whatcom County to encourage property owners to conserve forested areas by utilizing the provisions of RCW 84.34.

### 3. FORESTRY POLICY

3.01 It is the policy of Whatcom County to conserve forest lands suitable for long term productivity and sustained use of forest resources by designating certain portions of the South Fork Valley Subarea as **FORESTRY**.

3.01.1 To acknowledge existing forest lands and associated nonrenewable resources, portions of the South Fork Valley Subarea are designated **FORESTRY**. The principal use of such designated areas is the sustained yield management of forest resources, conducted in accordance with the Washington State Forest Practice Act (RCW 76.09) and the attendant regulations of WAC 222, which are administered by the Department of Natural Resources. Such uses include timber production, harvesting and reforestation; forest chemical use; logging road construction and maintenance; and fire prevention and suppression. Other compatible uses include watershed and wildlife habitat management, woodlot operations, certain forest industries, utilities, mineral extraction, and occasional outdoor recreation.

3.01.2 It is the policy of Whatcom County to establish twenty (20) acres as the minimum parcel size for sustained yield forest management and to safeguard forest lands from potential impacts generated by secondary uses.

3.02 The areas designated as **FORESTRY** should be indicated as such on the Comprehensive Land Use Plan Map.

3.03 Whatcom County should implement the **FORESTRY** land use designation by application of the **RURAL FORESTRY** zoning district and the **COMMERCIAL FORESTRY** zoning district in accordance with the following criteria:

#### 3.03.1 **RURAL FORESTRY**

- a. **Parcel Size:** The average parcel size should be 20 acres or more.
- b. **Tax Status:** The property is in a tax deferred status such as in Open Space-Timber, Open Space-Open Space, Current Use Assessment. Under some circumstances the property may not be in a tax deferred status.
- c. **Ownership Status:** Private non-industrial ownership predominates.
- d. **Access:** The property is located close to public roads and utilities, or is served by private roads built to Whatcom County Standards.
- e. **Infrastructure:** The parcel is within a public service district (water and/or sewer, Fire District).
- f. **Environmental Constraints:** Soils on the property are suitable for on-site septic disposal and conventional building. Potable domestic water is available. The property is not located in areas designated "Critical Areas" or "environmentally sensitive areas".
- g. **Land Use:** The predominate land use on the parcel is forestry with some low density residential development. There is some likelihood that the property may convert to non-

forestry use at some future date in conformance with Whatcom County's Comprehensive Plan.

### 3.03.2 COMMERCIAL FORESTRY

- a. **Parcel Size:** The minimum parcel size in this zone is 40 acres.
- b. **Tax Status:** The property is in a tax deferred status of Classified or Designated Timber Land.
- c. **Ownership Status:** Corporate or State Forest Land ownership predominates.
- d. **Access:** The parcel is accessed by private or state forest access roads.
- e. **Infrastructure:** The parcel is not located within a public service district (water and/or sewer, Fire District).
- f. **Environmental Constraints:** The property is located in areas generally not suitable for normal residential development.
- g. **Land Use:** The land is being managed for the long term production of forest products. This includes all activities associated with the management of commercial timber land.
- h. **Soil Capability:** Soils should be capable of supporting commercially viable timber products as identified by the State Soil Survey, Department of Natural Resources (Forest Land Grades 1-7).

3.04 The following policies establish appropriate service levels for designated **FORESTRY** areas.

3.04.1 Forest management areas generally should be served by private logging roads; fire suppression should be provided by individual property owners and the Department of Natural Resources; and law enforcement should be provided by the Sheriff Department and the Department of Natural Resources.

3.04.2 Residential or other structural uses in designated **FORESTRY** areas should have individual on-site wells, springs, or streams as sources of potable water; volunteer fire protection or individual structural fire suppression systems consistent with County Fire Marshall requirements; and law enforcement provided by the County Sheriff Department.

3.04.3 When residential or other structural uses are intended to be supplied with potable water from off-site sources, written permission should be obtained from the affected property owner, prior to subdivision approval or building permit issuance, as applicable.

3.05 It is the policy of Whatcom County to encourage harmony between forestry and non-forestry land uses by the following policies:

3.05.1 Whatcom County should discourage community facilities in **FORESTRY** areas except dispersed and low intensity recreational opportunities, private water and septic drainfields, and private roads. Subdivision for residential purposes should require a written agreement among all affected property owners concerning any off-site water sources before subdivision or building permits occur.

3.05.2 A maximum density of one dwelling unit per twenty (20) acres should be established for those areas designated by zoning district to allow single family residential development. All residential uses should be subject to the following conditions:

- a. All residential and related structures should be situated a minimum of one-hundred (100) feet from parcel boundaries.
- b. All potential residents should be clearly informed of the principal use of **FORESTRY** areas and the intensive forest practices which may reasonably and lawfully occur in the normal course of forest management, and all new subdivisions should be subject to an agreement not to take legal action against legal and reasonable forest practices.
- c. Any parcel where more than one dwelling unit can be provided should be encouraged to use the cluster subdivision method as described in section on land development options, guidelines and requirements.
- d. All buildings should be set back out of potential flood and debris flow areas.

3.05.3 It is the policy of Whatcom County to require local public review of secondary uses in **FORESTRY** areas with the intent of determining the following:

- a. The use will not cause a permanent and irrevocable commitment of the forest resource to uses not related to forestry.
- b. The use will not prohibit or impact the intensive operation of adjoining forest practices.
- c. The use will have fire prevention and suppression plans and will not create a fire hazard for adjoining forestry operations.
- d. The use is in compliance with all applicable local, state and federal regulations.
- e. The use will not significantly impact or degrade surface and subsurface water quality and quantity characteristics.

3.05.4 It is the policy of Whatcom County to encourage cooperation between forest managers and residential users within a watershed in considering and implementing the use of non-chemical controls and other methods whereby impacts on water quality are lessened.

3.05.5 It is the policy of Whatcom County to encourage leaving along streams, a strip of vegetated land of sufficient quality and width to minimize surges in runoff rates and to preserve stream bank stability.

3.05.6 It is the policy of Whatcom County to encourage leaving along the Highway 9 corridor, a strip of vegetated land of sufficient width and character to preserve the scenic value of the highway corridor.

3.05.7 Pursuant to the provisions of RCW 79.68 (Multiple Use Concept in Management and Administration of State-owned Lands) it is the policy of Whatcom County to encourage continued multiple use management of state owned forest lands.

3.05.8 It is the policy of Whatcom County to encourage private forest and woodlot owners to conserve the county forest resource base by utilizing the current use tax assessment provisions of RCW 84.28, RCW 84.33, and RCW 84.34.

3.05.9 It is the policy of Whatcom County to encourage the Washington State Department of Natural Resources to continue County notification of all classes of forest practice applications. In

addition, the County should encourage the DNR to conduct public information programs when jointly determined to be necessary concerning forest practices that are proposed to occur within the subarea.

3.06 Whatcom County endorses the concept of cooperative resource management as developed in the Timber, Fish and Wildlife agreement, which is an agreement among industrial timber landowners, environmental groups, state resource agencies and Indian tribes for managing the states public and private timberlands and public resources.

3.07 It is the policy of the county to encourage the continuation of commercial forest management by:

3.07.1 Supporting land trades that result in consolidated forest ownerships;

3.07.2 Working with forest managers to identify and develop other incentives for continued forestry.

3.08. Whatcom County should discourage the conversion of lands designated as **FORESTRY**, to a use incompatible with the long term management of forest products and other natural resources.

#### 4. AGRICULTURE POLICY

4.01 To acknowledge existing agricultural land uses and Prime Farmland soils, and to affirm the continued applicability of the 1970 Comprehensive Plan relative to agriculture, large portions of the South Fork Valley Subarea are designated **AGRICULTURE**.

4.01.1 Predominant uses include the cultivation and management of field, shrub, vine, greenhouse, orchard and forest crops; dairying; livestock raising; animal husbandry; beekeeping; and uses that are accessory to agricultural operations including operator and farmhand residences, small-scale product marketing and home occupations.

4.01.2 Other uses should be subject to public review to assure maintenance of the agricultural resource and compatibility with agricultural operations.

4.02 The areas designated **AGRICULTURE** should be implemented with the **AGRICULTURE** zone district.

4.02.1 The floodplain associated with the South Fork of the Nooksack river should be designated **AGRICULTURE**;

4.02.2 The boundaries of designated **AGRICULTURE** areas acknowledge existing agricultural land uses, land in agricultural current use tax assessment, areas with Prime Farmland soils, 100-year floodplain, and areas with parcel sizes or land ownership patterns of generally greater than twenty acres. In addition, the boundaries are established to minimize periphery length and peninsular forms, and maximize consolidation and unification of agricultural areas.

4.02.3 Several minimum parcel sizes are provided as follows:

a. Variable minimum parcel size should be permitted, consistent with the generally acceptable size for an economically viable operation for the particular form of intended agricultural pursuit, subsequent to affirmative review by representatives from the Bureau of Buildings and Code Administration, the Planning Department, the Cooperative Extension Agency and the Soil Conservation Service.

- b. Parcels of less than five acres in size will be permitted for the residential use of retiring farm operators, public and quasi-public uses that are necessary in agricultural areas, and for purposes of securing bank loans for farm residences.
  - c. Forty acres should be the minimum size for parcels used solely for residential purposes, except as described above, with the intent of minimizing the introduction of people into agricultural areas who are not associated with agriculture. In addition, one dwelling will be permitted on each legally created parcel of record existing at the time of adoption of this document of greater than one acre in size.
- 4.03 Whatcom County should implement the **AGRICULTURE** land use designation by application of the **AGRICULTURE** zone.
- 4.04 Appropriate utilities and facilities in designated **AGRICULTURE** areas include on-site wells or water associations for the provision of potable and irrigation water, individual on-site waste water disposal systems, volunteer fire protection and law enforcement provided by the county Sheriff's Department and the Washington State Patrol.
- 4.04.1 The continued efforts of drainage improvement districts are encouraged to enable improved use of agricultural lands where this activity does not conflict with the preservation of high value wetlands.
- 4.04.2 The continued efforts of flood control and diking districts are encouraged to enhance use of the floodplain for agriculture, as well as increase protection of existing agricultural investments in land improvements and buildings when consistent with comprehensive watershed planning.
- 4.05 The following policies are intended to promote the continued economic viability of agriculture in Whatcom County and conserve associated resources.
- 4.05.1 Consolidation of adjoining parcels in the same ownership by filing a new deed is encouraged to promote easily workable farm units.
- 4.05.2 Residential subdivisions and other uses not related to agriculture are discouraged from locating in designated **AGRICULTURE** areas.
- 4.05.3 The stewardship approach to land management is encouraged to foster the long-term productivity of the agricultural land base, associated industries and agricultural life styles of Whatcom County.
- 4.05.4 The agricultural community is supported in its efforts to diversify the types of agricultural operations in the county and to continue to incorporate techniques that will enhance agricultural productivity and efficiency.
- 4.05.5 To enhance economic returns to the operator, direct marketing of products to the consumer is supported. In addition, to minimize "overhead" in the conduct of farm businesses, the formation of cooperatives is supported for warehousing, processing, and providing agricultural supplies and equipment.
- 4.05.6 To increase direct economic benefits to Whatcom County originating with agriculture, continued local processing of agricultural products is encouraged, as well as the development of additional processing facilities.

- 4.05.7 In recognition of the prevailing type of agricultural operation, Whatcom County encourages the continuation of the small farm as the basic unit of farm production. In addition, Whatcom County encourages the continued efforts of citizen groups engaged in promoting agricultural education, operations and marketing.
- 4.05.8 Locating major transportation and utility corridors that would preclude the agricultural use of land is discouraged in designated **AGRICULTURE** areas.
- 4.06 The following policies are established to address other aspects of agricultural concerns.
- 4.06.1 Agriculture in its various forms is the preferred use of areas designated **AGRICULTURE**. Although it is anticipated that adjustments to designated **AGRICULTURE** areas will not be necessary during the planning period, proposed conversions should be processed consistent with the Amendment Criteria Section of this document. In addition, Whatcom County should develop a system for addressing potential conversions that uses the principles established in the "Land Evaluation System Analysis (LESA)," formulated by the Soil Conservation Service.
- 4.06.2 Agricultural operators are encouraged to use the information and assistance that is available from the Soil Conservation Service and the Cooperative Extension Service for building siting, manure storage, recommended agricultural uses and new technologies.
- 4.06.3 Agricultural operators are encouraged to fence streams and ditches to prevent the direct introduction of livestock and livestock wastes to conserve surface water quality and reduce stream bank erosion and soil loss. In addition, to minimize any potential short and long-term impacts to groundwater supplies, agricultural operators are encouraged to use only those chemicals in conservative amounts that are necessary for crop production, applied according to state and federal guidelines, and to use chemicals having low potency and residuals of short duration.
- 4.06.4 Whatcom County supports the acquisition of conservation easements by public land trusts, consistent with the intentions of affected property owners in **AGRICULTURE** designated areas to:
- a. Preserve agricultural operations;
  - b. Conserve Prime Farmland soils;
  - c. Conserve fish and wildlife habitats;
  - d. Conserve scenic resources; or
  - e. Conserve designated Critical Resource Areas.
- 4.06.5 Conservation of agricultural operations and Prime Farmland soils is encouraged through using the current use tax assessment opportunities of the Open Space Taxation Act (RCW 84.34).
- 4.06.6 Implementation of "special districts" and water association plans, and other capital improvements, should be approved or supported only when it is found that designated **AGRICULTURE** areas will benefit.

## 5. COMMERCIAL

- 5.01 It is the policy of Whatcom County to acknowledge existing patterns of commercial uses and to provide for additional future development by designating certain areas as concentrated centers for commercial activities. In designated areas, a broad range of goods and services should be



available including sales and servicing of vehicles, mobile homes and boats, eating and drinking establishments, professional offices; service and retail establishments, commercial indoor and outdoor recreation, commercial wholesaling, and public uses that are necessary for the function of the designation.

5.02 The areas designated as **COMMERCIAL** should be indicated as such on the Comprehensive Land Use Plan Map.

5.03 Whatcom County should implement the **COMMERCIAL** land use designation with the **GENERAL COMMERCIAL** zone district.

5.04 It is the policy of Whatcom County to encourage effective land use patterns and adequate provision of services for **COMMERCIAL** areas.

5.04.1 The **COMMERCIAL** area of Acme should be served with public water and sewer by Water District #18, sheriff protection, and volunteer fire protection. Until such time that public sewer service is available, individual on-site septic disposal may be used. However, such system should be designed to facilitate eventual inclusion in a public sewer system pursuant to the sewer plans of Water District #18.

5.04.2 Stormwater facilities for all designated **COMMERCIAL** areas should be consistent with the County Stormwater Management Plan when adopted, provided that in the interim, on-site collection and retention systems may be required.

5.04.3 Maximum use of designated **COMMERCIAL** areas should be commensurate with available fire flow, public health considerations and zone district requirements.

5.04.4 Ingress and egress points to state and county roads should be minimized by consolidating on-site circulation networks and by developing shared access points to county roads.

5.04.5 On-site circulation should be designed to accommodate private vehicles, delivery vehicles, bicycles and pedestrians; and potential vehicular/bicycle/pedestrian conflicts should be avoided by making provision for bicycle and pedestrian ways between commercial uses.

5.04.6 A screened and/or landscaped buffer should be established along the periphery of the **COMMERCIAL** district to minimize noise, glare, visual, and other intrusions into adjoining residential and rural areas.

## COMMUNITY FACILITIES AND UTILITIES POLICIES

The implementation of land use designations is closely interwoven with the provision of community facilities such as utilities, roads, recreational areas, and emergency services. Land use designations also are affected by and effect the environmental and economic resources of an area. Policies were developed to address or resolve particular issues dealing with these interrelationships. The basic aim of these policies are the maintenance of attractiveness for residential population growth and economic development. The community utilities and services that are necessary in this subarea to maintain and enhance its resources, particularly sewage disposal, require upgrading prior to additional intensive development. Related issues are addressed in the sections on Transportation and Parks and Recreation that follow. The format of the these policy statements are:

- .01Purpose
- .02Coordination
- .03Standards
- .04Implementation

### 1. COMMUNITY UTILITIES AND SERVICES

1.01Purpose: It is the purpose of Whatcom County to ensure a beneficial balance between the demand for and supply of community utilities and services and to ensure that jurisdictional responsibility and service levels are consistent and predictable for the planned land uses. Community facilities and services typically include sewer and water systems, transportation networks, school and park systems, stormwater drainage systems, and fire/police protective services.

1.02Coordination: It is the policy of Whatcom County to encourage cooperation among municipalities, special districts, water associations, and other appropriate groups in the planning and provision of public services.

1.02.1Whatcom County should cooperate and coordinate with Whatcom County Water Districts #18; Whatcom County Fire Protection Districts #16; Mount Baker School District, and the State of Washington in planning subarea service systems, particularly for areas designated as **URBAN RESERVE** and **COMMERCIAL**.

1.02.2Whatcom County should recognize Puget Sound Power and Light Co. as the primary energy purveyor in the subarea; however, the use of alternative energy systems such as active and passive solar heating and water heating, small scale hydroelectric power, and wind power plants for residential, commercial, quasi-public, and public land uses should be encouraged through the favorable consideration of necessary site design variances whenever appropriate.

1.02.3Whatcom County should ensure that the necessary staff and equipment are available in the Whatcom County Sheriff's Department to provide adequate protective services for the South Fork Valley Subarea population.

1.03Standards: It is the policy of Whatcom County to use availability and level of service standards for community facilities and utilities to maintain and enhance its natural and economic resources, land use patterns, and the safety and well-being of citizens.

1.03.1 Whatcom County should encourage the placement and extension of sewer and water lines in areas contiguous to existing development so as to discourage the occurrence of "leap frog" development.

1.03.2 Whatcom County should discourage development in areas that are inaccessible to ambulances, sheriff's vehicles and fire fighting equipment until private roads are developed that meet emergency vehicle access requirements. Development in areas inaccessible to fire district equipment should be discouraged unless adequate on-site water and fire suppression systems are available for fire fighting.

1.04 **Implementation**: It is the policy of Whatcom County to use the following criteria for the implementation of adequate economically feasible services in designated land use areas.

1.04.1 **URBAN RESERVE**: Land areas designated **URBAN RESERVE** are intended for urban type densities and should be provided with a full range of urban services including publicly provided sewer and water, fire and sheriff protection, transportation and stormwater drainage systems. On-site stormwater detention is required during development and in accordance with the regional stormwater management plan when adopted. Upon completion of the stormwater management plan, facilities and land area currently used for retention may be converted to permitted uses and densities. Whatcom County recognizes specific service purveyors for the delivery of urban services in the **URBAN RESERVE** areas as follows:

a. **Sewer and Water**: Water District #18

b. **Law Enforcement**: Whatcom County Sheriff's Department

c. **Fire Protection**: Whatcom County Fire Protection District #16

d. **Transportation**: Whatcom County and Washington Department of Transportation

e. **Recreation**: Whatcom County Parks Department

f. **Stormwater Management**: Whatcom County

1.04.2 **RURAL**: Services should include on-site domestic waste water disposal systems and individual well or water associations; volunteer fire protection from a Whatcom County Fire Protection District and the Department of Natural Resources; law enforcement from the Whatcom County Sheriff's Department; transportation provided by Washington Department of Transportation; local access roads maintained by Whatcom County; private roads; and recreation provided by the Whatcom County Parks Department. The area designated **RURAL** immediately south of Galbraith road and west of Highway 9 should function as a reserve district for the existing **URBAN RESERVE** district to the north. When it can be demonstrated that the **URBAN RESERVE** district is reaching its buildout potential with sewer and water services available, this **RURAL** district should be subject to change to **URBAN RESERVE**.

1.04.3 **FORESTRY**: Services should include on-site domestic waste water disposal systems and individual well or water associations; volunteer fire protection from a Whatcom County Fire Protection District and the Department of Natural Resources; law enforcement from the Whatcom County Sheriff's Department; transportation provided by Washington Department of Transportation; local access roads maintained by Whatcom County; and recreation provided by the Whatcom County Parks Department.

- 1.04.4 **AGRICULTURE:** Services should include on-site domestic waste water disposal systems and individual well or water associations; volunteer fire protection from Whatcom County Fire Protection District #16 and the Department of Natural Resources; law enforcement from the Whatcom County Sheriff's Department; transportation provided by Washington Department of Transportation; local access roads maintained by Whatcom County.
- 1.04.5 **COMMERCIAL:** Services should include water association water where available; on-site wells and waste water systems; storm drainage consistent with the regional stormwater management plan when adopted; volunteer fire protection from Whatcom County Fire Protection District #16; law enforcement from the Whatcom County Sheriff's Department; transportation provided by Washington Department of Transportation; and local access roads maintained by Whatcom County. The Commercial area in the town of Acme should utilize both the sewer and water system of Water District #18 when they become available.
- 1.04.6 All sewer and water service should be provided in accordance with Whatcom County Health Department standards.
- 1.04.7 All stormwater drainage facilities should be provided in accordance with the regional stormwater management plan when adopted and the **Whatcom County Development Standards**.
- 1.04.8 All transportation service should be provided in accordance with the policies in the following transportation section, as well as all applicable state and federal standards, and the **Whatcom County Development Standards**.
- 1.04.9 All recreational services should be provided in accordance with the standards of the Whatcom County Parks Department.

## **2. TRANSPORTATION SYSTEM**

- 2.01 **Purpose:** It is the policy of Whatcom County to ensure that land use patterns and transportation planning mutually support the safe and efficient movement of people and goods; are consistent in encouraging a predictable pattern of urban and rural development; and together conserve and enhance existing public investments and resources.
- 2.01.1 Whatcom County should use the development approval process of subdivision, zoning, and building permits to establish community circulation patterns including vehicular, pedestrian, and bicycle ways; and to secure rights-of-way and construction of all classifications of roads, pedestrian trails, and bicycle paths.
- 2.01.2 Whatcom County should use the development approval process to ensure that all residential development includes safe vehicular access for citizens and emergency vehicles.
- 2.01.3 Whatcom County recognizes the significant investments made in the existing transportation system and should reflect the following resources in any land use classification or zoning amendments:
- a. Highway 9 as a scenic highway and the principal access route to the timber and agricultural resources of the subarea.
- 2.02 **Coordination:** It is the policy of Whatcom County to cooperate with federal, state, and municipal agencies in providing for a coordinated transportation system.

2.02.1 Whatcom County does not support the development of a major arterial freeway system to replace the present highway system in the South Fork Valley Subarea.

2.02.2 Whatcom County should promote and encourage the provision of public transit as demand increases in the South Fork Valley Subarea by incorporation when changes in the circulation system are made through the Transportation Improvement Program. For their information and review, the public transit authority should be sent copies of all major subdivisions and all PUD proposals regarding the provision of public transportation.

2.03 **Standards:** It is the policy of Whatcom County to maintain and enhance its natural and economic resources, land use patterns, and the safety and well-being of its citizens through the application of the following standards to its transportation system.

2.03.1 Whatcom County should approve new road construction projects or improvements to existing roads consistent with the regional stormwater management plan when adopted. Should the private or public sector begin such projects before a plan is effective, the County should implement appropriate measures to assure total containment of excess stormwater runoff for each development proposal. Upon completion of the stormwater management plan, land area currently used for retention may be converted to permitted uses and densities consistent with the applicable zone district.

2.03.2 Whatcom County should make every effort to preserve mature trees and unique wildlife habitats and other elements of the natural environment during the design and construction of road improvement projects. Where disruption of the natural environment is unavoidable, special techniques such as rounded slopes, erosion control, reseeding and revegetation should be employed to return roadsides to their natural state.

2.03.3 Bikeways and/or pedestrian walkways should be included as an integral part of the transportation system. Whenever practical, bikeways proposed in new developments should connect with the planned bikeways in the **Whatcom County Trails Plan** or in the Parks and Recreation Plan in this document.

2.03.4 Whatcom County should pursue with the Department of Transportation, measures to improve Highway 9 to insure adequate shoulders on each side of the highway and further, request that the highway be widened, pitched, straightened and surfaced where appropriate to increase highway safety for both the community and users.

2.03.5 Whatcom County recognizes the economic importance of preserving the scenic qualities of the Highway 9 corridor and encourages the use of setbacks, visual screening, and landscaping for all development along the highway.

2.03.6 Whatcom County should encourage development design that minimizes the amount of impervious surfaces including streets, driveways, sidewalks, etc., whenever possible. In addition, Whatcom County encourages the use of "natural" engineering design methods such as the use of open, shallow, grassed swales instead of curbs and gutters in lower density residential developments.

2.04 **Implementation:** It is the policy of Whatcom County to implement a safe and efficient transportation system as indicated in the following text policies and transportation plan map. When necessary, the Roadway Classification Map should be amended.

- 2.04.1 Whatcom County should identify the need for and approximate location of new, principle and minor arterial routes in the South Fork Valley Subarea, if necessary, and should program the construction of these routes in the Whatcom County Capital Improvement Program.
- 2.04.2 Whatcom County should encourage the construction of new roads contiguous to existing development. Such phased road construction is intended to discourage the occurrence of "leap frog" development.
- 2.04.3 Whatcom County should encourage the use of shared access roads from commercial and residential developments to limit intersections with arterials.
- 2.04.4 Whatcom County intends to enforce standards for clear vision at intersections in accordance with the **Whatcom County Development Standards** and Title 20.
- 2.04.5 Through the development approval process, Whatcom County should identify the short and long range traffic impacts to subarea roads. This should be done by comparing the estimated number of vehicle trips generated by a project with the planned level of service for each road segment impacted by the project including intersections according to the Whatcom County Engineering Division design standards and specifications. If it is determined that a proposed development will impact traffic resulting in service level below that planned for all affected road classifications, Whatcom County should require mitigation by the developer in order to make the necessary improvements that will maintain the pre-planned level of service or to make an equivalent cash contribution to the Whatcom County Road Fund.
- 2.04.6 Whatcom County should pursue with the state the redesignation of Highway 9 to a "Scenic and Recreation Highway" status provided by the Scenic and Recreation Highway Acts of 1967 and 1969.

### 3. **PARKS AND RECREATION**

- 3.01 **Purpose:** It is the policy of Whatcom County to ensure that land use patterns and parks and recreation planning mutually support each other; are consistent with the adequate provision of recreational opportunities for residents; encourage tourism; and together conserve and enhance existing public investments and resources.
- 3.01.1 Whatcom County should use the development approval process of subdivision, zoning, and open space applications to establish community recreational paths, and in conformance to this plan, should obtain easements for public use or ownership of land for parks and recreational opportunities.
- 3.01.2 Whatcom County should use the development approval process to ensure that all development makes provision for recreational opportunities for residents.
- 3.02 **Cooperation:** It is the policy of Whatcom County to cooperate with federal, state, and municipal agencies in providing for a coordinated parks and recreation system.
- 3.02.1 Whatcom County should promote and encourage the provision of public parks as demand increases in the South Fork Valley Subarea, where warranted by potential population levels and where fragile environmental features and habitats are not threatened by such development. This should be done by coordinating with the Whatcom County Parks improvement program. For information and review, the County Parks Department should be sent copies of all major subdivisions and all PUD proposals regarding provision of public recreation opportunities.

**3.03Standards:** It is the policy of Whatcom County to maintain and enhance its natural and economic resources, and the safety and well-being of its citizens through the application of the following standards to its parks and recreation system.

3.03.1Whatcom County should approve new park construction projects or improvements to existing parks consistent with the subarea park plans.

3.03.2Bikeways and pedestrian walkways should be included as integral parts of the park and recreation system, and should be implemented through public and private road construction or improvement programs. Bikeways and pedestrian ways should be provided in new developments to link residential areas, shopping areas, recreational areas, and educational facilities. Whenever practical, bikeways proposed in new developments should connect with the planned bikeways adopted herein.

3.03.3Whatcom County should encourage the use of noise buffers and visual screens between future residential areas and high use recreational areas, and should ensure adequate access to high use areas that avoid impacts on residential areas.

3.03.4Whatcom County should encourage the use of surfacing options such as porous asphalt pavement, precast interlocking blocks, and rolled brick or cinder chips that reduce total surface runoff, slow concentration and capture particulates in all park and recreation areas.

3.03.5Park and Recreation development should not negatively impact fish habitat in the South Fork Valley nor diminish or threaten geographic areas designated "critical areas" by the County.

3.03.6Whatcom County should discourage the uncoordinated and unsupervised use of the South Fork of the Nooksack as a "floating river".

**3.04Implementation:** It is the policy of Whatcom County to implement an adequate and economically beneficial parks and recreation system as designated on the 1989 **Comprehensive Park and Recreation Open Space Plan** and by amending it as necessary.

3.04.1Through the land development approval process, Whatcom County should improve public access to shorelines using such mechanisms as transfer of development rights, density bonuses, and open space property tax status.

3.04.2Through the development approval process, Whatcom County should identify the short and long range recreational impacts to subarea parks by computing the estimated number of dwelling units generated by a project and comparing those computations against the park and recreational facility use standards and design standards. Whatcom County should request the developer to mitigate impacts of additional population.

3.04.3Whatcom County will pursue Park and Recreation development that minimizes impacts fish habitat in the South Fork Valley and does not diminish or threaten geographic areas designated "critical areas" by the County.

3.04.4At a future date, Whatcom County should consider conditionally allowing the development and use of a low impact camping and recreational vehicle facility located immediately north of the Acme Bridge and west of Highway 9 along the Nooksack River and within walking distance of Acme.

a. Development of such a facility will be subject to a contract rezone which will require at the minimum the following conditions:

1. The Proposal will generally conform to the policies of the South Fork Valley Subarea Comprehensive Plan and the Whatcom County Comprehensive Park and Recreation Open Space Plan;
2. The proposal will conform to the provisions of the Shoreline Management Act as amended in 1991 and the State Environmental Protection Act;
3. The proposal will be limited to low impact recreational use with no utility hook-ups or permanent fixtures or structures;
4. Commercial use of the facility will be limited to the months of May through September; and
5. Public access will be provided.

3.04.5 Whatcom County should identify the need for and the approximate location of new principal sites and connecting recreational paths in the South Fork Valley Subarea, and should program the construction of these sites and routes in the Whatcom County Parks Capital Improvement Program and Transportation Improvement Program.

3.04.6 Whatcom County should recognize the unique and fragile recreational and wildlife value of:

- A. The South Fork of the Nooksack upstream from Skookum Creek.
- B. The Nessel Farm
- C. Hardscrabble and Sygitowicz Falls
- D. Dye's Canyon



## ECONOMIC DEVELOPMENT POLICY

It is essential for planning the physical development of Whatcom County to consider the nature and extent of its present and probable future economic activities . These activities determine in large measure the size and income of the population, and thus the character and amount of development which will occur and which should be considered in the comprehensive plan. The activity which takes place in this subarea is part of a larger pattern of economic activities which can be properly understood only at regional, national or even international levels and must be considered with this in mind during the planning process.

### 5. ECONOMIC DEVELOPMENT

5.01Purpose: It is the policy of Whatcom County to promote economic development in the South Fork Valley Subarea by;

5.01.1Providing for new economic development relating to the natural resources; aquaculture, fisheries, recreation, tourism, and agricultural processing and promotion.

5.01.2Recognizing forestry, agriculture and fisheries as the most significant potential generators of jobs, profits, and taxes in the subarea.

5.01.3Recognizing cottage industries as a fourth category whose economic potential can be developed.

5.01.4Recognizing and protecting the natural resources of the area, including fish, timber, minerals, scenic beauty, and recreational opportunities.

5.02Coordination: It is the policy of Whatcom County to encourage cooperation among state agencies, municipalities, economic development groups, and private landowners to enhance its economic potential.

5.02.1Whatcom County should promote cooperation with Water District #18 to coordinate land use and capital programming decisions in order to preserve natural economic resources and maximize economic development potential.

5.02.2Whatcom County should encourage private forest and woodlot property owners to conserve the county forest resource base by utilizing the current use tax assessment provisions of RCW 84.28, RCW 84.33, and RCW 84.34.

5.02.3Whatcom County should encourage private agricultural operators to conserve the county prime farmland soils resource by utilizing the current use tax assessment provisions of RCW 84.28, RCW 84.33, and RCW 84.34, and by working with agricultural organizations to implement best management practices.

5.03Standards: It is the policy of Whatcom County to use the following standards to enhance and maintain its economic potential.

5.03.1Existing uses that are not allowed in a zone district specified when the South Fork Valley Subarea Comprehensive Plan is adopted should be recognized for their economic investment and allowed to continue and expand as legal nonconforming uses.

5.03.2 Present land use codes and future comprehensive plan and zoning amendments should be examined for their enhancement of the economy of the subarea and region and be implemented so as to:

- a. foster and promote the general welfare in the long run as well as the immediate future;
- b. create and maintain a balanced and diversified economy sustained by a healthy environment;
- c. strengthen and stabilize the tax base; and
- d. fulfill the social, economic, and other requirements of present and future generations of Whatcom County citizens.

5.03.3 In reviewing development proposals, the regulations should be administered and enforced with particular concern for:

- a. the water quality in the area, especially in the South Fork of the Nooksack River and its tributaries where aquaculture and fish spawning provide significant economic and recreational potential;
- b. the visual appearance of the subarea and where appropriate: (1) maintain the rural character, (2) enhance the urbanized area with proper site screening, internal landscaping, view corridors and public access, and (3) provide area-wide sign control; and
- c. the expeditious approval of uses that will provide jobs and enhance the tax base.

5.04 **Implementation:** It is the policy of Whatcom County to recognize the economic potential of capital improvement decisions and other non-land use programs, and to coordinate these efforts in a concerted approach to cost effective development of the area.

5.04.1 Whatcom County should continue to take an active role to promote implementing measures other than land use designation and zoning for the area, and to set priorities for the actions required for accomplishing the goals identified in this plan, particularly those categories related to economic development which tend to cut across all issues.

5.04.2 Cottage industries will be acknowledged and encouraged in rural zones, subject to maintaining consistency with the rural character of the area.

5.04.3 Direct economic activities should be incorporated in the annual Overall Economic Development Program.

5.04.4 Actions identified for enhancement of the subarea should be incorporated in the appropriate capital improvement programs.

5.04.5 Whatcom County should seek to provide every opportunity for the farmer to utilize arable land in the most efficient manner possible and to facilitate a viable agricultural industry in the South Fork Valley.

5.04.6 Whatcom County should work to preserve forest lands for the utilization of timber management and harvest and to facilitate a viable forest industry in the South Fork Valley.

## ENVIRONMENTAL RESOURCES AND CONSTRAINTS POLICY

Environmental resources in the South Fork Valley Subarea are extensive and, in some cases, irreplaceable. Environmental resources that contribute to economy and livability in the South Fork Valley include the South Fork of the Nooksack River, timber, wildlife habitat, fish spawning streams, clean ground and surface water, and Prime Farmland soils.

Some of these same resources pose serious environmental constraints and hazards to development. Flooding in the South Fork River is frequent and impacts much of the valley floor. There are numerous wetlands and hydric soils throughout the valley that provide critical wetland functions but inhibit development. The steep gradient and geologic structure of the mountain ranges in the South Fork Valley Subarea in conjunction with heavy annual precipitation, contribute to slope instability and flood prone drainage basins (Figure 5).

### 4. ENVIRONMENTAL RESOURCES AND CONSTRAINTS

4.01 **Purpose:** It is the policy of Whatcom County to manage its natural resources by recognizing and conserving irreplaceable resources, by providing suitable protection for environmentally sensitive areas, by enhancing environmental quality, and by planning and zoning in accordance with environmental hazards.

4.02 **Coordination:** It is the policy of Whatcom County to encourage cooperation among federal and state agencies, municipalities, environmental groups, tribal governments, and private landowners to enhance its environmental resources.

4.02.1 Whatcom County should continue to use the public benefit rating system to evaluate applications for tax relief on open space land use pursuant to RCW 84.34 whereby granting of open space tax status should be dependent upon determination that the public benefit of retaining a parcel in open space outweighs the loss or deferral of revenue to the County.

4.02.2 Whatcom County should encourage property owners to use the current use tax assessment provisions of RCW 84.34 to retain the following areas in open space: steep or unstable slopes, stream corridors, wetlands, shoreline areas, and unique or important wildlife habitats.

4.02.3 Whatcom County should work with property owners, citizen groups, the Lummi Indian Nation and the Nooksack Indian Tribe, the State of Washington, and other agencies in protecting bald eagle habitat, fishery resources, and surface and groundwater quality of the subarea.

4.02.4 The County should cooperate with federal, state, and local agencies, as appropriate, in monitoring and protecting water quality in the Nooksack drainage. Existing and future developments or other activity that significantly deteriorate water quality or contribute excessive sedimentation should be curtailed.

4.02.5 Whatcom County should work with The United States Geological Survey to install one additional gauging station immediately upstream from the confluence of the South Fork and the main stem of the Nooksack River. Gauging stations should also be installed in

those tributary creeks of the South Fork drainage that are under the jurisdiction of WAC 173-501-030.

**4.03Standards:** It is the policy of Whatcom County to enhance and maintain its environmental resources according to the following standards:

- 4.03.1Whatcom County should promote the use of 100-year floodplain associated with stream corridors as open space. Residential development should be encouraged to be sited at sufficient distance from all streams to minimize potential loss or damage to property that may occur as the result of debris dam failure or increased duration and volume of stream flow. Whatcom County should encourage minimal use of stream corridors, drainage swales, and alluvial areas for development.
- 4.03.2Whatcom County should promote groundwater of a quality suitable for domestic consumption by encouraging low density and intensity uses in locations with soils of poor quality for septic systems.
- 4.03.3Whatcom County should recognize natural wetlands such as swamps, bogs, marshes, and ponds as natural catchment basins for stormwater run-off, flora and fauna habitat, and potential groundwater recharge areas. Run-off during development should be controlled as specified in the **Whatcom County Development Standards**.
- 4.03.4Whatcom County should encourage utilization of steep slopes and other geologically hazardous areas for open space, very low density development or forestry. If used for development purposes, structures should comply with the provisions of the Uniform Building Code and Whatcom County's Critical Areas Ordinance. Where slopes are in excess of 10%, cluster development should be encouraged to minimize slope disturbance. Placement of residential structures on localized terraces and benches is encouraged.
- 4.03.5Whatcom County should seek to protect the public from damage to life and property in drainage basins that have a history of excessive flooding, erosion, sedimentation, and debris torrents originating in the steep and unstable mountainous regions of the basin.
- 4.03.6Whatcom County should encourage very low residential densities in areas of known mineral resource occurrence with the intent of retaining future access and utilization options. Subsurface mining operations should conform to Title 20, the Official Whatcom County Zoning Ordinance, as well as state and federal regulations.
- 4.03.7Whatcom County should foster continued fish and wildlife habitat integrity in the South Fork Valley Subarea through identification and designation, the development approval process, and public works. Applicable habitats include eagle roosting sites and feeding areas, heron rookeries, peregrine falcon habitat, salmon and trout spawning streams and lakes, deer and elk migration routes, and wetland and waterfowl habitat.
- 4.03.8Whatcom County should encourage air pollution abatement with the intent of maintaining and/or enhancing air quality, consistent with the Federal Clean Air Act, and accomplished through the coordination of local land use proposal review with the Northwest Air Pollution Authority and other environmental agencies.
- 4.03.9Whatcom County should implement the necessary rules, regulations, and ordinances which are required by state law to minimize noise impacts.

4.03.10 Whatcom County should review all shoreline development proposals for adherence to the requirements of the Whatcom County Shoreline Management Program.

4.03.11 Whatcom County should insure that minimum flow standards set by the Department of Ecology under WAC173-501-030(2) are enforced.

4.03.12 Whatcom County should review and update the status of nature resource lands, and make appropriate changes to the agriculture and forestry designations in conformance with the House Bill 2929.

4.04 **Implementation:** It is the policy of Whatcom County to implement the enhancement of its environmental resources through the following actions.

4.04.1 Whatcom County should continue to play an active role in monitoring Forest Practices Applications. The County should closely monitor forest practices in the drainage basins of Jones Creek, McCarty Creek, Standard Creek, Hardscrabble Creek, Sygitowicz Creek, and Falls Creek.

4.04.2 Forestry and associated activities are the preferred uses in the mountainous portions of the subarea. Forested areas should be discouraged from conversion to other uses that might preclude continued forest management.

4.04.3 Whatcom County should seek funding for additional monitoring and enforcement of septic system performance in the subarea.

4.04.4 Whatcom County should encourage efforts to provide monitoring of stream and river flows in the South Fork Subarea to determine if minimum flow standards and water quality standards are being met.

4.04.5 Whatcom County should insure that all activity in the South Fork Watershed be permitted contingent upon proof that adequate water flows are available as established by the Department of Ecology under WAC 173-501-030(2).

4.04.6 Whatcom County should address any decrease in water quality that results from the application of chemical herbicides used on county roads, farm and forestry practices, and development density.

4.04.7 Whatcom County should take appropriate permanent measures to stabilize the drainage channel of Jones Creek from the private bridge on Galbraith Road to the mouth of the creek at the Nooksack River. This should include the construction of a berm between the Galbraith bridge and the Turkington bridge to protect existing development from flooding and damage caused by debris

4.04.8 Whatcom County should address any decrease in water quality or increase in flooding capacity that results from excessive sedimentation and erosion. This should include the monitoring of agricultural practices, forestry practices, and development activity.

4.04.9 Whatcom County should maintain and enhance the public usefulness of the South Fork Valley Subarea shorelines in accordance with the Shoreline Management Program by:

a. encouraging alternative setback regulations where shared driveways, clustered buildings, and other variations from required setbacks will provide less obstructed scenic vistas for the public; and

b.using the development review process to preserve recreational access to the South Fork Valley shorelines through requiring any land development to indicate how it will avoid significant adverse impacts on or displacement of recreational uses that have no comparable, alternate sites locally.

4.04.10Using an ecosystems approach to analyze designation and regulations of environmentally sensitive areas, Whatcom County should develop a "Critical Areas Ordinance" in conformance with the House Bill 2929. Elements of the Critical Areas Ordinance should include at the minimum;

A. Geologically Hazard Areas

B. Wetlands

C. Groundwater Recharge Areas

D. Fish and Wildlife Habitat Conservation Areas

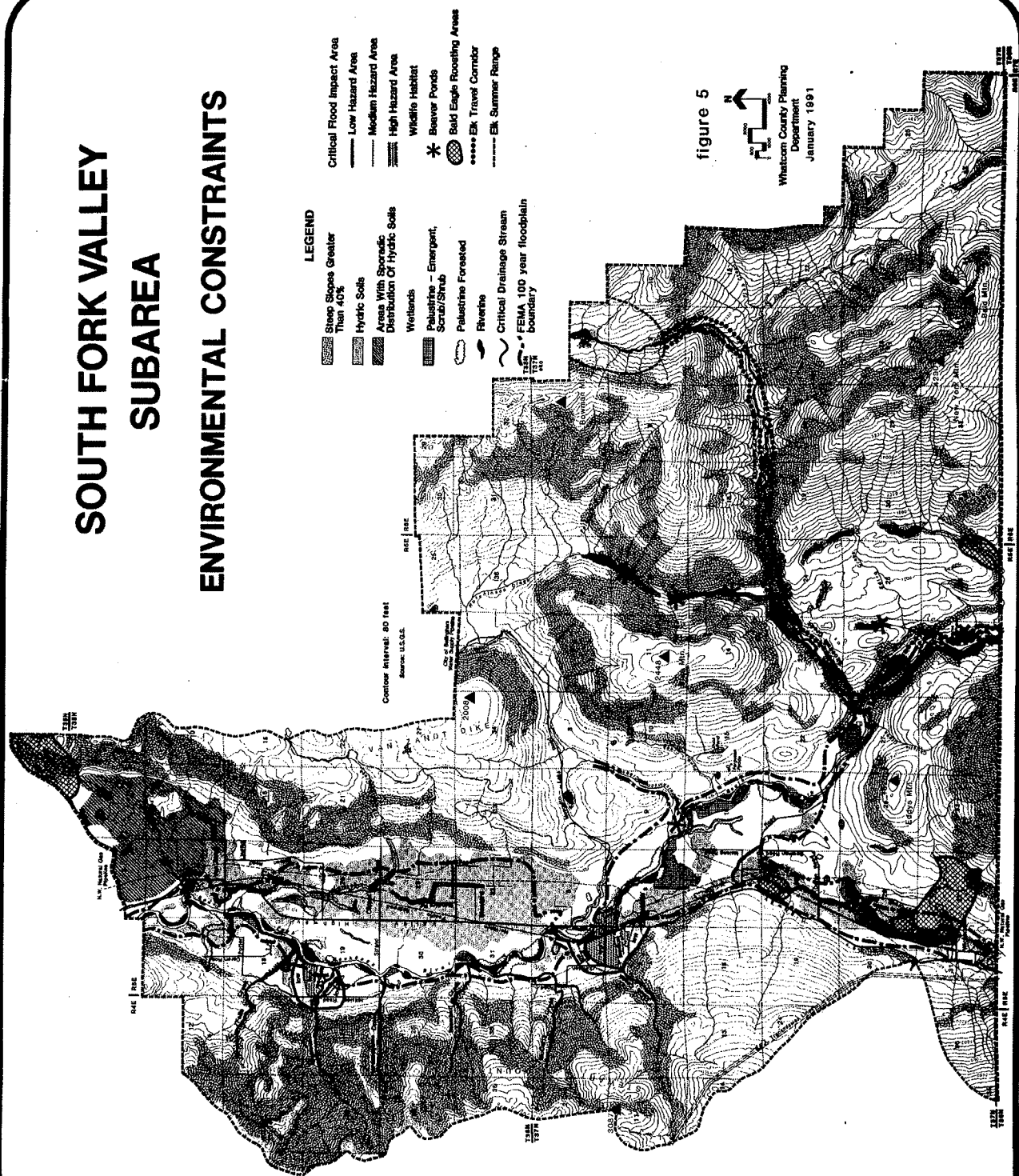
E. Frequently Flooded Areas

F. Critical Drainage Areas

4.04.11Until such time that a Critical Areas Ordinance has been adopted and applied to land use development, Whatcom County should review all permits in the South Fork Valley Subarea for environmental impacts that may result from development or hazards that may threaten proposed construction. The County will utilize the elements of the Critical Areas Ordinance proposed in 4.03.11 of this section and the provisions of SHB 2929, and the Minimum Guidelines to Classify Agriculture, Forest, and Mineral Lands and Critical Areas set forth in Chapter 365-190 WAC (proposed) to assist in making a determination.

# SOUTH FORK VALLEY SUBAREA

## ENVIRONMENTAL CONSTRAINTS



## **LAND DEVELOPMENT OPTIONS, GUIDELINES AND REQUIREMENTS**

This section provides environmentally efficient options for land development that minimize public and private utility and transportation expenditures. Also provided are general information and requirements that affect the majority of land use designations in the South Fork Valley Subarea. Guidelines and requirements that are unique are provided in the applicable zoning ordinance text.

- 1.01 Areas that are designated **URBAN RESERVE**, and **RURAL** have the option of creating new residential parcels using the conventional subdivision method. Parcel sizes in conventional subdivisions are uniform and are specifically established in each implementing zone text.
- 1.02 Areas that are designated **URBAN RESERVE**, **RURAL**, and **FORESTRY** when implemented by the **RURAL FORESTRY** zoning district, have the option of creating new residential parcels using the cluster subdivision method. The purpose is to provide economic flexibility to the individual property owner, promote economic lot design, conserve non-renewable and renewable natural resources, minimize disturbances to environmentally fragile areas, promote compatibility with surrounding non-residential land uses, and provide options beyond the planning period for land use decisions. Cluster subdivision is defined as an alternative method of creating building parcels that are spatially efficient and economical, and that will retain options for future uses and densities by treating land as a commodity and resource. The following policies establish subdivision guidelines and implementation considerations.
  - 1.02.1 Minimum parcel size should be established consistent with the provisions of specific implementing zones or Health Department requirements; whichever are greater.
  - 1.02.2 Subdivision design should be discouraged from forming lineal residential patterns adjacent to roads by minimizing ingress and egress points, and by consolidating access for several parcels.
  - 1.02.3 When possible, it is preferred that residential structures be sited at the perimeter of fields or woodlots, in woodlots, or partially concealed by topographic features.
  - 1.02.4 When possible, structures on open landscapes should be sited and designed to minimize view disruptions from adjacent properties and public roadways.
  - 1.02.5 When a cluster subdivision is situated adjacent to a less intensive use, including large parcel residential, agriculture or forestry, the subdivision should be buffered at the site periphery to prevent the encroachment of vehicles, pedestrians, animals, and nuisances onto the less intensively used parcels.
  - 1.02.6 Vehicular and pedestrian networks should be oriented to the interior of clustered subdivisions.
  - 1.02.7 To maintain area character and settlement patterns, and to achieve visual compatibility and land carrying capacity similar with the surrounding area, the Subdivision Administrator and Hearing Examiner may request that the potential number of building sites for a particular parcel be clustered into two or more residential concentrations.
- 1.03 Areas that are designated **URBAN RESERVE**, **RURAL**, **COMMERCIAL**, and **FORESTRY** (when the **FORESTRY** designation is implemented by the **RURAL FORESTRY** zoning district), have the option of using the Planned Unit Development provision of the Title 20 Zoning Ordinance. Planned Unit



Development is defined as an official control that allows greater flexibility in density, bulk regulations, building types and land use mixture than is generally permitted in the specific implementing zone text. The option is intended to encourage creative site planning; permanent open space; variety in living, working and recreational settings; conservation of environmentally fragile areas; and mixed use developments.

- 1.04 A restrictive covenant should be attached to the face of any residential subdivision plat when located adjacent to the **AGRICULTURE** zone or a commercial agricultural operation in a zoning district that allows such a use; the intent of which is to facilitate the unhampered continuation of legal and customary operations associated with agricultural practices.
- 1.05 A restrictive covenant should be attach to the face of any residential subdivision plat when located adjacent to or immediately below forested lands subject to commercial forest practices which are located in a zoning district that allows such a use; the intent of which is to facilitate the unhampered continuation of legal operations such as noise, smoke and other nuisances associated with forest practices. This should not apply to physical damages to adjacent or downhill properties resulting from the interaction of land clearing and latent geologic and hydrologic conditions in the affected area."

## **COMPREHENSIVE PLAN AMENDMENTS**

The South Fork Valley Subarea Plan is a policy document that is used to guide land use decisions affecting both the private and public sectors of the subarea. For the plan to function as an effective decision making document, it must be flexible enough to weather changes in public attitudes, developmental technologies, economic forces and legislative policy.

The plan envisions two general types of plan amendments. The first type is a review conducted approximately every seven years. This review should re-examine the entire plan, including a re-evaluation of goals, updates of land related elements, and the reaffirmation of land use policies and proposals. This review is the responsibility of land use policies and proposals. This review is the responsibility of the Whatcom County Planning Commission, the Planning Department Staff, and the people of the subarea.

The second type of amendment is that proposed and initiated by an individual or agency. The land uses illustrated on the Land Use Plan Map are the result of the application of the plan's goals and policies. However, it is reasonable to assume that an individual or agency may introduce land use proposals that conflict with the plan map or policies of the plan itself. In such instances, the individual or agency may purpose an amendment to the plan. Petitions for amendment of the Comprehensive Plan addressed to either the Planning Commission for adoption or amendment of comprehensive plans. In applying for a particular amendment to the plan or plan map, the individual or agency should conform to the following criteria:

- 1.The amendment request should conform with applicable Washington State laws governing Comprehensive Plan amendments;
- 2.The amendment request should conform with the goals of the subarea plan;
- 3.The amendment request should be compatible with the existing and planned surrounding land uses;
- 4.The amendment request should not result in unmitigated detrimental impacts to existing transportation systems;
- 5.The amendment request should not place uncompensated burdens upon existing or planned service capabilities; and
- 6.The amendment request should demonstrate a land usage need which is currently not met by this comprehensive plan.

# SOUTH FORK VALLEY SUBAREA

## COMPREHENSIVE LAND USE PLAN

Approved this 27th day of February, 1991

Adopted this 26th day of March, 1991 Ordinance No. 91-022

Whitcomb County Planning Commission

Whitcomb County Council/Whitcomb Co., Va.

County Executive

County Clerk

Chairperson

Secretary

Chairperson

Secretary

Chairperson

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### LEGEND

UR Urban Reserve Low 3-4 DU/Ac.

R Rural 1 DU/ 2, 5, 10 Ac.

C Commercial

AG Agriculture

F Forestry

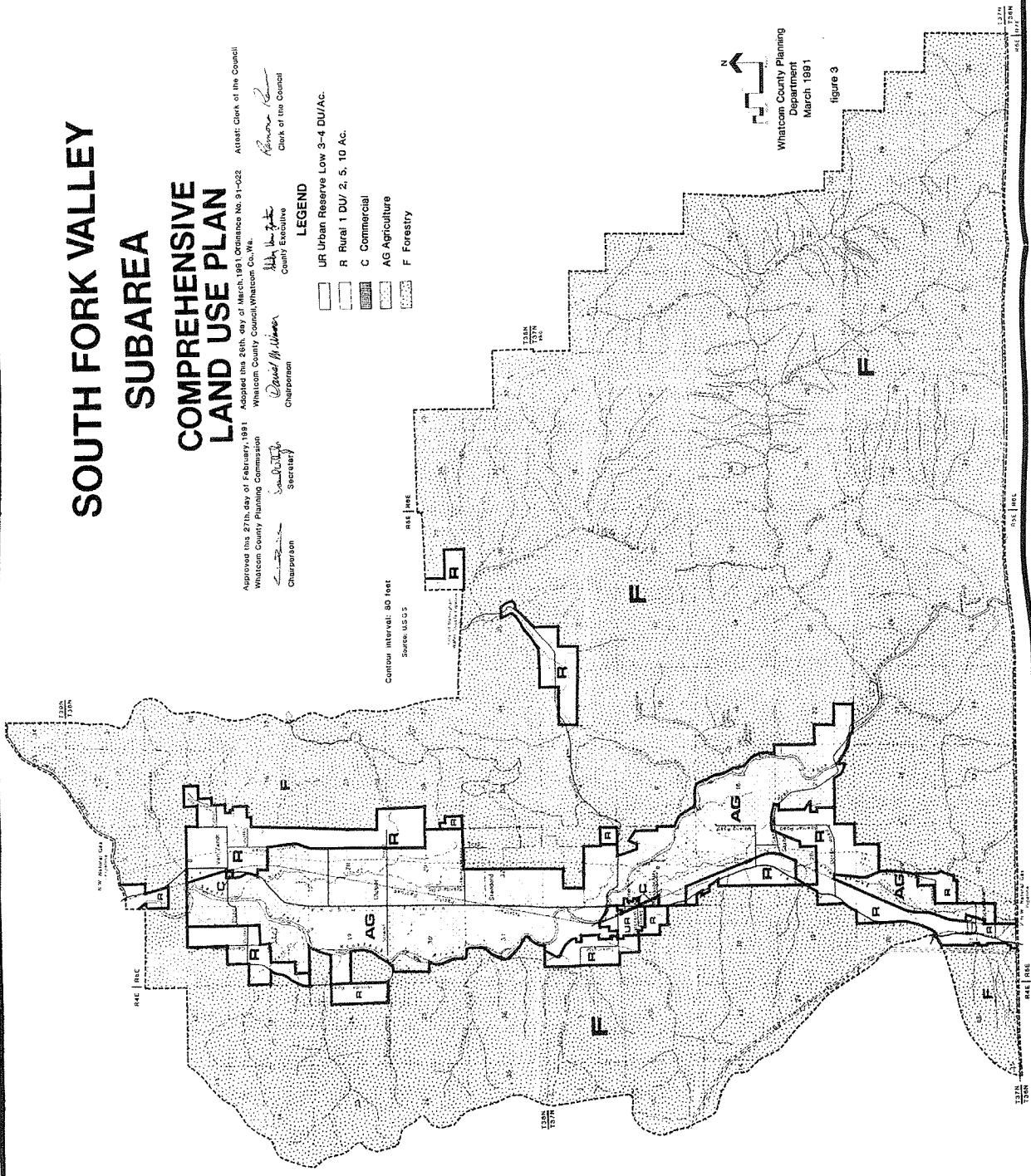
Contour interval: 80 feet

Source: U.S.G.S.



Whitcomb County Planning  
Department  
March 1991

figure 3



# SOUTH FORK VALLEY SUBAREA

## ZONING DISTRICTS

Attest: Clerk of the Council

Approved this 27th day of February 1991  
Whatcom County Planning Commission

Approved this 28th day of March 1991, Ordinance No. 91-022  
Whatcom County Council, Whatcom Co., WI.

*Richard R. Rine*  
Clerk of the Council

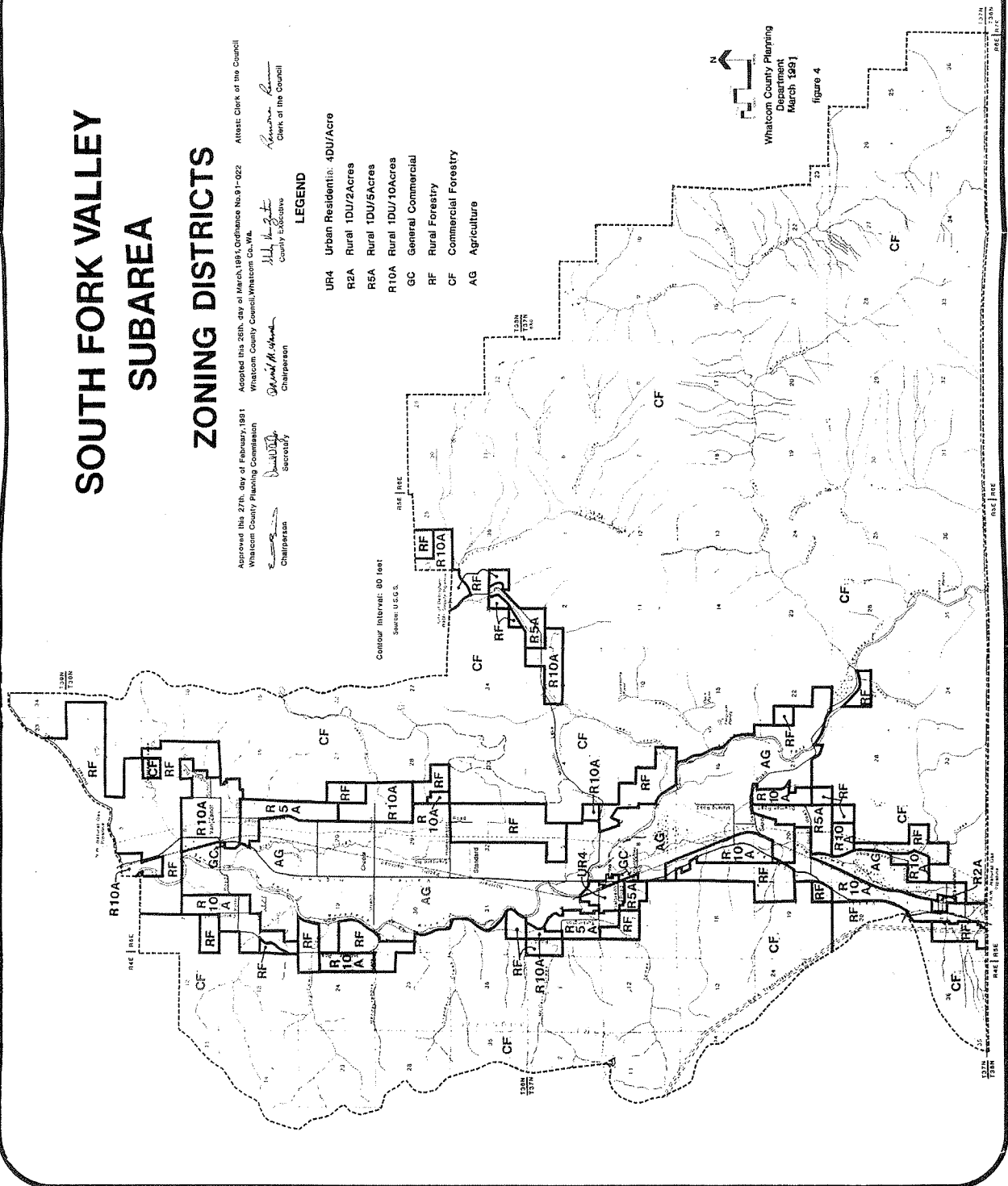
*William H. Ziegler*  
County Executive

*David M. H. H. H.*  
Chairperson

*David M. H. H. H.*  
Secretary

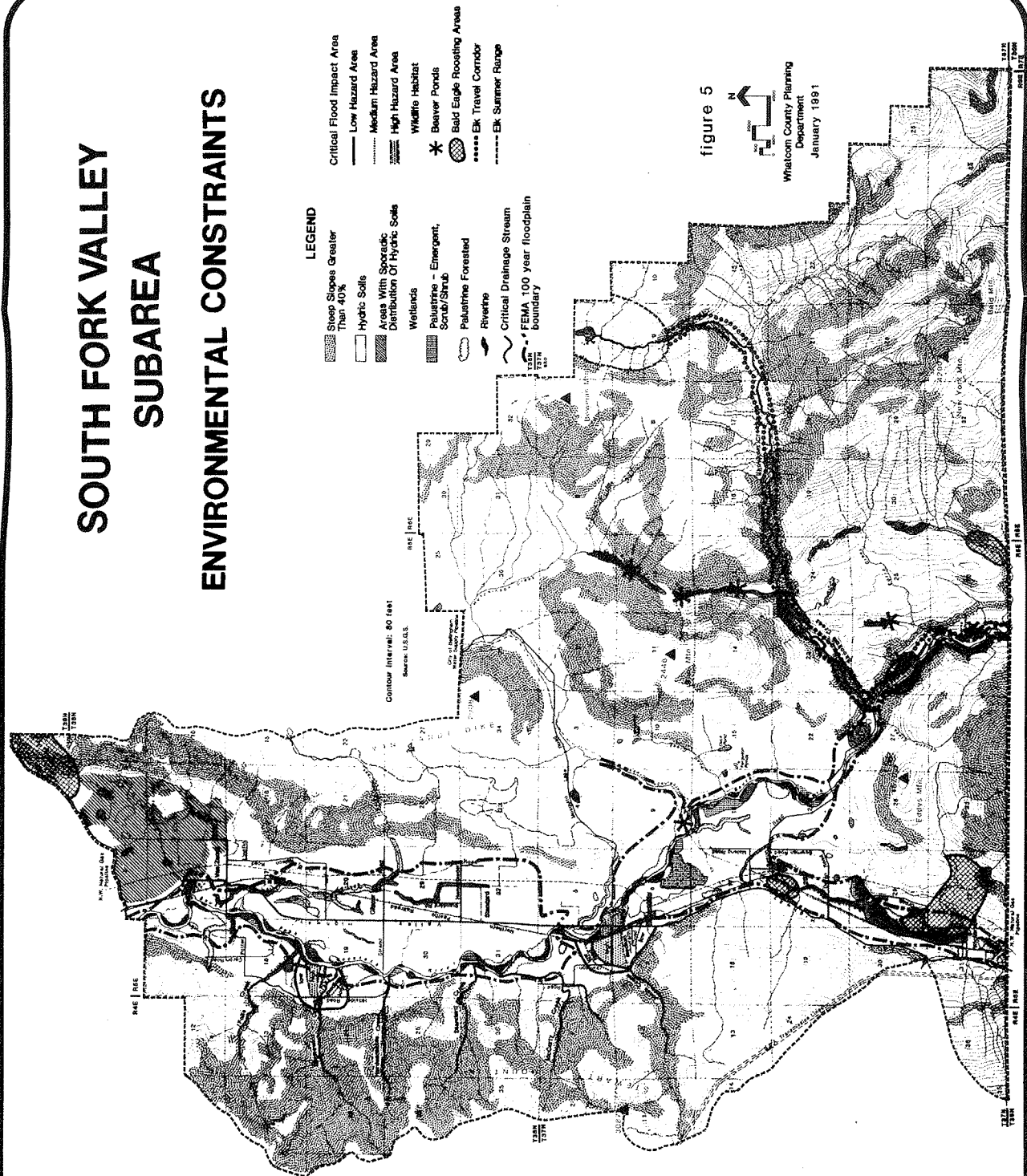
### LEGEND

- UR4 Urban Residential: 4DU/Acre
- R2A Rural 1DU/2Acres
- R5A Rural 1DU/5Acres
- R10A Rural 1DU/10Acres
- GC General Commercial
- RF Rural Forestry
- CF Commercial Forestry
- AG Agriculture



# SOUTH FORK VALLEY SUBAREA

## ENVIRONMENTAL CONSTRAINTS



## **WHATCOM COUNTY PLANNING COMMISSION**

### **Repeal the 1991 South Fork Valley Subarea Plan and Amend Provisions in the Whatcom County Comprehensive Plan relating to Subarea Plans**

#### **FINDINGS OF FACT AND REASONS FOR ACTION**

1. The subject proposal includes:
  - a. Amending Whatcom County Comprehensive Plan provisions relating to subarea plans.
  - b. Repealing the South Fork Valley Subarea Plan (1991).
2. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on March 25, 2014.
3. Notice of the Planning Commission hearing was posted on the County website on April 8, 2014.
4. Notice of the Planning Commission hearing and that the proposal had been posted on the County website was sent to citizen, media and other groups on the County's e-mail list on April 8, 2014.
5. Notice of the subject amendments was submitted to the Washington State Department of Commerce on April 8, 2014.
6. Notice of the Planning Commission hearing for the subject amendments was published in the Bellingham Herald on April 11, 2014.
7. The Planning Commission held a public hearing on the subject amendments on April 24, 2014.
8. Pursuant to WCC 2.160.080, in order to approve the proposed comprehensive plan amendments the County must find all of the following:
  - a. The amendment conforms to the requirements of the Growth Management Act, is internally consistent with the county-wide planning policies and is consistent with any interlocal planning agreements.

- b. Further studies made or accepted by the Department of Planning and Development Services indicate changed conditions that show need for the amendment.
- c. The public interest will be served by approving the amendment. In determining whether the public interest will be served, factors including but not limited to the following shall be considered:
  - i. The anticipated effect upon the rate or distribution of population growth, employment growth, development, and conversion of land as envisioned in the comprehensive plan.
  - ii. The anticipated effect on the ability of the county and/or other service providers, such as cities, schools, water and/or sewer purveyors, fire districts, and others as applicable, to provide adequate services and public facilities including transportation facilities.
  - iii. Anticipated impact upon designated agricultural, forest and mineral resource lands.
- d. The amendment does not include or facilitate spot zoning.
- e. Urban growth area amendments that propose the expansion of an urban growth area boundary are required to acquire development rights from a designated TDR sending area, with certain exceptions.

### **Growth Management Act**

- 9. The Growth Management Act (GMA) allows, but does not require, a county to adopt subarea plans under RCW 36.70A.080 ("Comprehensive plans – Optional elements").
- 10. However, the GMA requires that subarea plans must be consistent with a county's comprehensive plan. Specifically, RCW 36.70A.080(2) states: "A comprehensive plan may include, where appropriate, subarea plans, each of which is consistent with the comprehensive plan."
- 11. The South Fork Valley Subarea Plan was adopted in 1991. The Whatcom County Comprehensive Plan was adopted in 1997 and subsequently amended from time to time. The Subarea Plan is inconsistent with the Whatcom County Comprehensive Plan. Specifically, the Subarea Plan contains different land use designations, is inconsistent with the Comprehensive Plan's rural element, and has a different planning period.

### **County-Wide Planning Policies**

12. The County-Wide Planning Policies do not require the County to retain old subarea plans.

### **Interlocal Agreements**

13. There are no interlocal agreements relating to the South Fork Valley Subarea Plan.

### **Further Studies/Changed Conditions**

14. The South Fork Valley Subarea Plan was adopted in 1991.
15. The GMA was amended in 1997 to include criteria for limited areas of more intensive rural development (LAMIRDs). The 1991 South Fork Valley Subarea Plan does not address LAMIRDs.
16. The Whatcom County Comprehensive Plan was originally adopted in 1997, and subsequently amended. The 1991 South Fork Valley Subarea Plan is not consistent with the County Comprehensive Plan.
17. The 1991 South Fork Valley Subarea Plan utilized a different planning period than the Whatcom County Comprehensive Plan.
18. Changed conditions, including adoption of the Whatcom County Comprehensive Plan and the passage of time, warrant repealing the 1991 South Fork Valley Subarea Plan.

### **Public Interest**

19. Repealing the 1991 South Fork Valley Subarea Plan will serve the public interest by removing a plan that is inconsistent with the Whatcom County Comprehensive Plan.

### **Spot Zoning**

20. The subject proposal does not involve rezoning property.



## **CONCLUSION**

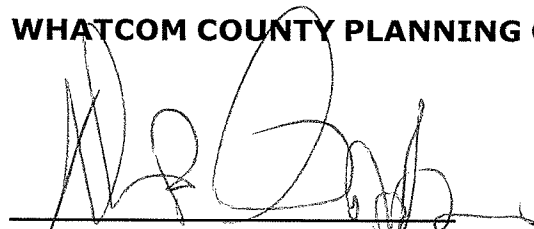
The subject proposal is consistent with the approval criteria of WCC 2.160.080.

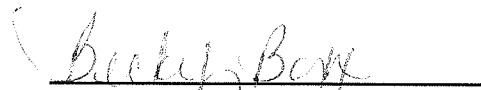
## **RECOMMENDATION**

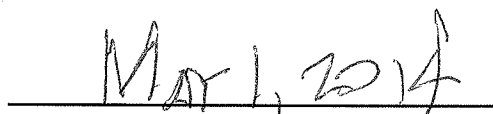
Based upon the above findings and conclusions, the Whatcom County Planning Commission recommends the following:

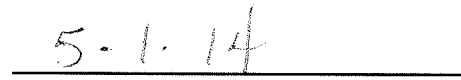
1. Approval of Exhibit A, amendments to Whatcom County Comprehensive Plan Chapter 2 (Land Use); and
2. Repealing Exhibit B, the South Fork Valley Subarea Plan (1991).

## **WHATCOM COUNTY PLANNING COMMISSION**

  
**David Onkels, Chair**

  
**Sam Ryan, Secretary**  
Becky Boxx

  
**Date**

  
**Date**

Commissioners present at the April 24, 2014 meeting when the vote was taken: Ken Bell, Ben Elenbaas, Walter Haugen, Gary Honcoop, David Hunter, Natalie McClendon, David Onkels, Mary Beth Teigrob, and Gerald Vekved.

**Vote: Ayes: 9, Nays: 0, Abstain: 0, Absent: 0. Motion carried to adopt the above amendments.**

**NOTE:**

In order to avoid redundancy, Exhibits A and B are only attached to the proposed Ordinance that will be considered by the County Council.

RECORD OF PROCEEDINGS OF THE  
**WHATCOM COUNTY PLANNING COMMISSION**  
April 24, 2014

3

*DRAFT*

Regular Meeting

---

1 Commissioner McClendon asked under what circumstances are subarea plans needed?

2  
3 Mr. Aamot stated staff has thought about that. They think it may be good to retain the  
4 plans for active communities and those that stand alone from other areas.

5  
6 Commissioner McClendon asked how the subarea plans relate to the Comprehensive Plan.

7  
8 Mr. Aamot stated they add detail to the countywide plan.

9  
10 Commissioner Bell asked if more resources were applied to the subarea plans would there  
11 be more activity? For example, Lake Whatcom is a large area which makes it difficult for  
12 people to come together as they do in a smaller area such as Birch Bay.

13  
14 **Roll Call Vote: Ayes – Bell, Elenbaas, Haugen, Honcoop, Hunter, McClendon,**  
15 **Onkels, Teigrob, Vekved; Nays – 0; Abstain – 0; Absent -0. The motion carried.**

16  
17 File # PLN2014-00003: Repealing the South Fork Valley Subarea Plan, which was adopted  
18 in 1991, and amending related provisions in the Whatcom County Comprehensive Plan.

19  
20 Matt Aamot presented the staff report. (A map and aerial photo of the subarea was shown  
21 with the boundaries) The South Fork Plan was adopted in 1991; right after the GMA was  
22 adopted in 1990. The population projection for the subarea was through 2000. It had a  
23 more flexible planning period, however, that planning period has ended so it is not  
24 consistent with the current comprehensive plan period of 2029. There were five land use  
25 designations in the plan. There were two forestry zoning districts but the subarea plan  
26 only had one forestry land use designation. Some of the areas have been rezoned or now  
27 have different comprehensive plan designations. One of the policies in the plan reaffirms  
28 the 1970 comprehensive plan, which is outdated. That policy is now outdated and creates  
29 a conflict. Staff recommends repeal of the plan.

30  
31 The hearing was opened to the public.

32  
33 There was no public testimony.

34  
35 The hearing was closed to the public.

36  
37 **Commissioner Honcoop moved to recommend approval of Exhibit A-Amendments**  
38 **to the Whatcom County Comprehensive Plan, chapter 2; and repeal of Exhibit B-**  
39 **the South Fork Valley Subarea Plan. Commissioner Teigrob seconded.**

40  
41 **Roll Call Vote: Ayes – Bell, Elenbaas, Haugen, Honcoop, Hunter, McClendon,**  
42 **Onkels, Teigrob, Vekved; Nays – 0; Abstain – 0; Absent -0. The motion carried.**

43  
44 File # PLN2014-00004: Repealing the Eliza Island Plan, which was adopted in 1994, and  
45 amending related provisions in the Whatcom County Comprehensive Plan and Zoning  
46 Code.

**WHATCOM COUNTY COUNCIL AGENDA BILL**

NO. 2014-198

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator: Matt Aamot	M.A.	5/5/2014	<div style="text-align: center;"> RECEIVED   MAY 13 2014   WHATCOM COUNTY COUNCIL </div>	5/20/2014	Introduction
Division Head: Mark Personius	WP	5-5-14		6/3/2014	P&D Committee and Council
Dept. Head: Sam Ryan	SR	5-7-14		1/27/2015	Council - Concurrent Review
Prosecutor: Royce Buckingham	RB	5-8-14		3/3/15	Council - Concurrent Review
Purchasing/Budget:					
Executive: Jack Louws		05/12/14			

**TITLE OF DOCUMENT:**

Repeal the Lake Whatcom Subarea Plan and amend provisions in the Whatcom County Comprehensive Plan relating to subarea plans.

**ATTACHMENTS:**

1. Staff Memo
2. Proposed Ordinance and Exhibits
3. Planning Commission Findings of Fact and Reasons for Action
4. Planning Commission minutes

Other background information is on file at the Council office.

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

Should Clerk schedule a hearing? ( ) Yes ( X<sup>1</sup> ) NO  
Requested Date

<sup>1</sup> The Council must hold a hearing if they want to change the Planning Commission's recommendation (WCC 2.160.100(B)).

**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.)

Repeal the Lake Whatcom Subarea Plan and amend provisions in the Whatcom County Comprehensive Plan relating to subarea plans. The Lake Whatcom Subarea Plan was adopted in 1982, prior to enactment of the Growth Management Act GMA in 1990.

NOTE: Final approval of these amendments would occur as part of concurrent review of comprehensive plan amendments in early 2015.

**COMMITTEE ACTION:**

6/3/2014: Committee recommended that the Council forward for concurrent review

**COUNCIL ACTION:**

5/20/2014: Introduced 6-0, Weimer absent  
6/3/2014: Recommended for concurrent review 7-0  
1/27/2015: Held to a later date

Related County Contract #:

Related File Numbers:

Ordinance or Resolution Number:

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

**WHATCOM COUNTY**

Planning & Development Services  
5280 Northwest Drive,  
Bellingham, WA 98226-9097  
360-676-6907, TTY 800-833-6384  
360-738-2525 Fax



**J.E. "Sam" Ryan**  
Director

**RECEIVED**

MAY 8 - 2014

May 5, 2014

**JACK LOUWS**  
**COUNTY EXECUTIVE**

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

From: Matt Aamot, Senior Planner *MA*

Through: Mark Personius, Long Range Planning Division Manager *MP*

RE: Repeal the Lake Whatcom Subarea Plan and Related Amendments

The Growth Management Act (GMA) allows, but does not require, a county to adopt subarea plans under RCW 36.70A.080. However, the GMA also requires that subarea plans must be consistent with a county's comprehensive plan. Specifically, RCW 36.70A.080(2) states: "A comprehensive plan may include, where appropriate, subarea plans, each of which is consistent with the comprehensive plan."

Most of the comprehensive land use plan designations in the 1982 Lake Whatcom Subarea Plan are not the same as the designations utilized in the current Whatcom County Comprehensive Plan. Additionally, the requirement to designate urban growth areas was not enacted until after the Subarea Plan was adopted. The Subarea Plan has "Urban Reserve" designations, but they do not match the current UGA designations. The GMA's rural element requirements did not exist when the Subarea Plan was adopted. Finally, the Subarea Plan utilized a 15-year planning period (which ended in 1997). Therefore, we recommend repealing the Subarea Plan and amending provisions in the Whatcom County Comprehensive Plan relating to subarea plans.

Planning & Development Services is requesting Council consideration of these amendments on June 3. However, the proposed Comprehensive Plan amendments are subject to concurrent review. Therefore, the Council will not render a final decision on the proposal until early 2015.

Thank you for your consideration of this matter.

SPONSORED BY: \_\_\_\_\_  
PROPOSED BY: \_\_\_\_\_  
INTRODUCTION DATE: \_\_\_\_\_

**ORDINANCE NO. \_\_\_\_\_**

**REPEALING THE 1982 LAKE WHATCOM SUBAREA PLAN  
AND AMENDING PROVISIONS IN THE WHATCOM COUNTY  
COMPREHENSIVE PLAN RELATING TO SUBAREA PLANS**

**WHEREAS,** The Whatcom County Council initiated the subject amendments for review in 2014; and

**WHEREAS,** The Whatcom County Planning Commission held a public hearing on April 24, 2014; and

**WHEREAS,** The Whatcom County Planning Commission recommended the comprehensive plan amendments on April 24, 2014; and

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

**FINDINGS OF FACT**

1. The subject proposal includes:
  - a. Amending Whatcom County Comprehensive Plan provisions relating to subarea plans.
  - b. Repealing the Lake Whatcom Subarea Plan (1982).
2. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on March 25, 2014.
3. Notice of the Planning Commission hearing was posted on the County website on April 8, 2014.
4. Notice of the Planning Commission hearing and that the proposal had been posted on the County website was sent to the City of Bellingham and citizen, media and other groups on the County's e-mail list on April 8, 2014.
5. Notice of the subject amendments was submitted to the Washington State Department of Commerce on April 8, 2014.

6. Notice of the Planning Commission hearing for the subject amendments was published in the Bellingham Herald on April 11, 2014.
7. The Planning Commission held a public hearing on the subject amendments on April 24, 2014.
8. Pursuant to WCC 2.160.080, in order to approve the proposed comprehensive plan amendments the County must find all of the following:
  - a. The amendment conforms to the requirements of the Growth Management Act, is internally consistent with the county-wide planning policies and is consistent with any interlocal planning agreements.
  - b. Further studies made or accepted by the Department of Planning and Development Services indicate changed conditions that show need for the amendment.
  - c. The public interest will be served by approving the amendment. In determining whether the public interest will be served, factors including but not limited to the following shall be considered:
    - i. The anticipated effect upon the rate or distribution of population growth, employment growth, development, and conversion of land as envisioned in the comprehensive plan.
    - ii. The anticipated effect on the ability of the county and/or other service providers, such as cities, schools, water and/or sewer purveyors, fire districts, and others as applicable, to provide adequate services and public facilities including transportation facilities.
    - iii. Anticipated impact upon designated agricultural, forest and mineral resource lands.
  - d. The amendment does not include or facilitate spot zoning.
  - e. Urban growth area amendments that propose the expansion of an urban growth area boundary are required to acquire development rights from a designated TDR sending area, with certain exceptions.

#### **Growth Management Act**

9. The Growth Management Act (GMA) allows, but does not require, a county to adopt subarea plans under RCW 36.70A.080 (“Comprehensive plans – Optional elements”).

10. However, the GMA requires that subarea plans must be consistent with a county's comprehensive plan. Specifically, RCW 36.70A.080(2) states: "A comprehensive plan may include, where appropriate, subarea plans, each of which is consistent with the comprehensive plan."
11. The Lake Whatcom Subarea Plan was adopted in 1982, prior to enactment of the GMA in 1990. The Whatcom County Comprehensive Plan was adopted in 1997 and subsequently amended from time to time. The Subarea Plan is inconsistent with the Whatcom County Comprehensive Plan. Specifically, the Subarea Plan does not address urban growth areas (UGAs), contains different land use designations, is inconsistent with the Comprehensive Plan's rural element, and has a different planning period.

### **County-Wide Planning Policies**

12. The County-Wide Planning Policies do not require the County to retain old subarea plans.

### **Interlocal Agreements**

13. A portion of the Bellingham UGA is included in the Lake Whatcom Subarea.
14. An Interlocal Agreement between the City of Bellingham and Whatcom County concerning Planning, Annexation and Development within the Bellingham UGA was signed in April 2012. This interlocal agreement does not require the County to retain this subarea plan.

### **Further Studies/Changed Conditions**

15. The Lake Whatcom Subarea Plan was adopted in 1982.
16. The GMA, adopted in 1990, included a requirement to designate UGAs. The 1982 Lake Whatcom Subarea Plan does not address UGAs.
17. The GMA was amended in 1997 to include criteria for limited areas of more intensive rural development (LAMIRDs). The 1982 Lake Whatcom Subarea Plan does not address LAMIRDs.
18. The Whatcom County Comprehensive Plan was originally adopted in 1997, and subsequently amended. The 1982 Lake Whatcom Subarea Plan is not consistent with the County Comprehensive Plan.
19. The 1982 Lake Whatcom Subarea Plan utilized a 15-year planning period (which ended in 1997).
20. The Urban Fringe Plan was adopted in 1997 and subsequently amended.



21. Changed conditions including enactment of the GMA, adoption of newer plans and the passage of time warrant repealing the 1982 Lake Whatcom Subarea Plan.

**Public Interest**

22. Repealing the 1982 Lake Whatcom Subarea Plan will serve the public interest by removing a plan that is inconsistent with the Whatcom County Comprehensive Plan.

**Spot Zoning**

23. The subject proposal does not involve rezoning property.

**CONCLUSION**

The subject proposal is consistent with the approval criteria of WCC 2.160.080.

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

Section 1. The Whatcom County Comprehensive Plan Chapter 2 (Land Use) is hereby amended as shown on Exhibit A.

Section 2. The Lake Whatcom Subarea Plan (1982) is hereby repealed as shown on Exhibit B.

Section 3. Adjudication of invalidity of any of the sections, clauses, or provisions of this ordinance shall not affect or impair the validity of the ordinance as a whole or any part thereof other than the part so declared to be invalid.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

ATTEST:

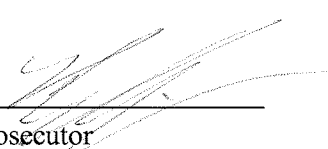
WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

\_\_\_\_\_  
Dana Brown-Davis, Council Clerk

\_\_\_\_\_  
Carl Weimer, Chairperson

APPROVED as to form:

( ) Approved      ( ) Denied

  
\_\_\_\_\_  
Civil Deputy Prosecutor

\_\_\_\_\_  
Jack Louws, Executive

Date: \_\_\_\_\_

# Exhibit A

*Amend Chapter 2 of the Whatcom County Comprehensive Plan as follows:*

Policy 2L-2: Retain and periodically review the adopted Subarea Plans (Lummi Island, Cherry Point-Ferndale, ~~Lake Whatcom~~, Urban Fringe, Birch Bay Community Plan, Foothills, Point Roberts, South Fork Valley, and Eliza Island). Subarea Plans represent a long history of plan development in Whatcom County and provided the foundation for the county's first Growth Management comprehensive plan adopted in 1997.

1. Utilize a process which ensures consistency between the Whatcom County Comprehensive Plan and subarea plans. The subarea plan review process should include the following steps:
  - a. Consistency Analysis. The County should review subarea plans based on the priority order in subsection "2b" for gaps, overlaps, or inconsistencies. Topics include, but are not limited to, plan boundaries, growth forecasts, land uses, capital facilities and services, horizon year, and other appropriate issues.
  - b. Regional and Local Government Coordination. The County should consult and coordinate with cities where city-associated UGAs are included in subarea plan boundaries.
  - c. Public Participation. Each subarea plan update process will be based on a public participation program that addresses citizen input on the key issues associated with the subarea plan update.
  - d. Subarea Plan Amendment. Only those portions of existing subarea plans in conflict with the Comprehensive Plan are required to be amended. Local issues of concern or changed conditions may be addressed.
  - e. Comprehensive Plan Revisions. Where the subarea plan process recommends growth levels, growth boundaries, or other essential features, Comprehensive Plan amendments will be considered in conjunction with the subarea plan update process. Land capacity analysis may also be updated if appropriate.

2. Prioritize review of subarea plans. Subarea plans should be reviewed in the following order.
  - a. Post-GMA Subarea Plans addressing UGAs. These subarea plans should be reviewed and amended, if necessary, during Whatcom County's periodic review of the comprehensive plan or repealed. Subarea plans addressing UGAs associated with a city should be coordinated with the city's comprehensive plan update process.
  - b. Post-GMA Subarea Plans addressing Rural Areas. These subarea plans should be subject to a consistency review. If significant inconsistencies are found, these should be considered for potential update during Whatcom County's periodic review of the comprehensive plan or repealed. Minor updates may be considered through the County's docket process in subsequent years.
  - c. Pre-GMA Subarea Plans. These should be repealed or updated in accordance with County department work programs or the docketing process. Priority criteria may be used to determine the order of update. Example criteria include:
    - i. whether update is needed for health, safety, or welfare concerns;
    - ii. whether there is a city-associated UGA included in the subarea plan boundaries – in which case, the subarea plan update could be timed to be developed in association with or following city comprehensive plan update process;
    - iii. whether the subarea plan would benefit from broader policy concepts to be completed in advance or in tandem, such as agricultural land protection measures;
    - iv. whether a significant policy objective would be met by amending the plan.

In the event there is an inconsistency between a Subarea Plan and the Whatcom County Comprehensive Plan, the Whatcom County Comprehensive Plan shall prevail.

***NOTE: The text of Policy 2L-2 above is also being amended in association with the proposed repeal of the South Fork Valley Subarea Plan (file # 2014-00003) and the proposed repeal of the Eliza Island Plan (file # 2014-00004). The changes to Policy 2L-2 proposed in the subject amendment are intended to be harmonious and compatible with the changes to Policy 2L-2 proposed in these other two amendments.***

# **Exhibit B**

**(Repealing the Subarea Plan)**

# **LAKE WHATCOM SUBAREA**

**a component of the**

## **Whatcom County Comprehensive Land Use Plan**

- Pt. Roberts Subarea
- Lummi Island Subarea
- Cherry Pt. - Ferndale Subarea
- **Lake Whatcom Subarea**
- Urban Fringe Subarea
- Lynden - Nooksack Valley Subarea
- Birch Bay - Blaine Subarea
- Chuckanut - Lake Samish Subarea
- South Fork Valley Subarea
- Foothills Subarea

LAKE WHATCOM SUBAREA

COMPREHENSIVE PLAN

AUGUST, 1982

Whatcom County Executive

John Louws

Whatcom County Council

Shirley Van Zanten  
Don Hansey  
Larry McIntyre  
C.J. Johnson

R.W. "Bob" Muenscher  
Jim Hawley  
Will Roehl

Whatcom County Planning Commission

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## I. INTRODUCTION

### Statutory Authority

Statutory authority for county comprehensive land use planning is established in Washington State Planning Enabling Act, in which it is stated that "each planning agency shall prepare a comprehensive plan for the orderly physical development of the county or any portion thereof..." (RCW 36.70.320). The Lake Whatcom Subarea Comprehensive Plan has been developed in response to statutory authority, as well as in recognition of the widely accepted principle that future Whatcom County land use decisions should be made in a coordinated and responsible manner by both the public and private sectors.

### Definition and Application

The Whatcom County Comprehensive Plan is defined as an official public document to be utilized by both the public and private sectors as a policy guideline for making orderly and desirable decisions concerning the future use of land in the county. The plan has been formulated by the Whatcom County Planning Commission and is comprehensive, general and long-range in nature. Comprehensive, in that it encompasses major geographic areas of the county and the functional elements that bear on physical development; general, in that it summarizes major policies and proposals and is not, by statute, a detailed regulation; and long-range, in that it not only addresses current issues, but also anticipated problems and possibilities of the future.

The purpose of this document is to foster a responsible process of land use decision-making. The goals, policies and land use plan map contained herein serves to amend the 1970 Whatcom County Comprehensive Plan for the geographic area covered by the Lake Whatcom Subarea. The 1970 plan served as a good and basic plan for the 1970's, but as times change, people's attitudes, technologies and economies also change. Consequently, the primary decision-making document of local government must be revised to address current and anticipated issues of the future.

In consideration of the changes that have occurred since the existing plan was adopted, the Planning Commission resolved in December, 1978 to revise and update the 1970 Comprehensive Plan. The Commission is also aware that changes will continue through the 1980's and has realized that the policies contained herein will be subject to modification and revision over a period of time. As is discussed in the following section, this subarea plan will be revised on a five-year basis.

### Subarea Planning Concept

Because of the county's diverse physical and cultural make-up, the Planning Commission elected to revise the plan on an individual geographic area basis. Thus, the Commission divided the western one-third of the county into ten logical geographic areas where the planning process could be applied in a uniform and consistent manner. Denoted as "subareas," these geographic areas were delineated to address various land use related issues that appeared to be unique to particular areas of the county.

The criteria utilized by the Commission to delineate the subarea boundaries include natural and physical features; political subdivisions, such as special purpose districts (sewer, water, fire, school, etc.); existing land use patterns; and the presence of a city or town (where applicable) to act as a nucleus for the area. Thus, subareas are planning units determined through the application of criteria and considered as a practical means of revising the comprehensive plan in a consistent orderly fashion.

#### Whatcom County Planning Process

The Whatcom County comprehensive planning process is defined as a continual program of evaluating goals, conducting various land-related studies, and practical set of land use policies and proposals for the future use of land in our county. Stated differently, the planning process serves as a blueprint for the logical development of the comprehensive plan, as well as the formulation of effective implementation tools.

The process describes, through a logical sequence, the various land use related factors that must be considered to effect the formulation of responsible and meaningful land use policies and proposals. These factors concern the following: the definition of county-wide goals; the inventory and analysis of land use, community facilities and utilities, transportation facilities and environmental resource characteristics; the forecasting of population levels and the county's economic vitality; the comprehension of issues, both technical and citizen related; the development of policies to resolve and/or address the relevant issues; and the transformation of policies into the plan map and attendant implementation tools.

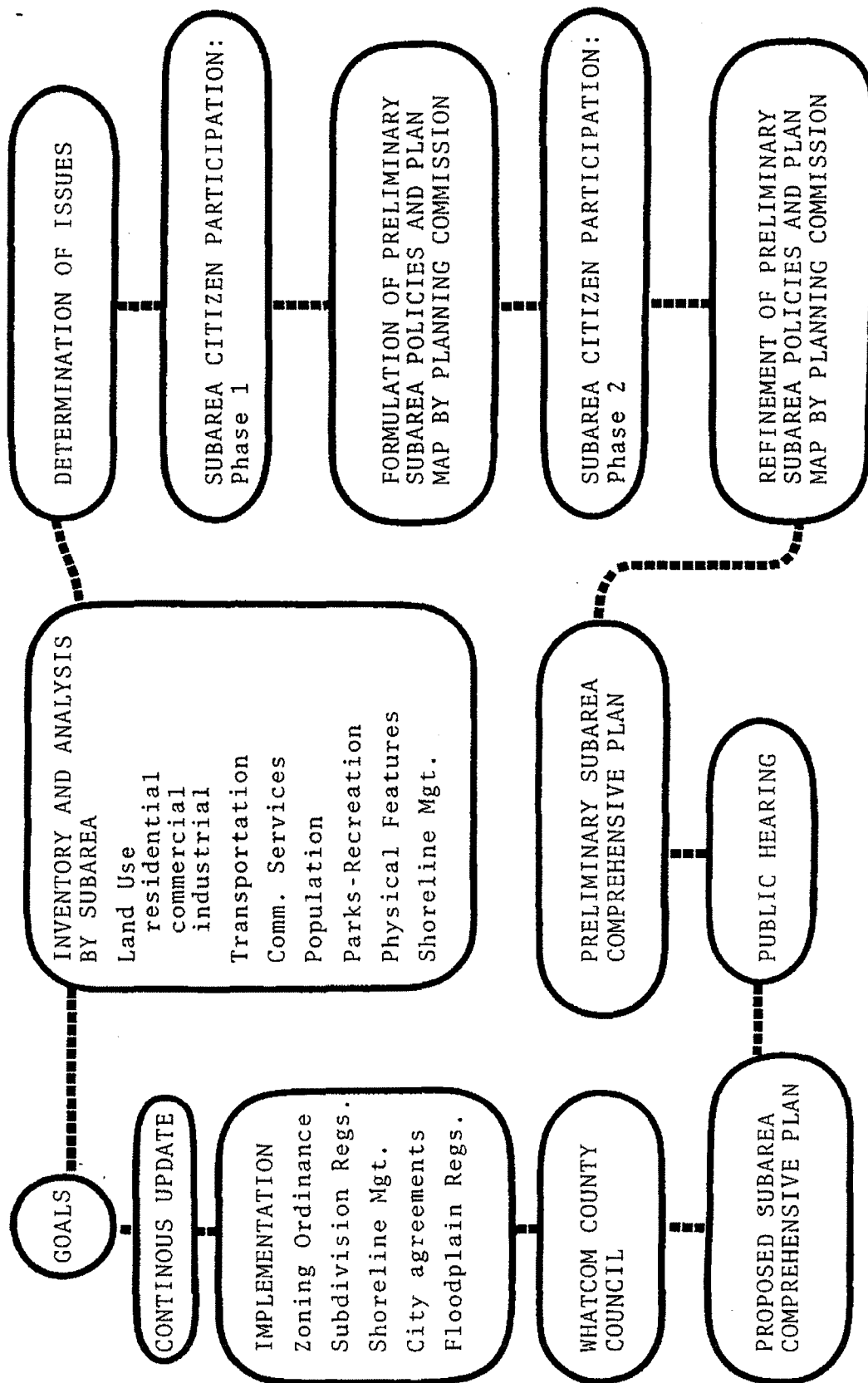
The planning process is continual. It involves not only the formulation of the comprehensive plan document and its implementation through the application and use of various regulatory tools, but also continual monitoring and periodic updating. The success of the planning process in Whatcom County relies heavily upon the county's ability to keep the major components of the plan current. Thus, the plan should be updated every five years by the Planning Commission, and such revisions should adhere to the various sequential stages of the planning process.

#### Format

The Comprehensive Plan for the Lake Whatcom Subarea includes the necessary information for the appropriate formulation of land use decisions by both the public and private sectors of Whatcom County. The components of the plan include the following:

1. Subarea Description: To generally define subarea characteristics and establish issue topics, as determined by area residents, the Planning Commission and the planning staff.
2. Population Forecasts: To correlate anticipated population levels with the land use policies and map.
3. Goal Statements: To provide the overall direction for land use planning in Whatcom County.

# Whatcom County Planning Process



4. Rationale and Locational Criteria: To establish the necessity of the land use designations and the spatial requirements to be utilized for policy application to the Comprehensive Plan Map.
5. Policies: To provide the primary decision-making tools required to resolve the land use, community facility and utility, transportation/circulation, and environmental issues of the subarea.
6. Comprehensive Plan Land Use Map: To reflect the spatial distribution of the policy statements; perhaps the most widely utilized component of the comprehensive plan.
7. Amendment Criteria: To assist both the public and private sectors with respect to revisions of the comprehensive plan policies and map.
8. Adoption Certification: To acknowledge the acceptance by the Whatcom County Planning Commission and Council, City of Bellingham, and the Boundary Review Board of the Goal Statements and the subarea policies and map.

## II. SUBAREA DESCRIPTION

### General

The Lake Whatcom Subarea contains over 56 square miles of land and is generally bounded on the north by Mt. Baker Highway and the northern section lines of Sections 7, 8 and 9, T38N,R4E; on the south by the Whatcom-Skagit County line; on the east by the upper reaches of the Watershed; and on the west by the upper reaches of the Watershed, the City of Bellingham corporate limits and Toad Lake Road. With the exception of a small geographic area situated north of the city limits and west of Toad Lake Road, the Subarea contains the entire Lake Whatcom Watershed. Also, approximately ten square miles in the Squalicum Creek, Silver Creek and Anderson Creek drainage basins are included in the subarea.

### Findings

In March 1981, the Whatcom County Planning Department completed the Background Document for the Lake Whatcom Subarea. A portion of the study contains descriptions of existing conditions within the subarea for land use, the physical environmental setting, transportation/circulation, and utilities and community facilities. In addition, the report identified specific issues for six analysis areas (North Shore, Geneva, Sudden Valley, South Bay, Forestry and Squalicum) as well as several generalized issues for the Lake Whatcom Watershed. It is intended in the process of plan revision that issues identified by all participants (staff, Planning Commission and citizens) shall be addressed and/or resolved by adoption of specific policy statements by Whatcom County.

The dominant land use in the Lake Whatcom Subarea is forestry. In fact over 83% of the total area or 30,438 acres is devoted to forestry uses. Of this total, 17,000 acres have been recorded by the County Assessor as forest current use tax status, i.e. reduced tax assessments for land devoted to the growth and harvest of forest crops for a minimum of ten (10) years. The majority of forest land is held by major timber companies such as Scott Paper, Georgia Pacific and Bloedel Development Company. The State of Washington also owns substantial holdings, considered as trust lands, that are managed by the Department of Natural Resources for the purpose of timber and mineral rights sales to various public and private interests.

The remaining 17% or 6,000 acres of land in the subarea is distributed among the balance of other uses including agriculture, public (communication, utilities and transportation), commercial, industrial, residential and vacant land uses. Vacant land use represents seven percent (7%) of the total subarea which is a relatively large land supply or reserve to accommodate future growth demands.

The Lake Whatcom Subarea is served by a sewer and water system operated by Whatcom County Water District No. 10. As the primary purveyor of sewer and water service, the district is responsible for the operation and maintenance of both systems in the Geneva and Sudden Valley communities, while on the North Shore only the sewer utility is available. However, the district anticipates becoming the primary purveyor of water source to the North Shore Urban Reserve area.

Community fire protection is provided by three Whatcom County Fire Protection Districts (junior taxing districts): 2, 4 and 18. Fire fighters are volunteer men and women residing in the vicinity of each fire hall. Law enforcement is provided by the Whatcom County Sheriff's Department. Education is provided by the Bellingham and Mt. Baker School Districts. Fiscal and human resources are generally considered adequate for each of these community services at the current level of development. However, the cutback in state revenues (at the state level) allocated for public education may impact the quality of education and may result in more vacant or unused building space in both of these school districts.

In the Lake Whatcom Subarea, the major traffic corridors are considered substandard when compared to widely accepted standards for major, secondary and collector arterials. As a result, current peak-hour traffic volumes exceed the design capacity of specific roadway segments in the Geneva Analysis Area; and unless significant improvements are made to these roads, it is predicted that serious deficiencies will begin to occur on these roads by 1985. The steady increase in the amount of vehicle accidents on subarea roads may be related directly to the operational characteristics (narrow pavement width, narrow shoulders and horizontal curvature) of subarea roads. Thus, it is imperative that roadway improvement projects are completed if the county intends to maintain a safe and efficient transportation/circulation network.

The physical and biological factors inventoried in the Lake Whatcom Subarea have been segregated into six categories as follows: (1) Topography, (2) Soils, (3) Geology, (4) Surface Water, (5) Vegetation; and (6) Wildlife.

In addition, specific physical features of the Lake Whatcom Subarea include six lakes and eleven permanent streams (some fish spawning), and includes nearly all of Lake Whatcom Drainage Basin. Moreover, Lake Whatcom, the most significant of the six lakes, serves as a reservoir for storage of water from the Nooksack River diversion system, as well as stream runoff. Furthermore, Lake Whatcom is District No. 10's domestic, and Bellingham's domestic and industrial water source.

#### Citizen Participation and Subarea Issues

The issues of the Lake Whatcom Subarea are associated with land use, community facilities and utilities, transportation/circulation, and the physical environment. Issue development has its origin in the subarea background planning study, prepared by the Whatcom County Planning Department, and has been augmented by comments from the citizens residing within the subarea, "special districts," Bellingham officials and the Whatcom County Planning Commission. The Whatcom County Planning Staff presented the issues to subarea citizens at four separate meetings, and the planning staff presented proposed policies intended to resolve the issues at four separate meetings. (A detailed list of issues can be found in the Lake Whatcom Subarea Background Document). The following is a summary of issues as presented to subarea citizens.

In the Geneva and North Shore analysis areas, both adjacent to the municipal city limits of Bellingham, the issues are similar in nature since both areas have urban and nonurban development patterns.

Of particular concern to Geneva area residents is the most appropriate application of a future land use designation generally north of Fremont Avenue (extended east to Lake Whatcom and west to the municipal city limits) including appropriate land uses, densities and the level of public service. Although 33 lots of the Cedarhills Subdivision are sited south of Fremont Avenue, the area between Fremont Avenue and the southern most boundary of the analysis area existing residential low densities, steep slopes and generally has no existing services. Thus, the major issue relates to the most appropriate future land use designation densities and service levels. Other issues involve provision of a remedial stormwater drainage system to protect downstream properties from excess stormwater runoff, transportation planning, conservation of environmental features and protection of water quality.

In the North Shore Analysis Area, residents are particularly concerned with the appropriate designation of geographical areas for urban and nonurban development patterns consistent with future transportation planning, community facilities and utilities including management of excess stormwater runoff to protect downstream properties, conservation of environmental features and protection of water quality. Other issues involve the appropriate pattern for development, i.e. random or sequential (eastward from Bellingham's municipal city limits) and designation of the city or Water District No. 10 as the primary purveyor of water to the Urban Reserve area.

Of particular concern to residents of the nonurban rural South Bay and Squalicum analysis areas is the recognition of large contiguous areas which are not considered as prime land for either agriculture or urban uses. Because of soil conditions, absence of existing or planned services and an existing very low density land use pattern, the major issue for both areas relates to the most appropriate application of a future land use designation. Inherent in such land designations must be provisions for maintaining the rural character, allowing a multiplicity of uses, and acknowledging the physical and cultural limitations of the area. Other issues involve appropriate maintenance of the existing transportation networks for each analysis area as well as the protection of groundwater aquifers.

The Sudden Valley Analysis Area consists primarily of the Sudden Valley Subdivision. Of particular concern to the residents of the community is the appropriate application of a future land use designation in recognition of existing mixed land use and the range of public services. Inherent in such land designations must be provisions for promoting an urban character as a stable residential development with minimum emphasis on the commercial resort character while providing for the full range of public services necessary in the community. Other issues involve the operational efficiency of the private road network, an appropriate and cost-effective stormwater drainage system to replace the existing open-ditch system, and the appropriate application of a future land use designation for the nonurban development pattern that surrounds the subdivision.

The predominate land use pattern in the Forestry Analysis Area is associated with commercial forestry practices. Because of the ownership pattern, steep slopes, poorly drained soils, absence of existing or planned services, and a very low density land use pattern, the major issue relates to the most appropriate application of a future land use designation. Other issues of



concern to commercial forest interests and residents include appropriate methods to assure compatibility between forestry practices and residential or recreational uses located in the vicinity. An additional concern expressed by citizens includes environmentally sound logging practices to prevent damage to downstream properties, streams and lakes as a result of excess stormwater runoff.

Of particular concern to subarea residents, commercial forestry interests, Bellingham, Water District No. 10's and Whatcom County officials is the protection of water quality and quantity not only in Lake Whatcom but also in the eleven permanent streams situated in the study area. Thus, inherent in the issue of an appropriate future land use designation for each of the six analysis areas is the provision for adequate and cost-effective methods to protect water quality. Other issues involve designating the Watershed as an Environmentally Sensitive Area, pursuant to the provisions of the State Environmental Policy Act, and the appropriate future land use designation in Basin III, the southern most lake basin. A nonurban land use designation may be the most appropriate to ensure a comparatively pure water source to which the Bellingham water intake pipe may be extended.

### III. POPULATION FORECASTS

#### Introduction

The purpose of population forecasting, as it relates to land use planning, is to accommodate the long-term spatial requirements of various land uses such as residential, commercial, recreational and public. Population forecasting may also be of assistance in decision making for land use related matters such as determining the appropriate scale and location of public works facilities and land development activities. In addition, population forecasts are subject to revision which may be accomplished in the five-year comprehensive plan update process.

The population information contained herein is a summary of the forecasts prepared by several agencies. Because of the technical difficulties involved with current and projected population assessment on a subarea basis, the information has been presented by total county, unincorporated county and incorporated community. Furthermore, this information has been used in a qualitative manner or as a general guideline, rather than as a specific numerical forecast. To relate this information to the Lake Whatcom Subarea Comprehensive Plan, the following assumptions are established:

1. The majority of population growth will occur in the Geneva, North Shore, Southwest Shore and Sudden Valley URBAN RESERVE and RESIDENTIAL RURAL areas.
2. The remainder of population growth will occur in RURAL areas.
3. The rate of population growth will be at unincorporated Whatcom County rates (Table B).

Tables A, B and C, respectively, relate to total Whatcom County, unincorporated Whatcom County, and Bellingham population trends and forecasts. Figures 1, 2 and 3 present this information in a graphical format. The remainder of the information summarizes the various assumptions and variables which may affect the included population forecasts.

FIGURE 1  
TOTAL WHATCOM COUNTY  
POPULATION TRENDS AND FORECASTS: 1970-2000

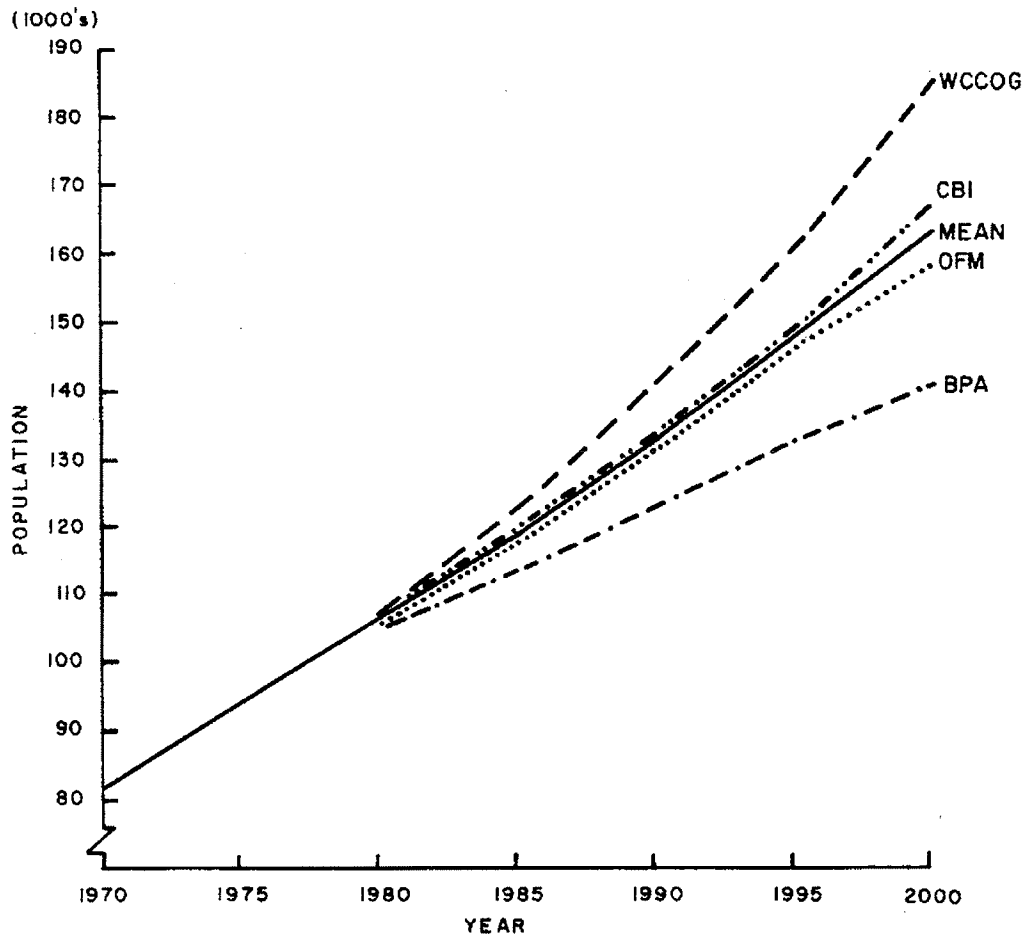


TABLE A

TOTAL WHATCOM COUNTY POPULATION TRENDS AND FORECASTS: 1970-2000  
(INCORPORATED AND UNINCORPORATED)

Research Agency	1970	1980	1985	1990	1995	2000
U.S. Census	81,983	106,701				
CB&I: EIS <sup>1</sup>		103,941	119,771	132,997	149,217	167,287
WCCOG <sup>2</sup>		104,876	122,300	141,160	160,623	184,910
OFM <sup>3</sup>		106,733	119,297	132,352	147,976	156,553
BPA <sup>4</sup>		102,350	113,625	123,925	132,750	141,350
Mean	---	---	118,748	132,609	147,642	162,525

ANNUAL GROWTH RATES

1970-1980	1980-1990	1990-2000
2.67% <sup>5</sup>	2.20% <sup>6</sup>	2.06% <sup>7</sup>

\*Refer to page 13 for footnotes.

FIGURE 2

# UNINCORPORATED WHATCOM COUNTY POPULATION TRENDS AND FORECASTS : 1970-2000

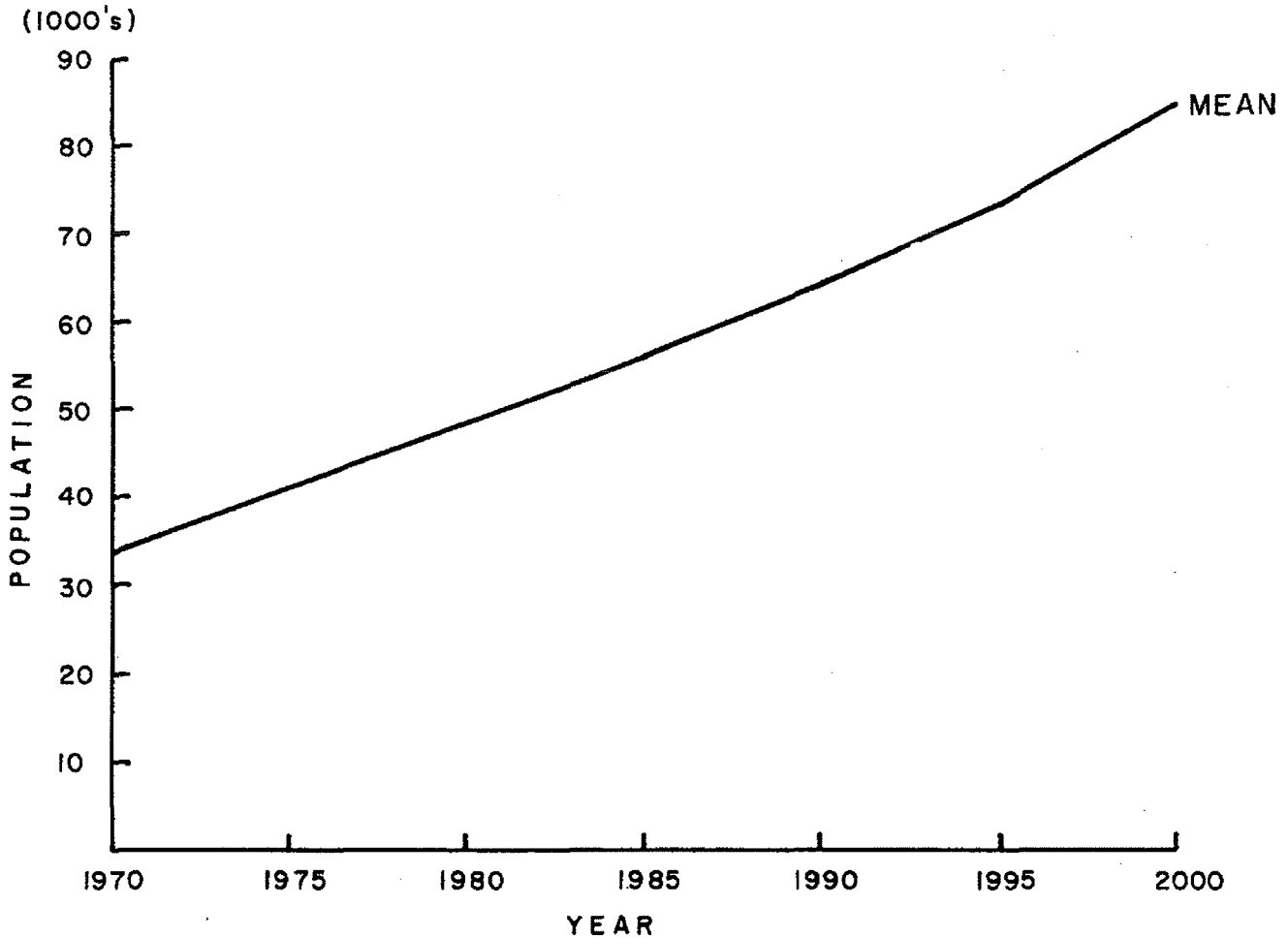


TABLE B

## UNINCORPORATED WHATCOM COUNTY POPULATION TRENDS AND FORECASTS: 1970-2000

Research Agency	1970	1980	1985	1990	1995	2000
U.S. Census	34,004	48,628				
CB&I: EIS <sup>1</sup>		47,652	56,825	64,456	74,026	84,769
WCCOG <sup>2</sup>		46,451	55,340	64,305	73,603	86,210
Mean	---	---	56,083	64,381	73,815	85,490

## ANNUAL GROWTH RATES

1970-1980	1980-1990	1990-2000
3.64% <sup>5</sup>	2.84% <sup>6</sup>	2.88% <sup>7</sup>

\*Refer to page 13 for footnotes.

FIGURE 3

## BELLINGHAM POPULATION TRENDS AND FORECASTS : 1970 - 2000

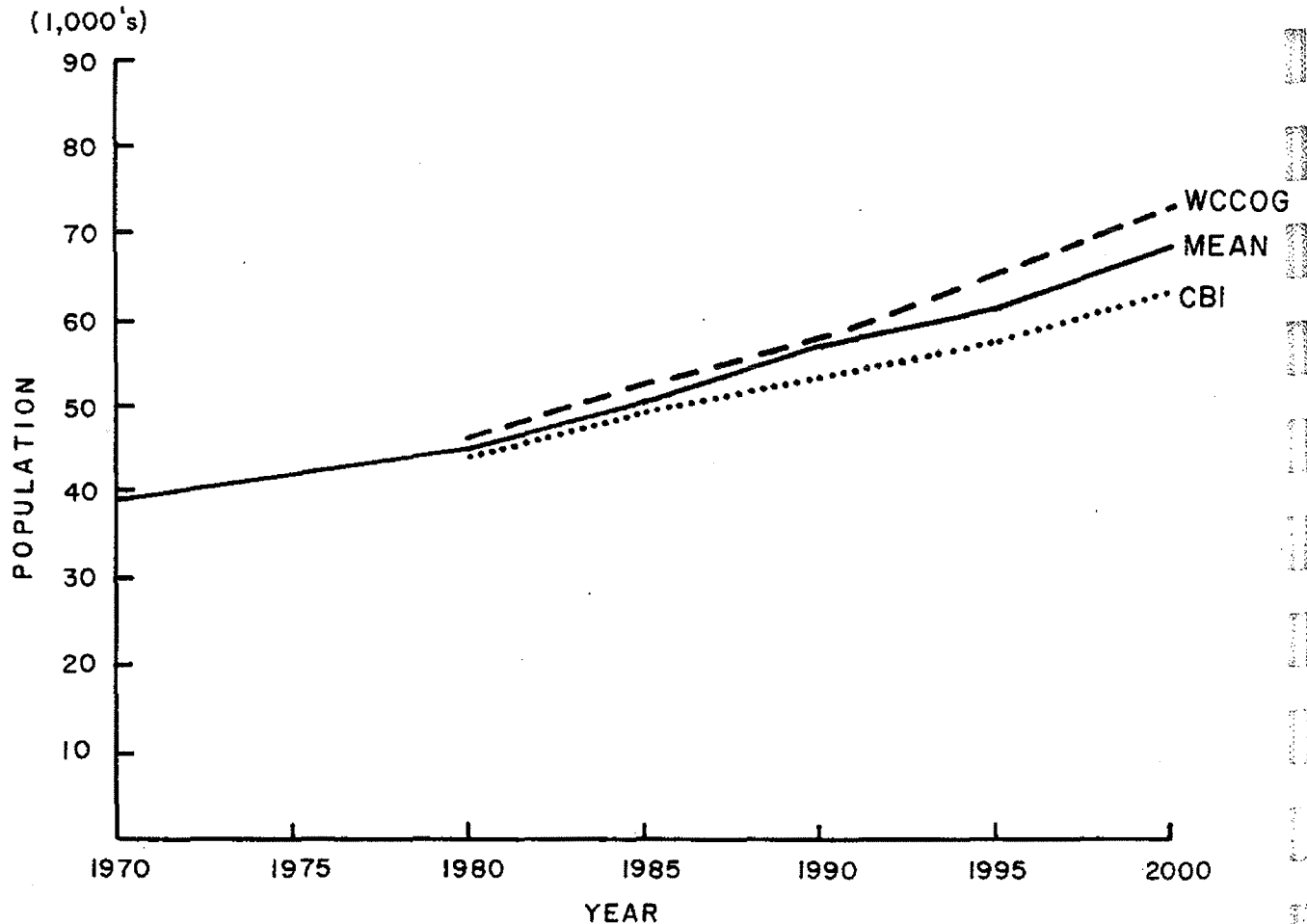


TABLE C  
BELLINGHAM POPULATION TRENDS AND FORECASTS: 1970-2000

Research Agency	1970	1980	1985	1990	1995	2000
U.S. Census	39,375	45,794				
CB&I: EIS <sup>1</sup>		44,672	49,336	53,287	57,873	62,888
WCCOG <sup>2</sup>		46,000	52,691	58,890	65,660	73,210
Mean	---	---	50,691	56,890	61,660	68,049

### ANNUAL GROWTH RATES

1970-1980	1980-1990	1990-2000
1.52% <sup>5</sup>	2.05% <sup>6</sup>	1.83% <sup>7</sup>

\*Refer to page 13 for footnotes.

### Assumptions Relating to Population Forecasts

All population forecasts are based on assumptions which affect the numerical results, and population forecasting agencies do not make the same assumptions. The following items are intended to present an overview of assumptions as they relate to Whatcom County populations:

1. In-migration<sup>8</sup> will continue to substantially contribute to population increases at the Washington State and Whatcom County levels.
2. The trend of decreasing family size and population per household will continue.
3. Labor market potential and location will affect population distribution, and gross natural increase and in-migration levels.
4. The purpose of the populations forecast affects assumption utilization, which in turn affects the results.

### Variables Affecting Population Forecasts

Agencies which prepare population forecasts often make revisions due to changes in the variables related to assumptions. The following variable are intended as an overview for potential Whatcom County population forecast revisions and may not affect all the agencies whose forecasts are contained herein:

1. Changes in Whatcom County birth, death and in-migration rates.
2. Changes in the level of industrial development and the related labor market potential of the Cherry Point area, as well as other locations within the county.
3. Changes in the Canadian economy and the related level of Canadian spending<sup>9</sup> in Whatcom County.
4. Changes in the demand for local resources (agriculture, forestry, fishing and mining raw materials or products) with respect to local consumption or state, national or international export markets.

### Footnotes

- <sup>1</sup> Parametrix, Inc., et al; Environmental Impact Statement for Chicago Bridge & Iron Co./Snelson Anvil, Inc. Cherry Point Marine Construction Facility; page 198.
- <sup>2</sup> Whatcom County Council of Governments; Population Forecasts; June, 1980.
- <sup>3</sup> Office of Financial Management; "Special Report #36 Forecasts of the State and County Populations by Age and Sex: 1985-2000"; May, 1981.
- <sup>4</sup> Bonneville Power Administration; Population, Employment and Households Projected to 2000; July, 1979.
- <sup>5</sup> Annual growth rates are based upon the official 1970 and 1980 U.S. Census figures.
- <sup>6</sup> Annual growth rates are based upon the official 1980 U.S. Census figure and the 1990 mean calculation figure.
- <sup>7</sup> Annual growth rates are based upon the 1990 and 2000 mean calculation figures.
- <sup>8</sup> In-migration is equal to total population less natural increase, in which natural increase is equal to total births less total deaths.
- <sup>9</sup> The Whatcom County Council of Government's population forecast exhibits a high correlation with the Canadian Impact Study and is thus presumed to accommodate Canadian spending.

#### IV. GOAL STATEMENTS

The following goals provide the general direction for making land use decisions in the subarea and Whatcom County as a whole. They were developed and adopted by the Planning Commission and County Council in July 1979.

##### A. Regional Design Goals

1. Future urban development should occur within or immediately adjacent to existing urban areas in order to eliminate sprawl and strip development, assure the provision of an adequate range of urban services, conserve agricultural and forestry lands, optimize investments in public services, and conserve energy resources.
2. Future development in rural areas should be low density, complement existing rural character, contribute to the conservation of agricultural and forest land, and not result in demands for urban-level services.

##### B. Growth Management Goals

1. To promote a conscientious program designed to plan, guide and influence the appropriate location, timing, intensity, type and servicing of diverse land use patterns.
2. To determine the required amounts of land anticipated to be utilized within the planning period (15 years) while retaining options for future land use decisions beyond the planning period.
3. To encourage a predictable pattern of urban and rural development which utilizes previously committed land areas and existing facility investments before committing new areas for development.
4. To ensure that a beneficial balance exists between the supply and demand for public services. To encourage the cooperation among municipalities, special districts, and associations in the planning and provision of public services. To discourage the proliferation of unnecessary special purpose districts.
5. To develop a concise, equitable and practical set of land use regulations intended to implement the goals, policies and proposals of the County Comprehensive Plan in a timely and orderly fashion.

##### C. Land Use Goals

1. To conserve the agricultural and forest lands of Whatcom County for the continued production of food, forage and timber crops while promoting the expansion and stability of the county's agricultural and forestry economies.
2. Urban residential development should be planned in areas that can be economically and efficiently served with existing or planned services, optimize energy use, function as integral neighborhood units, and can environmentally support intensive land uses.



3. Adequate community and neighborhood commercial facilities should be encouraged in appropriate locations while avoiding incompatible land use and the proliferation of unnecessary new commercial areas.
4. To encourage a balanced and diversified economy in order to assure desirable local employment opportunities, and to strengthen and stabilize the tax base. To accommodate anticipated economic development in an environmentally responsible manner with due consideration for public cost, energy availability, land use compatibility and transportation accessibility.
5. To promote the availability of economical and attractive housing for all income, age and ethnic groups, while also enhancing the integrity and identity of existing communities.
6. To promote a functional, coordinated and multi-mode transportation system which provides for the safe and efficient movement of people and goods, avoids undesirable environmental impacts, and optimizes public investments and the conservation of energy resources.
7. Adequate facilities and services which provide diverse education, recreation, cultural and social opportunities should be encouraged.

D. Cultural and Natural Resources

1. To identify and manage environmentally sensitive areas in such a manner as to prevent destruction of the resource base and reduce potential losses to property and human life.
2. To continue the identification of cultural and natural resources and formulate viable methods to preserve and conserve such resources in recognition of their irreplaceable character.
3. To promote a park and recreation system which is integrated with existing and planned land use patterns and is diverse, abundant and assures maximum public access and usage.

E. Citizen Involvement and Intergovernmental Coordination

1. To assure opportunity for citizens to be involved in the formulation of land use goals, policies and proposals, and to provide a structure for citizen participation in the planning program of federal, state, regional and local agencies.
2. To participate in intergovernmental coordination with federal, state, provincial, regional and local agencies, to develop a coordinated approach to problems which transcend local government bodies, and to create an environment for the exchange of information and technical assistance.

## V. RATIONALE & LOCATIONAL CRITERIA FOR LAND USE DESIGNATIONS

The comprehensive land use map, together with the policies, designates the most appropriate locations for the various land use patterns of the subarea. The land use designations as illustrated on the Comprehensive Plan Land Use Map represent the most appropriate uses of land in the subarea for the planning period. These designations have been developed as a means of addressing or resolving particular land use issues. To be consistent in the application of the designations, as well as to avoid confusion about how the land use map was drawn, the following rationale and locational criteria for each land use designation is set forth.

### A. URBAN RESERVE

#### Rationale

It is a well established fact in the western United States that urban areas have traditionally responded to growth pressures by adhering to policies of outward expansion. As long as this trend continues, there will be an almost constant demand for land, the most fundamental of all urban resources. Although outward expansion is accepted as a common city planning practice, problems have typically arisen when potential urban lands have been committed to long-term "nonurban" uses. Primarily caused by the lack of written public policy among governmental jurisdictions, this situation has resulted in uncoordinated and costly service systems, inefficient transportation networks, and unmanageable land use patterns.

As a means of curbing this situation that is currently developing in the urban "fringe areas" of the county, the revised Comprehensive Plan establishes the URBAN RESERVE land use designation. The rationale underlying the designation is to reserve certain land in the fringe areas of cities and other satellite communities that have previously demonstrated an urban level of densities and attendant range of urban services for future urban purposes, and encourage interim uses that are complementary and compatible with future urban densities and services. When urban services are eventually provided to these areas, land use densities shall increase and result in an orderly, economic and expeditious transition from rural to urban land use patterns. Thus, the URBAN RESERVE designation is defined as those areas adjacent to municipal boundaries which may be urbanized at such time that a full range of urban services (sewer, water, storm drainage, transportation improvements and sheriff protection) can be efficiently provided, as well as those satellite areas where urban densities and services have been previously planned. In addition, land proposed for annexation to an adjacent municipality shall be evaluated by the Boundary Review Board pursuant to RCW 36.93.170.

#### Locational Criteria

The criteria to be utilized for the application of the URBAN RESERVE designation includes the following:

1. Land areas adjacent to the City of Bellingham, or satellite areas, that are of sufficient size to adequately accommodate the projected demands for residential, commercial, transportation and public uses for a 10- to 15-year time frame.

2. Land areas where a range of urban services, i.e. sewer, water, storm drainage, transportation improvements, fire and sheriff protection, and parks and recreation, presently exist or can be economically and efficiently provided in the near future.
3. Areas that contain an adequate supply of vacant urbanizable land to avoid the artificial inflation of land values.
4. The boundaries of the URBAN RESERVE designation should:
  - (a) be well defined, logical, provide a physical "sense of community," and be capable of being expanded to accommodate additional urban growth as the need arises; and
  - (b) acknowledge existing and potential land use densities as to their urban or rural character. Urban land use densities should be included within the urban service areas; whereas, rural land use densities may be grounds for excluding such areas.

#### A.1 URBAN RESERVE MEDIUM DENSITY

##### Rationale

Through the application of the locational criteria described above, lands adjacent to municipalities or satellite areas that are considered to be urbanized within the planning period and can be served with a full range of urban services should be designated as URBAN RESERVE. Within these areas, Whatcom County recognizes the need to provide a land supply where more affordable housing types, such as condominiums, apartments, townhouses and mobile home parks, can be situated. To address this need, an URBAN RESERVE MEDIUM DENSITY comprehensive plan land use designation is provided which includes two maximum density classifications: six dwelling units per acre and twelve dwelling units per acre. The following locational criteria provides direction for the placement of the respective medium density classifications:

##### Locational Criteria

1. The density classification of six dwelling units per acre should be applied to areas that are adjacent to low density urban reserve areas.
2. The density classifications of twelve units per acre should be applied to areas that are either adjacent to existing or planned residential developments containing similar density levels, or adjacent to existing or planned commercial or light industrial developments where such activities are considered as complementary and compatible with multi-family residential living.

#### B. RESIDENTIAL RURAL

##### Rationale

Not all citizens prefer to live in concentrated urban areas but instead prefer a setting of less density. This setting commonly implies that urban

utility services (public provision of both sewer and water) are not planned, sheriff and fire protection are provided to a lesser degree than in urban areas, roadways have not been scheduled for capital improvements to county standards and the residential landscape is visually different from urban areas. In addition, residents of such areas are usually not self-sufficient and instead rely on urban areas for amenities such as shopping, employment and entertainment. Thus, the RESIDENTIAL RURAL designation is intended to provide land areas in close proximity to urban areas where nonurban living patterns may develop with minimal public service costs.

#### Locational Criteria

The criteria to be used for the application of the RESIDENTIAL RURAL designation include the following:

1. Land currently served or planned to be served with only a partial range of urban level services, i.e. publicly provided sewer or water, fire and sheriff protection, and storm drainage (where appropriate);
2. Land areas where low density residential development currently exists and where such densities are planned to continue in the future; and
3. Lands that contain soils that are generally not considered as suitable for commercial agriculture, forestry or mineral extraction.

Because of the nonurban nature of RESIDENTIAL RURAL areas, transportation facilities are limited to a secondary arterial or lower classification, and road improvements are limited to maintenance only. In addition, the boundaries of Residential Rural areas should be well defined with physical or man-made features.

### C. RURAL

#### Rationale

The present land use pattern in several areas of the subarea are characterized by part- to full-time farming or forestry and low density residential activity. This type of landscape can be considered as "rural," i.e. an area containing a combination of pastureland, woodlots and dispersed residential settlement land use patterns.

Dispersed settlement patterns are perhaps a function of the absence of past and future public commitments concerning the provision of sewer, water and roadway improvements, and the preference to live in a very low density rural setting. Additionally, physical conditions (soils, water or topography) may have imposed constraints to higher densities of development.

These areas may also contain nonrenewable natural resources, such as soils which contribute to agricultural or forestry productivity, or sand and gravel deposits suitable for extraction.

The rural areas of the subarea offer alternative residential living styles compared to that of the urban or moderately dense residential setting. Employment alternatives also exist that are associated with part- or full-time agriculture, forestry and home occupations. In addition, the existing

parcel sizes are sufficient to accommodate future land use disposition, beyond the planning period, as agricultural, forestry or low-to-moderate density residential areas.

Thus, the RURAL designation is important in the Subarea Plan in that it provides flexibility concerning very low density residential, forestry and agricultural land uses while retaining future private and public options pertaining to land management.

#### Locational Criteria

The criteria to be used for the application of the RURAL land use designation include the following:

1. Lands where the existing dwelling unit density is less than one dwelling unit per two acres, average parcel size is greater than two acres, land use history indicates a blend of part- and full-time agriculture forestry and woodlot operations;
2. Lands where sewer service is provided by on-site septic disposal and water service is provided by on-site wells, surface water supplies and water associations. In addition, future water and sewer service is not intended to be supplied by city, county or district service entities; and
3. Lands that pose physical developmental constraints such as slow soil percolation rates, seasonal ponding, the presence of aquifers or groundwater recharge areas and topography in excess of 15% slope.

#### D. FORESTRY

##### Rationale

Historically, forestry and related industries have assumed a significant role in the local economy, a role which has expanded to affect state, national and international economies. Not only is forestry economically important, it is significant in the renewable resource base afforded Whatcom County through forest management. In addition, forested areas often contain nonrenewable mineral and nonmineral resources, serve as wildlife habitats and contribute to watershed management. However, as population increases, related development may create pressure to irrevocably convert forest land. Therefore, it is imperative that Whatcom County provide for the long-term productivity of forest and related resources by safeguarding such areas from conversion to nonforest uses. Planning these areas for FORESTRY will augment the continued viability of Whatcom County's renewable and nonrenewable resource base.

##### Locational Criteria

Areas which are suitable for the FORESTRY designation may be identified through analysis of the following land use, social and physical factors:

1. Land use patterns indicate a predominance of large parcel sizes ranging from 20 to 640 acres.

2. Parcels are usually owned for the purpose of growing and harvesting timber by major timber industries, logging companies, the State of Washington and private individuals engaged in woodlot operations.
3. The majority of parcels are classified in current use tax assessment, consistent with the provisions of Washington State law.
4. There is a minimal amount of public roads and other services which are generally precursors to and augment residential development.
5. Certain physical constraints to residential development may also exist such as slopes in excess of 15%, soils which are not suitable for septic tanks or conventional building foundations, unstable geologic units or wildlife habitats.
6. Nonrenewable natural resources such as minerals, coal, gravel or soils which may augment forestry management may also be present.

#### E. PUBLIC

##### Rationale

This designation recognizes those parcels and facilities currently in or planned for public ownership where the primary function is to provide public services. The intent of this designation is to assure continuation and potential expansion of acreages, facilities and services at levels consistent with population requirements and effected in a manner that is compatible with surrounding land uses.

##### Locational Criteria

To identify areas which are suitable for the PUBLIC designation, the following criteria are employed:

1. Parcels are currently owned or considered for ownership by public agencies such as the Federal Government, State of Washington, Whatcom County, cities (when property is situated outside of municipal boundaries), and special purpose districts such as school, fire and water districts; and
2. The function of parcel ownership is to provide public services such as recreation, education, utilities, communications, transportation (not including roadways), solid waste disposal and health care.

#### F. QUASI-PUBLIC

##### Rationale

The QUASI-PUBLIC land use designation is necessary to distinguish those areas where public institutional uses exist which are under private control; and the scope of the institutional uses is different, both in function and attendant on- and off-site impacts, from surrounding land uses. Thus, the QUASI-PUBLIC designation intends to assure continuation of institutional

functions in a manner which will not be affected by or affect surrounding land uses.

Locational Criteria

Areas which should be designated as QUASI-PUBLIC shall conform to the following criteria:

1. Parcels are owned by institutions such as churches, universities, colleges, schools or private foundations; and
2. The purpose of parcel ownership is to provide education, religious training, meeting centers, day use recreation, summer camps or a combination thereof.

## VI. POLICIES

### Introduction

Many land use problems may arise through urbanization of the Lake Whatcom Watershed. A most fundamental concern is the effect that urbanization will have on the waters within the watershed and upon which the population of the greater Bellingham area will be dependent in the foreseeable future. Uncontrolled urbanization will degrade water quality and reduce water quantity during critical periods of the year, thereby further degrading water quality which will affect the appearance of Lake Whatcom, jeopardize public health and increase treatment costs, and hasten the need for development of supplementary water sources. Actions are recommended as necessary for the development of appropriate land use controls that are urgently required to avoid these unnecessary consequences in both the public and private interests.\*

The policies contained herein provide the basis to guide and influence the appropriate location, type, intensity, timing and servicing of land use patterns within the Lake Whatcom Subarea. The policies have been developed in accordance with the planning process and are intended to respond to a myriad of issues identified by the public and private sectors of the Subarea. During the citizen participation stages of the planning process, a concern expressed by many residents was that the Planning Commission should adhere to a very conservative and cautious approach in developing the Lake Whatcom Subarea Plan to ensure against detrimental impacts to the quality and quantity of the lake's water supply. The Planning Commission has embraced this concern and has proposed a plan that, in general, presents a status quo approach to urbanization in the watershed until the various hydrological characteristics and the effects of urbanization on the watershed are more fully known. Whatcom County, together with the City of Bellingham and District No. 10, is currently applying to the Washington State Department of Ecology to fund a diagnostic and feasibility study to determine the hydrological characteristics of the watershed.

Therefore, the focus of the following policies is to promote the conservation of the Lake Whatcom Watershed through recognition of existing patterns of Urban, Rural and Forestry land uses while deterring major alternations of the existing land use patterns until the findings of the aforementioned study are available.

The following policies address the various land use designations illustrated on the Comprehensive Plan Land Use Map, community facility and utilities, environmental features and transportation.

\*AD HOC Lake Whatcom Watershed Citizens Committee Report



## A. URBAN RESERVE

### Intent Statement

The primary purpose of the URBAN RESERVE policy is to promote an orderly transition from rural land uses and densities to urban uses and densities, while moving toward the attainment of the Regional Design Goal with respect to future urban development. In addition, the policy intends to encourage the responsible growth of urban areas by assuring that an adequate range of urban services (sewer, stormwater drainage, schools, parks, water, fire and sheriff protection) are available to support urban level densities. When such services are available, development should occur in neighborhood units which have appropriate levels of densities, uses and circulation networks.

To facilitate future urban growth, the URBAN RESERVE policy is intended to discourage the establishment of interim uses and subdivision patterns which may foreclose significant future alternatives pertaining to urban densities and the efficient provision of services. Moreover, this policy is intended to maintain, prior to the approval of an accepted site specific plan for the implementation of services, the low density character of the area and to allow reasonable uses of property by permitting compatible residential, recreational, commercial, forestry and agricultural land uses. Finally, the designation and application of the URBAN RESERVE policy is intended to accomplish the following objectives:

1. To reduce urbanization and encroachment pressures on lands that are most suitable to intensive agricultural or forestry operations.
2. To stabilize land speculation and the artificial inflation of land values in the "urban fringe" by designating an adequate amount of land for urban growth and uses during the planning period.
3. To provide land owners with a reasonable expectation of future municipal and county land use policies.
4. To reduce inequitable taxing structures on nonurban land located near urbanizing areas.
5. To conserve energy resources by reducing unnecessary travel between living, shopping and work places.
6. To encourage the conservation of natural resources and environmentally sensitive areas, both within and outside of the area designated as URBAN RESERVE.

### Policy Statement

- 1.01 It is herein the policy of Whatcom County to plan for future urban development in certain portions of the Lake Whatcom Subarea by designating such lands as URBAN RESERVE on the Comprehensive Plan Land Use Map. The boundaries of the Geneva and the Sudden Valley URBAN RESERVE areas have been delineated in conformance with the Locational Criteria, as set forth in the previous section. The predominate land use pattern within these URBAN RESERVE areas shall be residential and related forms, including neighborhood parks, schools, neighborhood commercial, public and recreational uses.

- 1.02 Within the areas designated as URBAN RESERVE, the future land use patterns are intended to be urban. Similarly, the level of services should also be urban. Thus, future urban development shall be provided with a full-range of urban services that includes public sewer and water, fire and sheriff protection, transportation facilities, parks, schools and stormwater drainage systems.
- 1.03 Since urban services are currently being provided by a multiplicity of service entities, i.e. city, county and district, it is the policy of Whatcom County to coordinate the service areas and standards of each service entity to attain a uniform and appropriate level of urban service. (Refer to Community Facilities and Utilities Policies to determine the agency responsible for service).
- 1.04 To move toward the implementation of the county's residential land use goal and to further the intent of the URBAN RESERVE land use designation, it is the policy of Whatcom County to designate and plan for new urban neighborhoods. These neighborhoods should be based on the following commonly accepted criteria: sufficient size, utilization of man-made and natural boundaries; the manageable and efficient provision of sewer, water, transportation services, fire and sheriff protection services, and stormwater drainage; and an available supply of vacant developable land. The components of a neighborhood should include the following: an elementary school, if necessary; recreational facilities, including neighborhood parks; neighborhood commercial uses; a variety of residential structures and uses; and efficient pedestrian and vehicular circulation networks.
- 1.05 With the intent of acknowledging existing urban development patterns and reserving land for future urban uses, densities and service levels, it is the policy of Whatcom County to establish two (2) land use densities within the areas designated for URBAN RESERVE. Where a full range of services are available, the density shall be three (3) dwelling units per acre, and where such services are nonexistent, the density shall be one (1) dwelling unit per five (5) acres. To implement this policy for each of the URBAN RESERVE areas, the following policies are provided:
- 1.05.1 In the Geneva Analysis Area, Whatcom County shall amend its Zoning Map to the Urban Residential zoning district. The applicable land use density shall be three (3) dwelling units per acre where sewer, water, transportation, fire and law enforcement services currently exist.
- In areas where such services do not exist, the applicable density shall be one (1) dwelling unit per five (5) acres of land area.
- 1.05.2 In the Sudden Valley Analysis Area, Whatcom County shall amend its Zoning Map to the Urban Residential zoning district. The applicable land use density for residential development shall be three (3) dwelling units per acre where sewer, water, transportation, fire and law enforcement services currently exist. In areas where such services do not exist, the applicable density shall be one (1) dwelling unit per five (5) acres of land area.

Whatcom County shall amend its zoning map to designate tracts of R, L, J, K, S, U, Q, N-2 and P (described in the "Protective

Covenants for Sudden Valley Condominium Tracts" dated June 9, 1977 and recorded under Whatcom County Auditor's File No. 1254476) as multi-family or condominium tracts within the Medium Density (MUR-12) zoning district with maximum densities of eight dwelling units per acre to ten (10) dwelling units per acre with a commensurate reduction in single-family lots located elsewhere in the Sudden Valley Subdivision or through a reduction of multi-family units allocated to the above described tracts including Tract Y.

Whatcom County shall amend its zoning map to designate Tract Z, W, the Byron Tract and Airport: as multiple-family or condominium tracts within the Medium Density (MUR-12) zoning district with maximum densities of three (3) dwelling units per acre. Densities may, however, be increased beyond three (3) dwelling units per acre to ten (10) dwelling units per acre with a commensurate reduction in single-family lots located elsewhere in the Sudden Valley Subdivision or through reduction in multiple-family units allocated to any parcels in Sudden Valley.

(a) Reduction of single-family lots for the purpose of increasing the density on said tracts shall be accomplished as follows: Platted single-family building lots shall be procured consistent with the provisions of Title 20.20.252 and/or 20.83.020 and .080 and designated as nondevelopable lots through the filing of an irrevocable deed restriction which has been certified by the Whatcom County Zoning Administrator. Said deed restriction shall also indicate the total number of additional units to be added to the respective area tracts resulting from the reduction of single-family lots.

(b) Reduction of multi-family units for the purposes of increasing density on said tracts shall be accomplished as follows:

Multi-family dwelling units that are allocated to said tracts may be transferred between said tracts through the filing of an irrevocable deed restriction, certified by the Whatcom County Zoning Administrator, that indicates the number of multi-family dwellings remaining on the various area tracts from which such units have been transferred and the corresponding increase in additional multi-family units to be allocated.

1.05.3 At such time that a full range of urban level services (public sewer, water, transportation, storm drainage, fire and law enforcement) can be provided to previously unserved lands within the URBAN RESERVE area, Section 20.20.250 of the Official Whatcom County Zoning Ordinance shall be applicable.

1.06 Within the URBAN RESERVE areas, a clustering option shall be provided to the applicant for the new land subdivisions. The purpose of this option is to provide economic flexibility to the individual property owner, promote economic lot design, conserve nonrenewable natural resources and environmentally fragile areas, retain future options with respect to land use decisions, and maintain the low density Residential character of the

area. When applying the "clustering option," the URBAN RESIDENTIAL zone classification, as established in the zoning ordinance, shall be utilized to establish the overall density of the parcel of record. New land subdivisions for residential purposes shall be designed consistent with the following policies:

- 1.06.1 To minimize encroachments (ingress and egress) along county roads, subdivision design shall be discouraged from forming lineal residential patterns adjacent to said roads.
  - 1.06.2 When practicable, structures on open landscapes should be sited and designed to minimize disruptions of views from adjacent properties and public roadways. In addition, it is preferred that residential structures be placed at the perimeter of fields or within existing wooded areas (although the application of solar energy technology may require some departures from these preferences in specific instances).
  - 1.06.3 When a "cluster" subdivision is situated adjacent to less intensive uses (agriculture, forestry or large parcel residential), the subdivision shall be buffered at the site periphery to prevent the encroachment of vehicles, pedestrians, animals and nuisances on to less intensively utilized parcels.
- 1.07 The cluster method of subdivision is defined as an alternative method of creating building parcels that involves:
- (a) Concentrating spatially efficient and marketable building lots while preserving the intent of the land use district; and
  - (b) retaining options for future uses and densities by treating the land as both a commodity and a resource.

The density of the use district defines the number of allowable dwelling units per land area. Land area not used for building purposes is designated as "Reserve Tract." Section 20.20.300 of the Official Whatcom County Zoning Ordinance further describes the purposes and uses of Clustering and the Reserve Tract.

- 1.08 Existing and planned land use patterns in the Geneva and Sudden Valley URBAN RESERVE areas are intended for low density residential uses. As these areas develop, it is anticipated that a demand will exist for neighborhood commercial uses. To accommodate this anticipated demand, the following policies are provided:

- 1.08.1 The Sudden Valley URBAN RESERVE area should be provided with neighborhood commercial shopping complexes to accommodate the neighborhood's demands for convenience goods and services. Selection of the most appropriate site should be consistent with the following: located on a collector or secondary arterial, centrally located to the service area of the neighborhood, and be approximately five (5) acres in size.

In addition, the architectural and design should be compatible with the residential character of the neighborhood.

To acknowledge the existing marina and resort near Strawberry Point, Whatcom County shall designate such use as a legal nonconforming use which shall be administered under the applicable provisions of the zoning ordinance.

1.08.2 To acknowledge the neighborhood commercial uses in the Geneva URBAN RESERVE area, such uses shall be conditionally permitted in the Urban Residential zoning district.

1.08.3 To acknowledge the geographical area in Sudden Valley containing the restaurant, clubhouse and leased condominiums as a resort area. This commercial area shall be implemented with a new zoning district which shall be incorporated into the Official Whatcom County Zoning Ordinance.

1.09 At present, several productive, large lot residential land use forms exist within the areas designated as URBAN RESERVE. Because of their well-established nature, it is conceivable that such areas may not be converted to increased urban densities in the future. As urbanization occurs on the periphery of these areas, it is important to maintain their respective character and stability while ensuring against detrimental impacts. Thus, the following design standards shall be applied to adjacent urban development:

1.09.1 Residential subdivisions and other urban uses shall buffer themselves with adequate landscaping, screening or fencing to prevent the encroachment of vehicles, pedestrians, animals and nuisances onto less intensively utilized parcels.

1.09.2 Where practicable, subdivision and other urban uses shall be designed in such a manner as to channel their activity sources (vehicular and pedestrian networks) to the interior spaces of the site.

1.10 As part of the effort to effectively manage urban growth and so that the City of Bellingham may be aware of major subarea activities which may affect its best interests, the following policies are provided:

1.10.1 To further a joint exchange of information, Whatcom County shall send copies of applications of major land use, transportation and service entity activities proposed within the subarea to the City of Bellingham within fifteen (15) days of application receipt by the county.

1.10.2 The City of Bellingham is requested to send copies of future proposals concerning the expansion of the City's Water Service Zone and Sewer Service Zone boundaries to the Whatcom County Planning Department. The purpose of such referral is to afford the county's input in the delineation of the boundary, as well as any related Comprehensive Plan and zone district changes.

1.11 While it is not anticipated that adjustments to the URBAN RESERVE land use designation will be necessary within the planning period, unexpected population growth of the subarea may result in a need to expand the area designated as URBAN RESERVE. If such need exists, the Comprehensive Plan should be amended consistent with the Amendment Criteria Section to include additional urbanizable land commensurate with the demand.

## **B. RESIDENTIAL RURAL**

### **Intent Statement**

The intent of the RESIDENTIAL RURAL land use designation is to maintain the existing low density character of an area. Densities should range from one (1) dwelling unit per acre to two (2) dwelling units per acre, depending upon the range of county approved services and existing lot sizes. If there is adequate transportation capacities, publicly provided sewer or water, and lot sizes of greater than one acre exist or are planned, the density of residential development shall be one (1) dwelling unit per acre. Where a partial range of services exist or are planned, and the average lot size is less than or equal to 18,000 square feet, the density of residential development shall be two (2) dwelling units per acre. As a means of efficiently utilizing land, maintaining the present low density residential character, and retaining options regarding increased densities and services in the future, it is the intent of the RESIDENTIAL RURAL designation to provide for the option of "clustering" in the design of new subdivision proposals.

### **Policy Statement**

1.01 Recognizing the past public commitments that have been made for low density residential and related uses, it is the policy of Whatcom County to designate the following areas as RESIDENTIAL RURAL and to depict the areas as such on the Comprehensive Plan Land Use Map:

1.01.1 The North Shore area which is generally bounded by the City of Bellingham on the west, the shoreline on the south, the eastern boundary of Water and Sewer District No. 10's ULID #11 on the east and north, and the Bonneville Power Administration Powerlines and boundary of the RR-2 zone line on the north.

The Squalicum Mountain area which exists north of the watershed boundary in Sections 13 and 14, Township 38 North, Range 3 East.

1.01.2 The Southwest Shore area which is generally bounded by Strawberry Point, the shoreline, the Lakewood-Sudden Valley property lines, and a portion of the State of Washington plat and the southwest quarter of Township 34, Section 38 North, Range 3 East.

1.01.3 The South Bay area which is generally bounded by the shoreline, the Whatcom County Park Department property line and South Bay Drive.

1.02 Within the area designated as RESIDENTIAL RURAL, typical uses shall include single-family attached and detached dwellings, preferably in a "cluster" formation; public parks and recreation facilities; home occupations; and neighborhood grocery stores.

1.03 Whatcom County shall implement the RESIDENTIAL RURAL land use designation by application of the RESIDENTIAL RURAL zone district, in which the residential density ranges from one (1) dwelling unit per acre to two (2) dwelling units per acre.

1.03.1 The density of one (1) dwelling unit per acre shall apply to the following areas: The North Shore area bounded by the ULID 16

eastern boundary described as that portion of the east line of the west half of the southwest quarter of the southeast quarter of Section 24, Township 38 North, Range 3 East of W.M., Whatcom County, Washington, lying northerly of North Shore Road and southerly of the southerly line of Bonneville Power Administration transmission line easements across said southwest quarter of the southeast quarter on the west, the Bonneville Powerlines right-of-way on the north, Sewer and Water District No. 10's ULID #11 on the east and north, and North Shore Drive on the south and the South Bay area.

- 1.03.2 The density of two (2) dwelling units per acre shall apply to the Southwest Shore and North Shore area (as described in Policy 1.01.1) excluding those lands described in 1.03.1 above.
- 1.04 Within the RESIDENTIAL RURAL zone district, new land subdivisions for residential purposes may be designed with either a conventional or cluster lot layout pattern. Whichever subdivision pattern is used, the following policies shall pertain to the subdivision design.
- 1.04.1 The overall density of development, pertinent to the original parcel of record, shall not exceed the density provisions addressed in Policies 1.03.1 and 1.03.2 above.
- 1.04.2 To minimize encroachments (ingress and egress) along existing county roads, subdivision design shall be discouraged from forming lineal residential patterns adjacent to said roads.
- 1.04.3 When practical, structures should be designed to minimize disruption of views, maximize solar heating opportunities and conserve existing vegetative cover.
- 1.04.4 When a subdivision is situated adjacent to less intensive land use designations such as FORESTRY or RURAL, the subdivision shall be buffered at the site periphery to prevent the encroachment of vehicles, pedestrians, animals and nuisances onto other less intensively utilized areas.
- 1.05 The existing neighborhood commercial uses in the Agate Bay area shall be conditionally permitted within the Residential Rural zone district.
- 1.06 The cluster method of subdivision is defined as an alternative method of creating building parcels that involves:
- (a) concentrating spatially efficient and marketable building lots while complying with the intent of the land use district; and
  - (b) retaining options for future uses and densities by treating the land as both a commodity and a resource.

The density of the use district defines the number of allowable dwelling units per land area and establishes a minimum lot size. Minimum lot size is intended to be consistent with Whatcom County Health Board Rules and Regulations concerning soil percolation rates for septic systems. Land area not used for building purposes is designated as a "reserve tract" and should be used for agriculture,

forestry, open space or future subdivision at such time the Comprehensive Plan is amended to allow an increase in density. The Official Whatcom County Zoning Ordinance describes the density for various land use districts where the cluster method can be utilized, the criteria to be used in designing building lots, and the provisions of the reserve tract.



## C. RURAL

### Intent Statement

The primary intent of the RURAL policy is to provide areas of multiple use suitability such as agriculture, forestry, mining, low density residential and home occupations. The multiple use potential of RURAL areas may be contrasted with those of other areas within which past commitments such as residential subdivisions and attendant services or resource availability, i.e. agricultural soils or timber stands, have dictated single land use suitability.

An additional intent of the policy is to move toward attainment of the Regional Design Goal with respect to future rural development in which residential density should be low, not result in a demand for urban services (publicly provided sewer and water, storm drainage, fire and sheriff protection, and transportation improvements), conserve agricultural and forest lands, and complement the existing "rural" character. The "rural" character may be defined as an area where there is a mixture of pastureland, cropland, woodlots and dispersed settlement land forms.

The RURAL policy is also intended to acknowledge physical and cultural factors which currently are and during the planning period will continue to be limitations to higher densities. Physical factors relate to soil percolation rates, depth to groundwater level, steep topography, and the presence of aquifers; whereas, cultural factors pertain to the absence of public services and circulation networks. Moreover, this policy intends to conserve environmentally fragile areas and retain future access options with respect to nonrenewable natural resources (sand, gravel, coal and minerals, and soils which contribute to agricultural and forest productivity).

To encourage the multiple land use potential, retain the "rural" character of the area, acknowledge factors which may preclude higher densities, and retain future options with respect to land use decisions and natural resource utilization, it is the intent of the RURAL policy to provide the option of "clustering" in the design of new rural subdivisions.

### Policy Statement.

1.01 It is herein the policy of Whatcom County to designate portions of the Lake Whatcom Subarea, which are consistent with the Rural Locational Criteria, as RURAL and depict them as such on the Comprehensive Plan Map. Applicable areas include the following:

- 1.01.1 The "Y" - Squalicum area which is generally bounded by the subarea boundary on the north, the topographic break between 0-15 and 15-30% slope on the east and west, and the Bonneville powerline right-of-way on the south.
- 1.01.2 The Toad Lake area which is generally bounded by Toad Lake Road and the subarea boundary on the west, the Bonneville powerline right-of-way on the south, and timber lands on the north and east.
- 1.01.3 The North Shore-Sunnyside area which is generally bounded by the Bonneville powerline right-of-way on the northeast, the Whatcom County Park Department property on the southeast, the shoreline on

the west, and Water District No. 10's ULID boundary on the northwest.

- 1.01.4 The Park Road valley area which is generally bounded by timber lands on the north, east and south, and South Bay Drive on the west.
  - 1.01.5 The South Bay area which is generally bounded by the shoreline, South Bay Drive, the intersection of Cain Lake Road and South Bay Drive on the north, timber lands on the east and west, and the subarea boundary on the south.
  - 1.01.6 The South Lake Whatcom Boulevard area which is generally bounded by Lake Whatcom Boulevard on the west, the Firs property on the north, the shoreline on the east, and the intersection of Cain Lake Road and South Bay Drive on the south.
  - 1.01.7 The upper Geneva area which is generally bounded by the URBAN RESERVE and RESIDENTIAL RURAL plan designation on the north, FORESTRY plan designation on the south, and the RESIDENTIAL RURAL plan designation on the east and west.
  - 1.01.8 The Blue Canyon area which is generally bounded by Park, the 420 foot contour line and the shoreline.
  - 1.01.9 The Academy Road area bounded by the city limits on the west, the Bonneville Powerline right-of-way on the north and east, and the northern boundary of the RR-2 zone line on the south.
- 1.02 The RURAL land use designation shall be implemented through the use of the Rural zone district which allows a maximum land use density of one (1) dwelling unit per two (2) acres and one (1) dwelling unit per five (5) acres. Consistent with the Locational Criteria for the RURAL land use designation, the density of one (1) dwelling unit per two (2) acres shall be applied to the South Lake Whatcom Boulevard area, South Bay area, the upper Geneva area, the Blue Canyon area, the Academy Road south of Academy Road and the North Shore-Sunnyside area. The density of one (1) dwelling unit per five (5) acres shall be applied to the Toad Lake, "Y" - Squalicum, Park Road valley, and the Academy Road area north of Academy Road and upper Geneva areas.
- 1.03 The existing neighborhood commercial use and in the South Bay area shall be conditionally permitted within the Rural zone district.
- The existing resort uses in the South Bay area shall be considered as legal nonconforming uses and thus will be administered under the applicable provisions of the zoning ordinance.
- 1.04 The option of clustering in the design of new subdivisions is provided as a means of maintaining the low density rural character, conserving natural and environmentally fragile areas, and encouraging site design to reflect both physical and economic conditions while retaining future options with respect to land use decisions. When applying the "clustering option," the appropriate zone classification shall be utilized to establish the overall density of development pertinent to the parcel of record. For example, a forty acre parcel situated within a Rural Five Acre (R5A) zone

classification could have a maximum of eight building lots with the minimum lot size established consistent with the Whatcom County Health Department's regulations for on-site septic disposal systems. In addition, new land subdivisions for residential purposes shall comply with the following policies:

- 1.04.1 To minimize encroachments (ingress and egress) along existing county roads, subdivision design shall be discouraged from forming lineal residential patterns adjacent to said roads.
  - 1.04.2 When practical, structures on open landscapes should be sited and designed to minimize disruptions of views from adjacent properties and public roadways. In addition, it is preferred that residential structures be sited within the periphery of wooded areas to complement and further the rural character of the area.
  - 1.04.3 When a "cluster" subdivision is situated adjacent to less intensive uses (agriculture, forestry or large parcel residential), the subdivision shall be buffered at the site periphery to prevent the encroachment of vehicles, pedestrians, animals and nuisances onto less intensively utilized parcels.
- 1.05 The cluster method of subdivision is defined as an alternative method of creating building parcels that involves:
- (a) concentrating spatially efficient and marketable building lots while maintaining the intent of the land use district; and
  - (b) retaining options for future uses and densities by treating the land as both a commodity and a resource.

The density of the use district defines the number of allowable dwelling units per land area and establishes a minimum lot size. Minimum lot size is determined consistent with Whatcom County Health Board Rules and Regulations concerning soil percolation rates for on-site septic systems. Land area not used for building purposes is designated as a "reserve tract" and should be used for agriculture, forestry, open space or future subdivision at such time as the Comprehensive Plan is amended. The Official Whatcom County Zoning Ordinance describes the density for various use districts where the cluster method can be utilized, the criteria to be used in designing building lots and the provisions of the reserve tract.

- 1.06 It is the policy of Whatcom County to encourage property owners to conserve Prime Farmlands, Farmlands of Statewide Importance and forested areas by utilizing the provisions of RCW 84.34.

## D. FORESTRY

### Intent Statement

The FORESTRY designation intends to move toward attainment of the Whatcom County Goal Statements which address the conservation of forest lands and provide for the continued economic vitality of forest industries. To accomplish such, the FORESTRY designation intends to identify areas which are suitable for the long-term productivity and sustained use of forest resources. To minimize conflict with and encroachment by nonforest uses, and to guard against forest land conversion, the policies intend to discourage residential and recreation/residential uses. Moreover, the FORESTRY designation intends to accommodate other compatible and related uses such as nonrenewable resource extraction, wildlife management, watershed management and dispersed recreation. Finally, the FORESTRY designation intends that uses are conducted in accordance with applicable local, state and federal regulations.

### Policy Statement

- 1.01 It is the policy of Whatcom County to designate those portions of the Lake Whatcom Subarea which conform to the Locational Criteria established in the previous section as FORESTRY on the Comprehensive Plan Land Use Map. To implement this policy, the existing Rural, Rural Farm, Potential Suburban and Forestry designations shall be repealed and amended to FORESTRY, consistent with the policies stated herein.
- 1.02 The principal use of FORESTRY areas shall be sustained yield forest management which is conducted in accordance with the Washington State Forest Practice Act (RCW 76.09) and the rules and regulations promulgated thereunder (WAC 222), as administered by the Department of Natural Resources. Forest management includes practices such as timber production, harvesting and reforestation; forest chemical use; logging road construction and maintenance; fire prevention and suppression; the protection of public resources including water quality, fish and wildlife, and seed orchards; and small, private timber production such as woodlot operations.
- 1.03 Secondary uses of FORESTRY areas shall include forest industries which are a necessary adjunct to forest management; utilities such as electrical transmission line corridors, micro-wave relay stations, and micro and small scale hydro-electric generation facilities; dispersed and low intensity recreational activities; mineral and nonmineral extraction; and fish, wildlife and watershed management.
- 1.04 It is the policy of Whatcom County to require local public review of secondary uses in FORESTRY areas with the intent of determining the following:
  - 1.04.1 The use will not cause a permanent and irrevocable commitment of the forest resource to other uses.
  - 1.04.2 The use will not prohibit or impact the intensive operation of adjoining forest practices.
  - 1.04.3 The use will have fire prevention and suppression plans, and will not create a fire hazard for adjoining forestry operations.

- 1.04.4 The use is in compliance with all applicable local, state and federal regulations.
- 1.04.5 When proposed to be situated within the Lake Whatcom Watershed, the use will not significantly impact or degrade surface and subsurface water quality and quantity characteristics.
- 1.05 It is the policy of Whatcom County to establish twenty (20) acres as the minimum parcel size for sustained yield forest management, as well as to safeguard forest lands from potential impacts generated by secondary uses.
- 1.06 It is the policy of Whatcom County to foster compatibility between forest practices and residential uses by establishing a minimum parcel size of twenty (20) acres for each residence, requiring all residential and related structures to be situated a minimum of two hundred (200) feet from parcel boundaries, and assuring that all potential residents are clearly informed of the principal use of FORESTRY areas and the intensive forest practices which may reasonably and lawfully occur in the normal course of forest management.
- 1.07 It is the policy of Whatcom County to implement the FORESTRY designation and policies with the Forestry zone district which shall also include provisions for the above stated Policies 1.02, 1.03, 1.04, 1.05 and 1.06.
- 1.08 it is the policy of Whatcom County to encourage the Department of Natural Resources to continue county notification of all classes of forest practice applications. In addition, the county shall encourage the DNR to conduct public information programs, when jointly determined to be necessary, concerning forest practices which are proposed to occur within the Lake Whatcom Watershed.
- 1.09 It is the policy of Whatcom County to encourage private forest and woodlot owners to conserve the county forest resource base by utilizing the current use tax assessment provisions of RCW 84.28, RCW 84.33 and RCW 84.34.
- 1.10 Pursuant to the provisions of RCW 79.68 (Multiple-Use Concept in Management and Administration of State-owned Lands), it is the policy of Whatcom County to encourage continued multiple-use management of state-owned forest lands.

## E. PUBLIC

### Intent Statement

With reference to parcels which currently are owned or planned for ownership by public agencies, the intent of the following policies is to implement the County Goal Statements relating to public facilities and services, and to assure the continued public provision of a variety of services in a manner that is commensurate with population levels and requirements. Furthermore, the policies are intended to optimize public investments and promote compatibility between public functions and surrounding land uses.

### Policy Statement

- 1.01 It is the policy of Whatcom County to designate areas as PUBLIC on the Comprehensive Plan Land Use Map when such areas are consistent with the Locational Criteria of the previous section. Typical uses in PUBLIC planned areas include facilities and services related to the provision of recreation, education, utilities, communications, solid waste disposal, health care and water diversion works.
- 1.02 Within the Lake Whatcom Subarea, the following uses shall be designated PUBLIC: state and county-owned parks, wildlife reserves and fish hatcheries; schools; fire stations; health care facilities; district owned water treatment plants and storage facilities; district owned sewer transmission facilities; federally owned electrical transmission line corridors; and municipally owned water diversion corridors.
- 1.03 Implementation of the PUBLIC designation shall be accomplished by:
  - 1.03.1 application of the Recreation and Open Space zone to public recreation areas; and
  - 1.03.2 by designating all other public functions to be used by right or condition within Whatcom County zoning districts.
- 1.04 Pursuant to the Inter-Local Cooperation Act (RCW 39.34), it is the policy of Whatcom County to encourage public agencies to prepare and adopt long-range plans which address future land, facility and service requirements; the objective of which is to coordinate public and private activities, as well as to minimize potential future conflict between various public agencies and the private sector regarding plan implementation.
- 1.05 It is the policy of Whatcom County to cooperate and coordinate with the Whatcom County Parks Department in the integration of existing park plans into a Recreation and Open Space Element which will augment the County Comprehensive Plan. In addition, the County Parks Department shall be encouraged to participate in neighborhood park planning within the areas designated as URBAN RESERVE and RESIDENTIAL RURAL on the Comprehensive Plan Land Use Map.
- 1.06 It is the policy of Whatcom County to encourage public agencies to attain those parcels which benefit the continued operation of their function. Whenever practical, joint agreements between agencies shall be encouraged to expedite efficient public expenditure.

- 1.07 Whenever practical, it is the policy of Whatcom County to encourage multi-purpose use of public land facilities and services.
- 1.08 It is the policy of Whatcom County to minimize visual and functional impacts of PUBLIC land uses through utilization of aesthetic site design which is compatible with the character of the surrounding area.

## F. QUASI-PUBLIC

### Intent Statement

QUASI-PUBLIC land uses are defined as institutional uses operated for the public but under private control. The Quasi-Public uses that exist in the subarea include religions, educational, recreational and institutional facilities. These uses warrant a separate land use designation due to their distinctive character and variable impacts with surrounding uses.

Thus, the following policies serve to identify the type of use, location, and zoning of the quasi-public uses and properties within the Subarea.

### Policy Statement

- 1.01 Whatcom County shall designate the following institutional uses and properties on the Comprehensive Land Use Plan Map as Quasi-Public: the Blue Canyon Foundation, north of Agate Bay; the Firs Bible and Missionary Conference Center property in Geneva and south of Sudden Valley; the Western Washington University Lakewood facility north of Sudden Valley; and the Bellingham School District conservation and educational site in South Bay.
- 1.02 Because of the relatively small size of the designated Quasi-Public areas, implementation shall be accomplished by application of the adjacent zoning district which is the most consistent with the character of each respective Quasi-Public area. In addition, because of the various impacts associated with Quasi-Public uses, such uses shall be permitted as conditional uses within the respective zoning district.



## G. COMMUNITY FACILITIES AND UTILITIES

### Intent Statement

One of the most important factors in comprehensive planning is the relationship between land use and the provision of public services. Proportionate with the increase in land use density and attendant population levels is the increase in demand for services such as efficient sewer and water systems, efficient and safe transportation networks, adequate school and park systems, stormwater drainage systems, and capable fire and police protective services. In areas that are currently undeveloped yet planned for future urban development, the residents of Whatcom County shall be apprised of the necessary increase not only in utility services, but also in adequately staffed and equipped sheriff and fire protective services. As growth occurs in "urban fringe" and rural areas, local governments have been typically confronted with service issues that can be summarized as follows:

What governmental jurisdiction should provide the demanded services?

What is the difference between urban and nonurban services, and where do urban services stop and nonurban begin?

Under what conditions should urban and nonurban services be provided?

What services can be economically provided to both city and county jurisdictions or by a single-service purveyor?

It is the intent of the following policies to define Whatcom County's role and responsibility concerning the above issues, and to further ensure that a beneficial balance exists between the supply and demand for services, as well as encourage the cooperation among municipalities, special districts and water associations in the planning and provision of public services.

### Policy Statement

1.01 It is herein the policy of Whatcom County to cooperate and coordinate with the City of Bellingham, Whatcom County Water Districts Nos. 7 and 10, Whatcom County Fire Protection Districts Nos. 2, 4 and 18, Bellingham and Mt. Baker School Districts, "Y" - Squalicum Water Association and the State of Washington in planning subarea service systems.

1.02 As described in the URBAN RESERVE policies, land areas inside the URBAN RESERVE designation are intended for urban type densities and shall be provided with a full range of urban services including publicly provided sewer and water, fire and sheriff protection, transportation and stormwater drainage systems. Therefore, Whatcom County recognizes specific service purveyors for the delivery of urban services in each of the designated URBAN RESERVE areas as follows:

#### 1.02.1 SUDDEN VALLEY:

Sewer and Water: Whatcom County Water District No. 10

Stormwater Management: Sudden Valley Community Association and Whatcom County

Law Enforcement: Whatcom County Sheriff's Department and S.V.C.A.

Fire Protection: Whatcom County Fire Protection District No. 2

Transportation: Whatcom County and S.V.C.A.

1.02.2 GENEVA:

Sewer and Water: Whatcom County Water District No. 10

Stormwater Management: Whatcom County

Law Enforcement: Whatcom County Sheriff's Department

Transportation: Whatcom County (roadways) and City of Bellingham  
(public transit)

Fire Protection: Whatcom County Fire Protection District No. 2

1.03 It is the policy of Whatcom County to encourage the placement and extension of sewer and water lines in a manner that is contiguous to existing development(s). Such phased line placement is intended to discourage the occurrence of "leapfrog" development.

1.04 Lands situated outside the URBAN RESERVE areas are planned for nonurban land use densities, and thus services are intended to be commensurate with planned uses and densities for the following land use designations:

1.04.1 RESIDENTIAL RURAL: On-site domestic waste water disposal systems and individual wells, or one public utility, i.e. sewer or water provided by District No. 10; on-site or off-site stormwater detention via the regional stormwater drainage system; volunteer fire protection from a Whatcom County Fire Protection District; public service oriented law enforcement from the Whatcom County Sheriff's Department; and transportation provided by a collector arterial, maintained by Whatcom County.

Service Improvements Moratorium: Extension of existing or construction of new public facilities and private service systems to facilitate urban development in the North Shore Residential Rural designation within the watershed shall be delayed until an assessment of potential impacts to the watershed caused by the implementation of said designation is completed. Said assessment shall be one of the tasks of Phase I of the Department of Ecology funded water supply study and shall be completed no later than December 31, 1983.

As referenced above, new public facilities shall include public sewer, water, storm drainage and transportation improvements and extensions while private service systems include water associations. This policy does not apply to contracts for water service that have been executed between the City of Bellingham and Water and Sewer District No. 10 prior to the adoption of the Lake Whatcom Subarea plan, individual wells or connections to the North Shore sewer line to serve existing platted lots of record, or the

areas within two or more ULID's existing at the time of the adoption of the Lake Whatcom Subarea Comprehensive Plan.

This policy does also not apply to preliminary plat applications that have been filed prior to the adoption of this policy and the time limits that the County Council must act on the preliminary plat as described by statute have expired.

- 1.04.2 RURAL and FORESTRY: On-site domestic waste water disposal systems and individual well or water associations volunteer fire protection from a Whatcom County Fire Protection District and the Department of Natural Resources; public service oriented law enforcement from the Whatcom County Sheriff's Department; and transportation provided by a collector arterial maintained by Whatcom County.
- 1.04.3 QUASI-PUBLIC: Public sewer and water from District No. 10 or on-site domestic wells, storm drainage, volunteer fire protection from a Whatcom County Fire Protection District; public service oriented law enforcement from the Whatcom County Sheriff's Department; and transportation provided by a collector arterial maintained by Whatcom County.
- 1.05 it is the policy of Whatcom County to request the City of Bellingham and Water District No. 10 to amend their Comprehensive Sewer and Water plans consistent with the level of service and geographic service area as described in Policies 1.02 and 1.04 of this section, and pursuant to RCW 57.16.40 and RCW 36.70.520.
- 1.06 It is herein the policy of Whatcom County to require stormwater drainage facilities inside URBAN RESERVE areas and RURAL RESIDENTIAL areas where the maximum density is two (2) dwelling units per acre. To implement this policy, Whatcom County shall seek a grant from the State Department of Ecology to develop a regional stormwater management plan for the Lake Whatcom Subarea. Moreover, it is the intent of Whatcom County to facilitate a cooperative effort in development of such a plan among affected service entities. To acknowledge this policy in each of the URBAN RESERVE and appropriate RURAL RESIDENTIAL areas, the following policies are provided:
  - 1.06.1 Geneva: On-site stormwater collection and retention shall be required for all new property development and land use modification until the county adopts and implements a regional stormwater management plan.
  - 1.06.2 Sudden Valley: On-site stormwater collection and retention shall be required for all new property development and land use modification until the Sudden Valley Community Association implements a stormwater drainage plan.
  - 1.06.3 North Shore: On-site stormwater collection and retention shall be required for all new property development and land use modification until the county adopts and implements a regional stormwater management plan.

- 1.06.4 The North Shoreline and Southwest Shore: On-site stormwater collection and retention shall be required for all new property development and land use modification until the county adopts and implements a regional stormwater management plan.
- 1.07 Whatcom County shall continue to recognize Puget Power and Light as the primary energy purveyor in the subarea; however, the county encourages the use of alternative energy systems for residential, commercial, quasi-public and public land uses.
- 1.08 It is the policy of Whatcom County to assure that the necessary staff and equipment are available in the Whatcom County Sheriff's Department to provide adequate protective services commensurate with projected population levels in the Lake Whatcom Subarea.

## H. TRANSPORTATION/CIRCULATION

### Intent Statement

Transportation/Circulation is one of the key elements in comprehensive land use planning since the changes in land use density and corresponding population levels often result in the need to build new roads or to improve the operational efficiency of existing roads.

Therefore, in the Lake Whatcom Subarea it is the intent of Whatcom County to plan new road construction projects in the North Shore URBAN RESERVE area while maintaining improvement projects currently designated in the county's Transportation Improvement Program (TIP), such as operational improvements to Lake Louise, Lakeway and Austin streets as well as construction of the Whatcom Connector.

Furthermore, Whatcom County intends to provide the policy framework with which the private and public sectors can make appropriate transportation decisions with respect to fiscal responsibility and the coordination of construction projects. In addition, Whatcom County intends to adopt new road design standards and specifications which will provide an appropriate road classification system which can be implemented in the Lake Whatcom Subarea.

It is also the intent of Whatcom County to cooperate with the City of Bellingham in both land use and transportation planning in order to avoid disruption of downstream traffic patterns.

The programmed sequence and coordination of road construction projects and the implementation of design standards and specifications is also intended to provide in a more efficient transportation system resulting in more efficient use of energy and enhanced environmental conditions.

In summary, it is the intent of the following policies to ensure that land use and transportation planning mutually support the safe and efficient movement of people and goods, while optimizing public investments in the existing circulation system. Furthermore, it is the intent of Whatcom County to move toward the attainment of the Whatcom County Goal Statements with respect to transportation planning.

### Policy Statement

- 1.01 It shall be the policy of Whatcom County to coordinate and cooperate with the City of Bellingham in the planning of new arterial routes in the Lake Whatcom Subarea.
- 1.02 It is the policy of Whatcom County to acknowledge the currently programmed Whatcom Connector as the most important road construction project in the Subarea.
- 1.03 It is the policy of Whatcom County to encourage the construction of new roads in a manner that is contiguous to existing development. Such phased road construction is intended to discourage the occurrence of "leap frog" development within the areas designated as URBAN RESERVE.

1.04 It shall be county policy to implement the road classification plan as designated on the Lake Whatcom Subarea Roadway Classification Map through conformance with the following policies:

1.04.1 It shall be the policy of Whatcom County to develop Street Standards and Specifications that define the precise urban level transportation standards to be applied within the subarea. Such standards shall also include a variety of design standards for residential streets; design options for reducing imperviousness of road or pedestrian surfaces; access control plans for each functional road classification; drainage consistent with a regional stormwater management plan; standards for roadside features and pedestrian facilities; and roadway geometrics.

1.04.2 It shall be the policy of Whatcom County to reduce the amount of impervious surfaces including streets, driveways, sidewalks, etc., whenever possible, by using "natural" engineering design methods such as the use of open, shallow, grassed street swales instead of curbs and gutters. In addition, Whatcom County shall encourage the use of alternative surfacing options such as porous asphalt pavement, precast interlocking blocks, and rolled brick or cinder chips to reduce imperviousness of driveways. Natural design methods and surfacing options can aid in reducing total surface runoff, slowing of concentration and capturing particulates.

1.04.3 Whatcom County shall use the development approval process (subdivision, zoning and building permit) to establish community circulation patterns and to secure right-of-way and construction of all functional road classifications.

1.04.4 Through the development approval process (subdivision, zoning and building permit), Whatcom County shall identify the short and long-range transportation (traffic) impacts to subarea roads by computing the estimated number of vehicle trips generated by a project and comparing those computations against the planned level of service for each road segment (according to the Whatcom County Engineering Department design standards and specifications) impacted by the project including intersections. If it is determined that a proposed development will cause transportation (traffic) impacts which will result in a level of service below that planned for all affected road classifications, Whatcom County shall request the developer to make the necessary improvements to maintain the pre-planned level of service or to make an equivalent cash contribution.

1.04.5 It is herein the policy of Whatcom County to change the street name Terrace Avenue to Cable Street, which is that portion of roadway from Lakeway Drive to Cable Street.

1.05 It is herein the policy of Whatcom County to approve new road construction projects or improvements to existing roads consistent with a regional stormwater management plan for the URBAN RESERVE areas designated on the Lake Whatcom Subarea Comprehensive Land Use Plan Map. Should the private or public sector begin such projects before the plan is complete, the county shall implement appropriate measures to assure total containment of excess stormwater runoff for each development proposal. Upon completion of a

stormwater management plan, land area currently used for retention may be converted to permitted uses and densities consistent with the applicable zone district.

1.06 Where appropriate it shall be county policy to allow developers of small projects (15 lots or less) to build a half width road which will be classified below a collector arterial provided that all affected property owners agree to participate in completing the road.

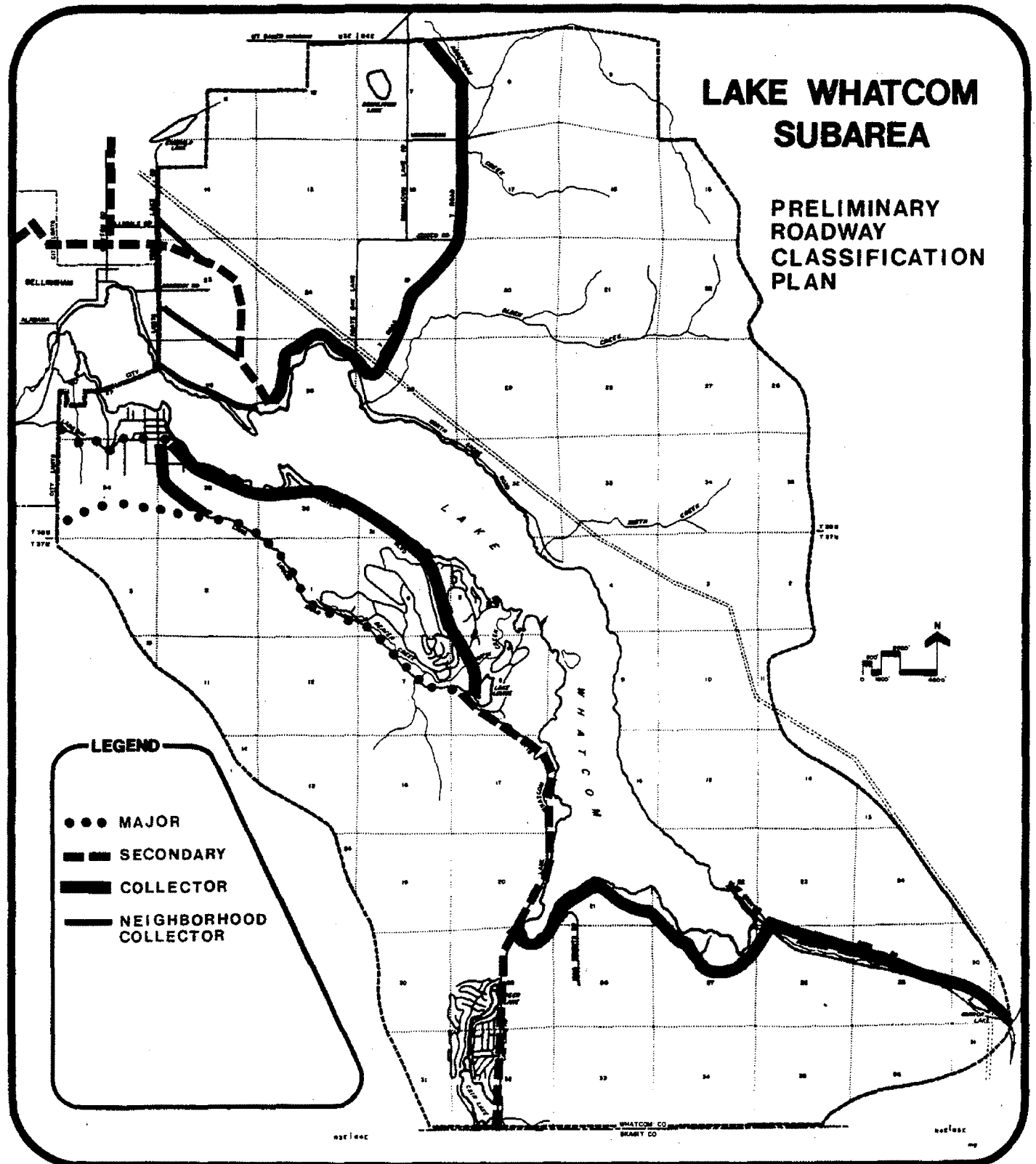
1.07 It is herein the policy of Whatcom County to promote and encourage the availability of public transit as demand increases in the Lake Whatcom Subarea. The public transit system shall be designed to encourage the use of said system by providing frequent and convenient access points, and by integrating transit services with other transportation modes, such as bus systems, park and ride lots for automobiles and bicycles, and bus, railroad and airline terminal facilities.

Any major program change in the Transportation Improvement Program with respect to the circulation system shall provide accommodations for transit when warranted by the level and location of ridership.

1.08 It shall be the policy of Whatcom County to make every effort to preserve mature trees and unique wildlife habitats and other elements of the natural environment during the design and construction of road improvement projects. Where disruption of the natural environment is unavoidable, special techniques, including rounded slopes, erosion control, reseeding and revegetation shall be employed to return roadsides to their natural state.

1.09 It shall be county policy to include bikeways and pedestrian walkways as an integral part of the transportation system. Bikeways and pedestrian ways shall be provided in new developments where warranted. Bikeways shall be provided to link residential areas, shopping areas, recreational areas and educational facilities. Whenever practical, bikeways proposed in new developments shall connect with the planned bikeways in the Whatcom County Trails Plan.

1.10 It shall be the policy of Whatcom County to encourage the use of noise buffers and visual screens between high volume transportation routes and residential areas.





## I. ENVIRONMENTAL POLICIES

### Intent Statement

The intent of the following policies is to move toward attainment of the County Goal Statements which address the identification and management of environmentally fragile areas with the purpose of minimizing potential losses to human life and property, and the identification and conservation of natural resource areas in recognition of their irreplaceable character. In addition, the policies intend to maintain and enhance environmental quality with reference to water, air and noise.

### Policy Statement

1.01 Whatcom County, in partnership with the City of Bellingham and Whatcom County Water District No. 10, shall seek a grant from the Department of Ecology to obtain the necessary funding to conduct a diagnostic and feasibility study of the Lake Whatcom Watershed. At a minimum, the purpose of said study shall be to investigate the human health aspects of continuing to use Lake Whatcom as a potable water source, to assess the potential impacts to the watershed resulting from the implementation of the Lake Whatcom Subarea Comprehensive Plan, and to recommend the appropriate restoration methods and watershed management ordinances, i.e. stormwater drainage control plan, clearing and grading regulations, amendments to the comprehensive plan and zoning ordinance, and public facilities construction specifications, deemed necessary to enhance the present and future water quality/quantity of Lake Whatcom.

Upon completion of the Lake Whatcom Restoration Study, Whatcom County shall reconsider the permitted densities and levels of projected growth in the Lake Whatcom Subarea.

1.02 It is the policy of Whatcom County to promote groundwater quality which is suitable for domestic consumption by encouraging low density and intensity uses in locations overlaying and directly adjacent to aquifers or recharge areas.

1.03 It is the policy of Whatcom County to recognize wetlands such as swamps, bogs, marshes and ponds as natural catchment basins for stormwater run-off.

1.04 It is the policy of Whatcom County to encourage utilization of steep slopes (greater than 15%) or unstable slopes as open space, very low density development or forestry. If used for development purposes, structures shall comply with the provisions of the Uniform Building Code, and their sites shall be subject to a safety confirmation by a qualified geologic engineer or a qualified geologist.

1.05 It is the policy of Whatcom County to promote the use of 100-year floodplains associated with stream corridors as open space. Furthermore, residential development which is proposed to be situated downstream from areas designated FORESTRY shall be encouraged to be sited at distances from all streams which are sufficient to minimize potential loss or damage to property that may occur as the result of debris dam failure or increased duration and volume of stream flow.

- 1.06 Whatcom County shall encourage very low densities in areas of known mineral resource occurrence with the intent of retaining future access and utilization options. Surface extraction shall be dependent upon compatibility with surrounding land uses and shall be accompanied by a reclamation plan which is consistent with state regulations (RCW 78.44). Subsurface mining operations shall conform with applicable federal regulations.
- 1.07 It is the policy of Whatcom County to foster continued fish and wildlife habitat integrity in the Lake Whatcom Subarea. Applicable habitats include the Squalicum Lake Wildlife and Bird Sanctuary, the eagle nests situated at the southeast end of Lake Whatcom, and Lake Whatcom Subarea salmon, Kokanee and cutthroat trout spawning streams. In addition, this policy intends to maintain the habitat integrity of the beaver pond which is situated on state land in Section 36, T38N, R3E preferably through the multiple-use management provisions of RCW 79.68 or through employment of sensitive logging systems, if timber is to be harvested.
- 1.08 It is the policy of Whatcom County to encourage property owners to use the current use tax assessment provisions of RCW 84.34 to retain the following areas in open space: steep or unstable slopes, stream corridors, wetlands and wildlife habitats.
- 1.09 It is the policy of Whatcom County to encourage air pollution abatement with the intent of maintaining and/or enhancing air quality, consistent with the Federal Clean Air Act, and accomplished through the coordination of local land use proposal review with the Northwest Air Pollution Authority and other environmental agencies.
- 1.10 It is the policy of Whatcom County to implement the necessary rules, regulations and ordinances which are required by state law to minimize noise impacts.
- 1.11 It is the policy of Whatcom County, pursuant to the provisions of the State Environmental Policy Act (WAC 197-10-177) and the Whatcom County SEPA Ordinance (Section 14), to identify and designate environmentally sensitive areas where certain uses should no longer be considered as categorically exempt from the SEPA checklist requirement. The Whatcom County Environmental Review Committee is herein directed to prepare a map indicating the location of ESA's and a text describing the basis for selection and intent of areas and uses which should be subject to SEPA checklist requirements. The map and text shall subsequently be recommended for adoption as part of the Whatcom County SEPA Ordinance.
- 1.12 It is the policy of Whatcom County to create a watershed advisory committee which is charged with determining issues and recommending public policies concerning water quality and quantity affecting the Lake Whatcom watershed. The committee shall address issues that include, but are not limited to, the effectiveness of current and future stormwater drainage techniques, the water-related impacts of chemical use within the watershed, coordination of capital improvement programs, the assessment of potential alternative water supply sources, and such other issues deemed appropriate for the management of the watershed. The committee shall be advisory to the County Council and other agencies of the county charged with policy making. Membership of the committee should consist of a mix of representatives of local government and the citizenry of the watershed.

Government members should include one appointee each by the Bellingham-Whatcom County Public Health District, Whatcom County Water District No. 10, the City of Bellingham, the Washington State Department of Natural Resources, and one representative of Whatcom County appointed by the County Executive.

Citizen members should include one representative each from the North Shore, Geneva, Sudden Valley, South Bay and Fourth Ward neighborhoods, a representative from the private forest products industry, and a representative from the Middle Fork-Nooksack River drainage basin, all appointed by the County Council.

The Planning Department shall submit to the Council, within ninety (90) days of adoption of the subarea plan, a proposed ordinance carrying forth the provisions of this section (1.12).

- 1.13 It is the policy of Whatcom County to discourage the discharge of unlawful concentrations of known toxicants directly into surface and groundwaters of the Lake Whatcom Watershed in such a way that public health, soils, wildlife and aquatic habitat will be endangered.  
(Amended WCC Ordinance 84-105, 12/06/84)

## J. ECONOMIC POLICIES

### Intent Statement

The intent of the following policy is to assure that economic values are given appropriate consideration along with other goals so that Whatcom County attempts to fulfill the economic requirements of present and future generations of Whatcom County citizens. The Goal Statements of this comprehensive plan clearly indicate that future land use should recognize economic concerns in addition to environmental and social concerns to provide a balanced and diversified economy. It is therefore the policy of Whatcom County to establish a balance in its consideration of environmental and economic matters.

### Policy Statement

- 1.01 It is the policy of Whatcom County to consider the positive and negative economic impacts in land use decisions on the general welfare of the citizens of the county.
- 1.02 It is the policy of Whatcom County to strengthen and stabilize the tax base through economic development.
- 1.03 It is the policy of Whatcom County to consider economic impacts, along with other considerations, of measures which implement this comprehensive land use plan.
- 1.04 It is the policy of Whatcom County to promote the wise use of both natural and man-made resources over the long run as well as in the immediate future.
- 1.05 It is the policy of Whatcom County to ensure that all county land use plans and zoning ordinances are considered in terms of their enhancement of the economy of the area and region and are calculated to:
  - (a) Foster and promote the general welfare;
  - (b) Create and maintain conditions under which man and nature can exist in productive harmony; and
  - (c) Fulfill the social, economic, and other requirements of present and future generations of Whatcom County citizens.

## VII. COMPREHENSIVE PLAN AMENDMENTS

The Lake Whatcom Subarea Plan is a policy document that is used to guide the land use decisions affecting both the private and public sectors of the subarea. For the plan to function as an effective decision-making document, it must be flexible enough to weather changes in public attitudes, developmental technologies, economic forces and legislative policy.

The plan envisions two general types of plan amendments. The first type is a review conducted every five years. This review should re-examine the entire plan, including a re-evaluation of goals, updates of land-related elements, and the reaffirmation of land use policies and proposals. This review is the responsibility of the Whatcom County Planning Commission, the Planning Department staff and the people of the subarea.

The second type of amendment is that proposed and initiated by the private sector. The land uses illustrated on the Land Use Plan Map are the result of the application of the plan's goals and policies. However, it is reasonable to assume that the private sector may introduce land use proposals that conflict with the plan map or policies of the plan itself. In such instances, the private sector may entertain an amendment to the plan. Private petitions for amendment of the Comprehensive Plan addressed to either the Planning Commission or the County Council shall be processed in accordance with statutory procedure for adoption or amendment of comprehensive plans. In applying for a particular amendment to the plan or plan map, the private sector shall conform to the following criteria:

1. The amendment request shall conform with the goals of the subarea plan;
2. The amendment request shall be compatible with the existing and planned surrounding land uses;
3. The amendment request shall not result in unmitigated detrimental impacts to existing transportation systems;
4. The amendment request shall not place uncompensated burdens upon existing or planned service capabilities; and
5. The amendment request shall demonstrate a land usage need which is consistent with the environmental and economic policies of the plan.



## **WHATCOM COUNTY PLANNING COMMISSION**

### **Repeal the 1982 Lake Whatcom Subarea Plan and Amend Provisions in the Whatcom County Comprehensive Plan relating to Subarea Plans**

#### **FINDINGS OF FACT AND REASONS FOR ACTION**

1. The subject proposal includes:
  - a. Amending Whatcom County Comprehensive Plan provisions relating to subarea plans.
  - b. Repealing the Lake Whatcom Subarea Plan (1982).
2. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on March 25, 2014.
3. Notice of the Planning Commission hearing was posted on the County website on April 8, 2014.
4. Notice of the Planning Commission hearing and that the proposal had been posted on the County website was sent to the City of Bellingham and citizen, media and other groups on the County's e-mail list on April 8, 2014.
5. Notice of the subject amendments was submitted to the Washington State Department of Commerce on April 8, 2014.
6. Notice of the Planning Commission hearing for the subject amendments was published in the Bellingham Herald on April 11, 2014.
7. The Planning Commission held a public hearing on the subject amendments on April 24, 2014.
8. Pursuant to WCC 2.160.080, in order to approve the proposed comprehensive plan amendments the County must find all of the following:
  - a. The amendment conforms to the requirements of the Growth Management Act, is internally consistent with the county-wide planning policies and is consistent with any interlocal planning agreements.

- b. Further studies made or accepted by the Department of Planning and Development Services indicate changed conditions that show need for the amendment.
- c. The public interest will be served by approving the amendment. In determining whether the public interest will be served, factors including but not limited to the following shall be considered:
  - i. The anticipated effect upon the rate or distribution of population growth, employment growth, development, and conversion of land as envisioned in the comprehensive plan.
  - ii. The anticipated effect on the ability of the county and/or other service providers, such as cities, schools, water and/or sewer purveyors, fire districts, and others as applicable, to provide adequate services and public facilities including transportation facilities.
  - iii. Anticipated impact upon designated agricultural, forest and mineral resource lands.
- d. The amendment does not include or facilitate spot zoning.
- e. Urban growth area amendments that propose the expansion of an urban growth area boundary are required to acquire development rights from a designated TDR sending area, with certain exceptions.

### **Growth Management Act**

- 9. The Growth Management Act (GMA) allows, but does not require, a county to adopt subarea plans under RCW 36.70A.080 ("Comprehensive plans – Optional elements").
- 10. However, the GMA requires that subarea plans must be consistent with a county's comprehensive plan. Specifically, RCW 36.70A.080(2) states: "A comprehensive plan may include, where appropriate, subarea plans, each of which is consistent with the comprehensive plan."
- 11. The Lake Whatcom Subarea Plan was adopted in 1982, prior to enactment of the GMA in 1990. The Whatcom County Comprehensive Plan was adopted in 1997 and subsequently amended from time to time. The Subarea Plan is inconsistent with the Whatcom County Comprehensive Plan. Specifically, the Subarea Plan does not address urban growth areas (UGAs), contains different land use designations, is inconsistent with the Comprehensive Plan's rural element, and has a different planning period.



## **County-Wide Planning Policies**

12. The County-Wide Planning Policies do not require the County to retain old subarea plans.

## **Interlocal Agreements**

13. A portion of the Bellingham UGA is included in the Lake Whatcom Subarea.
14. An Interlocal Agreement between the City of Bellingham and Whatcom County concerning Planning, Annexation and Development within the Bellingham UGA was signed in April 2012. This interlocal agreement does not require the County to retain this subarea plan.

## **Further Studies/Changed Conditions**

15. The Lake Whatcom Subarea Plan was adopted in 1982.
16. The GMA, adopted in 1990, included a requirement to designate UGAs. The 1982 Lake Whatcom Subarea Plan does not address UGAs.
17. The GMA was amended in 1997 to include criteria for limited areas of more intensive rural development (LAMIRDs). The 1982 Lake Whatcom Subarea Plan does not address LAMIRDs.
18. The Whatcom County Comprehensive Plan was originally adopted in 1997, and subsequently amended. The 1982 Lake Whatcom Subarea Plan is not consistent with the County Comprehensive Plan.
19. The 1982 Lake Whatcom Subarea Plan utilized a 15-year planning period (which ended in 1997).
20. The Urban Fringe Plan was adopted in 1997 and subsequently amended.
21. Changed conditions including enactment of the GMA, adoption of newer plans and the passage of time warrant repealing the 1982 Lake Whatcom Subarea Plan.

## **Public Interest**

22. Repealing the 1982 Lake Whatcom Subarea Plan will serve the public interest by removing a plan that is inconsistent with the Whatcom County Comprehensive Plan.

## Spot Zoning

23. The subject proposal does not involve rezoning property.

## CONCLUSION

The subject proposal is consistent with the approval criteria of WCC 2.160.080.

## RECOMMENDATION

Based upon the above findings and conclusions, the Whatcom County Planning Commission recommends the following:

1. Approval of Exhibit A, amendments to Whatcom County Comprehensive Plan Chapter 2 (Land Use); and
2. Repealing Exhibit B, the Lake Whatcom Subarea Plan (1982).

## WHATCOM COUNTY PLANNING COMMISSION

  
\_\_\_\_\_  
David Onkels, Chair  
\_\_\_\_\_  
Sam Ryan, Secretary

becky boxx

  
\_\_\_\_\_  
Date  
\_\_\_\_\_  
Date

Commissioners present at the April 24, 2014 meeting when the vote was taken: Ken Bell, Ben Elenbaas, Walter Haugen, Gary Honcoop, David Hunter, Natalie McClendon, David Onkels, Mary Beth Teigrob, and Gerald Vekved.

**Vote: Ayes: 9, Nays: 0, Abstain: 0, Absent: 0. Motion carried to adopt the above amendments.**

**NOTE:**

In order to avoid redundancy, Exhibits A and B are only attached to the proposed Ordinance that will be considered by the County Council.

RECORD OF PROCEEDINGS OF THE  
**WHATCOM COUNTY PLANNING COMMISSION**

April 24, 2014

2

*DRAFT*

Regular Meeting

Commissioner Teigrob moved to approve the minutes as written. Commissioner Hunter seconded. The motion carried.

**Public Hearing**

File # PLN2014-00002: Repealing the Lake Whatcom Subarea Plan, which was adopted in 1982, and amending related provisions in the Whatcom County Comprehensive Plan.

Matt Aamot presented the staff report.

The first Whatcom County Comprehensive Plan was adopted in 1970. The first zoning was in 1972. The zoning at that time was intended to be temporary. The county was divided into subareas. Subarea plans were adopted beginning in the 1980's. Several of these subarea plans are two to three decades old. Last year the county repealed the Chuckanut/Lake Samish, Lynden/Nooksack Valley and Birch Bay/Blaine plans. The GMA says "A comprehensive plan may include, where appropriate, subarea plans each of which is consistent with the comprehensive plan." There are two elements here. Subarea plans are optional and if the county chooses to have them they must be consistent with the comprehensive plan. There is a policy in the comprehensive plan which states "If there is an inconsistency the county comprehensive plan takes precedence."

The Lake Whatcom Subarea Plan was adopted in 1982. At that time the new Title 20 zoning replaced the interim zoning. It generally had more restrictions on land use than the previous zoning. (A map of the subarea was shown with the boundaries). The boundaries generally follow the watershed. The 1982 plan had population projections through the year 2000. The current comprehensive plan goes through 2029. The 1982 plan had a 15 year planning horizon. The plan had a variety of land use designations (shown on the map). Many of the areas have been rezoned or have different comprehensive plan designations since 1982. The plan had a forestry policy which addressed residential uses. At that time there was only forestry zone, which had a 20 acre minimum lot size. That policy is now outdated and creates a conflict. Staff recommends repeal of the plan.

The hearing was opened to the public.

Greg Brown, Whatcom County: Was discontinuing updating the subarea plans because of the GMA?

Mr. Aamot stated that in the 1990's the county put most of its efforts into the developing and adopting the countywide Comprehensive Plan. They updated some of the subarea plans. There wasn't the staff to update all of the plans on a continual basis. The Comprehensive Plan addresses most of the issues in the subareas.

The hearing was closed to the public.

**Commissioner Teigrob moved to recommend approval of Exhibit A-Amendments to the Whatcom County Comprehensive Plan, chapter 2; and repeal of Exhibit B-the Lake Whatcom Subarea Plan. Commissioner Honcoop seconded.**

RECORD OF PROCEEDINGS OF THE  
WHATCOM COUNTY PLANNING COMMISSION

April 24, 2014

3

*DRAFT*

Regular Meeting

Commissioner McClendon asked under what circumstances are subarea plans needed?

Mr. Aamot stated staff has thought about that. They think it may be good to retain the plans for active communities and those that stand alone from other areas.

Commissioner McClendon asked how the subarea plans relate to the Comprehensive Plan.

Mr. Aamot stated they add detail to the countywide plan.

Commissioner Bell asked if more resources were applied to the subarea plans would there be more activity? For example, Lake Whatcom is a large area which makes it difficult for people to come together as they do in a smaller area such as Birch Bay.

**Roll Call Vote: Ayes – Bell, Elenbaas, Haugen, Honcoop, Hunter, McClendon, Onkels, Teigrob, Vekved; Nays – 0; Abstain – 0; Absent -0. The motion carried.**

File # PLN2014-00003: Repealing the South Fork Valley Subarea Plan, which was adopted in 1991, and amending related provisions in the Whatcom County Comprehensive Plan.

Matt Aamot presented the staff report. (A map and aerial photo of the subarea was shown with the boundaries) The South Fork Plan was adopted in 1991; right after the GMA was adopted in 1990. The population projection for the subarea was through 2000. It had a more flexible planning period, however, that planning period has ended so it is not consistent with the current comprehensive plan period of 2029. There were five land use designations in the plan. There were two forestry zoning districts but the subarea plan only had one forestry land use designation. Some of the areas have been rezoned or now have different comprehensive plan designations. One of the policies in the plan reaffirms the 1970 comprehensive plan, which is outdated. That policy is now outdated and creates a conflict. Staff recommends repeal of the plan.

The hearing was opened to the public.

There was no public testimony.

The hearing was closed to the public.

**Commissioner Honcoop moved to recommend approval of Exhibit A-Amendments to the Whatcom County Comprehensive Plan, chapter 2; and repeal of Exhibit B-the South Fork Valley Subarea Plan. Commissioner Teigrob seconded.**

**Roll Call Vote: Ayes – Bell, Elenbaas, Haugen, Honcoop, Hunter, McClendon, Onkels, Teigrob, Vekved; Nays – 0; Abstain – 0; Absent -0. The motion carried.**

File # PLN2014-00004: Repealing the Eliza Island Plan, which was adopted in 1994, and amending related provisions in the Whatcom County Comprehensive Plan and Zoning Code.

<b>CLEARANCES</b>	<b>Initial</b>	<b>Date</b>	<b>Date Received in Council Office</b>	<b>Agenda Date</b>	<b>Assigned to:</b>
Originator:	County Cou	2/9/2015		3/3/2015	Introduction
Division Head:					
Dept. Head:					
Prosecutor:					
Purchasing/Budget:					
Executive:					

**TITLE OF DOCUMENT:**

Appointment to the Solid Waste Advisory Committee, applicant Troy Lautenbach

**ATTACHMENTS:**

application

**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.)

Application of Troy Lautenbach to the Waste Collection Industry Representative position. Three year term ending 1/31/2018.

**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).



RECEIVED

FEB 06 2015

WHATCOM COUNTY  
COUNCIL

COUNCILMEMBERS:

Barbara E. Brenner  
Sam Crawford  
Barry Buchanan  
Rud Browne  
Pete Kremen  
Ken Mann  
Carl Weimer

APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: TROY LAUTENBACH Date: 2/6/15  
Street Address: 1007 E. Toledo st  
City: Bham Zip Code: 98229  
Mailing Address (if different from street address): \_\_\_\_\_  
Day Telephone: \_\_\_\_\_ Evening Telephone: \_\_\_\_\_ Cell Phone: 360 815 3222  
E-mail address: troy@Lautenbachrecycling.com

1. Name of board or committee-**please see reverse:** SWAC Collection
  2. You must specify which position you are applying for.  
**Please refer to vacancy list.** Waste ~~Recycling~~ Industry Rep.
  3. Do you meet the residency, employment, and/or affiliation requirements of the position for which you're applying?  
(If applicable, please refer to vacancy list.) ----- ☒ yes ( ) no
  4. Which Council district do you live in? ----- ( ) One ( ) Two ( ) Three
  5. Are you a US citizen? ----- ☒ yes ( ) no
  6. Are you registered to vote in Whatcom County? ----- ☒ yes ( ) no
  7. Have you ever been a member of this Board/Commission? ----- ☒ yes ( ) no  
If yes, dates: Oct ? Jan 03' - Dec 08'
  8. Do you or your spouse have a financial interest in or are you an employee or officer of any  
business or agency that does business with Whatcom County? ----- ( ) yes ☒ no  
If yes, please explain: \_\_\_\_\_
  9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community  
activities, and education.  
Owner T+T Recovery / Lautenbach Industries  
WSRA Board member  
CDRA National Board member  
Former SWAC member  
State Waste Resources member
  10. Please describe why you're interested in serving on this board or commission: to stay up to date  
w/ Whatcom Co waste issues + help with those.
- References (please include daytime telephone number): \_\_\_\_\_

Signature of applicant: [Signature]

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

NO. 2015-087

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:	SM	2/19/15	<div>RECEIVED</div> <div>FEB 24 2015</div> <div>WHATCOM COUNTY COUNCIL</div>	March 3, 2015	Introduction
Division Head:				March 17, 2015	Public Hearing
Dept. Head:					
Prosecutor:	DL	02/19/15			
Purchasing/Budget:					
Executive:	JW/L3	2/23/15			

**TITLE OF DOCUMENT:** Resolution and Public Hearing regarding Community Development Block Grant funding report and new application.

**ATTACHMENTS:** Memo from County Executive; CDBG Public Hearing handout; Resolution and Certification of Compliance; Report from Bellingham Food Bank

SEPA review required?	( ) Yes	( X ) NO	Should Clerk schedule a hearing ? ( X ) Yes ( ) NO Requested Date: March 17, 2015
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.)

The Opportunity Council (OC) is on the state Community Development Block Grant (CDBG) list of 2015 Public Services Grant recipients, which is a State formula grant in the amount of \$123,078 for distribution to the tri-county area of Whatcom, Skagit and Island Counties. The OC is required to submit an application through their local jurisdiction, Whatcom County. The public services grant funding is intended to fund new or expanded direct services for persons with low- and moderate- incomes in the tri-county area. The OC will act as Subrecipient of the funding, and Whatcom County will be the lead agency in the grant application process. The attached Resolution authorizes the County Executive to sign and submit this grant application.

Further, the State's CDBG General Purpose grant program requires a public hearing to review and report on the results of its \$750,000 grant award (in 2013) to the Bellingham Food Bank for its Distribution Center Expansion project. A final public hearing is requested per State requirements in order to receive community input on this grant-funded project. Also, a final Grant Closeout Report must be completed and submitted to Dept. of Commerce, and the County Executive respectfully requests Council's authorization to sign and submit the Report.

## Public Hearing Notice language:

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Whatcom County Council in the Council Chambers, Whatcom County Courthouse, 311 Grand Avenue, Bellingham, on Tuesday, March 17, 2015 at 7:00 p.m. The purpose of the public hearing is to review community development and housing needs, inform citizens of the availability of funds and eligible uses of the state Community Development Block Grant (CDBG), and receive comments on proposed activities, particularly from low- and moderate-income persons and persons residing in Whatcom County. Also, it is for the purpose of reviewing the final project performance on the Bellingham Food Bank's Distribution Center Expansion project, which was partially funded by the CDBG General Purpose Grant Program. Currently up to \$123,078 will be available to Whatcom, Skagit and Island Counties, through the Opportunity Council, to fund public service activities that principally benefit low- and moderate-income persons. A Resolution will be reviewed, which would authorize the County Executive to submit an application to the State of Washington for this funding. The draft grant application including an overview of the proposed public services will be available for review at the Whatcom County Executive's office, Suite 108, 311 Grand Avenue, Bellingham, by March 16, 2015. Comments may also be submitted in writing to the Whatcom County Council until the public hearing has been closed. Comments on the county's and community action program's past performance and use of their 2014 CDBG Public Services Grant will also be received. The Council Chambers is handicapped accessible. People with special needs or disabilities who will be attending this meeting are asked to please contact our office (676-6690 or 800-676-6757 from Pt. Roberts), at least 96 hours in advance, so that we may make any needed accommodations.

<b>COMMITTEE ACTION:</b>		<b>COUNCIL ACTION:</b>
<b>Related County Contract #:</b>	<b>Related File Numbers:</b>	<b>Ordinance or Resolution Number:</b>

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



**WHATCOM COUNTY  
EXECUTIVE'S OFFICE**

County Courthouse  
311 Grand Avenue, Suite #108  
Bellingham, WA 98225-4082



**Jack Louws**  
County Executive

# MEMORANDUM

**To:** Whatcom County Council Members  
**From:** Suzanne Mildner, Grant Coordinator *pm*  
**Subject:** CDBG Grant Requirements for Public Hearing, including an  
Application for 2015 Public Services Grant  
**Date:** February 20, 2015

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Over the past several years the County has worked closely with the Washington State Department of Commerce's Community Development Block Grant (CDBG) Program. The CDBG Program requires that public hearings be held at two times during the course of a grant contract: first at the application stage, and then a final public hearing at the conclusion of the grant-funded project.

At this time, we are requesting a public hearing to address the following two issues:

- 1) Report on and receive comments regarding the Bellingham Food Bank's Distribution Center Expansion Project, which was partially funded with a CDBG General Purposes Grant in the amount of \$750,000.
- 2) An application for a new 2015 Public Services Grant, which is a formula grant that will support new or expanded direct services for persons with low and moderate incomes in the Whatcom, Skagit and Island County area.

In reference to #1, the project is nearing completion, and all CDBG grant funds have been expended. A final public hearing is requested in accordance with the grant requirements and in order to receive community input on this grant-funded project. Also, a Final Grant Closeout Report must be completed and submitted to Dept. of Commerce before year end, and the County Executive respectfully requests Council's authorization to sign and submit the Report.

In reference to #2, through a subrecipient agreement with the County, the Opportunity Council will administer this grant and oversee the distribution of services. The public services grant amount allocated to the tri-county area is \$123,078; attached is a breakdown of the 3-county distribution allocation. The County Executive is supporting this application and recommends to the Council that it be submitted to the State Department of Commerce. As part of the application process, we are required to conduct a public hearing in order to receive public input on the use of CDBG funds and to inform the public on the nature of these funding opportunities. As lead agency for

these pass-through grants, the County Council is required to sign a Resolution in support of the application. Please note the attached Resolution.

If you have any questions, please don't hesitate to contact me at 676-6717, ext. 50118.

/Enclosures

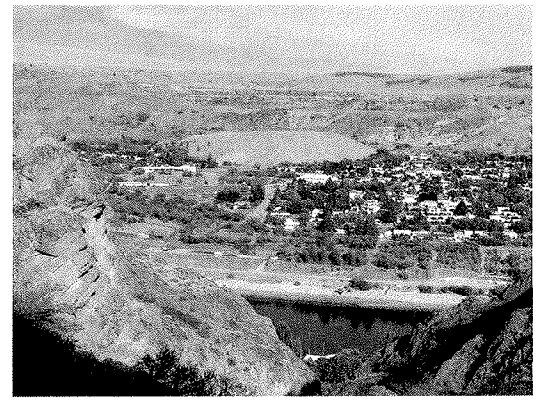


# Department of Commerce

Innovation is in our nature.

## Community Development Block Grant Program (CDBG)

*Helping rural communities with projects that benefit low- and moderate-income persons*



### The Washington State CDBG Program offers six grant funds:

#### **General Purpose Grants** \$8,500,000

For public infrastructure, community facilities, affordable housing, or economic development

#### **Economic Opportunity Grants** \$7,000,000

For state and local priority economic development and energy efficiency projects that promote vibrant rural communities

#### **Planning-Only Grants** \$350,000

For planning activities that improve community services, public safety or further strategic planning

#### **Housing Enhancement Grants** \$200,000

For off-site infrastructure or the community facility component of a state housing trust fund project

#### **Imminent Threat Grants** \$100,000

For unanticipated emergencies posing a serious immediate threat to public health and safety

#### **Public Services Grants** \$1,500,000

For county and community action agencies to fund new or expanded services to lower income persons

2015 funding levels are contingent upon federal allocation

### Fast Facts

- Commerce receives an estimated \$11 million annual CDBG allocation from the U.S. Department of Housing and Urban Development (HUD)
- Maximum grants are generally \$1 million for construction; \$500,000 for housing rehabilitation; and \$35,000 for planning
- Since 1982 the CDBG program has distributed \$456 million to rural cities, towns and counties
- Statutory Authority: Title 1, Housing and Community Development Act of 1974 (Federal)

### Contact Information:

Name: Kaaren Roe  
Phone: (360) 725-3018  
Fax: (360) 586-8440  
Email: [kaaren.roe@commerce.wa.gov](mailto:kaaren.roe@commerce.wa.gov)  
Web: [www.commerce.wa.gov/cdbg](http://www.commerce.wa.gov/cdbg)



## **HUD National Objectives**

CDBG project activities must meet one of three HUD National Objectives:

- Principally benefits low-and moderate-income persons
- Aids in the prevention or elimination of slums or blight
- Addresses imminent threat to public health or safety

## **CDBG Eligibility Guidelines**

Eligible applicants are Washington State cities/towns with less than 50,000 in population and not participating in a CDBG entitlement urban county consortium; and counties with less than 200,000 in population. Eligible cities/towns and counties are listed on the CDBG website.

Special purpose districts, public housing authorities, community action agencies, economic development councils, other non-profit organizations, and Indian tribes are not eligible to apply directly to the state CDBG Program for funding, but may be a partner in projects and subrecipient of funding with an eligible city/town or county applicant.

Applicants may submit one request per fund each program year. Exception: an eligible city/town or county may apply for a second General Purpose Grant if one application is for a local microenterprise assistance program.

Application materials and due dates are on the CDBG website.



**Department of Commerce**

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## **Federal Citizen Participation Requirements for Local Government Applicants to the State CDBG Program**

### Federal Regulations 24 CFR 570.486 (a)

- (a) *Citizen participation requirements of a unit of general local government.* Each unit of general local government shall meet the following requirements as required by the state at Sec. 91.115(e) of this title.
- (1) Provide for and encourage citizen participation, particularly by low and moderate income persons who reside in slum or blighted areas and areas in which CDBG funds are proposed to be used;
  - (2) Ensure that citizens will be given reasonable and timely access to local meetings, information, and records relating to the unit of local government's proposed and actual use of CDBG funds;
  - (3) Furnish citizens information, including but not limited to:
    - (i) The amount of CDBG funds expected to be made available for the current fiscal year (including the grant and anticipated program income);
    - (ii) The range of activities that may be undertaken with the CDBG funds;
    - (iii) The estimated amount of the CDBG funds proposed to be used for activities that will meet the national objective of benefit to low and moderate income persons; and
    - (iv) The proposed CDBG activities likely to result in displacement and the unit of general local government's anti-displacement and relocation plans required under Sec. 570.488.
  - (4) Provide technical assistance to groups representative of persons of low and moderate income that request assistance in developing proposals in accordance with the procedures developed by the state. Such assistance need not include providing funds to such groups;
  - (5) Provide for a minimum of two public hearings, each at a different stage of the program, for the purpose of obtaining citizens' views and responding to proposals and questions. Together the hearings must cover community development and housing needs, development of proposed activities and a review of program performance. The public hearings to cover community development and housing needs must be held before submission of an application to the state. There must be reasonable notice of the hearings and they must be held at times and locations convenient to potential or actual beneficiaries, with accommodations for the handicapped. Public hearings shall be conducted in a manner to meet the needs of non-English speaking residents where a significant number of non-English speaking residents can reasonably be expected to participate;
  - (6) Provide citizens with reasonable advance notice of, and opportunity to comment on, proposed activities in an application to the state and, for grants already made, activities which are proposed to be added, deleted or substantially changed from the unit of general local government's application to the state. *Substantially changed* means changes made in terms of purpose, scope, location or beneficiaries as defined by criteria established by the state.
  - (7) Provide citizens the address, phone number, and times for submitting complaints and grievances, and provide timely written answers to written complaints and grievances, within 15 working days where practicable.

SPONSORED BY: Consent

PROPOSED BY: Executive

INTRODUCTION DATE: 3/3/15

RESOLUTION NO. \_\_\_\_\_

APPLICATION FOR A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)

WHEREAS, Whatcom County is authorized to apply to the state Department of Commerce for a Community Development Block Grant (CDBG); and

WHEREAS, Whatcom County has identified a community development and housing priority need for which to seek CDBG funding; and

WHEREAS, it is necessary that certain conditions be met to receive CDBG funds; and

NOW, THEREFORE, be it resolved that Whatcom County authorizes submission of this application to the state Department of Commerce to request \$123,078 and any amended amounts to fund public service activities in coordination with the Opportunity Council, and certifies that, if funded, it:

Will comply with applicable provisions of Title I of the Housing and Community Development Act of 1974, as amended, and other applicable state and federal laws;

Has provided and will provide opportunities for citizen participation that satisfy the CDBG requirements of 24 CFR 570.486;

Will not use assessments against properties owned and occupied by low- and moderate-income persons or charge user fees to recover the capital costs of CDBG-funded public improvements from low- and moderate-income owner-occupants;

Has established or will establish a plan to minimize displacement as a result of activities assisted with CDBG funds; and assist persons actually displaced as a result of such activities, as provided in the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended;

Has provided technical assistance to citizens and groups representative of low- and moderate-income persons that request assistance in developing proposals;

Will provide opportunities for citizens to review and comment on proposed changes in the funded project and program performance;

Will conduct and administer its program in conformance with Title VI of the Civil Rights Act of 1964 and the Fair Housing Act, will affirmatively further fair housing (Title VIII of the Civil Rights Act of 1968); and

Has adopted (or will adopt) and enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and has adopted (or will adopt) and implement a policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstration within its jurisdiction, in accordance with Section 104(1) of the Title I of the Housing and Community Development Act of 1974, as amended;

Certifies to meeting the National Environmental Policy Act (NEPA) through a determination the CDBG-funded public services will not have a physical impact or result in any physical changes and are exempt under 24 CFR 58.34(a), and are not applicable to the other requirements under 24 CFR 58.6; and are categorically exempt under the State Environmental Policy Act (SEPA) per WAC 197-11-305 (2); and

Whatcom County designates Jack Louws, County Executive, as the authorized Chief Administrative Official and authorized representative to act in all official matters in connection with this application and Whatcom County's participation in the Washington State CDBG Program.

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:

*Daniel L. Gibson*  
Civil Deputy Prosecutor

**Suzanne Mildner**

**To:** Sheri Emerson  
**Subject:** RE: CDBG DRAFT budget and project description

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**From:** Sheri Emerson [mailto:sheriemerson@oppco.org]  
**Sent:** Friday, February 20, 2015 5:02 PM  
**To:** Suzanne Mildner  
**Cc:** Ryan Beld; Matt McDonald  
**Subject:** CDBG DRAFT budget and project description

Hi Suzanne,

Attached is a page of the application with a draft budget for the 2015-16 CDBG application. And text below is the project description — which is the same as last year. I can also provide a full page narrative if that works better for you.

Please let me know if this is what you need to complete the public hearing notification.

I'll work on the full application next week.

Thank you.

Sheri

County	2015-2016 projected split by County OC	2015-2016 OC proposed allocation by County
<b>Island</b>	40%	\$ 49,231
<b>San Juan</b>	10%	\$ 12,308
<b>Whatcom</b>	50%	\$ 61,539
<b>Whatcom Co admin</b>		
<b>Total</b>	100%	\$ 123,078



## ANNUAL BUDGET (July – June)

COST CATEGORIES	SERVICES		COUNTY ADMINISTRATION	
	AMOUNT	DESCRIPTION	AMOUNT	DESCRIPTION
Staffing	\$86,884	Staffing to provide resource information and referral services to LMI individuals in all three counties. Staff will also do outreach to underserved areas.  The Whatcom County staffing expense will include resource and referral specialist at the East Whatcom Regional Resource Center.  This budget item includes both salary and fringe benefits.	\$	
Goods and services	\$ 18,000	Goods and services include office supplies, primarily for the East Whatcom Regional Resource Center	\$	
Equipment	\$ 2,500	Small office equipment, chairs, tables, desktop printers.	\$	
Travel	\$ 3,000	Mileage and travel expenses to rural communities	\$	
Indirect Costs	\$12,694	Federally approved indirect rate	\$	
<b>TOTAL</b>	<b>\$123,078</b>	Cannot exceed the total grant amount minus the county administration budget.	<b>\$</b>	Up to \$3,500 per year can be allocated total grant amount for county administration costs.

### PROJECT DESCRIPTION:

#### 1. Community Outreach and Resource Referral; East Whatcom Regional Resource Center, Whatcom County

Provide information and services including food distribution, access to energy assistance and DSHS programs.

Coordinate educational information about clean wood burning and energy conservation.

Volunteer coordination for public services and activities at the center.

#### 2. Homeless, At-Risk, –Island County

Provide renter education, fair housing services and screening clients for housing services.

Provide intake and eligibility verification for limited short-term rental housing vouchers.

#### 3. Community Outreach and Resource Referral – San Juan County (Lopez, Orcas, San Juan islands)

Provide intake and eligibility verification for access to local community services, connecting and scheduling individuals with other service providers.

Provide support for the delivery of energy assistance, homeless housing and DSHS services.  
Energy Conservation education.

Sheri Burgler Emerson  
Associate Director  
Opportunity Council - a community action agency

(360) 734-5121, ext. 301 [www.opppo.org](http://www.opppo.org)



*Feeding our community since 1972*

**Bellingham Food Bank • Alternatives to Hunger**

February 20, 2015

Suzanne Mildner  
Whatcom County Executive's Office  
311 Grand Avenue #108  
Bellingham, WA 98225

Dear Suzanne,

Below is the project report you asked for in connection with the Bellingham Food Bank Expansion and related CDBG funding provided through Whatcom County. Please let me know if this is inadequate, or if you need anything else.

Sincerely,

Bob Norton  
Finance Director

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**Project Name:** Bellingham Food Bank Expansion

**Project Location:** 1824 Ellis Street, Bellingham, WA 98225

**General Contractor:** Pearson Construction Corporation

**Project Scope:** To expand the regional food bank distribution center with Alternatives to Hunger (dba Bellingham Food Bank). This will result in increasing the distribution center to approximately 20,000 square feet to receive and distribute larger quantities of food to low-income people. Major components of the project include construction of a two-story addition, a second large freezer and drive-in cooler, and an expanded shipping floor area.

**Project Status:** The new space is completely enclosed, is weather-tight, and interior finishing has begun. Completion is anticipated by end of May 2015. Over 60% of the project budget has been expended.

**Project Budget:** Total project costs are expected to be approximately \$2,400,000, with funding from Whatcom County (\$750,000 through federal Community Development Block Grant funds), Bellingham Food Bank (\$838,000 committed from unrestricted funds), City of Bellingham (\$185,000 through federal Community Development Block grant funds), and the remainder through a variety of foundation and private funding.

**Project Benefits:** This project will roughly double the distribution center's capacity to receive the projected increase in emergency and surplus food, expected to be available from large nonprofit hunger relief organizations including Food Lifeline and Northwest Harvest. The Whatcom County emergency food network will soon be able to take advantage of bulk purchasing power, having space and capacity for more efficient warehousing and transportation. These supply increases coincide with ever-increasing demand from hungry families in our community, as the food supplied by the network to families has doubled since 2007 to almost 7.5 million pounds in 2014. More than 1 in 6 households in our community visits their local food bank at least once per year.