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<td>M.P.</td>
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<td>Jack Loomis</td>
<td>J.L.</td>
<td>4/30/18</td>
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## TITLE OF DOCUMENT:

Council direction on Resolution 2018-015 relating to the Cherry Point Urban Growth Area.

## ATTACHMENTS:

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<th>( ) Yes</th>
<th>( X ) NO</th>
<th>Should Clerk schedule a hearing?</th>
<th>( ) Yes</th>
<th>( X ) NO</th>
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<td>SEPA review completed?</td>
<td>( ) Yes</td>
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## SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

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

The Whatcom County Council approved Resolution 2018-015 on April 24, 2018. This Resolution, relating to major permits in the Cherry Point Urban Growth Area, states that “The Whatcom County Council will work with staff to develop the proposed Comprehensive Plan and development regulation amendments. The proposed amendments will be reviewed by the Council’s Committee of the Whole, which will provide for public comment.”

## COMMITTEE ACTION:

## COUNCIL ACTION:

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Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.
**Title of Document:**
Resolution re: roles of water resource planning under RCW 90.82 & ESSB 6091

**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 recognizing the roles and duties of Whatcom County, the WRIA 1 Planning Unit, and the WRIA 1 initiating governments regarding water resources planning under RCW 90.82 and ESSB 6091

**Committee Action:**  
4/10/2018: Held in SCOTW for two weeks  
4/24/2018: Held in Committee

**Council Action:**  
3/27/2018: Introduced 5-1, Browne opposed and Sidhu absent  
4/10/2018: Held in Committee  
4/24/2018: Held in Committee

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

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.
RESOLUTION NO. 2018-____

RECOGNIZING THE ROLES AND DUTIES OF WHATCOM COUNTY, THE WRIA 1 PLANNING UNIT, AND THE WRIA 1 INITIATING GOVERNMENTS REGARDING WATER RESOURCES PLANNING UNDER RCW 90.82 AND ESSB 6091

WHEREAS, in 1998, the Washington State Legislature adopted ESHB 2514, 90.82 RCW, the Watershed Planning Act (WPA); and

WHEREAS, RCW 90.82.005 states, "The purpose of this chapter is to develop a more thorough and cooperative method of determining what the current water resource situation is in each water resource inventory area of the state and to provide local citizens with the maximum possible input concerning their goals and objectives for water resource management and development"; and

WHEREAS, RCW 90.82.005 states, "The legislature finds that the local development of watershed plans for managing water resources and for protecting existing water rights is vital to both state and local interests. The local development of these plans serves vital local interests by placing it in the hands of people: Who have the greatest knowledge of both the resources and the aspirations of those who live and work in the watershed; and who have the greatest stake in the proper, long-term management of the resources. The development of such plans serves the state's vital interests by ensuring that the state's water resources are used wisely, by protecting existing water rights, by protecting instream flows for fish, and by providing for the economic well-being of the state's citizenry and communities. Therefore, the legislature believes it necessary for units of local government throughout the state to engage in the orderly development of these watershed plans"; and

WHEREAS, RCW 90.82.060 called out the "initiating governments" as the entities responsible for developing a scope of work for watershed planning and organizing a Planning Unit to oversee and approve watershed planning activities under the WPA; and

WHEREAS, the WRIA 1 Initiating Governments consist of Whatcom County, the Lummi Nation, the Nooksack Tribe, the City of Bellingham and PUD No. 1 of Whatcom County; and

WHEREAS, on May 5, 1998, Whatcom County Council unanimously adopted Resolution 1998-024 whereby Whatcom County affirmed its duty under RCW 90.82 to serve as "watershed planning lead agency" among the Initiating Governments; and

WHEREAS, on October 26, 1999, Whatcom County Council unanimously adopted Resolution 1999-050 whereby Whatcom County affirmed that it is the duty of the Whatcom County Councilmembers to represent their constituents in watershed issues, and resolved that regular monthly meetings would be scheduled with the County Administration to provide ongoing opportunities for the County Council to review and approve policy and budget matters prior to joint review and agreement among the Initiating Governments; and

WHEREAS, RCW 90.82.030 (1) states, "All WRIA planning units established under this chapter shall develop a process to assure that water resource user interests and directly involved interest groups at the local level have the opportunity, in a fair and equitable manner, to give input and direction to the process"; and
WHEREAS, on December 22, 1999, the WRIA 1 Planning Unit ("Planning Unit") was formed through adoption of the Watershed Management Project Planning Unit Process and Procedural Agreement; and

WHEREAS, the Planning Unit included a broad range of water resource user interests and directly involved interest groups in two categories: governmental participants included Whatcom County, PUD No. 1 of Whatcom County, the City of Bellingham, the State Department of Ecology, the Small Cities Caucus, the Water Districts Caucus, the Diking and Drainage Districts Caucus and the Port of Bellingham and non-governmental participants included caucuses representing agriculture, fishers, forestry, land development, environmental, private well owners, and non-municipal governmental water systems; and

WHEREAS, the Lummi Nation and Nooksack Tribe were invited to join the Planning Unit but declined, choosing instead to participate through a Memorandum of Understanding with the three other Initiating Governments establishing that group as the Watershed Management Project Joint Board; and

WHEREAS, the Whatcom County Council designated the County Executive as the representative for Whatcom County on the Watershed Management Project Joint Board; and

WHEREAS, in March of 2000 the Planning Unit approved a scope of work that called for development of a watershed management plan that addressed water quantity, water quality, instream flow, and fish habitat; and

WHEREAS, in 2005 the Planning Unit approved and Whatcom County adopted the WRIA 1 Watershed Management Plan – Phase 1 (WMP); and

WHEREAS, the Lummi Indian Business Council and Nooksack Tribal Council also approved the WRIA 1 Watershed Management Plan; and

WHEREAS, in 2007 the Planning Unit approved and Whatcom County adopted the WRIA 1 Detailed Implementation Plan (DIP), which was required pursuant to RCW 90.82.043; and

WHEREAS, both the WMP and DIP called for the Planning Unit to continue functioning to address instream flows and WMP updates; and

WHEREAS, in July of 2013 the Whatcom County Council recognized that the Planning Unit had not met since June 30, 2009; and

WHEREAS, on July 23, 2013, Whatcom County Council unanimously adopted Resolution 2013-025 wherein the Whatcom County Council declared its policy on the continuing role of the Planning Unit and re-affirmed the Council’s role in approving water resource plans pursuant to RCW 90.82; and

WHEREAS, Resolution 2013-025 requested that the Planning Unit report regularly to the County Council and that the County Executive facilitate this reporting function; and

WHEREAS, the Planning Unit resumed meeting in September 2013 and has met regularly since that time; and

WHEREAS, on May 21, 2014, the Planning Unit revised its Process and
Procedural Agreement to clarify that its decisions would be based on majority vote of the members present, except where other procedures were mandated by statute; and

**WHEREAS**, on December 14, 2016, the Initiating Governments entered into an interlocal agreement dissolving the Watershed Management Project Joint Board and transferring the duties and functions of the Watershed Management Project Joint Board to a newly established WRIA 1 Watershed Management Board consisting of the Initiating Governments and the Washington Department of Fish & Wildlife and the small cities in Whatcom County; and

**WHEREAS**, RCW 90.82.130 states, "Upon completing its proposed watershed plan, the planning unit may approve the proposal by consensus of all of the members of the planning unit or by consensus among the members of the planning unit appointed to represent units of government and a majority vote of the nongovernmental members of the planning unit"; and

**WHEREAS**, If the County Council does not approve the updated Watershed Management Plan, pursuant to RCW 90.82.130(2)(b), it shall be returned to the Planning Unit with recommendations for revisions; and

**WHEREAS**, Whatcom County, represented by staff of the County Executive, is a governmental member of the Planning Unit; and

**WHEREAS**, on January 19, 2018, Engrossed Substitute Senate Bill 6091 (ESSB 6091), an act relating to ensuring that water is available to support development, took effect; and

**WHEREAS**, ESSB 6091 at Section 202, Subsection 4(a) states, "In collaboration with the planning unit, the initiating governments must update the watershed plan requires the Initiating Governments to collaborate with the Planning Unit to update the WRIA 1 Watershed Plan, "to include recommendations for projects and actions that will measure, protect and enhance instream resources and improve watershed functions that support the recovery of threatened and endangered salmonids"; and

**WHEREAS**, ESSB 6091 (Section 202, Subsection 4(b)) specifies that the updated watershed plan must include at a minimum "those actions that the planning units determine to be necessary to offset potential impacts to instream flows associated with permit-exempt domestic water use"; and

**WHEREAS**, ESSB 6091 (Section 202 Subsection 5) establishes a fee of five hundred dollars to be paid to Whatcom County by applicants for building permits or subdivisions, three hundred fifty dollars of which is to be deposited in a new watershed restoration and enhancement account in the custody of the State Treasurer; and

**WHEREAS**, ESSB 6091 (Section 202 Subsection 5) also establishes a maximum annual average withdrawal rate of three thousand gallons per day for domestic withdrawals exempt from permitting under RCW 90.44.050; and

**WHEREAS**, ESSB 6091 contemplates that the updated watershed plan may recommend modifications to the water use quantity standards and fees established under Section 202 Subsection 5 and may also identify evidence-based conservation requirements and other water resource management measures; and

**WHEREAS**, ESSB 6091 (Section 202 Subsection 6) states that rules adopted pursuant to this Act may: (1) rely on the updated watershed plan’s recommendations
and procedures to authorize new withdrawals exempt from permitting under RCW 90.44.050 that would potentially impact a closed waterbody or minimum flow or level; (2) rely on projects identified in the updated watershed plan to offset consumptive water use; and (3) include updates to fees based on the Planning Unit’s determination of the costs for offsetting water use; and

WHEREAS, the WRIA 1 Watershed Management Plan was adopted pursuant to RCW 90.82.130, which states that the Planning Unit’s recommended plan must be submitted to the County for final approval or disapproval; and

WHEREAS, the adopted WRIA 1 Watershed Management Plan may be amended only through a form of negotiated rule making that uses the same processes that applied in WRIA 1 for developing the plan.

NOW, THEREFORE BE IT RESOLVED:

Section 1: Findings. The County Council finds that the update of the adopted WRIA 1 Watershed Management Plan specified in ESSB 6091 is a high priority that warrants extremely careful Council oversight. Because of its potentially significant impacts on citizens of Whatcom County, the updated plan must be developed in an open and transparent manner. Meetings of the County Council provide an essential opportunity for public involvement in the process of updating this important plan.

Section 2: Council Authority. Whatcom County Council is the legislative body with exclusive authority under Chapter 90.82 to finally approve the updated WRIA 1 Watershed Management Plan required under ESSB 6091. If the County Council does not approve the updated Watershed Management Plan, pursuant to RCW 90.82.130(2)(b), it shall be returned to the Planning Unit with recommendations for revisions.

Section 3: Planning Unit Role. Pursuant to RCW 90.82, the Planning Unit is designed to be broadly representative of local water interests in WRIA 1. The Planning Unit is the sole entity, established under RCW 90.82, responsible for recommending initially approving amendments to the adopted WRIA 1 Watershed Management Plan, which then shall be put forward for Council action, in accordance with the process presented in “Exhibit A”. Because the Planning Unit is established pursuant to statute with the power to take actions which are necessary antecedents to the Council’s action in final plan approval, the Planning Unit is a sub agency of government subject to the Open Public Meetings Act. Meetings of the Planning Unit provide an additional opportunity for public involvement in the process of updating the WRIA 1 Watershed Management Plan.

Section 4: Initiating Governments Role. Under RCW 90.82, the Initiating Governments developed the scope of work for watershed planning and organized the WRIA 1 Planning Unit. Under ESSB 6091, the Initiating Governments have the additional task of collaborating with the Planning Unit to update the WRIA 1 Watershed Management Plan. The Initiating Governments have chosen to participate in the ESSB 6091 process as the WRIA 1 Watershed Management Board pursuant to a 2016 interlocal agreement.

Section 5: Requests for Information. The County Council requests that the Planning Unit continue to report regularly to the County Council on the status of its work. In order to enhance public involvement, many of these reports should take place at Surface Water Work Sessions and during regular evening Council meetings. The
Council further requests that the County Executive continue to facilitate this reporting function. The Council also requests a briefing from the County Executive on how the Initiating Governments will collaborate with the Planning Unit to update the WRIA 1 Watershed Management Plan, while maintaining and supporting the Planning Unit’s statutory responsibilities per RCW 90.82 and ESSB 6091. Ideally, this briefing will convey a joint statement from the Initiating Governments and the Planning Unit.


APPROVED this ____ day of _____, 2018

ATTEST: WHATCOM COUNTY COUNCIL
WHATCOM COUNTY WASHINGTON

Dana Brown-Davis, Clerk of the Council
Rud Browne, Council Chair

APPROVED AS TO FORM:

Karen Frakes, Prosecuting Attorney
Facilities will present its report to Council

Facilities Management to present its semi-annual report to Council.

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

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**TITLE OF DOCUMENT:**
Ord amend WCC 1.08 re: initiatives & referendum signatures

**ATTACHMENTS:**
Ordinance

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

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

**Should Clerk schedule a hearing?**
( ) Yes  ( ) NO

**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:** (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)
This ordinance amends Whatcom County Code Chapter 1.08 to reflect changes approved by the voters regarding initiatives and referenda.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**
4/24/2018: Introduced 6-0, Byrd absent

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

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

AMENDING WHATCOM COUNTY CODE 1.08 TO REFLECT VOTER APPROVED
CHANGES FOR LOWERING THE THRESHOLD FOR INITIATIVE AND REFERENDUM
SIGNATURES

WHEREAS, the voters of Whatcom County approved Propositions No. 4 and 5 on the
November 3, 2015, general election ballot; and

WHEREAS, proposition No. 4 read as follows: "The Whatcom County Charter Review
Commission has proposed an amendment to the Whatcom County Charter to provide
greater consistency with state law regarding the wording of initiatives and referenda. This
measure would amend Charter Sections 5.40 and 5.60 pertaining to initiatives and
referenda and increase the word limit for ballot questions from 20 to 40 words.

WHEREAS, Proposition No. 4 passed by 84.22% of the votes; and

WHEREAS, Proposition No. 5 read as follows: "The Whatcom County Charter Review
Commission has proposed an amendment to the Whatcom County Charter lowering the
number of signatures required to place initiatives and referenda on the ballot. This measure
would amend Sections 5.40 and 5.60 to lower the threshold of signatures required to place
an initiative or referendum on the ballot from 15% of the number of votes cast in the last
general election to 8% of the number of votes cast in the last regular gubernatorial
election."

WHEREAS, Proposition No. 5 passed by 50.84% of the votes; and

WHEREAS, Whatcom County Charter Sections 5.40 and 5.60 were amended to
reflect the voter approved changes; and

WHEREAS, Whatcom County Code Chapter 1.08 Initiative, Referendum and Recall,
is intended to be a supplement and a clarification of the Whatcom County Home Rule
Charter, existing statutes, and Constitutional provisions concerning subject matter hereof;

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the
Whatcom County Code Section 1.08 be amended as shown in the attached Exhibit A.

ADOPTED this _______ day of ___________________ 2018.

ATTEST:

Dana Brown-Davis, Council Clerk

APPROVED AS TO FORM:

_____________________
CIVIL Deputy Prosecutior

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Rud Browne, Council Chair
( ) Approved ( ) Denied

Jack Louws, County Executive
Date: ____________________
EXHIBIT A

Initiative, Referendum and Recall

1.08.010 Purpose.
A. This chapter recognizes rights reserved to the people of Whatcom County to propose certain measures at their option and to enact or reject them at the polls at an election, independent of the county council and to propose mini-initiatives direct to the county council. In addition, it is recognized that the people of Whatcom County have certain rights reserved to discharge a public official.

B. This chapter is intended to be a supplement and a clarification of the Whatcom County Home Rule Charter, existing statutes, and Constitutional provisions concerning subject matter hereof.

1.08.070 Duty of the prosecuting attorney.
Within 10 days after the receipt of an initiative or referendum, the prosecuting attorney, in consultation with the petitioner, shall formulate the ballot title which shall consist of: (a) a statement of the subject of the measure; (b) a concise description of the measure; and (c) a question: “Shall this be enacted into law?” The statement of the subject of the measure must be proposed as a positive statement, be sufficiently broad to reflect the subject, and be sufficiently precise to give notice of the measure’s subject matter, and not exceed ten words. The concise description must contain no more than thirty words, be a true and impartial description of the measure’s essential contents, clearly identify the proposition to be voted on, and not, to the extent reasonably possible, create prejudice either for or against the measure. A concise statement posed as a positive question, not to exceed 20 words, which shall express and give a true and impartial statement of the proposed measure. It shall not intentionally be an argument or be likely to create prejudice, either for or against the measure. Such concise statements will be the ballot title.

1.08.090 Petition – Required number of signatures.
Following expiration of the 10-day period referred to in WCC 1.08.070, the petitioner shall have 120 days to collect signatures of the registered voters of the county equal in number to not less than 15% of the number of votes cast in the county in the last general election regular gubernatorial election. Each petition shall contain the full text of the proposed measure, ordinance, or amendment to an ordinance, and the ballot title.
EXHIBIT A

Initiative, Referendum and Recall

1.08.010 Purpose.
A. This chapter recognizes rights reserved to the people of Whatcom County to propose certain measures at their option and to enact or reject them at an election, independent of the county council and to propose mini-initiatives direct to the county council. In addition, it is recognized that the people of Whatcom County have certain rights reserved to discharge a public official.

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1.08.090 Petition – Required number of signatures.
Following expiration of the 10-day period referred to in WCC 1.08.070, the petitioner shall have 120 days to collect signatures of the registered voters of the county equal in number to not less than 8 percent of the number of vote cast in the county in the last regular gubernatorial election. Each petition shall contain the full text of the proposed measure, ordinance, or amendment to an ordinance, and the ballot title.
TITLE OF DOCUMENT: Approval to Purchase Replacement Lowboy Trailer

ATTACHMENTS: Memos from Finance and Public Works

PUBLIC WORKS EQUIPMENT SERVICES IS REQUESTING APPROVAL TO PURCHASE A REPLACEMENT LOWBOY TRAILER USING THE WASHINGTON STATE CONTRACT #00816 (EXPIRES 12/31/2024). THE VENDOR IS PAPÉ MACHINERY, INC., LOCATED IN TACOMA, WA. THE TOTAL COST IS $89,526.76.

COUNCIL APPROVAL IS SOUGHT ON THIS PURCHASE BECAUSE THE COST EXCEEDS THE APPROVED BUDGET OF $75,000.00 BY MORE THAN 10 PERCENT. ADEQUATE UNSPENT BUDGET AUTHORITY EXISTS IN THE CURRENT ER&R BUDGET FOR THE OVERAGE.

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.
DATE: April 25, 2018

TO: Jack Louws, County Executive

FROM: Brad Bennett, AS Finance Manager

SUBJECT: Approval to Purchase Replacement Lowboy Trailer

1. Background & Purpose

Public Works Equipment Services requests approval to purchase a 2018 TK102HDG Advantage Plus Hydraulic Detachable Lowboy Trailer, using Washington State Contract #00816 (expires 12/31/2024). This replacement will be used by the Maintenance and Operations Division as part of the road maintenance program.

The vendor is Papé Machinery, Inc., located in Tacoma, Washington. The total price for this purchase is $89,526.76, including sales tax.

2. Funding

This is a planned replacement, and $75,000.00 in funds was approved in the current ER&R budget. Council approval is sought on this purchase because the cost exceeds the approved budget by more than 10 percent. Adequate unspent capital budget authority exists in the current ER&R budget for the overage. I concur with this request.

[Signature]
AS Finance Manager

Approved as recommended:

______________________________
County Executive

______________________________
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**TITLE OF DOCUMENT:**
Public Works will present its quarterly report to Council

**ATTACHMENTS:**

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<th>SEPA review required?</th>
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Public Works will present its quarterly report to Council

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

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

The Whatcom County Health Department staff will be updating the Health Committee on the Department’s Performance Management System. This brief presentation will showcase how performance management data is being used by leadership and staff in making decisions and directing program improvements.
Memorandum

TO: JACK LOUWS, WHATCOM COUNTY EXECUTIVE
FROM: Regina A. Delahunt, Director
DATE: April 24, 2018
RE: HEALTH DEPARTMENT PERFORMANCE MANAGEMENT UPDATE

At the May 8, 2018 Health Committee meeting Health Department staff will update the County Council on how the department is using program performance measures and other data to improve performance and determine service needs and changes.

The principles that guide our performance management system follow the Public Health Foundation Framework for Performance Management. The components of the framework are shown in this diagram.

All Health Department programs have identified standards and goals, selected indicators, and defined their program performance measures. The measures are reviewed quarterly and based on results, staff develops program modifications to improve performance and meet the goals which have been set.

During the presentation to Council, staff will provide examples of how approaching performance in a systematic way has improved program performance in our On-site Sewage Program and our Tb Program. Staff will also provide an example of how program data is being used in our Syringe Services Program to inform service need and consideration of service delivery changes.
WCHD Performance Update

Erika Nuerenberg & Molly Burke

May 8, 2018
Whatcom County Council – Health Committee

Whatcom County Health Department
Our Presentation Today

- Performance Management
- Using data to inform our decisions and improve our programs
- Questions
"A performance management system is a set of measures, that have targets with timelines and are monitored and published with regular frequency."
Program Improvement:
Homeowner Report of On-Site Sewage System Status

Percent of inaccuracies detected by WCHD staff in submitted H-ROSS

- Sep17: 4.0%
- Oct17: 4.0%
- Nov17: 3.4%
- Dec17: 0.0%
- Jan18: 22.2%

Program improvement identified and implemented

Percent of inaccuracies detected by WCHD staff in submitted H-ROSS
Program Improvement: TB Intake Evaluation Timeliness

TB Intake: Percent of cases meeting DOH standard for intake time - 2017

- Improvement area and intervention identified
- Expected change resulting from intervention

- Projected change
- Intake Timeliness

2017 Quarter 3 | 2017 Quarter 4 | 2018 - Quarter 1 (projected)
Syringe Services Clients by Zip Code

Client rate per 100,000 residents | Source: Whatcom County Health Department, 2015-2016
### WHATCOM COUNTY COUNCIL AGENDA BILL

**CLEARANCES**

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**TITLE OF DOCUMENT:**

Amendments to WCC 8.11, **Solid Waste Recycling and Collection District** and WCC 8.10, **Solid Waste and Residential Recycling Collection** regarding Solid Waste Collection in Point Roberts, WA.

**ATTACHMENTS:**

1) Memo to Executive, 2) Ordinance, 3) Exhibit A: Amendment to WCC 8.11, **Solid Waste Recycling and Collection District**, 4) Exhibit B: Amendment to WCC 8.10, **Solid Waste and Residential Recycling Collection**

<table>
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<th>( ) Yes</th>
<th>( x ) NO</th>
<th>Should Clerk schedule a hearing?</th>
<th>( X ) Yes</th>
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<td>SEPA review completed?</td>
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<td>( x ) NO</td>
<td>Requested Date: May 22, 2018</td>
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**SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:** (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

It is proposed to amend WCC 8.11, **Solid Waste Recycling and Collection District** and WCC 8.10, **Solid Waste and Residential Recycling Collection** regarding solid waste collection in Point Roberts, WA. The amendments will remove the exemption provision for mandatory curbside collection, require monthly participation in curbside collection at a minimum level of service, and collect payment for monthly curbside collection as a fee on the annual property tax statement. The purpose is to protect human health and the environment by increasing levels of service, reducing costs, reducing illegal dumping, increasing recycling rates and ensuring stability and continuity of service provision in an area of low density, high seasonal occupancy and high operational costs.

### COMMITTEE ACTION:


### COUNCIL ACTION:


<table>
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<tr>
<th>Related County Contract #:</th>
<th>Related File Numbers:</th>
<th>Ordinance or Resolution Number:</th>
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**Please Note:** Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: [www.co.whatcom.wa.us/council](http://www.co.whatcom.wa.us/council).
TO: Jack Louws, County Executive
FROM: Regina A. Delahunt, Director
DATE: April 26, 2018
SUBJECT: Proposed Amendments to WCC 8.11, Solid Waste Recycling and Collection District and WCC 8.10, Solid Waste and Residential Recycling Collection regarding Solid Waste Collection in Point Roberts

Please find attached, for review and introduction for public hearing, proposed amendments to WCC 8.11, Solid Waste Recycling and Collection District and WCC 8.10, Solid Waste and Residential Recycling Collection regarding solid waste collection in Point Roberts.

Background and Purpose

In Point Roberts, low economy of scale, high operating costs, high seasonal occupancy rates and contradictory regulatory mechanisms result in challenges to providing quality levels of solid waste services at acceptable costs. This, in turn, increases illegal dumping and illegal cross border disposal, and threatens the actual stability and continuity of service provision. As a result, in 2009 the service provider discontinued services due to lack of economic viability. The Washington Utilities and Transportation Commission (WUTC), in its 2010 Final Order, attributed this specifically, in large part, to existing local regulatory provisions, which currently still affect services, and recommended review of these provisions.

The approved 2016 Whatcom County Comprehensive Solid and Hazardous Waste Management Plan states that such a review will be conducted. Since May, 2016 solid waste program staff have been meeting with the Point Roberts Community Advisory Committee (PRCAC) and the community to conduct the review to ensure that waste management needs are being met. The two year community process was diligent and comprehensive.

Recommendations

As a result of this work, PRCAC by formal motion recommended to 1) eliminate the existing exemption from mandatory residential curbside solid waste collection, 2) require a minimum residential curbside collection service level of every other week, with 32 gallon can, bundled with recycling, 3) collect payment for the minimum service level, as approved by WUTC, as a fee on annual property tax bills, and 4) have the service provider invoice directly for any additional requested services above the minimum service level, such as for larger can size, more frequent collection, or carry out/ drive in services. Staff concurs with these recommendations, which are incorporated into the attached proposed amendments to ordinance.

Please call Jeff Hegedus at x6044 if there are any questions.
ORDINANCE NO. ________

AMENDMENTS TO WCC 8.11, SOLID WASTE RECYCLING AND COLLECTION DISTRICT AND WCC 8.10, SOLID WASTE AND RESIDENTIAL RECYCLING COLLECTION REGARDING SOLID WASTE COLLECTION IN POINT ROBERTS, WA

WHEREAS, as per RCW 81.77, Solid Waste Collection Companies and WAC 480-70, Solid Waste and/or Refuse Collection Companies, the Washington Utilities and Transportation Commission (WUTC) is the jurisdictional regulatory authority for all solid waste collection companies in Washington State; and,

WHEREAS, WUTC by law regulates solid waste collection companies as 'investor-owned utilities' subject to rigorous tariff-based services and rate structure oversight, with annual financial reporting and targeted fixed rates of return; and,

WHEREAS, in 2009 the solid waste collection company operating in Point Roberts ceased to be economically viable and discontinued collection services; and,

WHEREAS, in the 2010 WUTC Final Order, Docket TG-081576, WUTC specifically identified the County provision for exemption from mandatory collection services as a primary contributing factor to the discontinuation of services in Point Roberts, and strongly recommended a review of local regulatory requirements; and,

WHEREAS, provision of solid waste collection in Point Roberts continues to be marginally economically viable, with repeat discontinuation of services being a probable outcome; and,

WHEREAS, as a result of the 2010 WUTC Final Order, the approved 2016 Whatcom County Comprehensive Solid and Hazardous Waste Management Plan states that a review of solid waste collection in Point Roberts will be conducted; and,

WHEREAS, in May 2016 staff engaged with the Point Roberts Community Advisory Committee (PRCAC) to conduct the review, which was subsequently comprised of an initial on-line community solid waste survey, fourteen PRCAC meeting discussions, nine PRCAC staff presentations, an informational mailer to 2,300 property owners, and a Town Hall meeting; and,

WHEREAS, as a result of this review and public process, PRCAC recommends 1) removal of the existing provision for exemption from collection services, 2) requiring participation in collection services at a minimum service level of twice monthly pickup of a
32 gallon can and source separated recyclables, and 3) including the WUTC approved
monthly service charge as a fee on the annual property tax statement; and,

WHEREAS, staff concurs that these recommendations are protective of human
health and the environment by increasing levels of service, reducing costs, reducing illegal
dumping, increasing recycling rates, and ensuring stability and continuity of service
 provision in a challenging area of low density, high seasonal occupancy and high operational
costs; and,

WHEREAS, as per WCC 8.11, Solid Waste Recycling and Collection District, the
Whatcom County Council is the governing body of the recycling and collection district; and,

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that
WCC 8.11, Solid Waste Recycling and Collection District is amended as shown in Exhibit A
attached hereto and that WCC 8.10, Solid Waste and Residential Recycling Collection is
amended as shown in Exhibit B attached hereto.

ADOPTED this ____ day of __________, 2018.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

______________________________
Dana Brown-Davis, Clerk of the Council

______________________________
Barry Buchanan, Chair

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON

APPROVED AS TO FORM:

______________________________
Civil Deputy Prosecutor

______________________________
Jack Louws, County Executive

(  ) Approved     (  ) Denied

Date Signed: __________________
EXHIBIT A

Chapter 8.11
SOLID WASTE RECYCLING AND COLLECTION DISTRICT

Sections:
8.11.010 District created – Determinations and findings.
8.11.020 Collection mandatory – Starting date.
8.11.030 Procedure to obtain exemption.
8.11.040 Enforcement – Civil penalty.
8.11.050 Governing body designated – Election.
8.11.060 Severability.

8.11.010 District created – Determinations and findings.

The Whatcom County solid waste recycling and collection district (the “district”) is hereby created to make solid waste and recycling collection mandatory in Whatcom County in furtherance of the objectives of the county’s plan. The district is formed, in part, in light of the formation of a solid waste disposal district pursuant to RCW Chapter 36.58 and Chapter 8.13.

The county council has determined that the unincorporated areas of the county cannot meet their solid waste management objectives, including recycling goals, without the formation of a collection district. The recycling and collection district shall include all unincorporated areas except the Diablo/Newhalem area of Whatcom County and shall be implemented compatibly with cities and towns which require mandatory collection within their limits, all as provided in interlocal agreements executed with the county. All municipalities in the county have executed interlocal agreements with the county as shown in Appendix A of the ordinance codified in this chapter, which appendix is incorporated herein by reference. The county council in forming the recycling and collection district determines and finds:

A. All residences and businesses within the county are beneficiaries of the county solid waste and recycling management program and receive substantial and essential public service by having available on a continuing and standby basis healthful, safe and reliable solid waste disposal facilities;

B. The county has experienced increasing health and safety problems due to improper handling of solid waste. These problems include but are not limited to air pollution, litter and possible groundwater contamination. Requiring that transportation and disposal of solid waste be
performed by qualified providers of collection service in compliance with the law and regulations is necessary for the immediate protection of the public health-and safety;
C. The state has set waste reduction and recycling as the highest priorities in managing solid waste streams. In order to develop workable programs of waste reduction and recycling, the county and municipalities need mandatory collection to make curbside collection and other source separation feasible;
D. The cost of operating Whatcom County's solid waste and recycling management program may be met in part by imposing an excise tax on the charges paid for solid waste collection by each residential dwelling and by each business or institution in the taxing district, as authorized by Chapter 8.13; and
E. Those who knowingly fail to comply with the requirements of this chapter shall be liable as provided below for a civil penalty and for related attorneys' fees and costs in order to reduce the environmental degradation and public health risks associated with noncompliance. (Ord. 90-96 § 1).

8.11.020 Collection mandatory – Starting date.
Solid waste and recycling collection shall become mandatory for owners of all developed property within the recycling and collection district on a date which the county executive has certified for implementation of the mandatory collection program. Such date shall be determined by the county executive after consultation with staff of the solid waste division, who shall have consulted with haulers, concerning the administrative feasibility of implementation. Such date shall occur on the first day of a month, and shall not be sooner than the first day of the month following the approval of the ordinance codified in this chapter, nor later than one year following such approval. (Ord. 90-96 § 2).

8.11.030 Procedure to obtain exemption.
A. At least 60 days prior to the date of implementation of mandatory solid waste and recycling collection, the solid waste division shall provide reasonable notice to all residences and businesses that mandatory collection will be implemented. Such notice shall state how requests for exemption may be filed. Such notice shall be issued in coordination with certificated haulers.
B. Any person who wishes an exemption from the provisions or application of this chapter may file an affidavit with the solid waste manager which states substantively as follows:

I swear or affirm that I should be exempt from the requirements of universal recycling and solid waste collection because I am disposing of my waste in
an environmentally sound way.

This affidavit is subject to periodic verification by the solid waste manager or his/her designee. Effective January 1, 2019 requests for exemptions for single-family residences and multi-family dwellings located in Point Roberts will not be approved, and existing exemptions in Point Roberts will terminate.

C. Within 30 days after implementation of mandatory collection, the solid waste manager shall provide a report to the county executive containing findings on the number of exemptions that have been requested, the grounds stated for such exemptions, and the actions taken on the requests. Within 60 days after implementation of mandatory collection, the county executive shall report the findings to the county council, together with any recommendations for further legislative action on exemptions which the county executive believes are appropriate. (Ord. 90-96 § 3).

8.11.040 Enforcement – Civil penalty.

A. If any residence, business, or institution, not otherwise exempt from mandatory collection, refuses to pay for such mandatory collection, the county may, upon the request of a certificated hauler, through the prosecuting attorney’s office commence appropriate action to enforce the provisions of this chapter. The prevailing party shall be entitled to an award of reasonable attorney’s fees and costs in any such action.

B. Any person who knowingly fails to subscribe to or pay for solid waste and recycling collection service without having obtained an exemption shall be liable in addition to actual damages, for a penalty to the county in an amount equal to any past due bill for solid waste and recycling collection service not to exceed $500.00, plus an additional penalty of not less than $100.00 nor more than $200.00 which shall not be suspended or deferred. (Ord. 90-96 § 4).

8.11.050 Governing body designated – Election.

The Whatcom County council shall be the governing body of the recycling and collection district. The electors of said district shall be all registered voters residing within the district. (Ord. 90-96 § 5).

8.11.060 Severability.

The invalidity or unenforceability of any portion of this chapter shall not affect the other provisions thereof, and this chapter shall be construed in all respects as if such invalid or unenforceable provision were omitted. (Ord. 90-96 § 6).
EXHIBIT B

Chapter 8.10
SOLID WASTE AND RESIDENTIAL RECYCLING COLLECTION

Sections:
8.10.010 Purpose.
8.10.020 Findings.
8.10.030 Definitions.
8.10.040 Single-family residential garbage collection.
8.10.050 Residential recycling collection.
8.10.060 Nonresidential and multifamily garbage collection.
8.10.070 Submittal of documents and notices.
8.10.080 Notice to Utilities and Transportation Commission.
8.10.090 Modification of collection schedules.
8.10.100 Severability.

8.10.010 Purpose.
A. Policies expressed in Whatcom County's 2008 Comprehensive Solid and Hazardous Waste Management Plan ("plan") make waste reduction and recycling the preferred methods of handling solid waste. The purpose of this chapter is to specify service levels and rate structures for recycling and solid waste collection that encourage recycling and waste reduction, that protect the public health and safety, and to ensure that, to the maximum extent practicable, only the remainder after separation should be incinerated or landfilled.

B. Certain service levels and rate structures for solid waste and recycling collection are hereby established in Whatcom County to further the objectives of the plan, including a high level of waste reduction and recycling; to ensure the provision of such solid waste collection and disposal systems and services as are in the public interest; and to secure a healthful environment for all citizens of Whatcom County. (Ord. 2014-035 Exh. A; Ord. 2003-018; Ord. 2001-041; Ord. 2001-34; Ord. 97-067; Ord. 95-045).

8.10.020 Findings.
The county council, in establishing service levels and rate structure principles, determines and finds:
A. Waste reduction and recycling measures contemplated by the plan promote the health, safety, and welfare of residents by encouraging the reuse of products and reducing the use of incineration and landfill facilities.

B. State and federal laws and regulations have increased the responsibility of local governments to manage solid waste systems in a manner that protects public health and safety.

C. The state and the county have set waste reduction and recycling as the highest priorities in managing solid waste. In order to make programs for waste reduction, curbside recycling and other source separation feasible, rate structures must make it cost-effective for residents and businesses who generate small amounts of waste to participate in such programs, and all nonresidential accounts must be offered the option of subscribing to recycling service.

D. It is the policy of the county that collected recyclable materials be processed locally whenever practicable and that they be utilized according to the following priorities: (1) reuse intact materials in their original form for their original purposes; (2) recycle materials back into their original form for their original purpose; (3) recycle materials for other uses and preserve the future ease of recyclability; and (4) reuse materials for single end uses that do not allow or that inhibit further recycling.

E. Adoption of the ordinance codified in this chapter is necessary for the protection of natural resources and the environment, the immediate preservation of the public health and welfare and the support of governmental activities. (Ord. 2014-035 Exh. A; Ord. 2003-018; Ord. 2001-041; Ord. 2001-34; Ord. 97-067; Ord. 95-045).

8.10.030 Definitions.

As used in this chapter:

A. "Carrier" means a common, contract or private carrier as defined by RCW 81.80.010.

B. "Certificated hauler" means solid waste collection companies.

C. "Executive committee" means the group of seven mayors and the county executive as established and governed by interlocal agreements between the county and cities in July 1989.

D. "Multifamily dwelling" means a residential dwelling containing five or more units on one lot or parcel.
E. "Nonresidential account" means a building or facility that is not occupied as a permanent residence including, but not limited to, commercial and industrial businesses, schools, hospitals, government buildings, recreation facilities, and transportation facilities.

F. "On-call service" means garbage pickup service and drop-off recycling on other than regularly scheduled days, from a dwelling unit that is a seasonal vacation or weekend home. On-call garbage service does not include roadside recycling service and tends to be on a variable infrequent basis.

G. "Recyclables" and "recyclable materials" mean those solid wastes that are separated for recycling or reuse as identified in this chapter.

H. "Seasonal vacation or weekend home" is defined as a secondary residence used only for weekend or vacation use and not as a full-time or primary residence.

I. "Single-family residence" means a residential dwelling containing four or fewer dwelling units on one lot or parcel. Where two, three, or four units are on one lot or parcel, each lot or parcel unit shall be considered as an individual single-family residence.

J. "Solid waste" shall have the meaning given to it by RCW 70.95.030.


8.10.040 Single-family residential garbage collection.

A. Solid waste collection companies shall perform collection and hauling of garbage from single-family residences that request collection service in unincorporated portions of Whatcom County. Service to single-family residences shall be provided on a schedule of either weekly, every-other-week or monthly collection. In Point Roberts only, seasonal vacation or weekend residents will be encouraged to participate in recycling and have the option of on-call service.

B. Garbage containers provided by and for single-family residences shall be 30 to 32 gallons and 15 to 20 gallons. Solid waste collection companies may also offer 60- or 90-gallon
containers. A specific size within the 15- to 20-gallon "mini-can" range shall be approved by each company and shall be consistent within its certified service area. Ninety-gallon can service shall be available only on a weekly or every-other-week basis. The design of all containers within each service area shall be subject to approval by the solid waste collection company certified for that area.

C. Collection rate structures shall be designed to encourage waste reduction and recycling and to comply with the plan. (Ord. 2014-035 Exh. A; Ord. 2003-018; Ord. 2001-041; Ord. 2001-34; Ord. 97-067; Ord. 95-045).

D. Effective January 1, 2019 single-family residences located in Point Roberts, with on-site sewage systems, shall no longer be exempt from mandatory curbside collection services. As a minimum level of service, the minimum required curbside collection service shall be every other week garbage collection of a 32 gallon can and three-bin source separated recyclables. The cost of the minimum level of service, as per the approved UTC tariff, shall be billed as an annual fee on the property tax bill, at the rate of one minimum level of service per single family residence. Service levels above the minimum level of service, as may be requested of the service provider, for larger cans, increased frequency of pickup, carry out or other services, will be invoiced directly by the service provider as per the approved UTC tariff.

8.10.050 Residential recycling collection.
A. Solid waste collection companies shall collect source-separated recyclables from all residences in unincorporated portions of Whatcom County that receive regularly scheduled garbage collection. All single-family residences shall be provided with recycling collection at least every other week and on the same day of the week as garbage collection. Service to multifamily residences shall be provided at least every other week. The solid waste collection company shall provide residents who have completed the garbage exemption process the opportunity to subscribe to recycling-only collection service without subscribing to garbage collection. Recycling-only customers will be charged the full cost of recycling collection service plus an appropriate administrative/billing fee. In Point Roberts only, single-family residences are defined as permanently yearround occupied buildings and every-other-week recycling collection does not have to be on the same day as garbage pickup. All single-family residences located in Point Roberts meeting the definition of seasonal vacation or weekend homes, as defined under WCC 8.10.030(H), are exempt from curbside recycling collection.
B. The solid waste collection company shall provide recycling containers to each residence at the customer's request. Container design and use shall be subject to the prior administrative approval of the county. The Utilities and Transportation Commission, by law, will establish fair, just, reasonable, and sufficient rates for solid waste collection companies under Chapter 81.77 RCW. The company shall deliver all containers to the dwelling unit unless otherwise directed by the county.

C. 1. Solid waste collection companies shall collect, and recycling containers shall be designed to hold, the following materials:

   a. Newspaper;

   b. Mixed waste paper;

   c. Aluminum containers;

   d. Tin-plated steel containers;

   e. Glass containers;

   f. All plastic bottles; all remaining plastic containers are eligible as approved by the county and the solid waste collection company;

   g. Yard Waste. Collection of this material is deferred pending further amendments to this chapter.

2. The following materials shall also be collected when placed adjacent to set-out containers:

   a. Corrugated cardboard;

   b. Scrap metal no longer than 24 inches in any dimension or heavier than 35 pounds per piece;

   c. Lead-acid batteries that show no signs of leakage;

   d. Used motor oil in sealed containers;

   e. Nothing in this section shall prohibit the solid waste collection company from picking up additional items at the company's discretion.
D. Materials shall be collected on the improved public road nearest to the residence (or mutually agreed upon location) when properly set out on the designated collection day. The solid waste collection company is not required to collect materials at any particular hour. The collector is not required to enter private property to collect material while an animal considered or feared to be vicious is loose. The resident shall confine such an animal on collection day.

E. In case of missed collection, the solid waste collection company shall investigate and, if the missed collection is verified, shall arrange for the collection of the uncollected recyclable material within one business day after the complaint is received, unless otherwise agreed by the company and customer. All solid waste collection companies shall add staff as needed to answer questions and respond to complaints from 8:00 a.m. to 5:00 p.m. on collection days.

F. A solid waste collection company subject to regulation by the UTC as to rates and service shall not charge, demand, collect, or receive a different compensation from its customers than the applicable UTC-established rates (Chapter 81.28 RCW).

G. Solid waste collection companies and recycling companies shall take reasonable actions in marketing recyclable materials to implement the county’s policies regarding local processing and priorities of use. All materials collected shall be processed and marketed such that no recyclable material is landfilled, incinerated, or disposed of in any way other than recycling. The companies shall adopt collection procedures and technologies to minimize the cross-contamination or non-recyclability of collected materials.

H. The county, in consultation with solid waste collection companies and purchasers of recyclable materials, shall establish promotional strategies by which the companies shall inform the public about recycling collection service. The county may adopt, and pay for, additional promotional strategies if they wish. Requirements imposed by the UTC are not promotional strategies for purposes of this section.

I. It is unlawful for any person, other than the solid waste collection companies as authorized by this chapter, to collect, remove, haul, or dispose of recyclable materials set out for collection pursuant to this section without first obtaining the consent of the occupant or owner of the premises. Any violation of this subsection shall constitute a misdemeanor and, upon conviction, violators shall be punished by a fine of not less than $500.00. Each day of such violation, and violation at each dwelling unit, shall be deemed a separate and independent offense. (RCW 70.95.235)
J. The business name and telephone number of the collector shall be clearly visible on each side of each vehicle used to provide residential recycling service. The collector shall contain, tie, or enclose all collected materials to prevent leaking, spilling, or littering.

K. If the county executive determines that a solid waste collection company has materially failed to comply with the requirements or policies of this chapter, the county executive shall provide the company with a written notice specifying the noncompliance and affording the company 60 days to cure the noncompliance; provided, however, that the solid waste collection company shall not be required to cure any noncompliance that is caused by an event or condition, including a threat to the public health or safety, that is beyond the company's control. At the discretion of the county executive, the period for cure may be extended. If the solid waste collection company fails to cure, the county may contract for the provision of residential recycling service pursuant to RCW 36.58.040 in the area served by the company.

L. Should the county or the solid waste collection company determine that there is no reasonable market for a material and/or the cost of recycling that material is unreasonable, they can petition the executive to eliminate the requirement for that material to be collected as a recyclable. The executive has full discretion whether to accept or deny the request. The executive must state the period of time the exemption will be allowed. (Ord. 2014-035 Exh. A; Ord. 2003-018; Ord. 2001-041; Ord. 2001-34; Ord. 97-067; Ord. 95-045).

8.10.060 Nonresidential and multifamily garbage collection.

A. Solid waste collection companies shall perform collection and hauling of garbage from nonresidential and multifamily accounts in Whatcom County.

B. Container sizes for nonresidential and multifamily accounts shall be approved by the solid waste collection company.

C. Rate structures for multifamily garbage collection shall be designed to encourage waste reduction and recycling and to comply with the plan.

D. Solid waste collection companies shall bill each customer at least once every three months. (Ord. 2014-035 Exh. A; Ord. 2003-018; Ord. 2001-041; Ord. 2001-34; Ord. 97-067; Ord. 95-045).
8.10.070 Submittal of documents and notices.

A. Whenever a solid waste collection company files a proposed tariff revision with the UTC, the company shall simultaneously provide the county with copies of the proposed tariff and all nonproprietary supporting materials submitted to the UTC any time prior to approval of the tariff. Such materials include but are not limited to any correspondence or other information concerning rate calculation parameters and details, tariff sheet application and adjustments, and annual reports.

B. 1. All solid waste collection companies, recycling collectors and processors, transfer facilities, and disposal facilities shall provide the county with the following quarterly information on April 20th, July 20th, October 20th, and January 20th for each of the previous three months and, where appropriate and practical, separately listed for each city and unincorporated area of the county:

   a. Daily disposal tonnages to and from municipal disposal facilities for each primary disposal or processing method, transfer stations, and convenience centers;

   b. Monthly disposal tonnages from industrial and other private landfills;

   c. Monthly recycling tonnages per material from all recycling collectors and processors;

   d. Solid waste collection, disposal, and recycling collection and processing service contracts and amendments within incorporated and unincorporated areas of the county; and

   e. A log of all customer complaints about recycling, specifying the date, nature of complaint and resolution for each complaint.

2. In addition, all solid waste collection companies shall provide the county with the following information regarding residential recycling and, where appropriate and practical, separately listed for single-family and multifamily residences broken out by city/county:

   a. Monthly tonnages and, if available, volumes of materials collected by type of material collected, and revenues/costs by type of material;

8.10.080 Notice to Utilities and Transportation Commission.
The Whatcom County council, pursuant to RCW 36.58.040, hereby notifies and requests the Utilities and Transportation Commission to carry out and implement the policies and programs specified in this chapter and in the plan in coordination with solid waste collection companies and common carriers through the Commission's rate setting and oversight authority. (Ord. 2014-035 Exh. A; Ord. 2003-018; Ord. 2001-041; Ord. 2001-34; Ord. 97-067; Ord. 95-045).

8.10.090 Modification of collection schedules.
The provisions of this chapter concerning (1) the frequency of collection of recyclable materials and garbage; (2) service levels in rural areas; and (3) rate structures in the event that the UTC issues an inconsistent order may be modified by agreement of the county executive and all solid waste collection companies, subject to approval by the county council. (Ord. 2014-035 Exh. A; Ord. 2003-018; Ord. 2001-041; Ord. 2001-34; Ord. 97-067; Ord. 95-045).

8.10.100 Severability.
If any portion or section of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the section to other persons or circumstances is not affected. (Ord. 2014-035 Exh. A; Ord. 2003-018; Ord. 2001-041; Ord. 2001-34; Ord. 97-067; Ord. 95-045).

1 Prior legislation: Ords. 90-95, 91-003 and 91-054.
WHATCOM COUNTY COUNCIL AGENDA BILL

CLEARANCES
O

Revenue

Initial
Date

Date Received in Council Office

Agenda Date

Assigned to:

Originator:
Matt W. Ammon

M.A.
4/25/2018

Planning & Development Comm.

5/8/2018

Division Head:
Mark Personius

4-25-18

Council

Dept. Head:
Mark Personius

4-25-18


Prosecutor:
Royce Buckingham

4-26-18


Purchasing/Budget:

Executive:
Jack Lowes

TBD

4-30-18

TITLI OF DOCUMENT:
Draft Public Participation Plan

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

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

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

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

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

COMMITTEE ACTION:

COUNCIL ACTION:

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

PLN2018-00011

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

April 25, 2018

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

FROM:               Matt Aamot, Senior Planner

THROUGH:            Mark Personius, Director

RE:                  Draft Public Participation Plan

The Growth Management Act (GMA) requires counties to develop public participation programs for comprehensive plan and development regulation amendments. The Whatcom County Council approved the 2017 Public Participation Plan last June, after review by the Planning Commission. The County is now updating this Plan.

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

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

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

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

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

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

1. **Removing Critical Areas Ordinance Update** – The County Council adopted the Critical Areas Ordinance update in December 2017. Therefore, the language relating to this update has been deleted.
2. **Inserting New Statutory Requirements** - The State legislature amended the GMA in the 2017 session. Based on these GMA changes, new projects that relate to extending utilities to schools in rural areas and updating the County-wide Planning Policies for the “Buildable Lands” program have been inserted.

3. **Inserting New Docketed Amendments** - Inserting the comprehensive plan and development regulation amendments that were initiated for review in 2018 (Resolution 2018-005 and a paid application).

4. **Removing Amendments** - Deleting amendments that were previously initiated but have completed the review process.

The draft Public Participation Plan was posted on the County website on March 26, 2018. A link to the draft Plan and notice of the Planning Commission hearing were sent to the people and agencies on the County’s e-mail list on March 27, 2018. Notice of the Planning Commission hearing was published in the Bellingham Herald on March 30, 2018. The Planning Commission held a public hearing and issued their recommendations on April 12, 2018. The Commission recommended approval of the Public Participation Plan, with two modifications to the staff draft:

- Change “MRL” to “Mineral Resource Lands.”

- Change the *Sustainable Salmon Harvest Goal* amendment (PLN2018-00010) from a Level 1 to a Level 2 project. As mentioned above, Level 2 includes developing alternatives (when appropriate) and review by an advisory committee, agency, county department, or the appropriate City.

The Whatcom Coalition for Responsible Motorized Recreation submitted a paid zoning text amendment application on April 23, 2018. This application has been added to the Public Participation Plan as a “Level 3” project.

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

Whatcom County Comprehensive Plan and Development Regulation Amendments

Planning Commission Recommended Version
April 12, 2018
(with application submitted on April 23, 2018 added)
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Chapter 1. Introduction

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

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

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

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

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

There are other planning issues that require public participation that may not be mentioned in this plan, including standard map and text amendments to Title 20 Zoning that are initiated for review after approval of this plan. At minimum, these items will be processed as Level 1 projects. If additional public participation is required or another approach is appropriate, the Planning and Development Services Department will upgrade the item to a more vigorous approach. Please see Chapter 4 for more information about public participation approaches.

Ongoing programs administered through the Planning Department also provide opportunities for public participation through their respective advisory committees. The Agricultural Advisory Committee, Purchase of Development Rights Oversight Committee, Forestry Advisory Committee, Surface Mining Advisory Committee, and Wildlife Advisory Committee meet as needed to assist in the administration of their programs, and may recommend amendments to the comprehensive plan and County Code. These advisory committee meetings are open to the public. More information on these programs can be found at: http://www.whatcomcounty.us/210/Boards-Commissions .

The PPP is designed to meet the following objectives:

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

1.1. Public Participation Plan Format

To meet PPP objectives consistent with GMA goals this document:

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

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

2.1. Statutory Requirements

The Growth Management Act required Whatcom County to address certain issues in the comprehensive plan and/or development regulations to review and update the comprehensive plan by 2016. The County has completed the 2016 comprehensive plan and zoning update, but is still working on the CAO update. The following is a current list of identified statutory requirements:

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

S-2. Utilities to Schools in Rural Areas (RCW 36.70A, amended in 2017 by HB 2243) – The State Legislature amended the GMA to indicate it does not prohibit extension of public facilities and utilities to serve a school in a rural area if certain conditions are met.

S-3. Buildable Lands – Countywide Planning Policies (RCW 36.70A.070, 115, 215, amended in 2017 by HB 5254) – Whatcom County is now subject to the buildable lands (review and evaluation) program requirements of the GMA, which formerly only applied to six large
counties in the state. This bill requires the County to address a number of issues, which include updating the County-wide Planning Policies. Additionally, the County will issue a buildable lands report that compares growth assumptions in the comprehensive plan with actual growth that has occurred and, if necessary, develop reasonable measures to reconcile any inconsistencies. This process involves determining if there is sufficient suitable land to accommodate growth projections. It is anticipated that the Countywide Planning Policies will be reviewed in 2019-20. The buildable lands report is due by June 30, 2021. This report must be considered in the next countywide Comprehensive Plan and development regulation update, which is due by June 30, 2024.

S-4. Critical Areas/Best Available Science (RCW 36.70A.130(I)(c)) — The GMA was amended in 1995 to require that the county include the best available science (BAS) in developing policies and development regulations to protect the functions and values of critical areas. State law requires the county to consider the critical areas ordinance and best available science as part of this 2017 update. See also EHB 1653 and SSB 6520 from 2010.

2.2. Docketed Amendment Requests

The items in this section were docketed amendment requests in 2017. These were items initiated for further review by the County Council under Resolution 2018-0052017-016 or by a paid application. As with statutory requirements in the previous section, this list will be updated on an annual basis.

D-1. Capital Facilities Planning (PLN2018-00001) - Amend the capital facilities element of the Whatcom County Comprehensive Plan, including the Six-Year Capital Improvement Program (Appendix F) and the Whatcom County 20-Year Capital Facilities Plan (Appendix E).

D-2. Density Credit Program – Comprehensive Plan Amendments (PLN2018-00002) - Amend the Whatcom County Comprehensive Plan to reflect a shift in emphasis from a traditional transfer of development rights program to a density credit program. Density credits allow development incentives, such as increased density, in exchange for a voluntary contribution towards preserving agricultural lands and open space.

D-3. Repeal Cherry Point-Ferndale Subarea Plan (PLN2018-00003) - Repeal the Cherry Point-Ferndale Subarea Plan, which was adopted in 1981. The proposal would also amend related provisions in the Whatcom County Comprehensive Plan and Zoning Code.

D-4. CAO On-Going Agriculture (PLN2018-00005) - The Critical Areas Ordinance (CAO) was adopted by the County Council in December 2017 (Ordinance 2017-077). Section 4(a) of this Ordinance states “Planning and Development Services staff shall work with the farming
community to develop creative solutions that would allow farmers to maintain or attain ‘ongoing agriculture’ status pursuant to applicable laws.

**D-5**  **CAO Critical Areas Monitoring (PLN2018-00006)** – The Critical Areas Ordinance (CAO) was adopted by the County Council in December 2017 (Ordinance 2017-077). Section 4(b) of this Ordinance states “Planning and Development Services will continue to implement Whatcom County Comprehensive Plan policies 10K-15, 10K-16, 10L-17 and 10L-18, and goal 10G, as well as bring forward a plan to enhance groundwater quality sampling as called for in best available science, in order to monitor the functions and values of critical areas and to develop baseline data to use for such monitoring. An update of the implementation of these policies will be presented to Council no later than January 2019.”

**D-6**  **WCC/Title 20 Amendments (PLN2018-00007)** – Review and, if needed, revise the Whatcom County Zoning Code and other sections of the Whatcom County Code to implement Comprehensive Plan policies and/or address issues identified in the administration of the codes. Additionally, any revisions needed to achieve consistency with the Growth Management Act may also be considered.


**D-8**  **Cherry Point Amendments (PLN2018-00009)** – Amend the Whatcom County Comprehensive Plan and Whatcom County Code to address ways the County may limit the negative impacts on public safety, transportation, the economy, and the environment from crude oil, coal, liquefied petroleum gases, and natural gas exports from the Cherry Point Urban Growth Area, in accordance with Whatcom County Comprehensive Plan Policy 2CC-16.

**D-9**  **Sustainable Salmon Harvest Goal (PLN2018-00010)** – Amend the Comprehensive Plan to create a new policy to work with Lummi and Nooksack Nations, the State Department of Fish and Wildlife (WDFW) and other stakeholders to establish a sustainable salmon harvest goal for the county.


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

**D-103.**  **Mineral Resource Lands County-wide Designation Process (PLN2017-00004)** - Through a county-led countywide assessment, seek to identify and designate potential commercially significant mineral resource lands, to meet future demand, compatible with water resources, agricultural lands, forest lands and other GMA goals pursuant to Comprehensive Plan Policy 8R-1.
D-114. New Marine Resource Lands Section (PLN2017-00005) - Create a new Marine Resource Lands section in the Comprehensive Plan (Chapter 8) pursuant to Comprehensive Plan Policy 8T-1.

D-125. Water Resources - GMA Compliance (PLN2017-00006) - Amend the Whatcom County Comprehensive Plan and development regulations to address exempt wells in closed basins, in accordance with the Washington Supreme Court’s decision in Hirst v. Whatcom County (Oct. 2016) and Senate Bill 6091 (Jan. 2018).

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

D-7. Critical Areas Ordinance Update (PLN2016-00004) - Update the Critical Areas Ordinance, in accordance with the Growth Management Act.

D-138. Wireless Communication Facilities (PLN2016-00006) - Review and update provisions in Chapter 20.13 to ensure consistency with new 2015 FCC rules (80 FR 1238) which are designed to implement and enforce Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012. The sections to be reviewed and updated will include WCC 20.13.010 - Purpose; WCC 20.13.020 - Definitions; WCC 20.13.040 - Permitted Uses; and WCC 20.13.120 - Application requirements and conditions of issuance.

D-149. Permit Review Procedures (PLN2016-00008) - Review and revise Whatcom County Code 23.33 (Permit Review Procedures and other procedures), including updating the code for consistency with state law.

D-150. Sign Regulations Update (PLN2016-00009) - Review and revise Whatcom County Code 20.80.400 (Sign Regulations), including updating the code for consistency with the U.S. Supreme Court’s decision in Reed v. Town of Gilbert (2015).

D-164. Vacation Rental Regulations (PLN2014-00020/PLN2016-00011) - Amend Whatcom County Code Title 20 (Zoning) & Title 23 (Shoreline Management Program) to allow vacation rentals under certain conditions as a use within certain zones and shoreline designations. Consider proposal to amend the zoning code to allow vacation rental units as accessory uses in residential and commercial zones. Consider proposal to amend the shoreline management code to allow bed and breakfast and vacation rentals under residential uses within the shoreline jurisdiction.

D-172. Code Enforcement Amendments (PLN2015-00003) - Create a new Whatcom County Code (WCC) Title 19, called “Code Enforcement,” to establish an efficient system to address enforcement of building, critical areas and zoning codes. The proposal would consolidate the existing code enforcement provisions from WCC 15, 16.16, and 20 into a new WCC Title 19.
proposed amendments include provisions that would allow the County to record a document at the Whatcom Auditor's office indicating that there is a code violation on a property.

D-183. Boundary Line Adjustments (PLN2014-00016) - Amend Section 20.83.110 of the Whatcom County Zoning Ordinance relating to boundary line adjustments. The amendment would allow boundary line adjustments to nonconforming parcels to resolve encroachments such as fences, trees and other occupational indicators. The amendment would also allow boundary line adjustments that modify the boundaries between two nonconforming parcels based upon land owner preferences, as long as the smallest parcel is not decreased in size.

D-194. Weddings and Special Events (PLN2014-00016) - Amend the Official Whatcom County Zoning Ordinance (Title 20) to allow for "Weddings and Special Events" in specific zone districts through an approved Conditional Use Permit (CUP). Authorization to approve this amendment will result in the county needing to define "Special Events" under the "Definitions" section of WCC 20.97 and an additional amendment made to the "Parking Space Requirements" under WCC 20.80.580.

D-2045. Bellingham Development Standards (PLN2013-00003) - Review and potentially revise the Whatcom County Code to adopt City of Bellingham Development Standards for the Bellingham Urban Growth Area (UGA).

D-2146. Agricultural Strategic Plan Implementation (PLN2012-00007) - Resolution 2011-023 was approved by the County Council on 7/26/2011 declaring support for the Whatcom County Agricultural Strategic Plan. An immediate priority in this plan is to review the Rural Study Areas as listed in the 2007 Rural Land Study and make recommendations for possible changes in accordance with Resolution 2009-040 (100,000 acre target), Resolution 2011-023 (the Agricultural Strategic Plan), and RCW 36.70A.170 and .177. Other immediate and short-term priorities in this plan include developing tools that can be incentives for agricultural operators within the priority agricultural areas. These activities may lead to proposed changes to the agricultural portions of the Comprehensive Plan and zoning regulations.

D-2237. Mineral Resource Lands Expansion – North Star Rd. (PLN2012-00009) - Consider proposal to amend the comprehensive plan designation from Rural to Mineral Resource Lands (MRL) and amend the zoning map to expand a MRL overlay zone on approximately 19.7 acres on the west side of North Star Rd., south of Brown Rd. The underlying zoning is Rural one dwelling/five acres (R5A).

D-23. Motorized Trail Systems (PLN 2018-00012) - Amend the Official Whatcom County Zoning Ordinance (Title 20) to allow "motorized trail systems and associated motorized trailheads" as a conditional use in the Commercial Forestry zone. Add definitions of "Motorized Trail Systems" and "Off-road Vehicle Park" to the Zoning Code.
2.3. Comprehensive Plan and Development Regulation Appeals

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

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

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

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

- Holding a public hearing.
Chapter 3. Project Participants

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

3.1. The Public

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

3.1.1. Interested Property Owners and Developers

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

3.1.2. Community Organizations

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

3.1.3. Other Groups and Individuals

WAC 365-196-600(4) states that “Each county or city should try to involve a broad cross-section
of the community, so groups not previously involved in planning become involved.” People
may add themselves to County e-mail lists on the “Notify Me” site at:
http://www.co.whatcom.wa.us/list.aspx The County will continue to expand our email list
when people request to be added to the list and as new groups come to the County’s attention,
we will work to include them as appropriate.

3.2. Governmental/Quasi-Governmental Groups

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

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

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

- Notice of the time, place and purpose of any public hearing shall be given by one publication in a newspaper of general circulation in the county at least ten days before the hearing (RCW 36.70.390 and .590).

- A recommendation of approval of comprehensive plan or official control amendments shall be by the affirmative vote of not less than a majority of the total members of the planning commission. Such approval shall be by a recorded motion which shall incorporate the findings of fact of the planning commission and the reasons for its action (RCW 36.70.400 and .600).

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

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

3.3. The Cities

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

4.1. Overall Approach

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

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

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

Level 1 issues are generally less complicated, have already been through extensive public process or are quasi-judicial actions1. This level is also appropriate for most standard map and text amendments to Title 20 Zoning. A more vigorous public participation approach may be assigned at the discretion of the Planning and Development Services Department.

4.2.1. Approach

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

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

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

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

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

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

4.2.2. Level 1 Projects

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

S-2. Utilities to Schools in Rural Areas (RCW 36.70A, amended in 2017 by HB 2243)


D-1. Capital Facilities Planning (PLN2018-00001)

D-2. Density Credit Program – Comprehensive Plan Amendments (PLN2018-00002)

D-3. Repeal Cherry Point-Ferndale Subarea Plan (PLN2018-00003)

D-4. CAO On-Going Agriculture (PLN2018-00005)

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1 Quasi-judicial actions of local decision-making bodies are "those actions of the legislative body, planning commission, hearing examiner, zoning adjuster, board of adjustment, or boards which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceeding" (RCW 42.36.010). These require adjudication in a court-like process, in which the guidelines for public participation are different from other actions. Notice requirements for quasi-judicial rezones are set forth in the Whatcom County Code WCC 20.90.046.
4.3. Level 2 Issues

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

4.3.1. Approach

Typically, level 2 issues will follow this process:

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

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

3) **Advisory Committee/Agency/City Review and Comment:** The alternatives will be submitted to the appropriate advisory committee, department, city or agency for review and comment.
4) **Proposal**: Staff generates a proposal considering any feedback received on the alternatives.

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

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

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

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

### 4.3.2. Level 2 Projects

- **D-9** Sustainable Salmon Harvest Goal (PLN2018-00010)

- **D-114**. **New Marine Resource Lands Section** (PLN2017-00005). Coordination with the Marine Resource Committee and Shellfish Protection Advisory Committees.

- **S-2/D-7**. **Critical Areas Ordinance Update** (PLN2016-00004) (RCW 36.70A.130(1)(e)).

- **D-2146**. **Agricultural Strategic Plan Implementation** (PLN2012-00007). Coordination with the Agriculture Advisory Committee and applicable Cities.

### 4.4. Level 3 Issues

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

#### 4.4.1. Approach

Typically, level 3 issues will follow this process:

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

2) **Alternatives posted**: Alternatives are posted to the website and announced through email list.
3) **Advisory Committee/Agency/City Review and Comment:** The alternatives will be submitted to the appropriate advisory committee, department, city or agency for review and comment.

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

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

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

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

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

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

4.4.2. **Level 3 Projects**

D-8 Cherry Point Amendments (PLN2018-00009)

D-103. **Mineral Resource Lands County-wide Designation Process** (PLN2017-00004)

D-125. **Water Resources – GMA Compliance** (PLN2017-00006)

D-23. **Motorized Trail Systems** (PLN 2018-00012)
Chapter 5. Conclusion

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

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

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

Planning Commission

c/o Becky Boxx, coordinator
5280 Northwest Drive
Bellingham, WA 98226

County Council

311 Grand Ave, Ste 105
Bellingham, WA 98225
council@co.whatcom.wa.us

PDS_Pla nning_Commission@co.whatcom.wa.us
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**TITLE OF DOCUMENT:**
Resolution authorizing allocation of Reet I funding for building expansion

**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 authorizing the allocation of Reet I funding to support the construction of a multi-use building expansion at the East Whatcom Regional Resource Center

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

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

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.
RESOLUTION 2018-_____

AUTHORIZING THE ALLOCATION OF REET 1 FUNDING TO SUPPORT THE CONSTRUCTION OF A MULTI-USE BUILDING EXPANSION AT THE EAST WHATCOM REGIONAL RESOURCE CENTER

WHEREAS, the Opportunity Council (OC), together with Whatcom County, the East Whatcom Community Council, and other interested citizens, created a proposal that will add new multi-use buildings at the East Whatcom Regional Resource Center for multiple purposes including youth recreation activities and other community gatherings and for a food bank aggregation and redistribution center to support hunger relief efforts in the east Whatcom foothills; and

WHEREAS, on May 12, 2015, the Whatcom County Council approved a Resolution which authorized the County Administration to submit a Washington State Department of Commerce Community Development Block Grant (CDBG) application that the OC prepared for submittal, requesting a $750,000 grant to assist with the construction of the multi-use building; and

WHEREAS, the County Administration submitted the CDBG proposal and received notification in August 2015 of a CDBG award of $750,000 contingent upon Whatcom County’s commitment of $300,000 in matching funds; and

WHEREAS, the Whatcom County Council authorized an allocation $300,000 in Real Estate Excise Tax (REET 1) funds in October 2015 to support the design and construction of the proposed facility and encouraging OC to pursue other funding; and

WHEREAS, the revised construction cost estimates raised the project total to $2,500,000 due in part to fire suppression systems and additional parking requirements; and

WHEREAS, OC pledged in October 2015 its commitment to securing $500,000 or more in additional matching funds and Opportunity Council has secured $1,025,000 in additional matching funds from public and private sources, for a total of $2,075,000 raised to date; and

WHEREAS, OC has succeeded in raising $7,000 for every $1,000 in initial County funding, a 7-to-1 leveraging ratio, to reach a total of $2,075,000 secured to date; and

WHEREAS, the East Whatcom Regional Resource Center has been hugely successful, and the proposed expansion, Phase 2, is urgently needed to serve the existing and growing needs in eastern Whatcom County, especially in the areas of youth recreation, access to food, and the growing need for community programming and meeting spaces; and

WHEREAS, in a typical month, the calendar includes dozens of community group meetings, plus over 600 people referred to other services and programs, plus proving space for two Head Start classrooms, plus providing space for the mobile food pantry that currently operates twice per month; and

WHEREAS, OC, with the County Executive’s encouragement, worked with the members of the East Whatcom Community Council, Whatcom County Parks Department,
Foothills Food Bank, Bellingham Food Bank, and other agencies to decide what facilities to include in the Phase 2 expansion of the East Whatcom Regional Resource Center and how to pay for the cost of construction and operations:

WHEREAS, members of the East Whatcom Community Council including OC have asked the County to increase its share of the funding by $425,000;

WHEREAS, the additional amount, $425,000, needed to reach $2,500,000 can be found in the REET 1 revenues that were higher than expected in 2017 and are projected to be steady or growing in 2018 and 2019;

WHEREAS, OC has over-performed what the County asked in late 2015, raising $1,025,000 instead of $500,000, from non-County sources and has raised a total of $1,775,000 to date for the EWRRC expansion, Phase 2;

WHEREAS, many area families with low income gain better access to services, food, employment, housing, and health care as a result of services offered through the EWRRC by OC and other agencies;

WHEREAS, other agencies can expand their services in the Foothills, in collaboration with OC, Foothills Food Bank, and others; for example, Meals on Wheels can increase its presence in the East County if it has access to frozen food storage after completion of the EWRRC expansion;

WHEREAS, the EWRRC expansion 2 will create a year-round emergency repository of food, currently not available due to lack of food bank storage and the absence of local grocery stores, so that in case of a state of emergency or disaster, the Foothills population will have a hub of food access and through the services of the Foothills Food Bank, people will have better access to healthy food for better health outcomes throughout the year.

NOW, THEREFORE, BE IT RESOLVED that the Whatcom County Council hereby authorizes the County Administration to allocate $425,000 in REET I funds to support the construction of the proposed facility.

BE IT FURTHER RESOLVED, that the Whatcom County Council authorizes the County Executive to proceed as previously agreed with the OC for the funding, design, construction and operation of the proposed facility.

APPROVED this ________ day of May ____, 2018.

ATTEST:                                        WHATCOM COUNTY COUNCIL
                                          WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis,                                          Rud Browne,
Clerk of the Council                                    Council Chair

APPROVED AS TO FORM:

Civil Deputy Prosecutor
This form must be completed each time you submit a reimbursement request. Reimbursement requests will not be processed unless accompanied by a current Project Status Report.

<table>
<thead>
<tr>
<th>Grantee Name:</th>
<th>Whatcom County (subrecipient Opportunity Council)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contract Number:</td>
<td>15-62210-033</td>
</tr>
<tr>
<td>Project Name:</td>
<td>East Whatcom Regional Resource Ctr Expansion &amp; Food Bank</td>
</tr>
<tr>
<td>Reporting Period:</td>
<td>Through December 2017</td>
</tr>
</tbody>
</table>

Please describe the progress you have made to date on your project's scope of work (see Attachment A in your contract).

As noted in the prior Project Status Report, Whatcom County was awarded a 2015 $750,000 WA CDBG GP grant to construct a multipurpose facility that provides a food bank distribution center within the East Whatcom Regional Resource Center (EWRRC) property, with Opportunity Council (OC) as CDBG Subrecipient. Whatcom County Executive Jack Louws recommended, and Whatcom County Council approved, a Council Resolution in October 2015 obligating $300,000 in matching County funds.

In late 2015, OC moved forward with a CDBG-compliant procurement process for design services as a CDBG-eligible expense, with OC deciding in mid-December 2015 to negotiate with its first choice, Environmental Works. Negotiating and signing a design programming and schematic design services contract with Environmental Works got underway in December 2015, with Whatcom County requiring additional contract and insurance provisions in addition to the Professional Service Agreement content outlined in the CDBG Management Handbook. Documents related to procurement and contracting are on file.

During architectural design programming, OC and the project collected valuable input from Whatcom County, Foothills Food Bank, Bellingham Food Bank, the East Whatcom Community Council and others. The concept described in the June 2015 CDBG application became the basis for more detailed site planning and a review of options, with reference to the EWRRC master plan concepts that were developed prior to the first phase of construction at the EWRRC nine-acre site.

By the end of 2016, OC and its allies chose to aim for a design based on a goal of $2,000,000, to
accomplish a project that optimizes multiple uses from all new facilities built during “Phase 2” of EWRRCC. These decisions were based in part on the realization that a smaller budget could not accomplish both (a) a space for food bank operations and other multiple, indoor uses and (b) the new multiuse, outdoor covered area that has been a priority since prior to Phase 1.

The design decisions were also based on the project’s eligibility for private foundation grants and for a WA Commerce Building Communities Fund (BCF) capital grant. The design development process continued into 2017 with feedback from all stakeholders and public agencies. The design is now at 95 percent complete, pending any further change in the scope or details that permit review or that budget constraints might require.

Unfortunately in 2017, the revised construction cost estimates raised the project total by more than $500,000, which required adjusting the project goal to $2,500,000, based on optimistic 2018 construction costs and without several desirable “wish list” items.

Also during 2017, the $500,000 BCF grant was delayed by the state capital budget process. This delay, however, gave OC and Whatcom County additional time to find additional funding to cover the increased cost estimates.

So far, five private foundation grants have been awarded, totaling $400,000. When added to Whatcom County’s initial $300,000, the $750,000 WA CDBG Award, and the $500,000 BCF grant, the total grants raised so far equals $1,950,000.

To reach the $2,500,000 goal, the BCF grant of $500,000 is absolutely needed. Because the WA BCF grant will likely come through eventually, the Whatcom County government will either seek to increase its capital contribution from its initial $300,000 grant, or determine that the project scope will be limited to the $1,950,000 project budget. It is anticipated that Construction may potentially begin in the spring of 2018, rather than start construction with all funding fully committed.

The County’s deliberations about additional County funding options will continue into 2018 while the WA Legislature debates how and when to proceed with a capital budget.

Projected timing:

First quarter 2018: Complete building permit and NEPA review, secure final funding, prepare the Information for Bidders and prepare for bidding process.

Second quarter 2018: Conduct the bidding process and prepare for construction start, pending BCF grant and alternatives for the final $500,000 being fully secured prior to construction.
Third quarter 2018: Construction well underway, with ten to 12 months expected for construction phase; CDBG documentation well maintained by OC and Whatcom County, with training available from prior WA CDBG subrecipient, Bellingham Food Bank

Fourth quarter 2018: Construction continues; WA CDBG compliance documentation maintained by OC and Whatcom County

First quarter 2019: Construction continues; WA CDBG compliance documentation maintained by OC and Whatcom County; construction completed before the end of March 2019

Second quarter 2019: Project completion and close-out tasks and documentation, including Public Hearing at County Council

<table>
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<tr>
<th>Approximately, what percentage of the project is complete?</th>
<th>95 percent complete design</th>
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<tbody>
<tr>
<td>Will the project be completed early (month/day/year)?</td>
<td>Aiming for March 2019</td>
</tr>
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</table>
Foothills Food Access Plan

The Goal

All Foothills residents are fed, nourished and have access to the food they need.

The Vision

The East Whatcom Regional Resource Center (EWRRC) is a central hub to get access to healthy food and nutrition education.

Mobile services deliver nutritious foods to key community destinations by way of mobile food banks and farmers markets.

Hunger prevention services expand to include Children’s Winter/Spring Pantry, Summer Meals programs, and ready-made food boxes for emergency responders.

Meal programs invite the community to gather to connect with neighbors and eat good food.

Educational programs are offered to people of all ages and cultures to learn about the nutrition, growing, preservation, and cooking of healthful foods.

Farm-to-school and farm-to-preschool programs feature locally sourced foods and integrate food education into the cafeteria, classrooms, school gardens, and family/youth programs.

The Foothills Food Access Plan reflects the research, community input, and discussion from the 2014 Community Foothills Food Summit. The Plan provides a framework for community action, highlighting services, facilities, and programs that will help improve food access in Whatcom County.

To make this goal a reality our community requires many helping hands, learn more:

(360) 599-3944  foothillsfoodpartnership@gmail.com  www.foothillsfoodbank.org
Current Limitations

- Limited to once a week food distribution at St. Peter's Church on Tuesdays, 9am-11:30am.
- St. Peter's Church can only offer a 600 sq ft food storage and distribution space.
- There is limited space and electrical capacity for refrigeration and freezer food storage.
- Types of foods distributed are limited by a lack of storage for perishable items.
- Accessibility is limited as St. Peter's Church is not on the bus line.

After Phase 2 Completion

- Offer more weekly distributions that appeal to working families, ie. evenings and weekends.
- Increase the amount of food distributed by increasing storage space for non-perishable and perishable foods.
- Improve the quality of the foods distributed by being able to store more perishable healthier food items ie. meats, dairy, fruits and vegetables.
- Increase accessibility to those without transportation by being on the bus line.
- Provide the opportunity to do more grocery store food rescue and glean due to increased storage space.
- Actualize the long term goal of the Foothills Food Access Plan (see the backside) for the EWRRC to be a food hub that will serve other remote hamlets in the East County: le Glacier, Maple Falls, Acme and Van Zandt.

East County Food Access Milestones

In 2008 the # of households served by the Foothills Food Bank was 4778. Although economic conditions have improved, the need has remained high.

- (2011) EWRRC Opens
- Community Garden is funded
- Foothills Community Food Partnership is formed
- EWRRC Community Garden Opens
- Food Lifeline’s Mobile Food Pantry Begins Monthly Saturday Distribution
- Spring & Winter Pantry Program Begins
- Summer Meals Program Begins
- FCFP Food Summit is held
- Twin Sisters Farmer’s Market Begins
- EBT & Fresh Bucks is offered at Twin Sisters
- Foothills Food Access Plan is developed
- Additional Frozen storage added at the EWRRC

How the Phase 2 building could change the lives of residents in the East County:

Multi-Purpose Space
- By having a space with its own entrance allowing support meetings to have more privacy.
- Exterior entrance bathrooms and covered outdoor space will encourage outdoor events, ie. weddings, reunions, crafts fairs etc.

Food Access
- By having an emergency repository of food we will be preparing and protecting a population removed from central resources
- As a food desert, we need a place to store healthy, fresh food for the Foothills Food Bank.

Recreation
- As a hub of 5000 people, youth will have access to a covered play space rather than driving 9 miles for the nearest park.
- All community members (including elders) will have a dry, safe, and flat space to walk which does not currently exist.

Health
- We will be actively improving the health outcomes in our economically stressed community by increasing nutritional food access through the Foothills Food Bank which currently operates out of 4 residential freezers and 1 commercial sized refrigerator.
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<td>WA Commerce</td>
<td>$750,000</td>
<td>WA Community Development Block Grant</td>
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<td>Chuckanut Health Foundation</td>
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<td>McEachren Charitable Trust</td>
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<td>WA Department of Commerce</td>
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<td>WA 2018 Supplemental Capital Budget</td>
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<td>Whatcom Community Foundation</td>
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<td>Challenge Grant, still pending</td>
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Total Secured to Date: $2,075,000 Inclusive of the amounts above

Upcoming matching grants or pledged amounts pending final approval:

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<th>Likelihood?</th>
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<td>Whatcom Community Foundation Challenge Grant</td>
<td>$150,000</td>
<td>Private foundation funds</td>
<td>Offered as a challenge grant, pending adequate match</td>
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Potential additional sources to reach Funding Goal of $2,500,000:

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<th>Likelihood?</th>
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<tr>
<td>Whatcom County</td>
<td>$425,000 or more</td>
<td>Real Estate Excise Tax (REET)</td>
<td>Challenging, given other County capital facility project needs</td>
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<td>Other grant sources</td>
<td>to be determined</td>
<td>Private foundation funds</td>
<td>Absolutely essential to completion of the project</td>
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Total capital project goal: $2,500,000 Goal based on third party cost estimator’s analysis and design developed during 2017

Note 1. WA State 2018 Supplemental Capital Budget as passed by the Legislature includes $125,000; the Governor has signed the budget.

Note 2. Whatcom Community Foundation’s offer of a Challenge Grant of $150,000 depends on the project raising $150,000 from other sources. The proposed second matching grant from Whatcom County could secure this entire $150,000 one-to-one matching grant.

Note 3. Whatcom County Executive’s Office indicated support in 2017 for a second County matching grant, subject to County Council approval, and on the condition that the project seek other grants. Additional grant funding has been secured. A request for additional County funds is pending.

Whatcom County’s initial $300,000 has leveraged over $2,000,000 so far.

Note 4. The project will continue fundraising to reach the goal of $2,500,000 and, if the construction costs require it, raising an additional funding.

Note 5. Total capital project goal does not include Foothills Food Bank furnishings and equipment nor does it include the items that may be included as Bid Alternates: programmable reader board at Kendall Road entrance, emergency generator for Building 2, translucent roof panels in Building 3 Outdoor Covered Area roof, extra insulation at exterior walls of Building 2, and photovoltaic array roof.
WHATCOM COUNTY COUNCIL AGENDA BILL

CLEARANCES

Orinigator: 4/13/2018
Division Head:
Dept. Head: 5/2/18
Prosecutor:
Purchasing/Budget:
Executive:

TITLE OF DOCUMENT:
Update on establishment of a Business Advisory Committee

ATTACHMENTS:

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

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

2017 Annual Report of the Behavioral Health Program Fund

### ATTACHMENTS:

Memo to the County Executive, 2017 Annual Report of the Behavioral Health Program Fund

<table>
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<tr>
<th>SEPA review required?</th>
<th>( ) Yes</th>
<th>( ) NO</th>
<th>Should Clerk schedule a hearing?</th>
<th>( ) Yes</th>
<th>( ) NO</th>
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<tr>
<td>SEPA review completed?</td>
<td>( ) Yes</td>
<td>( ) NO</td>
<td>Requested Date:</td>
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### SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

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

The county’s Behavioral Health Advisory Committee will present the 2017 annual report to County Council on services and expenditures of the Behavioral Health Program Fund.

### COMMITTEE ACTION:

### COUNCIL ACTION:

### Related County Contract #:

### Related File Numbers:

### Ordinance or Resolution Number:

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Memorandum

TO:      JACK LOUWS, COUNTY EXECUTIVE
FROM:    Chris Phillips, Chair of Behavioral Health Advisory Committee
DATE:    April 27, 2018

At the May 8th County Council meeting, the Behavioral Health Advisory Committee intends to present the annual report of expenditures and services provided with funding from the Behavioral Health Sales Tax (BHST) Fund. The attached annual report provides a summary of programs delivered and individuals served under the local fund during 2017. Detailed reports on various programs are available for public viewing on the Health Department website.

Local funds support essential services

Programs and services delivered in 2017 were focused on:
- preventing or reducing incarceration
- providing services to our youth and families to promote child health and family well-being
- supporting our homeless housing programs for people who struggle with behavioral health concerns

Three Specialty Courts in the county are also supported by this fund. These programs focus on combining increased judicial oversight with intensive services. Research highlights a positive return on investment when individuals participate in these programs rather than moving through the standard criminal justice process of adjudication and incarceration. The criminal justice system has additional support from the fund in operations of the Behavioral Health unit in District Court Probation, as well as on-site behavioral health services in the jail.

And finally, local funds support the ongoing collaboration between the County and the seven area school districts. Each district provides on-site behavioral health programs for their students and works closely with the County to reach beyond student populations and provide access to support services for families.

Under expenditure of the 2017 budget

Two factors led to a significant under expenditure of the 2017 budget: 1) Fund revenue came in higher than expected; and 2) The expansion of Medicaid as well as the availability of other funding sources reduced the need for our local funds to support programs at the same level as in previous years. The community has identified several significant unserved needs to which these unexpended funds can be reallocated in the current fiscal period, and in coming years.

Portion of funds needed to support county operations

Future planning for program expenditures must consider the fact that county human services staff provide significant time and energy to conduct community needs assessments, create programs, and then work with community partners to implement those programs. Ongoing monitoring of the programs to ensure quality and expected outcomes is also provided by county staff. The majority of these personnel costs are currently funded by external sources. In the next few years, this will not be the case, and the county will need to use the BHST Fund to cover its own direct support costs. In order to ensure ongoing operations and quality of community programs into the future, the county is holding some monies in the fund balance to support personnel costs once the external sources of funds cease.

Triage Center and GRACE Initiative

The fund balance continues to hold and designate $3 million for the construction costs of expanding the Triage Facility. An additional $2.5 million was added to the fund from the North Sound Behavioral Health Organization, designated for construction costs. The state’s capital budget has added $7 million to the Triage project. Plans are in motion currently to complete construction and program design, and then commence construction with project completion expected in 2019.

Plans for additional expenditures include implementation and operation of the Whatcom GRACE program, a community-wide diversion initiative focused on reducing arrests, incarceration, and crisis response of individuals who have frequent contact with criminal justice, medical and social service systems. Other criminal justice diversion programs are being planned in conjunction with the efforts of the Incarceration Prevention & Reduction Task Force.

Whatcom County is fortunate to have these local funds to address the unmet behavioral health needs of our residents. The flexibility generated by using local monies, often in conjunction with State and Federal funding sources, promotes creative and innovative programming that reduces incarceration and improves the overall health of our community.
Manager's Comments:
Whatcom County struggles with the same challenges that are experienced nationwide: an increase in homelessness and addiction, as well as insufficient behavioral health treatment options. We are fortunate to have the behavioral health sales tax fund, supported by a modest local sales tax, to address these issues. Although our local dollars often feel insignificant to impact positive change, we have created forward progress. Working with our community partners in these endeavors has been key to the success we’ve witnessed. The importance of community partner relationships is also reflected in two of 2017’s continuing projects whose foundations were built in consultation with broad groups of stakeholders:

The Whatcom GRACE program is developing to provide coordinated intensive support to individuals unable to improve their health without this level of service. Thus, our GRACE acronym stands for: “Ground-level Response And Coordinated Engagement”. The community will launch program operations in 2018 to reduce incarceration for these individuals and improve their health and well-being.

Opiate addiction has taken the promising lives of many loved ones. The majority of Heroin users began their difficult journey with abuse of prescription medication. In 2017 we launched an Opiate awareness and education campaign to prevent illegal access to Opiate prescriptions and curtail initiation into the cycle of abuse and addiction. Visit the community's new website, www.whatcomhope.org to learn more.

Finally, availability of outside funding sources and changes in expenditures left unspent funds from our 2017 budget. This provides an opportunity to invest those dollars into future programs. We look forward to increasing support to Whatcom residents in need of these critical services.

VISION AND GOALS
Develop a comprehensive infrastructure of behavioral health care that will:

- Provide effective recovery-oriented services that mitigate the need for individuals to default to utilization of the emergency room, hospital beds and the county jail.
- Provide access and availability for intervention and treatment services to individuals who have limited access.
- Promote the provision of services in natural environments in order to reduce the incidence and severity of substance use and mental health disorders.
- Provide interventions that divert individuals with mental health and substance use disorders from the criminal justice system to more appropriate options of care.
- Support young children and families with early interventions and behavioral health promotion.

2017 Accomplishments
- Launched a community-wide addiction prevention campaign
- Supported increased access to Medication Assisted Treatment for individuals who are addicted to Opiates
- Added behavioral health support to public defendants
- Expanded behavioral health services in East County
- Increased efforts to reduce emergency responses and incarceration of individuals who are at high risk for frequent and ineffective use of these services
- Supported specialized shelters for homeless individuals who are struggling with behavioral health concerns
**Behavioral Health Sales Tax Fund Annual Report**

<table>
<thead>
<tr>
<th>Year Ending December 31, 2017</th>
<th>Revenue Collected</th>
<th>Expenditures</th>
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</thead>
<tbody>
<tr>
<td><strong>Revenue</strong></td>
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<tr>
<td>Sales Tax Collected</td>
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<td>Interest Earned</td>
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<td>Other</td>
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<td><strong>Total Revenue</strong></td>
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<tr>
<td><strong>Expenditures</strong></td>
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<tr>
<td>Prevention</td>
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<td>Behavioral Health School Programs</td>
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<td>Jail Behavioral Health Services and Re-Entry Services</td>
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<td>Community Treatment and Supported Employment</td>
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<td>Housing Support Services</td>
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<tr>
<td><strong>Total Expenditures</strong></td>
<td><strong>$3,651,304</strong></td>
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</tr>
</tbody>
</table>

**PITA Continuum**

The PITA model continues to serve as the framework for creating a comprehensive foundation for service delivery.

**District Court Probation's Behavioral Health Unit**

- Treatment (51%)
- Jail Mental Health Services
- Mental Health Treatment
- Specialty Courts

- Prevention and Intervention (28%)

- Aftercare (21%)

- Jail Re-Entry Services
- Housing Support Services

*Behavioral Health is Essential to Health!*
Whatcom County Council
Surface Water Work Session

April 17, 2018

CALL TO ORDER

Council Vice-Chair Todd Donovan called the meeting to order at 10:32 a.m. in the Civic Center Garden Level Conference Room, 322 Commercial Avenue, Bellingham, Washington.

ROLL CALL

Present: Tim Ballew, Barbara Brenner, Rud Browne, Barry Buchanan, Todd Donovan, and Satpal Sidhu.
Absent: Tyler Byrd

SURFACE WATER WORK SESSION (AB2018-024)

1. COUNCIL RECOMMENDATIONS FOR SURFACE WATER WORK SESSIONS

Gary Stoyka, Public Works Department, gave a staff report and answered questions on the history and format of the work sessions.

Staff and councilmembers discussed the scheduling items on the work session agenda versus the Natural Resources Committee agenda. Topics that need more discussion and input from Council and from others should be scheduled in the work session. Keep issues related to Engrossed Substitute Senate Bill (ESSB) 6091, water resources inventory area (WRIA) 1, and the Planning Unit updates in the work session. Budget and policy decisions should be scheduled in Natural Resources Committee. Council will continue discussion in two weeks when they discuss the Planning Unit.

2. WATER PLANNING UPDATE

Gary Stoyka, Public Works Department, stated the next Watershed Management Board meeting is postponed to June. The Board is working on a five-year work plan and how to incorporate the Engrossed Substitute Senate Bill (ESSB) 6091 issue into the broader water issues. The next Planning Unit meeting is on April 25, and they’re working on the 6091 update. All consultants are in place and working. He described the current consultants’ work. Most Planning Unit members are attending the Planning Unit’s Governance and Funding Committee meetings.

Staff and councilmembers discussed the 6091 deadline, the members and purpose of the Governance and Funding Committee, the City of Bellingham’s participation with the Planning Unit, using data in the Comprehensive Plan to define exempt well water use, and the need to work on other impacts to instream flows.
Stoyka gave a staff report on the upcoming Lake Whatcom Stormwater Utility community meeting and appointments to the advisory committee, data analysis by the consultant, shellfish protection coordination efforts, and councilmember representation on a shellfish core team.

3. **SWIFT CREEK UPDATE**

Roland Middleton, Public Works Department, referenced the information in the meeting packet (on file) and gave a staff report on State funding for work at Swift Creek; negotiations with the Attorney General's office on the Model Toxics Control Act (MTCA) consent decree, which will finalize the issue with the Department of Ecology, who have been instrumental in making this happen; and creating a public development authority (PDA) to limit liability for future actions and that will own and manage Swift Creek.

Jon Hutchings, Public Works Department Director, answered questions.

Staff and councilmembers discussed what happens to the sediment in the Whatcom aqueduct; plans for materials at the Parker property repository; the funding, structure, and responsibilities of the PDA; the role of the Environmental Protection Agency (EPA); and the process for creating the consent decree as a result of friendly litigation.

**ADJOURN**

The meeting adjourned at 11:25 a.m.

The Council approved these minutes on ________________, 2018.

**ATTEST:**

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

______________________________  ______________________________  
Dana Brown-Davis, Council Clerk   Rud Browne, Council Chair

______________________________  
Jill Nixon, Minutes Transcription
WHATCOM COUNTY COUNCIL
Committee Of The Whole
April 24, 2018

CALL TO ORDER
Council Chair Rud Browne called the meeting to order at 1:17 p.m. in the Council Conference Room, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL
Present: Tim Ballew, Barbara Brenner, Rud Browne, Barry Buchanan, Todd Donovan, Tyler Byrd and Satpal Sidhu
Absent: None

COMMITTEE DISCUSSION
1. DISCUSSION WITH PUBLIC WORKS STAFF REGARDING A POTENTIAL PROPERTY ACQUISITION (AB2018-018)
   Attorney Present: None

   Browne stated that discussion of agenda item one may take place in executive session pursuant to RCW42.30.110 (1)(b). Executive session will conclude no later than 2:00 p.m. If the meeting extends beyond the stated conclusion time, he will step out of the meeting to make a public announcement.

   Buchanan moved to go into executive session until no later than 2:00 p.m. to discuss the agenda items pursuant to RCW citations as announced by the Council Chair. The motion was seconded.

   The motion carried by the following vote:
   Ayes: Ballew, Brenner, Browne, Buchanan, Donovan, and Sidhu (6)
   Nays: None (0)
   Absent: Byrd (out of the room) (1)

OTHER BUSINESS

ADJOURN
The meeting adjourned at 2:00 p.m.

The Council approved these minutes on ______ 2018.
ATTEST:       WHATCOM COUNTY COUNCIL
              WHATCOM COUNTY, WASHINGTON

______________________________  ______________________________
Dana Brown-Davis, Council Clerk   Rud Browne, Council Chair

______________________________
Jill Nixon, Minutes Transcription
CALL TO ORDER

Council Chair Rud Browne called the meeting to order at 9:30 a.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL


Absent: None.

COMMITTEE DISCUSSION

1. DISCUSSION OF A PROPOSED ORDINANCE REPEALING ORDINANCE NOS. 2018-001 AND 2018-005 AND ADOPTING AMENDMENTS TO THE WHATCOM COUNTY COMPREHENSIVE PLAN AND THE WHATCOM COUNTY CODE TITLE 15 BUILDINGS AND CONSTRUCTION, TITLE 20 ZONING, TITLE 21 LAND DIVISION REGULATIONS, AND TITLE 24 HEALTH CODE, RELATING TO WATER RESOURCES AND IMPLEMENTING ESSB 6091 (ORDINANCE SCHEDULED FOR INTRODUCTION THIS EVENING) (AB2018-129)

Cliff Strong, Planning and Development Services Department, submitted and read from a presentation (on file).

The following staff also answered questions:
- John Wolpers, Health Department
- Jack Louws, County Executive
- Mark Personius, Planning and Department Director
- Gary Stoyka, Public Works Department
- Tyler Schroeder, Executive’s Office

Staff answered questions and councilmembers discussed why rainwater catchments can be approved for legal availability, Health Department inspections of well sites, the cost of Health Department single family well site review, whether a homeowner should be responsible for installing a well in a bad location, how to prevent a homeowner’s well from being drilled in a location that may impact a neighboring property in the future, and adding a disclosure to the permit process that indicates a misplaced well could result in having to relocate the well.
Byrd moved to make optional, not required, a site inspection for single family residence private well in Whatcom County Code (WCC) 24.11.090. The motion was seconded.

Brenner moved to hold this agenda item in committee. The motion was seconded.

The motion to hold in committee failed by the following vote:

Ayes: Brenner (1)

Nays: Byrd, Ballew, Browne, Buchanan, Donovan, and Sidhu (6)

Byrd amended his motion and moved to allow a homeowner the option of having a Health Department inspection or taking responsibility and liability for any possible results of not having the inspection.

The motion was seconded.

The motion failed by the following vote:

Ayes: Brenner and Byrd (2)

Nays: Ballew, Browne, Buchanan, Donovan, and Sidhu (5)

Strong continued the presentation on Comprehensive Plan amendments and staff answered questions on how to amend the Comprehensive Plan without docketing, the primary functions of the water resources inventory area (WRIA) 1 Watershed Management Board as shown on packet page 25, the lead entity for salmon recovery efforts, representation on the Planning Unit, and the roles of the Watershed Management Board and the Planning Unit in making water-related decisions.

Donovan moved to amend:

• Amend the language above the new policy 10F-11, “So as to indicate Whatcom County’s commitment to working with the Planning Unit and Watershed Management Board....”

• Amend Policy 10F-11, Pursuant to ESSB6091, Whatcom County will work through the Planning Unit and the WRIA 1 Watershed Management Board....”

The motion was seconded.

Councilmembers discussed the role of the Planning Unit and Watershed Management Board.

Browne moved to call the question.

The motion was seconded.

The motion to call the question carried by the following vote:

Ayes: Ballew, Browne, Buchanan, Donovan, and Sidhu (5)

Nays: Brenner and Byrd (2)
The motion to amend carried by the following vote:

**Ayes:** Ballew, Brenner, Browne, Buchanan, Donovan, and Sidhu (6)

**Nays:** None (0)

**Abstains:** Byrd (1)

Councilmembers continued to discuss the roles of the Planning Unit and the Watershed Management Board.

**Brenner moved** to amend language in 21.05.080 for short- and long-subdivisions so that if someone is outside a water purveyor service area, the requirement to seek service from the water purveyor be totally voluntary, not required, on the part of both parties.

The motion was seconded.

The motion carried by the following vote:

**Ayes:** Brenner, Byrd, Ballew, Browne, Buchanan, Donovan, and Sidhu (7)

**Nays:** None (0)

**Browne moved** to recommend introduction at the evening meeting.

The motion was seconded.

The motion carried by the following vote:

**Ayes:** Ballew, Browne, Buchanan, Donovan, and Sidhu (5)

**Nays:** Brenner and Byrd (2)

**Brenner moved** to add language to 21.05.080, “If the service area is within or a half mile from the service area, protect the applicant/property owner from unreasonable costs if the service lines, no matter where the person is, are not in a reasonable area.”

The motion was seconded.

Roger Almskaar, land use consultant, submitted a handout (on file) and stated amend 24.11.050(C)(4) to add exceptions as shown in his handout.

**Brenner amended her motion and moved** to add language, “If the cost to the applicant for one lot is not reasonable compared to the average cost of property owners in the service area.”

Byrd seconded the amended motion.

Staff and councilmembers discussed bringing forward amendments to the Health Code, Title 24.11, outside the ESSB 6091 process. The administration will bring forward code amendments to Title 24.11, through a review of the Coordinated Water System Plan, in a separate ordinance to the Council Planning Committee within four weeks.

**Brenner withdrew** her motion to amend.

**COMMITTEE DISCUSSION AND RECOMMENDATION TO COUNCIL**
1. RESOLUTION RECOGNIZING THE ROLES AND DUTIES OF WHATCOM COUNTY, THE WRIA 1 PLANNING UNIT, AND THE WRIA 1 INITIATING GOVERNMENTS REGARDING WATER RESOURCES PLANNING UNDER RCW 90.82 AND ESSB 6091 (AB2018-114)

Jack Louws, County Executive, submitted and referenced a staff report and proposed an alternate version of the proposed resolution (on file).

Councilmembers and staff discussed sending the resolution to the Planning Unit and the role of the County Council, Watershed Management Board, and Planning Unit.

**Brenner moved** to hold to the next meeting.

The motion was seconded.

The motion carried by the following vote:

**Ayes:** Brenner, Sidhu, Donovan, Buchanan, and Byrd (5)

**Nays:** Browne and Ballew (2)

**OTHER BUSINESS**

There was no other business.

**ADJOURN**

The meeting adjourned at 11:27 a.m.

The Council approved these minutes on ______________, 2018.

**ATTEST:**

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

______________________________  ______________________________
Dana Brown-Davis, Council Clerk   Rud Browne, Council Chair

______________________________
Jill Nixon, Minutes Transcription
WHATCOM COUNTY COUNCIL
Special Committee of the Whole

April 24, 2018

CALL TO ORDER

Council Chair Rud Browne called the meeting to order at 4:00 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

Present: Tim Ballew, Barbara Brenner, Rud Browne, Barry Buchanan, and Todd Donovan.
Absent: Tyler Byrd and Satpal Sidhu.

COMMITTEE DISCUSSION

1. DISCUSSION OF SPECIFIC SECTIONS OF THE PROPOSED ORDINANCE ADOPTING AMENDMENTS TO WHATCOM COUNTY CODE TITLE 2, ADMINISTRATION AND PERSONNEL; TITLE 9, PUBLIC PEACE, MORALS AND WELFARE; TITLE 15, BUILDING AND CONSTRUCTION; TITLE 16, ENVIRONMENT; TITLE 20, ZONING; TITLE 21, LAND DIVISION REGULATIONS; TITLE 23, SHORELINE MANAGEMENT PROGRAM; TITLE 24, HEALTH; AND CREATING A NEW TITLE 22, LAND USE AND DEVELOPMENT PROCEDURES, TO RELOCATE AND REVISE PROCEDURES FOR LAND USE AND DEVELOPMENT RELATED PROJECT PERMITS AND LEGISLATIVE ACTIONS CODE (AB2018-056)

B. Council discussion and preliminary direction on sections of proposed Chapter 22.10, Legislative Procedures; Chapter 22.15, Code Compliance Procedures; Chapter 22.20, Land Use and Development Code Interpretation Procedures; and Chapter 22.25 Land Use and Development Fees (see staff memo for specifics)

Amy Keenan, Planning and Development Services Department, submitted and read from a presentation (on file) and answered questions.

The following Planning and Development Services Department staff also answered questions:
• Mark Personius, Director
• Matt Aamot
• Nick Smith

Staff and councilmembers discussed how the County can reimburse the Comprehensive Plan docketing fee and an appeal process.
Brenner moved to amend 20.90.030(4) to restore the ability to directly docket a zoning amendment by a citizen, even if Council does not vote to docket the amendment.

The motion was seconded.

Councilmembers and staff discussed options for a citizen to docket amendments.

The motion failed by the following vote:

Ayes: Brenner (1)
Nays: Ballew, Browne, Buchanan, and Donovan (4)
Absent: Sidhu and Byrd (2)

This item will be held in committee for a work session to make amendments in two weeks.

Staff and councilmembers discussed transfers of development rights (TDR) and purchases of development rights (PDR).

A. Audience members are invited to comment on sections of proposed Chapter 22.10, Legislative Procedures; Chapter 22.15, Code Compliance Procedures; Chapter 22.20, Land Use and Development Code Interpretation Procedures; and Chapter 22.25 Land Use and Development Fees (see staff memo for specifics)

No one spoke.

COMMITTEE DISCUSSION AND RECOMMENDATION TO COUNCIL

1. RESOLUTION REQUESTING THE COUNTY EXECUTIVE DIRECT STAFF TO DRAFT PROPOSED LEGISLATION RELATING TO PROCESSING AND APPROVAL OF MAJOR PROJECT PERMITS IN THE CHERRY POINT URBAN GROWTH AREA (AB2018-076B)

Donovan reported on providing direction to staff versus engaging a consultant to move forward with proposed legislation.

The following staff answered questions:
- Jack Louws, County Executive
- Mark Personius, Planning and Development Services Department, submitted a handout of proposed amendments (on file).

Staff and councilmembers discussed expanding the scope beyond unrefined fossil fuels, getting staff input on what is already being done in the current process, how to move forward with writing code amendments, and the Cascadia Law Group contract scope of work.

Donovan moved to recommend to the full Council to approve the resolution with the amended recommendations from Mark Personius.

The motion was seconded.
The motion carried by the following vote:

**Ayes:** Ballew, Browne, Buchanan, and Donovan (4)

**Nays:** Brenner (1)

**Absent:** Sidhu and Byrd (2)

### OTHER BUSINESS

There was no other business.

### ADJOURN

The meeting adjourned at 4:52 p.m.

The Council approved these minutes on ______________, 2018.

ATTEST: WHATCOM COUNTY COUNCIL

WHATCOM COUNTY, WASHINGTON

______________________________  ______________________________
Dana Brown-Davis, Council Clerk   Rud Browne, Council Chair

______________________________
Jill Nixon, Minutes Transcription
WHATCOM COUNTY COUNCIL

Regular County Council Meeting

April 24, 2018

CALL TO ORDER

Council Chair Rud Browne called the meeting to order at 7:00 p.m. in the Council Chambers, 311 Grand Avenue, Bellingham, Washington.

ROLL CALL

Present: Tim Ballew, Barbara Brenner, Rud Browne, Barry Buchanan, Todd Donovan, and Satpal Sidhu.

Absent: Tyler Byrd.

FLAG SALUTE

ANNOUNCEMENTS

MINUTES CONSENT

Donovan moved to approve the Minutes Consent items.

The motion was seconded.

The motion carried by the following vote:

Ayes: Ballew, Brenner, Browne, Buchanan, Donovan, and Sidhu (6)

Nays: None (0)

Absent: Byrd (1)

1. COMMITTEE OF THE WHOLE FOR APRIL 10, 2018

2. SPECIAL COMMITTEE OF THE WHOLE FOR APRIL 10, 2018

3. REGULAR COUNTY COUNCIL FOR APRIL 10, 2018

SPECIAL PRESENTATION

1. COUNTY EXECUTIVE JACK LOUWS TO PRESENT THE “STATE OF THE COUNTY” ADDRESS (AB2018-138)

Jack Louws, County Executive, submitted and read from the State of the County address (on file).
PUBLIC HEARINGS

1. RESOLUTION AUTHORIZING THE SALE OF WHATCOM COUNTY SURPLUS
PROPERTY PURSUANT TO WHATCOM COUNTY CODE 1.10 (AB2018-118A)

Browne opened the public hearing, and hearing no one, closed the public hearing.

Donovan moved to approve the resolution.

The motion was seconded.

The motion carried by the following vote:
Ayes: Ballew, Brenner, Browne, Buchanan, Donovan, and Sidhu (6)
Nays: None (0)
Absent: Byrd (1)

OPEN SESSION

The following people spoke:
- Roger Almskaar spoke about a proposed ordinance relating to water resources and implementing ESSB 6091 (AB2018-129) and answered questions from councilmembers.
- Kathy Sabel submitted a handout (on file) and spoke about a proposed ordinance relating to water resources and implementing ESSB 6091 (AB2018-129).
- Anton Karuza spoke about a proposed ordinance relating to water resources and implementing ESSB 6091 (AB2018-129).
- Mike Kaufmann spoke about the County Council’s Criminal Justice Committee listening tour and the Pretrial Processes Workgroup of the Incarceration Prevention and Reduction Task Force.
- Chris Lilly, Whisper Lakes Developments Inc., submitted and read from a handout (on file) regarding a sewer line for their development.
- Dwayne Englesman, Whisper Lakes Developments Inc., continued to read from a handout from the previous speaker regarding a sewer line for their development and answered questions from the councilmembers.

Jack Louws, County Executive, gave a staff report on the administration’s work through the Senior Deputy Civil Prosecuting Attorney with the Whisper Lakes Development. He will report back to the Council in a couple of weeks.

- Josh Summers, Philips 66 Ferndale Refinery, spoke about the proposed resolution relating to processing and approval of major project permits in the Cherry Point urban growth area (AB2018-076B).
- Pam Brady, BP Cherry Point, spoke about the proposed resolution relating to processing and approval of major project permits in the Cherry Point urban growth area (AB2018-076B).
- John Campbell spoke about affordable housing and homelessness.
Kathy McDevitt spoke about Parks Department staff responding to illegal dumping on Parks property and fire hazard from fireworks and the Lummi Nation’s sale of sky lanterns.

Carole Perry spoke about the water resources inventory area (WRIA) decision-making process.

CONSENT AGENDA

1. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO HAVE THE SHERIFF’S OFFICE PURCHASE A SATELLITE COMMUNICATION SYSTEM FOR THE COMMUNICATIONS VAN AS A RESULT OF RFP#18-21 FROM VENDOR TACSAT NETWORKS INC., IN THE AMOUNT OF $54,999 (AB2018-135)

Sidhu reported for the Finance and Administrative Services Committee and moved to approve the request.

The motion carried by the following vote:
Ayes:         Ballew, Brenner, Browne, Buchanan, Donovan, and Sidhu (6)
Nays:         None (0)
Absent:       Byrd (1)

2. REQUEST APPROVAL FOR THE COUNTY EXECUTIVE TO ENTER INTO AN INTERLOCAL COOPERATIVE PURCHASING AGREEMENT WITH JEFFERSON COUNTY TO UTILIZE JEFFERSON COUNTY’S COMPETITIVELY BID CONTRACTS FOR PURCHASES OF SUPPLIES, GOODS, SERVICES, AND EQUIPMENT, PER RCW CHAPTER 39.34 (AB2018-136)

Sidhu reported for the Finance and Administrative Services Committee and moved to approve the request.

The motion carried by the following vote:
Ayes:         Ballew, Brenner, Browne, Buchanan, Donovan, and Sidhu (6)
Nays:         None (0)
Absent:       Byrd (1)

OTHER ITEMS

1. RESOLUTION RECOGNIZING THE ROLES AND DUTIES OF WHATCOM COUNTY, THE WRIA 1 PLANNING UNIT, AND THE WRIA 1 INITIATING GOVERNMENTS REGARDING WATER RESOURCES PLANNING UNDER RCW 90.82 AND ESSB 6091 (AB2018-114)

Browne reported for the Special Committee of the Whole A.M. meeting and stated this item is held in committee.

2. ORDINANCE AMENDING ORDINANCE NO. 2014-081 (ESTABLISHMENT OF THE AGATE HEIGHTS/ESTATE BAY LANE STORM WATER IMPROVEMENT FUND AND ESTABLISHMENT OF A PROJECT BASED BUDGET FOR AGATE
HEIGHTS ESTATE/BAY LANE STORM WATER IMPROVEMENTS), FOR A SECOND TIME TO ADD $528,219 OF EXPENDITURE AUTHORITY, FOR A TOTAL AMENDED PROJECT BUDGET AMOUNT OF $1,308,219 (AB2018-126)

Sidhu reported for the Finance and Administrative Services Committee and moved to adopt the ordinance.

The motion carried by the following vote:
Ayes: Ballew, Brenner, Browne, Buchanan, Donovan, and Sidhu (6)
Nays: None (0)
Absent: Byrd (1)

3. ORDINANCE AMENDING THE WHATCOM COUNTY BUDGET, SIXTH REQUEST, IN THE AMOUNT OF $2,836,591 (AB2018-127)

Sidhu reported for the Finance and Administrative Services Committee and moved to adopt the ordinance.

The motion carried by the following vote:
Ayes: Ballew, Brenner, Browne, Buchanan, Donovan, and Sidhu (6)
Nays: None (0)
Absent: Byrd (1)

4. RESOLUTION AMENDING THE 2018 WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT AND SUBZONES BUDGET, SECOND REQUEST, IN THE AMOUNT OF $750,000 (COUNCIL ACTING AS THE WHATCOM COUNTY FLOOD CONTROL ZONE DISTRICT BOARD OF SUPERVISORS) (AB2018-128)

Sidhu reported for the Finance and Administrative Services Committee and moved to approve the resolution.

The motion carried by the following vote:
Ayes: Ballew, Brenner, Browne, Buchanan, Donovan, and Sidhu (6)
Nays: None (0)
Absent: Byrd (1)

5. RESOLUTION REQUESTING THE COUNTY EXECUTIVE DIRECT STAFF TO DRAFT PROPOSED LEGISLATION RELATING TO PROCESSING AND APPROVAL OF MAJOR PROJECT PERMITS IN THE CHERRY POINT URBAN GROWTH AREA (AB2018-076B)

Browne reported for the Special Committee of the Whole P.M. meeting.

Donovan moved to approve the substitute resolution.

The motion was seconded.

Councilmembers discussed the impact to industry at Cherry Point and the scope of the resolution on unrefined fossil fuels.
The motion carried by the following vote:

**Ayes:** Ballew, Browne, Buchanan, Donovan, and Sidhu (5)

**Nays:** Brenner (1)

**Absent:** Byrd (1)

### COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

#### 1. APPOINTMENT TO THE WHATCOM COUNTY WILDLIFE ADVISORY COMMITTEE, TERM ENDING DECEMBER 31, 2022, APPLICANT: SHANNON CROSSEN (AB2018-115)

*Buchanan moved* to appoint Shannon Crossen.

The motion was seconded.

The motion carried by the following vote:

**Ayes:** Ballew, Brenner, Browne, Buchanan, Donovan, and Sidhu (6)

**Nays:** None (0)

**Absent:** Byrd (1)

### INTRODUCTION ITEMS

*Donovan moved* to accept the Introduction Items one through six, including the substitute for item four.

The motion was seconded.

The motion carried by the following vote:

**Ayes:** Ballew, Brenner, Browne, Buchanan, Donovan, and Sidhu (6)

**Nays:** None (0)

**Absent:** Byrd (1)

#### 1. RECEIPT OF APPLICATION(S) FOR THE WHATCOM COUNTY PLANNING COMMISSION (ONE VACANCY, PARTIAL TERM ENDING 1/31/2021, APPLICANTS MUST RESIDE IN COUNCIL DISTRICT 1) - APPLICANT: TONY FREELAND (THE PLANNING COMMISSION ASSISTS THE PLANNING & DEVELOPMENT SERVICES DEPARTMENT IN CARRYING OUT ITS DUTIES, INCLUDING ASSISTANCE IN THE PREPARATION AND EXECUTION THE COMPREHENSIVE PLAN AND RECOMMENDATIONS TO THE DEPARTMENT FOR THE ADOPTION OF OFFICIAL CONTROLS AND/OR AMENDMENTS) (APPLICATION DEADLINE FOR ANY OTHER APPLICANTS TO THIS VACANCY IS 10 A.M. MAY 1, 2018) (AB2018-133)

#### 2. ORDINANCE ESTABLISHING A 25 MPH SPEED LIMIT ON CERTAIN BIRCH BAY AREA ROADS (AB2018-137)

#### 3. ORDINANCE CREATING A "GOLF CART ZONE" ON CERTAIN ROADS IN THE BIRCH BAY AREA (AB2018-125)

5. ORDINANCE AMENDING WHATCOM COUNTY CODE 1.08, INITIATIVES, REFERENDUM, AND RECALL, TO REFLECT CHANGES APPROVED BY THE VOTERS (AB2018-134)

6. RECEIPT OF APPLICATION(S) FOR THE WHATCOM COUNTY LAKE WHATCOM STORMWATER UTILITY ADVISORY COMMITTEE, APPLICANTS: LAURENCE BROWN, JOSEPH BALDWIN, CHRIS KELLER, PETER DOBEY (COMMITTEE WILL REPRESENT RATE PAYERS IN THE LAKE WHATCOM STORMWATER UTILITY SERVICE AREA AND ADVISE WHATCOM COUNTY PUBLIC WORKS STAFF AND THE WHATCOM COUNTY COUNCIL ON RECOMMENDED RATE STRUCTURE OPTIONS AND A FUND MECHANISM) (APPLICATION DEADLINE FOR ANY OTHER APPLICANTS TO THIS VACANCY IS 10 A.M. MAY 1, 2018) (AB2018-140)

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCILMEMBER UPDATES

Committee chairs reported on committee discussions.

PRESENTATION FROM SAFE STORAGE PNW (AB2018-139)

Brenner reported for the Public Works and Health Committee and moved to get more information from the administration and request that the administration consider County property that may be appropriate for locating storage lockers for the homeless population as proposed in the Safe Storage PNW program.

The motion carried by the following vote:
Ayes: Ballew, Brenner, Browne, Buchanan, Donovan, and Sidhu (6)
Nays: None (0)
Absent: Byrd (1)

COUNTY EXECUTIVE AND DEPUTY EXECUTIVE TO PROVIDE AN UPDATE ON HOMELESS ISSUES (AB2018-072A)

Brenner reported for the Planning and Development Committee and moved request that staff create ordinances to amend the County Code to allow tiny home projects for the homeless.

The motion carried by the following vote:
Ayes: Ballew, Brenner, Browne, Buchanan, Donovan, and Sidhu (6)
Nays: None (0)
Absent: Byrd (1)
Councilmembers gave updates on recent activities and upcoming events.

**ADJOURN**

The meeting adjourned at 8:31 p.m.

The County Council approved these minutes on _______, 2018.

**ATTEND**

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

______________________________   ___________________________
Dana Brown-Davis, Council Clerk   Rud Browne, Council Chair

______________________________
Jill Nixon, Minutes Transcription
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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**TITLE OF DOCUMENT:**
An Ordinance Regarding Establishment of Speed Limits on certain roads in the Birch Bay area.

**ATTACHMENTS:**
1. Memo to County Executive and County Council
2. Map A-D
3. Speed Limit Ordinance

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

To comply with RCW 46.61.415, at the direction of the County Council, it is found necessary and expedient to modify the speed limits on certain roads in the Birch Bay area.

**COMMITTEE ACTION:**
4/24/2018: Discussed

**COUNCIL ACTION:**
4/24/2018: Introduced 6-0, Byrd absent

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

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

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

Through: Jon Hutchings, Director

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

Date: April 11, 2018

Re: Ordinance Regarding Designation of Speed Limits for Certain Birch Bay Area Roads as 25 mph.

Requested Action:
Adoption of an ordinance to designate the speed limit on certain Birch Bay area roads as 25 mph.

Background and Purpose:
The Birch Bay Chamber of Commerce has requested to designate Birch Bay Drive and all 25 mph roads leading to, and contiguous with, Birch Bay Drive as a golf cart zone per RCW 46.08.175. Several existing roads within this proposed zone are commonly understood to be 25 mph although they do not have an ordinance designating them as such. (See attached maps)

Additional Information:
RCW 46.08.175 requires that a roadway designated as a golf cart zone have a posted speed limit of 25 mph or less.

Per Whatcom County Ordinance 87-27, all County roads are 35 mph unless otherwise designated.
ORDINANCE NO._______
ESTABLISHMENT OF 25 MPH SPEED LIMIT
ON CERTAIN BIRCH BAY AREA ROADS

WHEREAS, the Whatcom County Council is authorized under RCW 46.61.415 to establish speed limits on certain County roads; and

WHEREAS, the Birch Bay Chamber of Commerce has requested to designate Birch Bay Drive and all 25 mph roads that lead to, and are contiguous with, Birch Bay Drive as a Golf Cart Zone per RCW 46.08.175; and

WHEREAS, RCW 46.08.175 requires that roadways designated as golf cart zones must have a posted speed limit of 25 miles per hour or less;

NOW, THEREFORE, BE IT ORDAINED that the speed limits be established as follows:

1. 25 mph on Birch Point Loop
2. 25 mph on Bay road, from 500 feet East of Jackson road to Halibut Drive.
3. 25 mph on all roads within the plat of Maple Crest 2nd Addition, Section 24, Township 40 North, Range 1 West, W.M.
4. 25 mph on all roads within the plat of First Addition to Maple Crest, Section 24, Township 40 North, Range 1 West, W.M.
5. 25 mph on all roads within the plat of Maple Crest 3rd Addition, Section 24, Township 40 North, Range 1 West, W.M.
6. 25 mph on all roads within the plat of Bernard, Beattys plat of ‘Maple Crest’, Section 24, Township 40 North, Range 1 West, W.M.
7. 25 mph on all roads within the plat of Cottonwood Beach, Section 24, Township 40 North, Range 1 West, W.M.
8. 25 mph on all roads within the plat of Cottonwood Beach Park, Section 24, Township 40 North, Range 1 West, W.M.
9. 25 mph on all roads within the plat of Morgan Cottonwood Beach, Section 24, Township 40 North, Range 1 West, W.M.
10. 25 mph on all roads within the plat of Forsberg plat, Section 24, Township 40 North, Range 1 West, W.M.
11. 25 mph on all roads within the plat of Gordon Addition Morgan Cottonwood Beach Plat, Section 24, Township 40 North, Range 1 West, W.M.
12. 25 mph on all roads within the plat of Birch Bay West End Estates, Section 24, Township 40 North, Range 1 West, W.M.
13. 25 mph on all roads within the plat of Birch Bay West End Estates Addition No. 1, Section 24, Township 40 North, Range 1 West, W.M.
14. 25 mph on all roads within the plat of Birch Bay Park, Section 36, Township 40 North, Range 1 West, W.M.
15. 25 mph on all roads within the plat of Bay View Terrace Amended, Section 36, Township 40 North, Range 1 West, W.M.
16. 25 mph on all roads within the plat of Parkland, Section 31, Township 40 North, Range 1 East, W.M.
17. 25 mph on all roads within the plat of Birch Bay Park First Addition, Section 31, Township 40 North, Range 1 East, W.M.
18. 25 mph on all roads within the plat of First Addition to Whispering Pines, Section 31, Township 40 North, Range 1 East, W.M.
19. 25 mph on all roads within the plat of Whispering Pines, Section 31, Township 40 North, Range 1 East, W.M.
20. 25 mph on all roads within the plat of Malibu Estates, Section 2, Township 39 North, Range 1 West, W.M.
21. 25 mph on all roads within the plat of Woodhaven, Section 2, Township 39 North, Range 1 West, W.M.

BE IT FURTHER ORDAINED that the County Engineer is hereby directed to post the appropriate signs and that the Whatcom County Sheriff and the Washington State Patrol be notified by a copy of this ordinance.

Provisions of this ordinance are hereby added to Whatcom County Code, Section 10.04.

ADOPTED this ____ day of ______, 2018.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

Rud Browne, Council Chair

APPROVED AS TO FORM:

( ) Approved ( ) Denied

Civil Deputy Prosecutor

Jack Louws, Executive

Date:
WHATCOM COUNTY COUNCIL AGENDA BILL

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TITLE OF DOCUMENT:
An Ordinance creating a “golf cart zone” on certain roads in the Birch Bay area.

ATTACHMENTS:
1. Memorandum to County Executive and County Council
2. Golf Cart Zone Maps A-D
3. RCW 46.08.175 & 46.04.1945
4. Ordinance

SEPA review required? ( ) Yes ( X ) No
SEPA review completed? ( ) Yes ( X ) No
Should Clerk schedule a hearing? ( X ) Yes ( ) No
Requested Date: 5/8/18

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.)

Designation of certain roads in the Birch Bay area, as a “golf cart zone” as defined in RCW 46.08.175

COMMITTEE ACTION:
4/24/2018: Discussed

COUNCIL ACTION:
4/24/2018: Introduced 6-0, Byrd absent

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

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

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

Through: Jon Hutchings, Director

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

Date: April 11, 2018

Re: Ordinance creating a “Golf Cart Zone” on certain roads in the Birch Bay area

Requested Action
At the request of the Whatcom County Council Public Works Committee, the Public Works Department respectfully submits the attached ordinance to create a “Golf Cart Zone” on certain roads in the Birch Bay area.

Background and Purpose
The Whatcom County Council Public Works Committee met on 11/21/2017 to discuss the creation of a golf cart zone in Birch Bay. The Birch Bay Chamber of Commerce President, Mr. Billy Brown, spoke in favor of the creation of a golf cart zone. The Committee directed the Public Works Department to coordinate with the Whatcom County Sheriff to develop an ordinance for the creation of a golf cart zone in Birch Bay.

This proposed “Golf Cart Zone” will include Birch Bay Drive and All County Roads posted 25 mph or less, that lead to and are contiguous with, Birch Bay Drive. (See attached maps)

Information
Creation of golf cart zones is allowed per RCW 46.08.175 while “golf carts” are defined under RCW 46.04.1945, see attached. RCW 46.08.175 requires that a roadway designated as a “Golf Cart Zone” have a posted speed limit of 25 mph or less.

Several existing roads within the proposed “Golf Cart Zone” are commonly understood to be 25 mph although they do not have an ordinance designating these as such. An ordinance to officially designate these roads as 25 mph must be approved prior to the adoption of this “Golf Cart Zone” ordinance.

Please contact Joe Rutan at extension 6219 with any questions regarding this ordinance.
RCW 46.08.175

Golf cart zones.

(1) The legislative authority of a city or county may by ordinance or resolution create a golf cart zone, for the purposes of permitting the incidental operation of golf carts, as defined in RCW 46.04.1945, upon a street or highway of this state having a speed limit of twenty-five miles per hour or less.

(2) Every person operating a golf cart as authorized under this section is granted all rights and is subject to all duties applicable to the driver of a vehicle under chapter 46.61 RCW.

(3) Every person operating a golf cart as authorized under this section must be at least sixteen years of age and must have completed a driver education course or have previous experience driving as a licensed driver.

(4) A person who has a revoked license under RCW 46.20.285 may not operate a golf cart as authorized under this section.

(5) The legislative authority of a city or county may prohibit any person from operating a golf cart as authorized under this section at any time from a half hour after sunset to a half hour before sunrise.

(6) The legislative authority of a city or county may require a decal or other identifying device to be displayed on golf carts authorized on the streets and highways of this state under this section. The city or county may charge a fee for the decal or other identifying device.

(7) The legislative authority of a city or county may prohibit the operation of golf carts in designated bicycle lanes that are within a golf cart zone.

(8) Golf carts must be equipped with reflectors, seat belts, and rearview mirrors when operated upon streets and highways as authorized under this section.

(9) A city or county that creates a golf cart zone under this section must clearly identify the zone by placing signage at the beginning and end of the golf cart zone on a street or road that is part of the golf cart zone. The signage must be in compliance with the department of transportation’s manual on uniform traffic control devices for streets and highways.

(10) Accidents that involve golf carts operated upon streets and highways as authorized under this section must be recorded and tracked in compliance with chapter 46.52 RCW. The accident report must indicate that a golf cart operating within a golf cart zone is involved in the accident.

[2010 c 217 § 4.]

RCW 46.04.1945

Golf cart.

"Golf cart" means a gas-powered or electric-powered four-wheeled vehicle originally designed and manufactured for operation on a golf course for sporting purposes and has a speed attainable in one mile of not more than twenty miles per hour. A golf cart is not a nonhighway vehicle or off-road vehicle as defined in RCW 46.04.365.

[2011 c 171 § 12; 2010 c 217 § 3.]

NOTES:

ORDINANCE NO._______

CREATING A "GOLF CART ZONE" ON CERTAIN ROADS IN THE BIRCH BAY AREA

WHEREAS, Birch Bay area residents have requested to operate golf carts in the Birch Bay area; and

WHEREAS, RCW 46.08.175 allows for creation of golf cart zones; and

WHEREAS, the Birch Bay Chamber of Commerce supports the creation of a golf cart zone in the Birch Bay area; and

WHEREAS, the speed limit on all the roads in the proposed Golf Cart Zone are 25 mph or less; and

WHEREAS, operators of golf carts shall be licensed motor vehicle operators as required by RCW 46.20.001.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that a Golf Cart Zone is hereby on Birch Bay Drive and all county roads posted 25 mph or less that lead to, and are contiguous with, Birch Bay Drive;

BE IT FURTHER ORDAINED that the County Engineer is hereby directed to install the appropriate signs; and

BE IT FURTHER ORDAINED that the Sheriff's Department be provided a copy of this ordinance.

ADOPTED this _____ day of __________, 2018.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

Rud Browne, Council Chair

APPROVED AS TO FORM:

Civil Deputy Prosecutor

( ) Approved ( ) Denied

Jack Louws, Executive

Date: __________________________
### TITLE OF DOCUMENT

### ATTACHMENTS:
- Staff Memorandum
- Draft Ordinance 2018-
- Exhibit A, showing the proposed amendment to the Whatcom County Comprehensive Plan and development regulations
- Table 1: Conditions Under Which Water is Considered Legally Available for Purposes of Development in Whatcom County Pursuant to ESSB 6091 and Ordinance 2018-
- ESSB 6091

### 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.)


### COMMITTEE ACTION:
- 4/10/2018: Held in SCOTW for two weeks
- 4/24/2018: Discussed and amended

### COUNCIL ACTION:
- 4/10/2018: Withdrawn from the agenda and held in Comm.
- 4/24/2018: Substitute Introduced 6-0, Byrd absent

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

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

THROUGH:  Mark Personius, Director

FROM:     Cliff Strong, Senior Planner

DATE:     April 24, 2018

SUBJECT:  Proposed Whatcom County Comprehensive Plan and Development Regulation Amendments to Enact the Streamflow Restoration Act (ESSB 6091)

Pursuant to the approved motions in today’s Committee of the Whole workshop, staff has made additional edits to Exhibit A. These include (and are shown in Exhibit A with yellow highlight; all other highlighting has been removed):

- Pages 4 & 5 – In the code amendments, revising 21.04.090(2)(f) and 21.05.080(2)(e) to show that if one is not within a retail service area of a water purveyor, but within ½ mile of one, an applicant need only ask the purveyor about water service but has no obligation to avail themselves of that service (though they may choose to).

- Page 17 – In the CompPlan amendment, in the bulleted list of the primary functions of the WRIA 1 Watershed Management Board (which were taken from the 2016 interlocal agreement forming the Board, to which the County is a signatory), revising the text to clarify that the Board serves as the lead entity for salmon recovery pursuant to RCW 77.85.

- Page 19 – In the CompPlan amendment to add Policy 10F-11, adding “Planning Unit” (“Pursuant to ESSB 6091, Whatcom County will work through the Planning Unit and WRIA 1 Watershed Management Board and its established processes…”)

Staff Recommendation

Staff recommends that the County Council review the proposed ordinance, introduce it for consideration on April 24, 2018, and on May 8, 2018, hold a public hearing and adopt these provisions consistent with ESSB 6091 and the Coordinated Water System Plan (CWSP).

Attachments:

- Draft Ordinance (previously provided)
- Exhibit A (revised 4/24/18), showing the proposed amendment to the Whatcom County Comprehensive Plan and development regulations
- Staff Report (previously provided)
- ESSB 6091 (previously provided)
ORDINANCE NO. 2018-00

AN ORDINANCE REPEALING ORDINANCE NOS. 2018-001 AND 2018-005 AND ADOPTING AMENDMENTS TO THE WHATCOM COUNTY COMPREHENSIVE PLAN AND THE WHATCOM COUNTY CODE TITLE 15 BUILDINGS AND CONSTRUCTION, TITLE 20 ZONING, TITLE 21 LAND DIVISION REGULATIONS, AND TITLE 24 HEALTH CODE, RELATING TO WATER RESOURCES AND IMPLEMENTING ESSB 6091

WHEREAS, RCW 36.70A.070(1), requires that the land use element of a county comprehensive plan “shall provide for protection of the quality and quantity of groundwater used for public water supplies”; and,

WHEREAS, RCW 36.70A.070(5)(c)(iv) requires that the rural element of a county comprehensive plan “shall include measures that apply to rural development and protect the rural character of the area, as established by the County, by: ... protecting critical areas...and surface water and groundwater resources”; and,

WHEREAS, RCW 19.27.097(1) requires that applicants for building permits of buildings necessitating potable water provide evidence of an adequate water supply for the intended use of the building; and,

WHEREAS, RCW 58.17.110(2) requires that “A proposed subdivision and dedication shall not be approved unless the... county legislative body makes written findings that... appropriate provisions are made for... potable water supplies...”; and,

WHEREAS, Whatcom County Code (WCC) Chapter 15.04 specifies information required for a complete building permit application; and,

WHEREAS, WCC Chapter 20.97 provides definitions of terms used in the code; and

WHEREAS, WCC Chapters 21.04 and 21.05 contain requirements for water supply in short subdivisions and long subdivisions, respectively; and,

WHEREAS, WCC Chapter 24.11 contains requirements for potable water; and,

WHEREAS, to protect rural character and regulate groundwater withdrawals, Whatcom County adopted Ordinance 2012-032, amending its Comprehensive Plan to adopt by reference existing development regulations, adding Policy 2DD-2.C.6 which adopts by reference WCC 21.04.090 and 21.05.080, Policy 2DD-2.C.7 which adopts by reference WCC 24.11.050, Policy 2DD-2.C.8 which adopts by reference WCC 24.11.060, and Policy 2DD-2.C.9 which adopts by reference WCC 24.11.090, .100, .110, .120, .130, .160, and .170, any amendments to these WCC provisions are also amendments to the Comprehensive Plan; and,
WHEREAS, the Growth Management Hearings Board (Board) found the amended Comprehensive Plan lacked the required measures to protect water resources (GMHB Case No. 12-2-0013); and,

WHEREAS, on October 6, 2016, the Washington State Supreme Court (Court), in reversing a Court of Appeals decision, upheld the Board’s decision that the County’s Comprehensive Plan does not satisfy the GMA requirements to protect water availability, and stated, “We hold that the Board properly concluded that the GMA requires counties to make determinations of water availability.”; and,

WHEREAS, the Court stated, “...the GMA places the burden on counties to protect groundwater resources, and requires counties to assure that water is both factually and legally available before issuing building permits.”; and,

WHEREAS, the Court stated, “...The county’s policies incorporate WCC provisions that do not allow water to be withdrawn from ‘an area where [the Department of Ecology] has determined by rule that water for development does not exist.’ ...these ordinances further provide that an application for a permit-exempt appropriation will be approved without any analysis of that withdrawal’s impact on instream flows. The Board found that these provisions result in water withdrawals from closed basins and senior instream flows—flows that the record indicated drop below the minimum levels 100 days out of the year. The Board properly held that this conflicts with the requirement placed on counties to protect water availability under the GMA...”; and,

WHEREAS, Chapter 173-501 WAC Instream Resources Protection Program – Nooksack Water Resource Inventory Area (WRIA) 1 identifies waterbodies in Whatcom County that are closed or partially closed to further appropriation, by listing their status as “closure,” “partial year closure,” “low flow,” or “minimum flow,”; and,

WHEREAS, on January 18, 2018, the Washington State Legislature adopted ESSB 6091, which requires the Department of Ecology to work with the initiating governments and the planning unit in WRIA I to review existing watershed plans to identify the potential impacts of exempt well use, identify evidence-based conservation measures, and identify projects to improve watershed health. Until rules are adopted that specify otherwise, Section 202(5), which effectively reverses the Court’s decision in Hirst, allows new domestic water uses in WRIA 1 that rely on groundwater withdrawals exempt from permitting under RCW 90.44.050, provided that applicants pay a fee of five hundred dollars to the permitting authority and limit their maximum annual average withdrawal of three thousand gallons per day, per connection, and record this limitation on the property title; and,

WHEREAS, ESSB 6091, Section 101(5), also provides that “[a]ny permit-exempt groundwater withdrawal authorized under RCW 90.44.050 associated with a water well constructed in accordance with the provisions of chapter 18.104 RCW before the effective date of this section is deemed to be evidence of adequate water supply under this section”; and,
WHEREAS, the amendments proposed by this ordinance are consistent with the aforementioned requirements of ESSB 6091 and are therefore consistent with the GMA, as specifically addressed in Section 102 of ESSB 6091; and,

WHEREAS, adoption of this ordinance is necessary to complete the GMA compliance proceedings before the Western Washington Growth Management Hearings Board (GMHB Case No. 12-2-0013); and,

WHEREAS, a determination of non-significance (DNS) (SEPA 2018-00013) was issued under the State Environmental Policy Act (SEPA) on February 20, 2018; and,

WHEREAS, ESSB 6091 was signed by Governor Inslee on January 19, 2018, and, pursuant to the emergency clause in Section 307, it became effective immediately as the Legislature declared that it was “necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing institutions . . .”; and,

WHEREAS, with the enactment of ESSB 6091 and this ordinance, Ordinance Nos. 2018-001 and 2018-005 are no longer necessary to ensure that Whatcom County is in compliance with state law; and,

WHEREAS, in accordance with RCW 36.70A.106, Whatcom County Planning and Development Services notified the Department of Commerce of the proposed amendments contained herein on February 14, 2018, and no comments were received from state agencies; and,

WHEREAS, The Planning Commission held a public hearing on this ordinance on March 8, 2018, notice of which was published in the Bellingham Herald on February 23, 2018; and,

WHEREAS, the County Council held a duly noticed public hearing on this ordinance on May 8, 2018; and,

WHEREAS, the proposed amendments to the Whatcom County Comprehensive Plan and development regulations would affirm the County’s intent to work cooperatively with the Department of Ecology, WRIA 1 Initiating Governments, and the Planning Unit to update the WRIA 1 Watershed Management Plan pursuant to the Streamflow Restoration Act (ESSB 6091), as well as implement the Act’s requirements for allowing the conditioned use of permit-exempt wells (RCW 90.44.050) as a legal source of water for domestic use, and are consistent with the Comprehensive Plan goals and policies listed in Section III of the staff report; and,

WHEREAS, the amendments are in the public interest; and,

WHEREAS, the amendments are consistent with the Whatcom County Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED that the Whatcom County Council adopts the above “WHEREAS” recitals as findings of fact and conclusions in support of its action as required by RCW 36.70A.390.

BE IT FURTHER ORDAINED that Ordinance Nos. 2018-001 and 2018-005 are hereby repealed in their entirety upon the effective date of this ordinance.
BE IT FURTHER ORDAINED by the Whatcom County Council that the Whatcom County Comprehensive Plan and the Whatcom County Code are hereby amended as shown in Exhibit A.

BE IT FURTHER ORDAINED that if a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction; such decision shall not affect the validity of the remaining portions of this ordinance, and if the provisions of this ordinance are found to be inconsistent with other provisions of the Whatcom County Code, this ordinance shall control.

ADOPTED this ______ day of _____________, 2018.

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

ATTEST:

__________________________________________  ______________________________________
Dana Brown-Davis, Council Clerk                    Rud Browne, Chairperson

APPROVED as to form:

__________________________________________
Civil Deputy Prosecutor

__________________________________________
Jack Louws, Executive

( ) Approved    ( ) Denied

Date: __________________________
EXHIBIT A
Whatcom County Code
AMENDMENTS
(Note: County Council changes made in their 4/24/18 Committee of the Whole workshop are shown in yellow highlight. All other highlighting has been removed.)

TITLE 15 BUILDINGS AND CONSTRUCTION
CHAPTER 15.04 BUILDING CODES

15.04.020 Amendments to the International Building Code.
A. The IBC is amended as follows:

5. Section 105.3, Application for Permit, is amended to include the following:
To obtain the permit, the applicant shall first file an application therefor in writing on a form furnished by the Department of Building Safety for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required in Section 107.
5. State the valuation of the proposed work.
6. Be signed by the applicant, or the applicant’s authorized agent.
7. Include signature by the applicant or the applicant’s authorized agent of a statement for guarantee of fee payment. The statement must be signed in the presence of County staff or staff will provide a statement which includes verification of signature by a licensed notary public.
8. Provide verification of approval to connect to a public sewer system or a septic system installation permit issued by the Whatcom County Environmental Health Department for any permit application that requires sewage disposal. The approval to connect or issued septic system permit shall be specific to the project application.
9. For buildings requiring potable water, provide evidence of an adequate water supply (as defined in WCC 20.97.451) for the intended use of the building(s).
10. Provide additional data and information in the designated sequence, as required by the Building Official.
15.04.030 Amendments to the International Residential Code.

D. Section R105.3, Application for permit, is amended to include the following:

To obtain the permit, the applicant shall first file an application therefor in writing on a form furnished by the Department of Building Safety for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.

2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.

3. Indicate the use and occupancy for which the proposed work is intended.

4. Be accompanied by construction documents and other information as required in Section 107.

5. State the valuation of the proposed work.

6. Be signed by the applicant, or the applicant’s authorized agent.

7. Include signature by the applicant or the applicant’s authorized agent of a statement for guarantee of fee payment. The statement must be signed in the presence of County staff or staff will provide a statement which includes verification of signature by a licensed notary public.

8. Provide verification of approval to connect to a public sewer system or a septic system installation permit issued by the Whatcom County Environmental Health Department for any permit application that requires sewage disposal. The approval to connect or issued system permit shall be specific to the project application.

9. For buildings requiring potable water provide evidence of an adequate water supply [as defined in WCC 20.97.451] for the intended use of the building(s).

10. Provide additional data and information in the designated sequence, as required by the Building Official.
TITLE 20 ZONING
CHAPTER 20.84 VARIANCES, CONDITIONAL USES, ADMINISTRATIVE APPROVAL USES AND APPEALS

20.84.200 Conditional uses.

20.84.220 Criteria.
Before approving an application for a conditional use permit, the hearing examiner shall ensure that any specific standards of the use district defining the conditional use are fulfilled, and shall find adequate evidence showing that the proposed conditional use at the proposed location:

(5) Will be serviced adequately by necessary public facilities such as highways, streets, police and fire protection, drainage structures, refuse disposal, adequate water supply (as defined in WCC 20.97.451), and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.

CHAPTER 20.97 DEFINITIONS

20.97.451 Water Supply, Adequate
"Adequate water supply" means a supply of potable water adequate to serve a land use associated with a project permit in terms of quality, quantity, and legal availability, as documented by a water availability notification signed by the director of the Whatcom County Health Department per WCC 24.11.060.

TITLE 21 LAND DIVISION REGULATIONS
CHAPTER 21.04 SHORT SUBDIVISIONS

21.04.090 Water supply.
(1) Water from a public water system(s) shall be provided to serve each lot in a short plat, except as specified in subsection (2) of this section.

(2) For a residential short subdivisions, private water supplies may be utilized under the following circumstances:

(a) All lots served by the private water supplies are five acres or larger, unless smaller because of clustering. If the lots are smaller because of clustering, the gross density of the short subdivision shall not exceed one dwelling per five acres; and
(b) The withdrawal is not from a defined portion of an aquifer of known regional groundwater contamination that exceeds state standards and that has been identified by the director of the Whatcom County Health Department and confirmed by the Health Board; and

(c) The water source is groundwater and not surface water; and

(d) The applicant demonstrates that an adequate water supply (as defined in WCC 20.97.451) exists to serve the short subdivision; and

(e) The short subdivision is not located within nor within one-half mile of the designated retail water service area of a public water purveyor (as shown on the coordinated water system plan map), or not within one-half mile of an existing water purveyor's water line, or

e)(f) If the short subdivision is located outside but within or within one-half mile of the designated retail water service area of a public water purveyor (as shown on the coordinated water system plan map), or within one-half mile of an existing water purveyor's water lines and the applicant has discussed service with the provider but chooses not to avail themselves of their service—within 120 calendar days of submitting a written request and applicable fees to the purveyor;

(i) The water cannot be provided to the applicant within 120 calendar days of submitting a written request and applicable fees to the purveyor unless specified otherwise by the Hearing Examiner or County Council; or

(ii) The purveyor states in writing that it is unable or unwilling to provide water service to the applicant the purveyor or

(iii) The purveyor and applicant are unable to achieve an agreement on the schedule and terms of provision of service within 120 calendar days;

(g) The short subdivision is located within the designated retail water service area of a public water purveyor (as shown on the coordinated water system plan map) and, within 120 calendar days of submitting a written request and applicable fees to the purveyor:

(i) The purveyor states in writing that it is unable or unwilling to provide water service to the applicant; or

(ii) The water purveyor fails to respond with a letter of approval or denial.

(3) If a public water supply is required, all the requirements of Chapter 246-290 WAC, Group A Public Water Systems, or Chapter 246-291 WAC, Group B Public Water Systems, must be met prior to final plat approval.

CHAPTER 21.05 PRELIMINARY LONG SUBDIVISIONS

21.05.080 Water supply.
(1) Water from a public water system(s) shall be provided to serve each lot in a subdivision, except as specified in subsection (2) of this section.

(2) For a residential subdivision with six or fewer residences, private water supplies may be utilized under the following circumstances:

(a) All lots served by the private water supplies are five acres or larger, unless smaller because of clustering. If the lots are smaller because of clustering, the gross density of the subdivision shall
not exceed one dwelling per five acres, and the number of clustered lots shall not exceed four, and

(b) The withdrawal is not from a defined portion of an aquifer of known regional ground water contamination that exceeds state standards and that has been identified by the director of the Whatcom County Health Department and confirmed by the Health Board; and

(c) The water source is groundwater and not surface water; and

(d) The long subdivision is not located within nor within one-half mile of the designated retail water service area of a public water purveyor, as shown on the coordinated water system plan map, or not within one-half mile of an existing water purveyor’s water lines; or

(e) The subdivision is located outside but within one-half mile of the designated retail water service area of a public water purveyor that is shown on the coordinated water system plan map or within one-half mile of an existing water purveyor’s water lines, and the applicant has discussed service with the provider but chooses not to avail themselves of their service within 120 calendar days of submitting a written request and applicable fees to the purveyor.

(f) The water cannot be provided to the applicant within 120 calendar days of submitting a written request and applicable fees to the purveyor unless specified otherwise by the hearing examiner or county council; or

(i) The purveyor states in writing that it is unable or unwilling to provide water service to the applicant; or

(ii) The purveyor and applicant are unable to achieve an agreement on the schedule and terms of provision of service within 120 calendar days.

(iii) The water purveyor fails to respond with a letter of approval or denial.

(3) The applicant shall demonstrate that adequate water rights supply (as defined in WCC 20.97.451) exists to serve the subdivision, except when water withdrawal is exempt from obtaining a water right permit under RCW 90.44.050.

(4) If a Group B public water system is created to serve the subdivision, the number of wells shall be limited to the minimum needed to serve the water needs of the subdivision as determined by the Whatcom County Health Department.

(5) If a public water supply is required, all the requirements of Chapter 246-290 WAC, Group A Public Water Systems, or Chapter 246-291 WAC, Group B Public Water Systems, must be met prior to final plat approval.
TITLE 24 HEALTH CODE
CHAPTER 24.11 DRINKING WATER

24.11.050 General requirements.

A. Applicants must submit all required forms, letters, and documents to the director.

B. The director will consider applications for water availability proposing to use groundwater, spring water, surface water, sea water or rainwater.

C. The director shall evaluate the availability of a public water system prior to approving the use of a private water system. If it is determined that a public water system is available and willing to provide water, the applicant must connect to that public water system when:

1. The applicant proposes to use surface water, spring water, rainwater, or contaminated groundwater; or

2. The applicant proposes to build on a lot located in a short subdivision or long subdivision that Whatcom County approved based on the availability of public water; or

3. The existing public water system has water lines adjacent to the property line of the applicant and connection is consistent with RCW 36.70A.110(4); or

4. The existing public water system has defined a “service area boundary” in accordance with the Whatcom County Coordinated Water System Plan which includes the property of the applicant.

D. The director will only approve a private or Non-Group B, 2-party well for proposed short subdivisions or long subdivisions when analytical results of untreated water samples for primary inorganic or organic contaminants do not exceed a maximum contaminant level (MCL) adopted by Washington State Department of Health.

E. Purveyors of public water systems and private system applicants must comply with Washington State Department of Ecology water right requirements and must demonstrate that they have an adequate water supply for their proposed service per WCC 24.11.060. Compliance will include at a minimum, possession of a water right permit or certificate for:

1. All surface water sources excluding seawater.

2. All groundwater sources using more than 5,000 gallons per day.

3. Irrigating more than one-half acre of lawn or noncommercial garden.

24.11.060 Water availability required.

A. Prior to issuance of a building or other project permit, and unless exempt pursuant to subsection (C), the applicant must provide Whatcom County Planning and Development Services evidence of adequate water supply as documented by a water availability notification signed by the director the Whatcom County Health Department, to Whatcom County planning and development services (PDS) except when: The water availability notification shall document a supply of potable water adequate to serve a land use associated with a project permit in terms of quality, quantity, and legal availability.

B. The applicant must provide evidence of legal availability in the form of:

1. A water right permit from the Department of Ecology; or,
2. A letter from an approved public water purveyor with sufficient water rights, stating the ability to provide water; or,

3. Evidence that a permit-exempt groundwater withdrawal (authorized under RCW 90.44.050) is associated with a well constructed (in accordance with the provisions of RCW Chapter 18.104) prior to January 19, 2018; or,

4. Documentation that water can be supplied by a rainwater catchment system approved by the Whatcom County Health Department, per Department of Ecology Policy 1017; or,

5. If the well site is located in WRIA 3 (Lower Skagit-Samish) or in Point Roberts, Eliza Island, or Lummi Island, as shown in Figure 24.11.060, documentation that water for domestic use will be supplied by a new withdrawal exempt from permitting under RCW 90.44.050.

6. If the well site is located in those Limited Coastal Areas (that may or may not be in hydraulic continuity with regulated surface waterbodies) as shown on Figure 24.11.060, documentation that water for domestic use will be supplied by a new withdrawal exempt from permitting under RCW 90.44.050 and:

   a. A study prepared by a qualified hydrogeologist licensed in the State of Washington demonstrating a proposed groundwater withdrawal would not impair a senior water right, including instream flows established in Chapter 173-501 WAC where applicable, in accordance with current statutes and case law. Such documentation must be verified by the County either through consultation with the Department of Ecology, or a qualified technical review team appointed by the County. The County may require a third party review by an independent qualified hydrogeologist if the County determines additional technical expertise is needed. The cost of the third party review shall be borne by the County; or,

   b. A mitigation plan prepared by a qualified hydrogeologist licensed in the State of Washington, and approved by Whatcom County. The plan shall include:

      i. Evidence that the proposed withdrawal with mitigation in place will not impair a senior water right, including instream flows established in Chapter 173-501 WAC where applicable, in accordance with current statutes and case law. Such documentation must be verified by the County either through consultation with the Department of Ecology, or a qualified technical review team appointed by the County. The County may require a third party review by an independent qualified hydrogeologist if the County determines additional technical expertise is needed. The cost of the third party review shall be borne by the County.

      ii. A monitoring and reporting plan, including a quality assurance/quality control plan.

      iii. Documentation adequate to demonstrate that the mitigation will remain in place for the duration of the impact, including, for example, financial assurances or documentation of permanent dedication of water for mitigation purposes.

7. Except in Point Roberts, Eliza Island, or Lummi Island, for new permit-exempt groundwater withdrawals for domestic use per RCW 90.44.050 within WRIA 1 (Nooksack) or within those Limited Coastal Areas where the applicant chooses not to use subsection (B)(6), the applicant may obtain approval for a withdrawal exempt from permitting pursuant to RCW 90.44.050 under the following conditions:

   a. Water shall be for domestic uses only, shall be subject to, with a maximum annual average withdrawal of 3,000 gallons per day per connection.
b. The applicant shall record with the property title any relevant restrictions or limitations associated with water supply; and

c. The applicant shall pay to the permitting authority any applicable fees for each project permit.

C. A water availability notification is not required for:

1. A building or project permit that does not require potable water.

2. A project permit relying on either a permit-exempt groundwater withdrawal per RCW 90.44.050 or a surface water withdrawal for potable water for (a) a remodel of an existing building or (b) replacement of a demolished or removed building, but not proposing a change of use, either of which would increase the floor area by no more than 50 percent over that of the existing building; however, such permits shall require documentation of current water quality and quantity, as approved by the director. A residential remodeling does not add additional bedrooms or result in an increase of floor space of more than 50 percent.

2. A project permit relying on surface water withdrawal for potable water (a) a remodel of an existing building or (b) replacement of a demolished or removed building, either of which would increase the floor area by no more than 50 percent over that of the existing building; however, such permits shall require documentation of water quality and quantity, as approved by the director. PDS determines that the building will replace a demolished or removed building and the building will not have more bedrooms or more than 50 percent greater floor space than the previous building.
24.11.070 Determining adequacy of water supply for building permit applications proposing to use an existing public water system.

A. Prior to director approval of evidence of an adequate water supply where the applicant proposes to obtain water from an existing public water system the applicant must:

1. Submit to the director, an Availability Notification for Public Water form (as amended) signed by an authorized representative of the water system proposing to serve water to the building. The authorized representative:

   a. Must indicate on the form that the water system will provide water to the proposed building.

   b. Must sign a statement that they have reviewed the system records and ensures that the water system complies with Chapters 246-290 and 246-291 WAC and department requirements.

B. The director will review the completed Availability Notification for Public Water (form) for approval. The director will approve the completed form if:

1. The applicant and the authorized representative met all the criteria listed on the form.

2. The purveyor of the water system has the approval from Department of Health or the department to provide water to the building.

   3. The applicant has provided evidence of legal availability of water for the proposed project per WCC 24.11.060.

24.11.080 Determining adequacy of water supply for building permit applications proposing to create a new public water system.

Prior to director approval of evidence of an adequate water supply, an applicant proposing to create a new public water system must comply with:

A. Provisions of the Whatcom County Coordinated Water System Plan.

B. Chapters 246-290 and 246-291 WAC, and all other applicable local and state regulations for public water supplies.

C. The applicable sections of this chapter pertaining to public water supplies and water availability.

24.11.090 Determining adequacy of water supply for building permit applications proposing to use a well to serve one single-family dwelling or one single-family living unit.

A. Prior to director approval of evidence of an adequate water supply where the applicant proposes to use a private well, the applicant must:

1. Notify the director of the intent to use a well.

2. Request that the director conduct a site inspection and approve the proposed well site.

B. Upon request from the applicant, the director will conduct a site inspection for the purpose of approving the location. If the director cannot approve a well location the director will deny the application and give the reasons for denial.

C. If the director approves the well location the applicant shall submit a completed Water Availability Notification Private – 1 Home Well form (as amended) and all required documents to the director for approval.
A. Prior to director approval of evidence of an adequate water supply where the applicant proposes to use a private well, the applicant must submit a completed Water Availability Notification Private – 1 Home Well form (as amended) and all required documents to the director for approval.

BD. The director will review the completed form and required documents submitted by the applicant for approval. The director will approve the form if:

1. The applicant met all the criteria listed on the form.

2. The applicant submitted all of the required documents.

3. The applicant has provided evidence of legal availability of water for the proposed project per WCC 24.11.060. Well site proposed by the applicant does not fall within the boundaries of an area where DOE has determined by rule that water for development does not exist.

24.11.100 Determining adequacy of water supply for building permit applications proposing to use a well to serve two single-family dwellings or two single-family living units.

A. Prior to director approval of evidence of an adequate water supply where the applicant proposes to use a well to serve two single-family dwellings or two single-family living units, the applicant must:

1. Notify the director of the intent to use a well or wells.

2. Request that the director conduct a site inspection and approve the proposed well sites.

B. Upon request from the applicant, the director will conduct a site inspection for the purpose of approving the location. If the director cannot approve a well location the director will deny the application and give the reasons for denial.

C. If the director approves the well locations the applicant shall submit a completed Water Availability Notification Non-Group B – 2 Home Well form (as amended) and all required documents for each well to the director for approval.

D. The director will review the completed form and required documents submitted by the applicant for approval. The director will approve the form if:

1. The applicant met all the criteria listed on the form.

2. The applicant submitted all of the required documents.

3. The applicant has provided evidence of legal availability of water for the proposed project per WCC 24.11.060. Well site proposed by the applicant does not fall within the boundaries of an area where DOE has determined by rule that water for development does not exist.

24.11.110 Determining adequacy of water supply for building permit applications proposing to use a spring to serve one single-family dwelling unit or one single-family living unit.

A. Prior to director approval of evidence of an adequate water supply where the applicant proposes to use a spring source, the applicant must:

1. Notify the director of the intent to use a spring.

2. Provide information to the director showing that they cannot drill an adequate well on their property.

3. Request that the director conduct a site inspection and approve the proposed location of the spring.
B. Upon request from the applicant, the director will conduct a site inspection for the purpose of approving the location. If the director does not approve the location the director will deny the application and give the reason for denial.

C. If the director approves the location of the spring the applicant must submit a completed Water Availability Notification Private – 1 Home Spring form (as amended) and all required documents for approval by the director.

D. The director will review the completed form and required documents for approval. The director will approve the application if:

1. The applicant met all the criteria listed on the form.
2. The applicant submitted all of the required documents.
3. The applicant has provided evidence of legal availability of water for the proposed project per WCC 24.11.060. The spring site proposed by the applicant does not fall within the boundaries of an area where DOE has determined by rule that water for development does not exist.

24.11.120 Determining adequacy of water supply for building permit applications proposing to use a spring to serve two single-family dwelling units or two single-family living units.

A. Prior to director approval of evidence of an adequate water supply where the applicant proposes to use a spring source, the applicant must:

1. Notify the director of the intent to use a spring.
2. Provide information to the director showing that an adequate well cannot be drilled on their property.
3. Request that the director conduct a site inspection and approve the proposed location of the spring.

B. Upon request from the applicant, the director will conduct a site inspection for the purpose of approving the location. If the director does not approve the location, the director will deny the application and give the reasons for denial.

C. If the director approves the location of the spring the applicant must submit a completed Water Availability Notification – 2 Home Spring form (as amended) and all required documents for approval by the director.

D. The director will review the completed form and required documents for approval. The director will approve the application if:

1. The applicant met all the criteria listed on the form.
2. The applicant submitted all of the required documents.
3. The applicant has provided evidence of legal availability of water for the proposed project per WCC 24.11.060. The spring or spring sites proposed by the applicant does not fall within the boundaries of an area where DOE has determined by rule that water for development does not exist.
24.11.130 Determining adequacy of water supply for building permit applications proposing to use surface water, sea water, or rainwater for one or two single-family dwelling units or two single-family living units.

A. The director shall not approve use of surface water, sea water, or rainwater as evidence of an adequate water source unless the applicant:

1. Cannot obtain water from an existing public water supply.
2. Cannot use an approved source of groundwater from a well.
3. Could only use contaminated groundwater.

B. Prior to director approval of evidence of adequate water supply the applicant must:

1. Meet all applicable requirements for surface water, sea water or rainwater treatment design, maintenance and operation contained in Whatcom County health and human services Water Availability for a Private Surface Water Source (as amended) Notification as determined by the director.

2. Provide evidence of legal availability of water for the proposed project per WCC 24.11.060. The surface water site proposed by the applicant does not fall within the boundaries of an area where DOE has determined by rule that water for development does not exist.

3. Meet all other state and local regulations.

4. Sign and have recorded with the Whatcom County auditor’s office the following documents:
   a. A document stating which contaminate the untreated source water exceeded.
   b. A document stating that the applicant has had a water treatment system designed that meets Whatcom County health and human services Water Availability Approval for a Surface Water Source (as amended), and secures a potable water supply for the building.
   c. A document stating that the applicant has installed a treatment system according to the design reviewed by the director and treated water sample results that verify system performance.
   d. A document stating that the applicant agrees to adhere to the operation, maintenance, and monitoring plan for the designed treatment system.
   e. A document stating that the applicant understands that the obligation to comply with treatment system design, installation, operation and monitoring lies with the applicant and not Whatcom County.
   f. When the public system is available, any person obtaining water from contaminated source must provide current test results showing water treatment is adequately maintaining water quality below maximum contaminant levels (MCL). If the quality does not meet the MCL, the applicant is required to hook up to a public system.

24.11.140 Determining adequacy of water supply for short subdivisions, long subdivisions or binding site plans proposing to use an existing public water system.

A. Prior to director approval of availability of an adequate water supply where the applicant proposes to obtain water from an existing public water supply to service lots of a short subdivision, long subdivision, or a binding site plan the applicant must:
1. Provide to the director an Availability Notification for Public Water (as amended) form or a letter signed by an authorized representative of the water system proposing to serve water to each lot. The authorized representative of the public water system:
   a. Must indicate that the water system will provide water to each proposed lot.
   b. Must sign a statement that they have reviewed the system records and ensures that the water system is in compliance with Chapters 246-290 and 246-291 WAC and department requirements.

B. The director will review the completed form or letter to determine the availability of adequate water. The director will make a determination of adequate water when:
   1. The applicant and the authorized representative meet all the criteria listed on the form.
   2. The purveyor of the water system has the approval from Department of Health or the department to provide water to the short subdivision, long subdivision, or binding site plan, except for Group A water systems the following conditions also apply:
      a. DOH has issued a green operating permit to the purveyor; or
      b. DOH has determined that the purveyor significantly complies with Chapter 246-290 WAC
   3. The applicant has provided evidence of legal availability of water for the proposed project per WCC 24.11.060.

24.11.150 Determining adequacy of water supply for short subdivisions, long subdivisions or binding site plans proposing to use a new public water system.
Prior to director approval of availability of an adequate water supply where the applicant proposes to create a new public water supply to service lots of a short subdivision, long subdivision, or a binding site plan the applicant must comply with:

A. Provisions of the Whatcom County Coordinated Water System Plan.
B. Chapters 246-290 and 246-291 WAC, and all other applicable local and state regulations for public water supplies.
C. The applicable sections of this chapter pertaining to public water supplies and water availability.

24.11.160 Determining adequacy of water supply for short subdivisions or long subdivisions proposing to use a private well or private wells to serve one single-family dwelling or one single-family living unit.
A. Prior to director approval of availability of an adequate water supply where the applicant proposes to use a private well or private wells to service lots of a short subdivision or long subdivision the applicant must:
   1. Notify the director of the intent to use a private well or wells.
   2. Request that the director conduct a site inspection and approve the proposed well sites.
B. Upon request from the applicant, the director will conduct a site inspection for the purpose of approving the location. If the director cannot approve a well location the director will deny the application and give the reasons for denial.
C. If the director approves the well locations the applicant shall submit a completed Subdivision Water Availability form (as amended) and all required documents for each well to the director for approval.
D. The director will review each completed form and required documents for approval. The director will approve the availability of adequate water when:

1. The applicant met all the criteria listed on the form.
2. The applicant submitted all of the required documents.
3. The applicant has provided evidence of legal availability of water for the proposed project per WCC 24.11.060. The well site or well sites proposed by the applicant does not fall within the boundaries of an area where DOE has determined by rule that water for development does not exist.

24.11.170 Determining adequacy of water supply for short subdivisions or long subdivisions proposing to use a well to serve two single-family dwellings or two single-family living units.

A. The applicant shall create a Group B Public water supply as defined in Chapter 246-291 WAC when WCC Title 21 requires the applicant to provide public water service to each lot. This includes a water system where one well services two lots.

B. Prior to director approval of availability of an adequate water supply where the applicant proposes to use one well to service two lots of a short subdivision or long subdivision when public water is not required the applicant must:

1. Notify the director of the intent to use a well or wells.
2. Request that the director conduct a site inspection and approve the proposed well sites.

C. Upon request from the applicant, the director will conduct a site inspection for the purpose of approving the location. If the director cannot approve a well location the director will deny the application and give the reasons for denial.

D. If the director approves the well locations the applicant shall submit a completed Subdivision Water Availability form (as amended) and all required documents for each well to the director for approval.

E. The director will review each completed form and required documents for approval. The director will approve the availability of adequate water when:

1. The applicant met all the criteria listed on each of the forms.
2. The applicant submitted all of the required documents.
3. The applicant has provided evidence of legal availability of water for the proposed project per WCC 24.11.060. The well site or well sites proposed by the applicant does not fall within the boundaries of an area where DOE has determined by rule that water for development does not exist.
WHATCOM COUNTY COMPREHENSIVE PLAN

Chapter 10, Environment

So as to explain changes to the WRIA 1 management structure and processes that have occurred since the last update to the Comprehensive Plan, amend the section “WRIA 1 Watershed Management Project” as follows:

WRIA 1 Watershed Management Project

The WRIA 1 Watershed Management Project is the result of the 1998 Washington State Watershed Management Act, which required all participating local governments to address water quantity, with the option of addressing water quality, instream flows, and fish habitat. The WRIA 1 Watershed Management Project has brought together citizens, local governments, tribes, and state and federal agencies to address these issues.

The framework for watershed management in the state is based on geographic areas known as Water Resource Inventory Areas (WRIs). WRIA 1 includes the Nooksack River basin and several adjoining smaller watersheds, such as the coastal drainages of Dakota and California Creeks, as well as Lake Whatcom.

Watershed planning in WRIA 1 started in 1998 with the signing of a Memorandum of Agreement (MOA) between the Initiating Governments. In WRIA 1 the Initiating Governments are Whatcom County, City of Bellingham, Public Utility District No. 1, Lummi Nation, and Nooksack Tribe (the latter joining slightly later through a Letter of Agreement). The role of the Initiating Governments was to review a recommended Watershed Plan and take it to their governments’ councils for adoption.

Historical Organization (1999-2016)

WRIA 1 Joint Board

In 1999, an Interlocal Agreement further formalized the government-to-government relationship essential to the tribes’ participation in the process by creating a Joint Board. The Joint Board is comprised of the Initiating Governments, including the mayor of the City of Bellingham, executive for Whatcom County, manager of Public Utility District No. 1, and designated policy representatives of Lummi Nation and Nooksack Tribe. The Board manages the project’s administrative functions such as contracts and budgets. Members of the Joint Board also sit on the Joint Policy Boards.

WRIA 1 Joint Policy Boards

The WRIA 1 Joint Policy Boards are comprised of members of the WRIA 1 Joint Board and Salmon Recovery Board. This organizational level interacts with federal, state, and regional organizations at a policy-level to coordinate the implementation and management of the WRIA 1 Watershed Management Plan – Phase 1, the WRIA 1 Salmonid Recovery Plan and other related activities.

Local Integrating Organization (LIO)

The Whatcom Local Integrating Organization (LIO) is a function of the WRIA 1 Watershed Joint Board and WRIA 1 Salmon Recovery Board (Joint Policy Boards). Local integrating organizations are designated

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by the Puget Sound Partnership. The two WRIA 1 Boards accepted the function of the Whatcom LIO in October 2010 under the integrated program structure, and was officially recognized by the Puget Sound Partnership's Leadership Council in November 2010. The purpose of the Whatcom LIO is to coordinate implementation of Puget Sound Action Agenda priorities that are consistent with or complement local priorities. One of its functions is to provide a local update to the Action Agenda for Puget Sound. Local updates are intended to identify local priorities in the form of near-term actions (NTAs), which are priority actions with measurable outcomes that can be implemented in the next two years and that align with strategies in the Action Agenda for Puget Sound.

**WR1A 1 Planning Unit**
The Initiating Governments established the Planning Unit to ensure representation of a broad range of water resource interests. The Planning Unit’s role is to recommend actions for a Watershed Plan and to contribute knowledge, interests, technical expertise, and other resources to its development. The Planning Unit is made up of representatives from the Initiating Governments, other governments, and various caucuses. There are 16 total caucuses on the WRIA 1 Planning Unit.

**Organizational Update (2016)**
Through an interlocal agreement entered into in 2016, the Watershed Management Project Joint Board and the WRIA 1 Salmon Recovery Board were dissolved and the duties and functions of those boards were assumed by the new WRIA 1 Watershed Management Board, consisting of one representative from the Lummi Nation, the Nooksack Tribe, the Washington State Department of Fish and Wildlife, Whatcom County, Whatcom County PUD No. 1, and the cities of Bellingham, Blaine, Everson, Ferndale, Lynden, Nooksack, and Sumas.

The primary functions of the WRIA 1 Watershed Management Board are to:

- Facilitate implementation and adaptive management of the WRIA 1 Watershed Management Plan-Phase 1 as currently constituted or subsequently amended;
- Coordinate the implementation and adaptive management of the WRIA 1 Salmonid Recovery Plan and associated implementation documents,
- **Serve as the WRIA 1 Salmon Recovery Lead Entity** pursuant to WRIA 1 RCW 77.85.
- Coordinate participation in Puget Sound salmon recovery efforts.
- Coordinate the development, implementation and adaptive management of WRIA 1 watershed chapters of recovery plans for ESA listed salmonids and other salmonid species as warranted;
- Coordinate planning, implementation, monitoring and adaptive management of ecosystem recovery actions in WRIA 1 consistent with agreed local goals and objectives,
- **Serve as the WRIA 1 Local Integrating Organization and a partner in the Puget Sound Partnership** in representing WRIA 1 goals and priorities; and
- Participate in other related activities as agreed to by the Board.

The roles of the Local Integrating Organization and Planning Unit did not change.
2005 WRIA 1 Watershed Management Plan – Phase 1

The 2005 WRIA 1 Watershed Management Plan was approved in 2005 by the Joint Administrative Board, Planning Unit (by consensus), and the County Council. Pursuant to subsequent state requirements, a WRIA 1 Watershed Detailed Implementation Plan was approved by the Joint Administrative Board, Planning Unit, and County Council in 2007. It provides a roadmap for addressing water quantity, water quality, instream flow, and fish habitat challenges. The goals of the WRIA 1 Watershed Management Project are: water of sufficient quantity and quality to meet the needs of current and future human generations; restoration of salmon, steelhead, and trout populations to healthy harvestable levels; and the improvement of habitats on which fish and shellfish rely. These goals are addressed more specifically below:

- **Water Quantity** – To assess water supply and use, and develop strategies to meet current and future needs. The strategies should retain or provide adequate amounts of water to protect and restore fish habitat, provide water for future out-of-stream-uses, and ensure adequate water supplies are available for agriculture, energy production, and population and economic growth under the requirements of the state’s Growth Management Act.

- **Water Quality** – To ensure the quality of our water is sufficient for current and future uses, including restoring and protecting water quality to meet the needs of salmon and shellfish, recreational uses, cultural uses, protection of wildlife, providing affordable and safe domestic water supplies, and other beneficial uses. The initial objectives of the water quality management strategy will be to meet the water quality standards.

- **Instream Flow** – To supply water in sufficient quantities to restore salmon, steelhead, and trout populations to healthy and harvestable levels and improve habitats on which fish rely.

- **Fish Habitat** – To protect or enhance fish habitat in the management area and to restore salmon, steelhead, and trout populations to healthy and harvestable levels and improve habitats on which fish rely.

In 2010, the WRIA 1 Joint Board adopted a work plan, budget, and financing strategy, called the Lower Nooksack Strategy, to advance a negotiated settlement of Tribal and state instream flow water rights on the mainstem of the Nooksack River, while maximizing the economic and environmental benefits of out-of-stream water use in the Lower Nooksack sub-basin. The Joint Board adopted the Lower Nooksack Strategy consistent with WRIA 1 Watershed Management Plan priorities.

Lower Nooksack Strategy Objectives:

- Develop and implement a process for negotiating settlement of water rights on the Mainstem Nooksack River.

- Update and verify the Lower Nooksack River sub-basin water budget and develop a groundwater model.

- Determine out-of-stream water user needs:
  - Public water system needs determined by updated the Whatcom County Coordinated Water System Plan (CWSP).
  - Other out-of-stream user needs (e.g., agriculture, private domestic wells, industrial, etc.) determined through a regional water supply planning process.
- Continue and, if appropriate, enhance targeted streamflow and water quality sampling.
- Advance work on tools that foster water resource allocations consistent with long-term economic and environmental land-use goals for implementation in five years.

**Streamflow Restoration Act (ESSB 6091)**

The Streamflow Restoration Act (ESSB 6091), enacted by the Washington State Legislature on January 18, 2018 and effective on January 19, 2018, directs the Department of Ecology to work with the initiation governments (i.e., the WRIA 1 Watershed Management Board), in collaboration with the planning unit established pursuant to chapter 90.82 RCW, on updating the WRIA 1 Watershed Management Plan for approval by the Whatcom County Council by February 1, 2019.

The Act requires that the updated plan include recommendations for projects and actions that will measure, protect, and enhance instream resources and improve watershed functions that support the recovery of threatened and endangered salmonids. Such recommendations may include, but are not limited to, acquiring senior water rights, water conservation, water reuse, stream gaging, groundwater monitoring, and developing natural and constructed infrastructure, which includes, but is not limited to, such projects as floodplain restoration, off-channel storage, and aquifer recharge. Qualifying projects must be specifically designed to enhance streamflows and not result in negative impacts to ecological functions or critical habitat.

At a minimum, the watershed plan must include those actions determined to be necessary to offset potential impacts to instream flows associated with permit-exempt domestic water use. The highest priority recommendations must include replacing the quantity of consumptive water use during the same time as the impact and in the same basin or tributary. Lower priority projects include projects not in the same basin or tributary and projects that replace consumptive water supply impacts only during critical flow periods. The watershed plan may include projects that protect or improve instream resources without replacing the consumptive quantity of water where such projects are in addition to those actions determined to be necessary to offset potential consumptive impacts to instream flows associated with permit-exempt domestic water use.

Until the updated watershed plan is approved and rules are adopted by the Department of Ecology, the County, in issuing building permits under RCW 19.27.097(1)(c) or approving subdivisions under chapter 58.17 RCW in WRIA 1, will comply with all of the specific requirements of ESSB 6091.

So as to indicate Whatcom County’s commitment to working with the Watershed Management Board on updating the Watershed Management Plan pursuant to ESSB 6091, add the following policy:

**Policy 10F-11** Pursuant to ESSB 6091, Whatcom County will work through the Planning Unit on WRIA 1 Watershed Management Board and its established processes to update the WRIA 1 Watershed Management Plan, consistent with ESSB 6091, for approval by the Whatcom County Council by February 1, 2019. The updated plan shall include recommendations for projects and actions that will measure, protect, and enhance instream resources and
improve watershed functions that support the recovery of threatened and endangered salmonids.

At a minimum, the watershed plan must include those actions determined to be necessary to offset potential impacts to instream flows associated with permit-exempt domestic water use. The highest priority recommendations must include replacing the quantity of consumptive water use during the same time as the impact and in the same basin or tributary. Lower priority projects include projects not in the same basin or tributary and projects that replace consumptive water supply impacts only during critical flow periods. The watershed plan may include projects that protect or improve instream resources without replacing the consumptive quantity of water where such projects are in addition to those actions determined to be necessary to offset potential consumptive impacts to instream flows associated with permit-exempt domestic water use.

Watershed plan recommendations may include, but are not limited to, acquiring senior water rights, water conservation, water reuse, stream gaging, groundwater monitoring, and developing natural and constructed infrastructure, which includes, but is not limited to, such projects as floodplain restoration, off-channel storage, and aquifer recharge. Qualifying projects must be specifically designed to enhance streamflows and not result in negative impacts to ecological functions or critical habitat.

Until the updated watershed plan is approved and rules are adopted, the County, in issuing building permits under RCW 19.27.097(1)(c) or approving subdivisions under chapter 58.17 RCW in WRIA 1 will comply with all of the specific requirements of ESSB 6091.
Staff Report to the County Council

Whatcom County Comprehensive Plan and Development Regulation Amendments to Enact the Streamflow Restoration Act (ESSB 6091)

Date: April 13, 2018

File # PLN2016-00013

File Name: Whatcom County Comprehensive Plan and Development Regulation Amendments to Enact the Streamflow Restoration Act (ESSB 6091)

Applicants: Whatcom County Planning and Development Services (PDS)

Summary of Request: An ordinance amending (a) the Whatcom County Comprehensive Plan, adding text and policies to indicate the County’s intention to work through the WRIA 1 Watershed Management Board and it’s agreed upon process to update the Watershed Management Plan; and (b) WCC Titles 15, 20, 21, and 24, adopting procedures and standards for permit exempt groundwater withdrawals in WRIA 1, consistent with the Washington State Streamflow Restoration Act (ESSB 6091).

Location: Countywide.

Staff Recommendation: Staff recommends that the County Council review the proposed ordinance, introduce it for consideration on April 24, 2018, and on May 8, 2018, hold a public hearing and adopt these provisions consistent with ESSB 6091 and the Coordinated Water System Plan (CWSP).

I. BACKGROUND

The State Legislature recently passed, and the Governor signed into law, ESSB 6091, which amends the state water and watershed management regulations, providing a resolution to the Washington Supreme Court’s Hirst Decision. Whatcom County must now amend its regulations to incorporate the new state law into our code so as to be consistent with it and our Comprehensive Plan Policy SR-1:

Building permit applicants, new subdivisions, short plats, and binding site plans will be required to provide evidence that adequate and legal (in consultation with the Department of Ecology) supplies of water are available prior to their approval by the County.

The use of exempt wells for residential development was put on hold, statewide, for the last year due to a Growth Management Hearings Board decision, which was subsequently upheld by the State Supreme Court (known as the “Hirst Decision”).

In it, “The Board found that [county policies] result in water withdrawals from closed basins and senior instream flows – flows that the record indicated drop below the minimum levels 100 days out of the year. The Board properly held that this conflicts with the requirement placed on counties to protect water availability under the GMA...”

In defending our policies and procedures, the County, with support from the Department of Ecology, argued those restrictions did not apply to wells that are exempt from water rights permitting rules (RCW 90.44.050). However, though we (and many if not all other counties) relied on Ecology’s regulations, the
Court found that, “The fact that the County’s provisions are wholly consistent with Ecology’s regulations does not, by itself, render them consistent with the GMA’s requirements,” stating that, “The GMA places an independent responsibility to ensure water availability on counties, not on Ecology. To the extent that there is a conflict between the GMA and the Nooksack Rule, the later-enacted GMA controls.” “The GMA places the burden on counties to protect groundwater resources, and requires counties to assure that water is both factually and legally available before issuing permits.” Thus, the Court found that, “The County’s comprehensive plan does not protect water availability because it allows permit-exempt appropriations to impede minimum flows.” “In order to comply with the GMA, counties must receive sufficient evidence of an adequate water supply from applicants for building permits and subdivisions before the county can authorize development.”

Interim Solution
This decision put counties in a bind as we could no longer rely on the exempt well rule to allow new groundwater withdrawals in all but a few areas of the County without proof that the withdrawals wouldn't affect senior water rights (including instream flows). Therefore, the County Council enacted a series of interim ordinances that allowed someone proposing a new well to either: (a) prepare a hydrological report proving that the withdrawal would not impinge on an adopted instream flow, or (b) propose mitigation that would basically put the same amount of water used back into the ground.

State’s Response (ESSB 6091)
Though the Hirst Decision was specific to Whatcom County, it had statewide ramifications as it dealt with a process and rule used statewide to allow rural development using private water supplies. So counties turned to their state legislators to develop a statewide fix by amending the RCW. Several bills were proposed over the year, but it wasn’t until January 19, 2018, that one finally got passed and signed into law. This was ESSB 6091 (attached).

It requires the Department of Ecology to work with the initiating governments and the planning unit, including the Tribes (§202(3)), to review existing watershed plans to identify the potential impacts of exempt well use, identify evidence-based conservation measures, and identify projects to improve watershed health (§202(2)). We must then update the watershed plan to include recommendations for projects and actions that will measure, protect, and enhance instream resources and improve watershed functions that support the recovery of threatened and endangered salmonids. Such plan recommendations may include, but are not limited to:

- acquiring senior water rights,
- water conservation,
- water reuse, stream gaging,
- groundwater monitoring, and
- developing natural and constructed infrastructure, which includes, but is not limited to, such projects as: floodplain restoration, off-channel storage, and aquifer recharge.

Qualifying projects must be specifically designed to enhance streamflows and not result in negative impacts to ecological functions or critical habitat. (§202(4a))

At a minimum, the watershed plan must include those actions determined to be necessary to offset potential impacts to instream flows associated with permit-exempt domestic water use. The highest priority recommendations must include replacing the quantity of consumptive water use during the same time as the impact and in the same basin or tributary. Lower priority projects include projects not in the same basin or tributary and projects that replace consumptive water supply impacts only during

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1 Ecology’s 1985 “Nooksack Rule” (173-501 WAC) establishes closures and instream flows in WRIA 1 restricting new water right permits
2 Those known not to be in hydrologic continuity with the Nooksack.
3 For example, using septic water, rainwater collected in cisterns, or water trucked in and allowed to infiltrate.
critical flow periods. The watershed plan may include projects that protect or improve instream resources without replacing the consumptive quantity of water where such projects are in addition to those actions that are determined to be necessary to offset potential consumptive impacts to instream flows associated with permit-exempt domestic water use. (§202(4b))

The watershed plan may also include:

- Standards for water use quantities that are less than authorized under RCW 90.44.050 or more or less than 3,000 gpd (see below);
- Recommendations for modification to fees established (see below);
- Specific conservation requirements for new water users to be adopted by local or state permitting authorities; or
- Other approaches to manage water resources. (§202 (4d))

Prior to adoption of the updated watershed plan, Ecology must determine that the actions identified in the plan—after accounting for new projected uses of water over the subsequent twenty years—will result in a net ecological benefit to instream resources within the water resource inventory area. (Section 202 (4c)) If a plan that meets these requirements is not adopted by February 1, 2019, Ecology must adopt rules for WRIA 1 that meet the bill’s requirements by August 1, 2020. (§202 (7a))

Until the watershed plan is updated, ESSB 6091 does allow jurisdictions to once again rely on Ecology rules regarding permit-exempt wells to comply with GMA requirements for protecting surface and ground water resources, as long as certain conditions are met. These conditions include:

- Withdrawals can be for domestic use only, with a maximum annual average withdrawal of three thousand gallons per day per connection.
- Applicants must pay a fee of $500 dollars ($350 of which the County must forward to the Department of Ecology).
- Applicants must record any relevant restrictions or limitations associated with water supply with their property’s title.

**What is Legal Availability?**

Under general water law principles, a person who proposes to use water for a certain purpose must first obtain the right, or legal authority from the state, to do so. Remember that the surface and ground waters of the state belong to the state, not private citizens. Even when granted a right by the state to use such water, it implies only the right to use the water for a beneficial purpose; a citizen does not “own” the water.

Legal availability of water for beneficial purposes (especially for permit exempt withdrawals authorized under RCW 90.44.050) typically varies between counties and even within different watersheds in the same county. Legal availability differs based on whether or not the Department of Ecology has adopted instream flow rules affecting the legal use of surface and ground waters in those individual river basins or Water Resource Inventory Areas (WRIs); whether or how state statutory amendments or court decisions may have altered the interpretation of those rules; or whether or how counties choose to allow rainwater catchment or other sources of potable water as authorized by the state (or interpreted by the courts) for development purposes. Each instream flow rule is unique and may or may not apply unique conditions to make water legally available for use in those specific geographic areas due to the particular water resource circumstances in those basins.

Whatcom County is required by other state laws to document that every building and land use permit necessitating potable water has an “adequate water supply” prior to approval. Adequate water supply as defined by proposed WCC 20.97.451 includes a three-part requirement: 1) water quantity (i.e., the water source has enough physical water to meet state Department of Health minimum requirements to supply a proposed use); 2) water quality (i.e., the proposed withdrawal of water meets state safe
drinking water quality standards); and 3) legal availability (i.e., the applicant has legal authority to access and use the water source).

The ways of showing the legal water availability in Whatcom County for development purposes (where Whatcom County has to issue a permit for a use requiring water) are listed in proposed WCC 24.11.060(B). Staff has created the attached Table 1 to help the public better understand under what conditions water is considered legally available to use pursuant to ESSB 6091 and the proposed ordinance.

II. PROPOSED AMENDMENTS

On January 30th, 2018, Council adopted Emergency Interim Ordinance 2018-001 effecting ESSB 6091. As emergency ordinances can only last for 60 days, they also introduced an interim ordinance reading the same as 2018-001, for which a public hearing was held and adopted by Council on February 13th. An interim ordinance can last for six months. However, to make the amendments enduring, a permanent (standard, non-interim, non-emergency) ordinance is necessary and is required to go through our standard public review process. The passing of ESSB 6091 and our incorporation of its provisions into our Comprehensive Plan and development regulations is necessary to complete our GMA compliance proceedings before the Growth Management Hearings Board.

Thus, staff is requesting that the County Council review the proposed ordinance, introduce it for consideration on April 24, 2018, and on May 8, 2018, hold a public hearing and adopt these provisions consistent with ESSB 6091.

This ordinance would amend both the Whatcom County Code (building, zoning, land division, and health regulations) and the Comprehensive Plan in the following ways:

A. Proposed Code Amendments (see attached Exhibit A to the draft ordinance for exact language)

- Building Code – Amend 15.04.020 (Amendments to the International Building Code) and 15.04.030 (Amendments to the International Residential Code) to require that evidence of an adequate water supply be provided by the applicant.

- Zoning Code –
  - Amend 20.84.220 (approval criteria for issuing conditional use permits) to ensure that such a use will have an adequate water supply.

- Land Division Regulations – Amend 21.04.090 (Short Subdivisions, Water Supply) and 21.05.080 (Long Subdivisions, Water Supply) clarifying when private water supplies (wells) may be used to supply water to a subdivision or short plat.

- Health Regulations –
  - Amend 24.11.050 (Drinking Water, General requirements), adding that applicants for water systems “must demonstrate that they have an adequate water supply for their proposed service.”
  - Amend 24.11.060 (Water availability required) to list the various forms of “evidence of legal availability” the County can accept as valid. (Note: These changes are the most noteworthy, and are further explained below.)
  - Amend 24.11.070, .080, .090, .100, .110, .120, .130, .140, .150, .160, and .170 (all having to do with determining adequacy of water supply for various uses) to state that the applicant
must provide evidence of an adequate water supply and for Single Family Residences, request an inspection of the well location prior to obtaining Health Department approval.

**Evidence of Legal Availability**

As mentioned above, amendments to WCC 24.11.060 (Water availability required) comprise the bulk of the substantive changes to enact ESSB 6091 (the rest of the amendments basically just saying you have to show you have water prior to obtaining a permit). Explanations for the various forms are provided in the following table:

<table>
<thead>
<tr>
<th>Section</th>
<th>Explanation</th>
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<tbody>
<tr>
<td>24.11.060 Water availability required.</td>
<td>Water availability must be ascertained and certified by the Whatcom County Health Department Director, who provides a “water availability notification” to the applicant and provides a copy to PDS for their permit application.</td>
</tr>
<tr>
<td>A. Prior to issuance of a building or other project permit, and unless exempt pursuant to subsection (C), the applicant must provide Whatcom County Planning and Development Services evidence of adequate water supply as documented by a water availability notification signed by the director. The water availability notification shall document a supply of potable water adequate to serve a land use associated with a project permit in terms of quality, quantity, and legal availability.</td>
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<td>B. The applicant must provide evidence of legal availability in the form of:</td>
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<td>1. A water right permit from the Department of Ecology; or,</td>
<td>If one has a certified water right from Ecology no other evidence is required (though there are still rules about how wells are constructed and maintained). One can put to beneficial use an amount of water up to the amount the right is for.</td>
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<tr>
<td>2. A letter from an approved public water purveyor with sufficient water rights, stating the ability to provide water; or,</td>
<td>If one proposes to obtain their water from a public water purveyor with sufficient water rights no other evidence is required.</td>
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<tr>
<td>3. Evidence that a permit-exempt groundwater withdrawal (authorized under RCW 90.44.050) is associated with a well constructed (in accordance with the provisions of RCW Chapter 18.104) prior to January 19, 2018; or,</td>
<td>If one had an exempt well that was constructed prior to ESSB 6091 being approved, one can still use it and no other evidence is required.</td>
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<td>4. Documentation that water can be supplied by a rainwater catchment system approved by the Whatcom County Health Department, per Department of Ecology Policy 1017; or,</td>
<td>One can still propose to obtain water via a rainwater catchment system.</td>
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<tr>
<td>5. Documentation that water will be supplied by a new withdrawal exempt from permitting under RCW 90.44.050 and the well site is located in WRIA 3 (Lower Skagit-Samish) or in Point Roberts, Eliza Island, or Lummi Island, as shown in Figure 24.11.060.</td>
<td>ESSB 6091 does not apply to areas that are not in hydraulic continuity to the Nooksack. Thus, wells in WRIA 3 or in Point Roberts, Eliza Island, or Lummi Island can still use exempt wells under the rules of RCW 90.44.050 with a limit of 5,000 gal/day.</td>
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<td>Section</td>
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<td>6.  Documentation that water will be supplied by a new withdrawal exempt from permitting under RCW 90.44.050 and the well site is located in those Limited Coastal Areas that may not be in hydraulic continuity with regulated surface waterbodies, as shown on Figure 24.11.060, and:</td>
<td>Similarly, there are certain Limited Coastal Areas (see Figure 24.11.60 in Exhibit A to the draft ordinance) wherein groundwater may or may not be in hydraulic continuity to the Nooksack. If one can prove that their water source is not, or if they proposed mitigation, then they can still use an exempt well under the rules of RCW 90.44.050 with a limit of 5,000 gal/day.</td>
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<tr>
<td>a. A study prepared by a qualified hydrogeologist licensed in the State of Washington demonstrating a proposed groundwater withdrawal would not impair a senior water right, including instream flows established in Chapter 173-501 WAC where applicable, in accordance with current statutes and case law. Such documentation must be verified by the county either through consultation with the Department of Ecology, or a qualified technical review team appointed by the county. The county may require a third party review by an independent qualified hydrogeologist if the county determines additional technical expertise is needed. The cost of the third party review shall be borne by the County; or,</td>
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<tr>
<td>b. A mitigation plan prepared by a qualified hydrogeologist licensed in the State of Washington, and approved by Whatcom County. The plan shall include:</td>
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<td>i. Evidence that the proposed withdrawal with mitigation in place will not impair a senior water right, including instream flows established in Chapter 173-501 WAC where applicable, in accordance with current statutes and case law. Such documentation must be verified by the county either through consultation with the Department of Ecology, or a qualified technical review team appointed by the county. The county may require a third party review by an independent qualified hydrogeologist if the county determines additional technical expertise is needed. The cost of the third party review shall be borne by the County.</td>
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<td>ii. A monitoring and reporting plan, including a quality assurance/quality control plan.</td>
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<td>iii. Documentation adequate to demonstrate that the mitigation will remain in place for the duration of the impact, including, for example, financial assurances or documentation of permanent dedication of water for mitigation purposes.</td>
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<td>7. Except in Point Roberts, Eliza Island, or Lummi Island, for new permit-exempt groundwater withdrawals per RCW 90.44.050 within WRIA 1 (Nooksack) or within those Limited Coastal Areas where the applicant chooses not to use subsection (B)(6), the applicant may obtain approval for a withdrawal exempt from permitting pursuant to RCW</td>
<td>In all other areas of the County, one can now get a permit-exempt well approved provided they meet conditions a, b, and c. Applicants requiring water availability in the Limited Coastal</td>
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<td>Section</td>
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<td>90.44.050 under the following conditions:</td>
<td>Areas also have the option of choosing to use a permit-exempt well under subsection (B)(7), subject to the 3,000 gallon/day condition.</td>
</tr>
<tr>
<td>a. Water shall be for domestic use only, with a maximum annual average withdrawal of 3,000 gallons per day per connection.</td>
<td>ESSB 6091 requires the County to collect a $500 fee, $350 of which must be forwarded to Ecology to be used for mitigation projects, and $150 of which the County can use to cover administrative costs of implementing this bill.</td>
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<tr>
<td>b. The applicant shall record with the property title any relevant restrictions or limitations associated with water supply; and</td>
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<tr>
<td>c. The applicant shall pay to the permitting authority any applicable fees for each project permit.</td>
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</table>

C. A water availability notification is not required for:

| 1. A project permit that does not require potable water. | Conditions under which a water availability notification is not required. |
| 2. A project permit relying on either a permit-exempt groundwater withdrawal per RCW 90.44.050 or a surface water withdrawal for potable water for (a) a remodel of an existing building or (b) replacement of a demolished or removed building but not proposing a change of use, either of which would increase the floor area by no more than 50 percent over that of the existing building; however, such permits shall require documentation of current water quality and quantity, as approved by the director. |

B. Proposed Comprehensive Plan Amendments

Due to a previous Growth Management Hearings Board decision regarding the lack of measures in our Comprehensive Plan to protect rural character, the County adopted into it by reference specific sections of the Whatcom County Code, found in Policy 2DD-2. Germaine to the matter at hand:

- Policy 2DD-2.C.6 adopts by reference WCC 21.04.090 and 21.05.080
- Policy 2DD-2.C.7 adopts by reference WCC 24.11.050
- Policy 2DD-2.C.8 adopts by reference WCC 24.11.060
- Policy 2DD-2.C.9 adopts by reference WCC 24.11.090, .100, .110, .120, .130, .160, and .170
**CompPlan Policy 2DD-2:** Protect the character of the rural area through the County’s development regulations. In addition to the policies of this plan that provide measures governing rural development, the following County’s key development regulations are incorporated into this plan by reference to assure that the plan contains measures to protect rural character:

...  

C. Measures to protect critical areas and surface and groundwater resources:

...  

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

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

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

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

...  

Because of this, each time we amend any of these referenced code sections we are also amending the Comprehensive Plan, and have to advertise as such. No further action is required on this portion.

However, in the Comprehensive Plan, Chapter 10 (Environment), under the heading “WRMA 1 Watershed Management Project,” staff recommends that we insert new text explaining the 2016 reorganization of the WRMA 1 structure, as well as a new policy 10F-11 indicating our intention to participate in updating the WRMA 1 Watershed Management Plan pursuant to ESSB 6091. These amendments are shown in Exhibit A, beginning on page 16.

III. COMPREHENSIVE PLAN EVALUATION

Below are listed all the pertinent Comprehensive Plan goals and policies regarding domestic water supply, protection of instream flows, water quantity, and watershed planning:

**Chapter 2, Land Use**

**Goal 2A:** Ensure designation of sufficient land and densities, with consideration of water availability, to accommodate the growth needs of Whatcom County and protect the local economy, rural lifestyle, habitat, fish, and wildlife, which are the cornerstone qualities that make the county a desirable place to live.

**Policy 2A-15:** Strive to improve predictability to property owners regarding the connection between legal water use, and land use and development by:

- Supporting completion of groundwater studies that provide a better understanding of water quantities available and the connection between groundwater use and instream flow levels.
- Supporting the efforts of water purveyors to develop new legal water sources and the infrastructure and systems necessary to transport that water to existing water users that lack safe potable water or sufficient water rights.
• Encouraging a negotiated water rights quantification and settlement between the Lummi Nation, Nooksack Indian Tribe and other water users in the Nooksack River basin.

• Encouraging the Department of Ecology to protect instream flows, particularly in times of extremely low summer flows.

• Coordinating with the Department of Ecology to find solutions to provide adequate water for out-of-stream users while protecting instream flows. Potential solutions may include consideration of recycling, conservation, water banking, public water system interties, stream recharge augmentation, change in place of use, desalinization and other alternative water supply measures.

• Requesting the Department of Ecology to create a water management plan for exempt wells in closed water basins that better aligns instream flows with current water rights and legal decisions on hydraulic continuity.

Goal 2DD: **Retain the character and lifestyle of rural Whatcom County.**

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

... 

C. Measures to protect critical areas and surface and groundwater resources:

... 

6. Limit water withdrawals resulting from land division through the standards in the following Whatcom County Land Division regulations, adopted herein by reference:

   a. WCC 21.04.090 Water supply, Short Subdivisions.

   b. WCC 21.05.080 Water supply, Preliminary Long Subdivisions.

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

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

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

... 

Goal 2M: **Protect and encourage restoration of habitat for fish and wildlife populations including adequate instream flows.**

Policy 2M-7 Engage in efforts to better define groundwater resources and connection to surface water, current water usage, water rights, adequate instream flows, and policy barriers that create conflicts between these things.

Chapter 5, Utilities
Goal 5R: Ensure that potable water supplies required to serve development are available at the time the development is available for occupancy and use.

Policy 5R-1: Building permit applicants, new subdivisions, short plats, and binding site plans will be required to provide evidence that adequate and legal (in consultation with the Department of Ecology) supplies of water are available prior to their approval by the County.

Chapter 10, Environment

Goal 10F: Protect and enhance water quantity and quality and promote sustainable and efficient use of water resources.

Policy 10F-3: Work cooperatively with Federal, State, and local jurisdictions, Tribal governments, municipal corporations, and the public to implement the goals and policies of the Comprehensive Plan as well as state water resources and water quality laws.

Policy 10F-4: Participate in the coordination of all local water and land management efforts, plans, and data to ensure adequate oversight of water quantity and quality issues.

Policy 10F-5: Manage water resources for multiple instream and out-of-stream beneficial uses, including instream flows set by the State Department of Ecology.

Policy 10F-9: In conjunction with all jurisdictions, develop and adopt programs to protect water quality and quantity within watersheds, aquifers, and marine waterbodies that cross jurisdictional boundaries.

Goal 10G: Protect and enhance Whatcom County's surface water and groundwater quality and quantity for current and future generations.

Policy 10G-3: In conjunction with the public and appropriate local, state, Tribal, and federal jurisdictions, define, identify, and develop management strategies for watershed basins and subbasins that may require special protection. These areas may include aquifers, critical aquifer recharge areas as defined under the Growth Management Act, Groundwater Management Areas, wellhead protection areas, and high priority watersheds such as those specified under WAC 400 (Local Planning and Management of Non-point Source Pollution), WRRA Watershed Management Planning, and under legislative policy direction (e.g. Nooksack Basin, Lake Whatcom, Lake Samish and Drayton Harbor).

Policy 10G-4: Management efforts should consider both water quality and quantity. Water quality efforts should help reduce the likelihood that potential contaminant sources will pollute water supplies. Water quantity efforts should include consideration and protection of recharge areas and potential effects on stream flow.

Policy 10G-5: Support the implementation of local and state Watershed Management Plans, the Lower Nooksack Strategy, the Lake Whatcom Management Program, NPDES Phase II Permitting, and the WRRA Watershed Management Projects.

Policy 10G-6: Pursue the adoption and implementation of ground and/or surface water management plans and their integration into local comprehensive plans. Designate the Lake Whatcom and Lake Samish Watersheds as high priorities in this effort.

Goal 10-I: Support water conservation, reclamation, reuse measures, and education as a means to ensure sufficient water supplies in the future.

Policy 10-I-2: Support efforts to establish and protect sustainable water supplies to meet existing and future demands for water in the county.
Policy 101-3: Develop and implement plans to comply with the Department of Ecology's instream flow and water management rules and water resources management programs.

Policy 101-4: Coordinate local water and land management efforts, plans, and data to ensure adequate oversight of water quality and quantity issues.

Conclusion: The proposed amendments to the Whatcom County Comprehensive Plan and development regulations would affirm the County’s intent to work cooperatively with the Department of Ecology, WRIA 1 Initiating Governments, and the Planning Unit to update the WRIA 1 Watershed Management Plan pursuant to the Streamflow Restoration Act (ESSB 6091), as well as implement the Act’s requirements for allowing the conditioned use of permit-exempt wells (RCW 90.44.050) as a legal source of water for domestic use, and are consistent with the above listed Comprehensive Plan goals and policies.

IV. PROPOSED FINDINGS OF FACT AND REASONS FOR ACTION

Staff recommends the County Council adopt the following findings of fact and reasons for action:

1. RCW 36.70A.070(1) requires that the land use element of a county comprehensive plan "shall provide for protection of the quality and quantity of groundwater used for public water supplies"; and,

2. RCW 36.70A.070(5)(c)(iv) requires that the rural element of a county comprehensive plan "shall include measures that apply to rural development and protect the rural character of the area, as established by the County, by: ... protecting critical areas...and surface water and groundwater resources"; and,

3. RCW 19.27.097(1) requires that applicants for building permits of buildings necessitating potable water provide evidence of an adequate water supply for the intended use of the building; and,

4. RCW 58.17.110(2) requires that "A proposed subdivision and dedication shall not be approved unless the... county legislative body makes written findings that... appropriate provisions are made for... potable water supplies..."; and,

5. Whatcom County Code (WCC) Chapter 15.04 specifies information required for a complete building permit application; and,

6. WCC Chapter 20.97 provides definitions of terms used in the code; and

7. WCC Chapters 21.04 and 21.05 contain requirements for water supply in short subdivisions and long subdivisions, respectively; and,

8. WCC Chapter 24.11 contains requirements for potable water; and,

9. To protect rural character and regulate groundwater withdrawals, Whatcom County adopted Ordinance 2012-032, amending its Comprehensive Plan to adopt by reference existing development regulations, adding Policy 2DD-2.6.2 which adopts by reference WCC 21.04.090 and 21.05.080, Policy 2DD-2.6.7 which adopts by reference WCC 24.11.050, Policy 2DD-2.6.8 which adopts by reference WCC 24.11.060, and Policy 2DD-2.6.9 which adopts by reference WCC 24.11.090, .100, .110, .110, .120, .130, .160, and .170, any amendments to these WCC provisions are also amendments to the Comprehensive Plan; and,

10. The Growth Management Hearings Board (Board) found the amended Comprehensive Plan lacked the required measures to protect water resources (GMHB Case No. 12-2-0013); and,

11. On October 6, 2016, the Washington State Supreme Court (Court), in reversing a Court of Appeals decision, upheld the Board’s decision that the County’s Comprehensive Plan does not
satisfy the GMA requirements to protect water availability, and stated, “We hold that the Board properly concluded that the GMA requires counties to make determinations of water availability.”; and,

12. The Court stated, “...the GMA places the burden on counties to protect groundwater resources, and requires counties to assure that water is both factually and legally available before issuing building permits.”; and,

13. The Court stated, “...The county’s policies incorporate WCC provisions that do not allow water to be withdrawn from ‘an area where [the Department of Ecology] has determined by rule that water for development does not exist.’ ...these ordinances further provide that an application for a permit-exempt appropriation will be approved without any analysis of that withdrawal’s impact on instream flows. The Board found that these provisions result in water withdrawals from closed basins and senior instream flows—flows that the record indicated drop below the minimum levels 100 days out of the year. The Board properly held that this conflicts with the requirement placed on counties to protect water availability under the GMA...”; and,

14. Chapter 173-501 WAC Instream Resources Protection Program – Nooksack Water Resource inventory Area (WRIA) 1 identifies waterbodies in Whatcom County that are closed or partially closed to further appropriation, by listing their status as “closure,” “partial year closure,” “low flow,” or “minimum flow.”; and,

15. On January 18, 2018, the Washington State Legislature adopted ESSB 6091, which requires the Department of Ecology to work with the initiating governments and the planning unit in WRIA 1 to review existing watershed plans to identify the potential impacts of exempt well use, identify evidence-based conservation measures, and identify projects to improve watershed health. Until rules are adopted that specify otherwise, Section 202(5), which effectively reverses the Court’s decision in Hirst, allows new domestic water uses in WRIA 1 that rely on groundwater withdrawals exempt from permitting under RCW 90.44.050, provided that applicants pay a fee of five hundred dollars to the permitting authority and limit their maximum annual average withdrawal of three thousand gallons per day, per connection, and record this limitation on the property title; and,

16. ESSB 6091, Section 101(5), also provides that “[a]ny permit-exempt groundwater withdrawal authorized under RCW 90.44.050 associated with a water well constructed in accordance with the provisions of chapter 18.104 RCW before the effective date of this section is deemed to be evidence of adequate water supply under this section”; and,

17. The amendments proposed by this ordinance are consistent with the aforementioned requirements of ESSB 6091 and are therefore consistent with the GMA, as specifically addressed in Section 102 of ESSB 6091; and,

18. Adoption of this ordinance is necessary to complete the GMA compliance proceedings before the Western Washington Growth Management Hearings Board (GMHB Case No. 12-2-0013); and,

19. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on February 20, 2018; and,

20. ESSB 6091 was signed by Governor Inslee on January 19, 2018, and, pursuant to the emergency clause in Section 307, it became effective immediately as the Legislature declared that it was “necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing institutions...”; and,
21. In accordance with RCW 36.70A.106, Whatcom County Planning and Development Services notified the Department of Commerce of the proposed amendments contained herein on February 14, 2018, and no comments were received from state agencies; and,

22. The Planning Commission held a public hearing on this ordinance on March 8, 2018, notice of which was published in the Bellingham Herald on February 23, 2018;

23. The County Council held a duly noticed public hearing on this ordinance on May 8, 2018;

V. PROPOSED CONCLUSIONS

1. The proposed amendments to the Whatcom County Comprehensive Plan and development regulations would affirm the County’s intent to work cooperatively with the Department of Ecology, WRIA 1 Initiating Governments, and the Planning Unit to update the WRIA 1 Watershed Management Plan pursuant to the Streamflow Restoration Act (ESSB 6091), as well as implement the Act’s requirements for allowing the conditioned use of permit-exempt wells (RCW 90.44.050) as a legal source of water for domestic use, and are consistent with the Comprehensive Plan goals and policies listed in Section III of this staff report.

2. The amendments are in the public interest.

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

VI. PLANNING COMMISSION ACTION

The Planning Commission held a workshop on this ordinance on February 22, 2018, and a public hearing on March 8, 2018, after which they voted to recommend approval of the ordinance with the following recommendations:

1. The Planning Commission wishes to clarify that this ordinance is related to permit-exempt withdrawals for domestic uses only, and does not affect other uses that are allowed under the permit-exempt rules of RCW 90.44.050.

   Explanation: The Commission wanted it to be clear that these provisions should only apply only to domestic (household) uses that require potable water, and not to commercial, industrial, or other non-residential uses that do not require potable water.

2. The Planning Commission recommends adding to 21.04.090(2)(f) and 21.05.080(2)(e) – “(iii) The water purveyor fails to respond with a letter of approval or denial.”

   Explanation: A member of the public testified that he could not get a certain water purveyor to provide a letter either denying or agreeing to provide service within 120 days. The Planning Commission felt that if this were the case, an applicant should be able to use an exempt well. Regardless of the veracity or details of the testimony, staff agrees it is reasonable to expect a response within a certain period. Thus we have added language to this effect in both 21.04.090(2)(f)(iii) and 21.05.080(2)(e)(iii).

VII. POST-PLANNING COMMISSION STAFF EDITS

In reviewing the Planning Commission recommendation after their action, staff is proposing some additional amendments.

- In 21.04.090(2)(e), (f), and (g) and 21.05.080(2)(d), (e), and (f), change the language from “within one-half mile of a purveyor’s water lines” to “one-half mile of a purveyor’s service area.”

   Explanation: After further consideration, staff believes this language is more consistent with the adopted Coordinated Water System Plan.
• Add new subsections 21.04.090(2)(g) and 21.05.080(2)(e) to split apart subsections 21.04.090(2)(f) and 21.05.080(2)(f).

   *Explanation:* This would separate the concepts of “within a service area” and “within one-half mile of a service area.” Staff recommends this change as it came to our attention that, per the Coordinated Water System Plan, if an applicant is within a purveyor’s service area, condition (ii) (applicant and purveyor are unable to achieve agreement) cannot not apply. Per the CWSP one would need to go to Superior Court to remedy this.

• In sections 21.04.090(2)(f) and 21.05.080(2)(e), delete “and applicable fees.”

   *Explanation:* Based on a concern from CM Brenner, staff recommends deleting this clause since if an applicant is outside a water purveyor’s service area, but within ½-mile of it, we only require that the two get together to see whether service is an option; we don’t require someone to hook up. There should be no fee for asking such a question. Though if it turns out that it if the applicant wants that service then they can work out the details with the purveyor (who might have to update their service area and delivery system plans).

VIII.   STAFF RECOMMENDATION

   Staff recommends that the County Council review the proposed ordinance, introduce it for consideration on April 24, 2018, and on May 8, 2018, hold a public hearing and adopt these provisions consistent with ESSB 6091 and the Coordinated Water System Plan (CWSP).

IX.   ATTACHMENTS

   1) Draft Ordinance 2018-_______
   2) Exhibit A, showing the proposed amendment to the Whatcom County Comprehensive Plan and development regulations
   3) ESSB 6091
<table>
<thead>
<tr>
<th>Situation/Location</th>
<th>Legally Available?</th>
<th>Limit/Conditions</th>
<th>Legally Available?</th>
<th>Limit/Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. A water right permit from the Department of Ecology</td>
<td>Yes</td>
<td>Up to whatever amount the DOE approves the water right for</td>
<td>Yes</td>
<td>Up to whatever amount the DOE approves the water right for</td>
</tr>
<tr>
<td>2. A letter from an approved public water purveyor with sufficient water rights, stating the ability to provide water</td>
<td>Yes</td>
<td>Up to whatever amount the purveyor has adequate water rights for (as approved by the DOE) and is willing to sell, plus whatever service conditions/costs they impose</td>
<td>Yes</td>
<td>Up to whatever amount the purveyor has adequate water rights for (as approved by the DOE) and is willing to sell, plus whatever service conditions/costs they impose</td>
</tr>
<tr>
<td>3. Water supplied by a rainwater catchment system</td>
<td>Yes</td>
<td>System must be approved by the Whatcom County Health Department, per Dept. of Ecology Policy 1017</td>
<td>Yes</td>
<td>System must be approved by the Whatcom County Health Department, per Dept. of Ecology Policy 1017</td>
</tr>
<tr>
<td>4. Groundwater withdrawals (wells) exempt from permitting pursuant to RCW 90.44.050 for development requiring both potable water and approval from Whatcom County, and:</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>a. Associated with a well legally constructed prior to January 19, 2018</td>
<td>Yes</td>
<td>Up to 5,000 gallons per day</td>
<td>Yes</td>
<td>Up to 5,000 gallons per day</td>
</tr>
<tr>
<td>b. Located in Point Roberts, Eliza Island, or Lummi Island</td>
<td>Yes</td>
<td>Up to 5,000 gallons per day. Wells on Lummi Island area also subject to WCC 16.16.540</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>c. Located within certain Limited Coastal Areas, as shown on Figure 24.11.060, and o Are not in hydraulic continuity with regulated surface waterbodies (as determined by a property specific hydraulic study), or o Is mitigated for</td>
<td>Yes</td>
<td>Up to 5,000 gallons per day</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>d. Any other well not meeting conditions a, b, or c</td>
<td>Yes</td>
<td>• Water shall be for domestic use only, with a maximum annual average withdrawal of 3,000 gallons per day per connection, • The applicant shall record with the property title any relevant restrictions or limitations associated with water supply; and, • The applicant shall pay any applicable fees for each project permit.</td>
<td>Yes</td>
<td>Up to 5,000 gallons per day</td>
</tr>
</tbody>
</table>
CERTIFICATION OF ENROLLMENT

ENGROSSED SUBSTITUTE SENATE BILL 6091

65th Legislature
2018 Regular Session

Passed by the Senate January 18, 2018
Yeas 35  Nays 14

President of the Senate

Passed by the House January 18, 2018
Yeas 66  Nays 30

Speaker of the House of Representatives
Approved

CERTIFICATE
I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is ENGROSSED SUBSTITUTE SENATE BILL 6091 as passed by Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

Secretary of State
State of Washington

153
AN ACT Relating to ensuring that water is available to support development; amending RCW 19.27.097, 58.17.110, 90.03.247, and 90.03.290; adding a new section to chapter 36.70A RCW; adding a new section to chapter 36.70 RCW; adding a new chapter to Title 90 RCW; creating a new section; providing an expiration date; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

PART 1

Sec. 101. RCW 19.27.097 and 2015 c 225 s 17 are each amended to read as follows:

(1)(a) 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. Evidence may be in the form of a water right permit from the department of ecology, a letter from an approved water purveyor stating the ability to provide water, or another form sufficient to verify the existence of an adequate water supply. (In addition to other authorities, the county or city may impose conditions on building permits requiring connection to an existing public water system where the existing system is willing and able to provide safe and reliable potable water.
to the applicant with reasonable economy and efficiency.\textsuperscript{1}) An
application for a water right shall not be sufficient proof of an
adequate water supply.

(b) In a water resource inventory area with rules adopted by the
department of ecology pursuant to section 202 or 203 of this act and
the following water resource inventory areas with instream flow rules
adopted by the department of ecology under chapters 90.22 and 90.54
RCW that explicitly regulate permit-exempt groundwater withdrawals,
evidence of an adequate water supply must be consistent with the
specific applicable rule requirements: 5 (Stillaguamish); 17
(Quilcene-Snow); 18 (Elwha-Dungeness); 27 (Lewis); 28 (Salmon-
Washougal); 32 (Walla Walla); 45 (Wenatchee); 46 (Entiat); 48
(Methow); and 57 (Middle Spokane).

(c) In the following water resource inventory areas with instream
flow rules adopted by the department of ecology under chapters 90.22
and 90.54 RCW that do not explicitly regulate permit-exempt
groundwater withdrawals, evidence of an adequate water supply must be
consistent with section 202 of this act, unless the applicant
provides other evidence of an adequate water supply that complies
with chapters 90.03 and 90.44 RCW: 1 (Nooksack); 11 (Nisqually); 22
(Lower Chehalis); 23 (Upper Chehalis); 49 (Okanogan); 55 (Little
Spokane); and 59 (Colville).

(d) In the following water resource inventory areas with instream
flow rules adopted by the department of ecology under chapters 90.22
and 90.54 RCW that do not explicitly regulate permit-exempt
groundwater withdrawals, evidence of an adequate water supply must be
consistent with section 203 of this act, unless the applicant
provides other evidence of an adequate water supply that complies
with chapters 90.03 and 90.44 RCW: 7 (Snohomish); 8 (Cedar-
Sammamish); 9 (Duwamish-Green); 10 (Puyallup-White); 12 (Chambers-
Clover); 13 (Deschutes); 14 (Kennedy-Goldsborough); and 15 (Kitsap).

(e) In water resource inventory areas 37 (Lower Yakima), 38
(Naches), and 39 (Upper Yakima), the department of ecology may impose
requirements to satisfy adjudicated water rights.

(f) Additional requirements apply in areas within water resource
inventory area 3 (Lower Skagit-Samish) and 4 (Upper Skagit) regulated
by chapter 173-503 WAC, as a result of Swinomish Indian Tribal

(g) In other areas of the state, physical and legal evidence of
an adequate water supply may be demonstrated by the submission of a

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water well report consistent with the requirements of chapter 18.104
RCW.

(h) For the purposes of this subsection (l), "water resource
inventory areas" means those areas described in chapter 173-500 WAC
as of the effective date of this section.

(2) In addition to other authorities, the county or city may
impose additional requirements, including conditions on building
permits requiring connection to an existing public water system where
the existing system is willing and able to provide safe and reliable
potable water to the applicant with reasonable economy and
efficiency.

(3) Within counties not required or not choosing to plan pursuant
to RCW 36.70A.040, the county and the state may mutually determine
those areas in the county in which the requirements of subsection (l)
of this section shall not apply. The departments of health and
ecology shall coordinate on the implementation of this section.
Should the county and the state fail to mutually determine those
areas to be designated pursuant to this subsection, the county may
petition the department of enterprise services to mediate or, if
necessary, make the determination.

((4+)) (4) Buildings that do not need potable water facilities
are exempt from the provisions of this section. The department of
ecology, after consultation with local governments, may adopt rules
to implement this section, which may recognize differences between
high-growth and low-growth counties.

(5) Any permit-exempt groundwater withdrawal authorized under RCW
90.44.050 associated with a water well constructed in accordance with
the provisions of chapter 18.104 RCW before the effective date of
this section is deemed to be evidence of adequate water supply under
this section.

NEW SECTION. Sec. 102. A new section is added to chapter 36.70A
RCW to read as follows:

For the purposes of complying with the requirements of this
chapter relating to surface and groundwater resources, a county or
city may rely on or refer to applicable minimum instream flow rules
adopted by the department of ecology under chapters 90.22 and 90.54
RCW. Development regulations must ensure that proposed water uses are
consistent with RCW 90.44.050 and with applicable rules adopted
pursuant to chapters 90.22 and 90.54 RCW when making decisions under
RCW 19.27.097 and 58.17.110.

NEW SECTION. Sec. 103. A new section is added to chapter 36.70
RCW to read as follows:

For the purposes of complying with the requirements of this
 chapter, county development regulations must ensure that proposed
water uses are consistent with RCW 90.44.050 and with applicable
rules adopted pursuant to chapters 90.22 and 90.54 RCW when making
decisions under RCW 19.27.097 and 58.17.110.

Sec. 104. RCW 58.17.110 and 1995 c 32 s 3 are each amended to
read as follows:

(1) The city, town, or county legislative body shall inquire into
the public use and interest proposed to be served by the
establishment of the subdivision and dedication. It shall determine:
(a) If appropriate provisions are made for, but not limited to, the
public health, safety, and general welfare, for open spaces, drainage
ways, streets or roads, alleys, other public ways, transit stops,
potable water supplies, sanitary wastes, parks and recreation,
playgrounds, schools and schoolgrounds, and shall consider all other
relevant facts, including sidewalks and other planning features that
assure safe walking conditions for students who only walk to and from
school; and (b) whether the public interest will be served by the
subdivision and dedication.

(2) A proposed subdivision and dedication shall not be approved
unless the city, town, or county legislative body makes written
findings that: (a) Appropriate provisions are made for the public
health, safety, and general welfare and for such open spaces,
drainage ways, streets or roads, alleys, other public ways, transit
stops, potable water supplies, sanitary wastes, parks and recreation,
playgrounds, schools and schoolgrounds and all other relevant facts,
including sidewalks and other planning features that assure safe
walking conditions for students who only walk to and from school; and
(b) the public use and interest will be served by the platting of
such subdivision and dedication. If it finds that the proposed
subdivision and dedication make such appropriate provisions and that
the public use and interest will be served, then the legislative body
shall approve the proposed subdivision and dedication. Dedication of
land to any public body, provision of public improvements to serve

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the subdivision, and/or impact fees imposed under RCW 82.02.050
through 82.02.090 may be required as a condition of subdivision
approval. Dedications shall be clearly shown on the final plat. No
dedication, provision of public improvements, or impact fees imposed
under RCW 82.02.050 through 82.02.090 shall be allowed that
constitutes an unconstitutional taking of private property. The
legislative body shall not as a condition to the approval of any
subdivision require a release from damages to be procured from other
property owners.

(3) If the preliminary plat includes a dedication of a public
park with an area of less than two acres and the donor has designated
that the park be named in honor of a deceased individual of good
character, the city, town, or county legislative body must adopt the
designated name.

(4) If water supply is to be provided by a groundwater withdrawal
exempt from permitting under RCW 90.44.050, the applicant's
compliance with RCW 90.44.050 and with applicable rules adopted
pursuant to chapters 90.22 and 90.54 RCW is sufficient in determining
appropriate provisions for water supply for a subdivision,
dedication, or short subdivision under this chapter.

PART 2

NEW SECTION. Sec. 201. The definitions in this section apply
throughout this chapter unless the context clearly requires
otherwise.

(1) "Department" means the department of ecology.

(2) "Lead agency" has the same meaning as defined in RCW
90.82.060.

(3) "Water resource inventory area" or "WRIA" means a water
resource inventory area established in chapter 173-500 WAC as it
existed on the effective date of this section.

NEW SECTION. Sec. 202. (1) Unless requirements are otherwise
specified in the applicable rules adopted under this chapter or under
chapter 90.22 or 90.54 RCW, potential impacts on a closed water body
and potential impairment to an instream flow are authorized for new
domestic groundwater withdrawals exempt from permitting under RCW
90.44.050 through compliance with the requirements established in
this section.
In the following water resource inventory areas with instream flow rules adopted by the department under chapters 90.22 and 90.54 RCW that do not explicitly regulate permit-exempt groundwater withdrawals and that have completed a watershed plan adopted under chapter 90.82 RCW, the department shall work with the initiating governments and the planning units described in chapter 90.82 RCW to review existing watershed plans to identify the potential impacts of exempt well use, identify evidence-based conservation measures, and identify projects to improve watershed health: 1 (Nooksack); 11 (Nisqually); 22 (Lower Chehalis); 23 (Upper Chehalis); 49 (Okanogan); 55 (Little Spokane); and 59 (Colville).

In the water resource inventory areas listed in subsection (2) of this section, the lead agency shall invite a representative from each federally recognized Indian tribe that has a usual and accustomed harvest area within the water resource inventory area to participate as part of the planning unit.

In collaboration with the planning unit, the initiating governments must update the watershed plan to include recommendations for projects and actions that will measure, protect, and enhance instream resources and improve watershed functions that support the recovery of threatened and endangered salmonids. Watershed plan recommendations may include, but are not limited to, acquiring senior water rights, water conservation, water reuse, stream gaging, groundwater monitoring, and developing natural and constructed infrastructure, which includes, but is not limited to, such projects as floodplain restoration, off-channel storage, and aquifer recharge. Qualifying projects must be specifically designed to enhance streamflows and not result in negative impacts to ecological functions or critical habitat.

At a minimum, the watershed plan must include those actions that the planning units determine to be necessary to offset potential impacts to instream flows associated with permit-exempt domestic water use. The highest priority recommendations must include replacing the quantity of consumptive water use during the same time as the impact and in the same basin or tributary. Lower priority projects include projects not in the same basin or tributary and projects that replace consumptive water supply impacts only during critical flow periods. The watershed plan may include projects that protect or improve instream resources without replacing the consumptive quantity of water where such projects are in addition to
those actions that the planning unit determines to be necessary to
offset potential consumptive impacts to instream flows associated
with permit-exempt domestic water use.

(c) Prior to adoption of the updated watershed plan, the
department must determine that actions identified in the watershed
plan, after accounting for new projected uses of water over the
subsequent twenty years, will result in a net ecological benefit to
instream resources within the water resource inventory area.

(d) The watershed plan may include:

(i) Recommendations for modification to fees established under
this subsection;

(ii) Standards for water use quantities that are less than
authorized under RCW 90.44.050 or more or less than authorized under
subsection (5) of this section for withdrawals exempt from
permitting;

(iii) Specific conservation requirements for new water users to
be adopted by local or state permitting authorities; or

(iv) Other approaches to manage water resources for a water
resource inventory area or a portion thereof.

(e) Any modification to fees collected under subsection (5) of
this section or standards for water use quantities that are less than
authorized under RCW 90.44.050 or more or less than authorized under
subsection (5) of this section for withdrawals exempt from permitting
may not be applied unless authorized by rules adopted under this
chapter or under chapter 90.54 RCW.

(5) Until an updated watershed plan is approved and rules are
adopted under this chapter or chapter 90.54 RCW, a city or county
issuing a building permit under RCW 19.27.097(1)(c), or approving a
subdivision under chapter 58.17 RCW in a watershed listed in
subsection (2) of this section must:

(a) Record relevant restrictions or limitations associated with
water supply with the property title;

(b) Collect applicable fees, as described under this section;

(c) Record the number of building permits issued under chapter
19.27 RCW or subdivision approvals issued under chapter 58.17 RCW
subject to the provisions of this section;

(d) Annually transmit to the department three hundred fifty
dollars of each fee collected under this subsection;
(e) Annually transmit an accounting of building permits and
subdivision approvals subject to the provisions of this section to
the department;

(f) Until rules have been adopted that specify otherwise, require
the following measures for each new domestic use that relies on a
withdrawal exempt from permitting under RCW 90.44.050:

(i) An applicant shall pay a fee of five hundred dollars to the
permitting authority;

(ii) An applicant may obtain approval for a withdrawal exempt
from permitting under RCW 90.44.050 for domestic use only, with a
maximum annual average withdrawal of three thousand gallons per day
per connection.

(6) Rules adopted under this chapter or under chapter 90.54 RCW
may:

(a) Rely on watershed plan recommendations and procedures
established in this section to authorize new withdrawals exempt from
permitting under RCW 90.44.050 that would potentially impact a closed
waterbody or a minimum flow or level;

(b) Rely on projects identified in the watershed plan to offset
consumptive water use; and

(c) Include updates to fees based on the planning unit's
determination of the costs for offsetting consumptive water use.

(7) (a) If a watershed plan that meets the requirements of this
section is not adopted in water resource inventory area 1 (Nooksack)
by February 1, 2019, the department must adopt rules for that water
resource inventory area that meet the requirements of this section by
August 1, 2020.

(b) If a watershed plan that meets the requirements of this
section is not adopted in water resource inventory area 11
(Nisqually) by February 1, 2019, the department must adopt rules for
that water resource inventory area that meet the requirements of this
section by August 1, 2020.

(c) The department must adopt rules that meet the requirements of
this section for any of the following water resource inventory areas
that do not adopt a watershed plan that meets the requirements of
this section by February 1, 2021: 22 (Lower Chehalis); 23 (Upper
Chehalis); 49 (Okanogan); 55 (Little Spokane); and 59 (Colville).

(8) This section only applies to new domestic groundwater
withdrawals exempt from permitting under RCW 90.44.050 in the
following water resource inventory areas with instream flow rules
adopted under chapters 90.22 and 90.54 RCW that do not explicitly
regulate permit-exempt groundwater withdrawals: 1 (Nooksack); 11
(Nisqually); 22 (Lower Chehalis); 23 (Upper Chehalis); 49 (Okanogan);
55 (Little Spokane); and 59 (Colville) and does not restrict the
withdrawal of groundwater for other uses that are exempt from
permitting under RCW 90.44.050.

NEW SECTION. Sec. 203. (1) Unless requirements are otherwise
specified in the applicable rules adopted under this chapter or
chapter 90.22 or 90.54 RCW, potential impacts on a closed water body
and potential impairment to an instream flow are authorized for new
domestic groundwater withdrawals exempt from permitting under RCW
90.44.050 through compliance with the requirements established in
this section.

(2)(a) In the following water resource inventory areas with
instream flow rules adopted by the department under chapters 90.22
and 90.54 RCW that do not explicitly regulate permit-exempt
groundwater withdrawals and that have either not adopted a watershed
plan, or adopted a partial watershed plan, under chapter 90.82 RCW,
the department shall establish watershed restoration and enhancement
committees in the following water resource inventory areas: 7
(Snohomish); 8 (Cedar-Sammamish); 9 (Duwamish-Green); 10 (Puyallup-
White); 12 (Chambers-Clover); 13 (Deschutes); 14 (Kennedy-
Goldsborough); and 15 (Kitsap).

(b) The department shall chair the watershed restoration and
enhancement committee and invite the following entities to
participate:

(i) A representative from each federally recognized Indian tribe
that has reservation land within the water resource inventory area;

(ii) A representative from each federally recognized Indian tribe
that has a usual and accustomed harvest area within the water
resource inventory area;

(iii) A representative from the department of fish and wildlife,
appointed by the director of the department of fish and wildlife;

(iv) A representative designated by each county within the water
resource inventory area;

(v) A representative designated by each city within the water
resource inventory area;

(vi) A representative designated by the largest irrigation
district within the water resource inventory area;
(vii) A representative designated by the largest publicly owned
water purveyor providing water within the water resource inventory
area that is not a municipality;

(viii) A representative designated by a local organization
representing the residential construction industry within the water
resource inventory area;

(ix) A representative designated by a local organization
representing environmental interests within the water resource
inventory area; and

(x) A representative designated by a local organization
representing agricultural interests within the water resource
inventory area.

(3) By June 30, 2021, the department shall prepare and adopt a
watershed restoration and enhancement plan for each watershed listed
under subsection (2)(a) of this section, in collaboration with the
watershed restoration and enhancement committee. Except as described
in (h) of this subsection, all members of a watershed restoration and
enhancement committee must approve the plan prior to adoption.

(a) The watershed restoration and enhancement plan should include
recommendations for projects and actions that will measure, protect,
and enhance instream resources and improve watershed functions that
support the recovery of threatened and endangered salmonids. Plan
recommendations may include, but are not limited to, acquiring senior
water rights, water conservation, water reuse, stream gaging,
groundwater monitoring, and developing natural and constructed
infrastructure, which includes but is not limited to such projects as
floodplain restoration, off-channel storage, and aquifer recharge.
Qualifying projects must be specifically designed to enhance stream
flows and not result in negative impacts to ecological functions or
critical habitat.

(b) At a minimum, the plan must include those actions that the
committee determines to be necessary to offset potential impacts to
instream flows associated with permit-exempt domestic water use. The
highest priority recommendations must include replacing the quantity
of consumptive water use during the same time as the impact and in
the same basin or tributary. Lower priority projects include projects
not in the same basin or tributary and projects that replace
consumptive water supply impacts only during critical flow periods.
The plan may include projects that protect or improve instream
resources without replacing the consumptive quantity of water where
such projects are in addition to those actions that the committee
determines to be necessary to offset potential consumptive impacts to
instream flows associated with permit-exempt domestic water use.
(c) Prior to adoption of the watershed restoration and
enhancement plan, the department must determine that actions
identified in the plan, after accounting for new projected uses of
water over the subsequent twenty years, will result in a net
ecological benefit to instream resources within the water resource
inventory area.
(d) The watershed restoration and enhancement plan must include
an evaluation or estimation of the cost of offsetting new domestic
water uses over the subsequent twenty years, including withdrawals
exempt from permitting under RCW 90.44.050.
(e) The watershed restoration and enhancement plan must include
estimates of the cumulative consumptive water use impacts over the
subsequent twenty years, including withdrawals exempt from permitting
under RCW 90.44.050.
(f) The watershed restoration and enhancement plan may include:
(i) Recommendations for modification to fees established under
this subsection;
(ii) Standards for water use quantities that are less than
authorized under RCW 90.44.050 or more or less than authorized under
subsection (4) of this section for withdrawals exempt from
permitting;
(iii) Specific conservation requirements for new water users to
be adopted by local or state permitting authorities; or
(iv) Other approaches to manage water resources for a water
resource inventory area or a portion thereof.
(g) After adoption of a watershed restoration and enhancement
plan, the department shall evaluate the plan recommendations and
initiate rule making, if necessary, to incorporate recommendations
into rules adopted under this chapter or under chapter 90.22 or 90.54
RCW. Any modification to fees collected under subsection (4) of this
section or standards for water use quantities that are less than
authorized under RCW 90.44.050 or more or less than authorized under
subsection (4) of this section for withdrawals exempt from permitting
may not be applied unless authorized by rules adopted under this
chapter or under chapter 90.54 RCW.
(h) If the watershed restoration and enhancement committee fails
to approve a plan by June 30, 2021, the director of the department
shall submit the final draft plan to the salmon recovery funding
board established under RCW 77.85.110 and request that the salmon
recovery funding board provide a technical review and provide
recommendations to the director to amend the final draft plan, if
necessary, so that actions identified in the plan, after accounting
for new projected uses of water over the subsequent twenty years,
will result in a net ecological benefit to instream resources within
the water resource inventory area. The director of the department
shall consider the recommendations and may amend the plan without
committee approval prior to adoption. After plan adoption, the
director of the department shall initiate rule making within six
months to incorporate recommendations into rules adopted under this
chapter or under chapter 90.22 or 90.54 RCW, and shall adopt amended
rules within two years of initiation of rule making.

(4)(a) Until a watershed restoration and enhancement plan is
approved and rules are adopted under subsection (3) of this section,
a city or county issuing a building permit under RCW 19.27.097(1)(d),
or approving a subdivision under chapter 58.17 RCW in a watershed
listed in subsection (2)(a) of this section must:

(i) Record relevant restrictions or limitations associated with
water supply with the property title;

(ii) Collect applicable fees, as described under this section;

(iii) Record the number of building permits issued under chapter
19.27 RCW or subdivision approvals issued under chapter 58.17 RCW
subject to the provisions of this section;

(iv) Annually transmit to the department three hundred fifty
dollars of each fee collected under this subsection;

(v) Annually transmit an accounting of building permits and
subdivision approvals subject to the provisions of this section to
the department;

(vi) Until rules have been adopted that specify otherwise,
require the following measures for each new domestic use that relies
on a withdrawal exempt from permitting under RCW 90.44.050:

(A) An applicant shall pay a fee of five hundred dollars to the
permitting authority;

(B) Except as provided in (b) of this subsection, an applicant
may obtain approval for a withdrawal exempt from permitting under RCW
90.44.050 for domestic use only, with a maximum annual average
withdrawal of nine hundred fifty gallons per day per connection; and

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(C) An applicant shall manage stormwater runoff on-site to the extent practicable by maximizing infiltration, including using low-impact development techniques, or pursuant to stormwater management requirements adopted by the local permitting authority, if locally adopted requirements are more stringent.

(b) Upon the issuance of a drought emergency order under RCW 43.83B.405, the department may curtail withdrawal of groundwater exempt from permitting under RCW 90.44.050 and approved under this subsection (4) to no more than three hundred fifty gallons per day per connection for indoor use only. Notwithstanding the limitation to no more than three hundred fifty gallons per day per connection for indoor use only, an applicant may use groundwater exempt from permitting to maintain a fire control buffer during a drought emergency order.

(5) Rules adopted under this chapter or chapter 90.54 RCW may:
(a) Rely on watershed restoration and enhancement plan recommendations and procedures established in this section to authorize new withdrawals exempt from permitting under RCW 90.44.050 that would potentially impact a closed waterbody or a minimum flow or level;
(b) Rely on projects identified in the watershed restoration and enhancement plan to offset consumptive water use; and
(c) Include updates to fees based on the watershed restoration and enhancement committee's determination of the costs for offsetting consumptive water use.

(6) This section only applies to new domestic groundwater withdrawals exempt from permitting under RCW 90.44.050 in the following water resource inventory areas with instream flow rules adopted under chapters 90.22 and 90.54 RCW that do not explicitly regulate permit-exempt groundwater withdrawals: 7 (Snohomish); 8 (Cedar-Sammamish); 9 (Duwamish-Green); 10 (Puyallup-White); 12 (Chambers-Clover); 13 (Deschutes); 14 (Kennedy-Goldsborough); and 15 (Kitsap) and does not restrict the withdrawal of groundwater for other uses that are exempt from permitting under RCW 90.44.050.

NEW SECTION. Sec. 204. (1) The department shall initiate two pilot projects to measure water use from all new groundwater withdrawals for domestic purposes exempt from permitting under RCW 90.44.050 in the areas described in this section. The pilot projects must be conducted to determine the overall feasibility of measuring p. 13 ESSB 6091.PL
water use for all new groundwater withdrawals. The department must
purchase and provide meters to be used in the pilot projects. The
pilot projects must be conducted in the area under the Dungeness
water rule, chapter 173-518 WAC, within water resource inventory area
18 and the area in which the Kittitas county water bank program
operates within water resource inventory area 39.
(2) At a minimum, the pilot project must address the following:
(a) Initial and on-going costs, including costs to local
government and the department;
(b) Technical, practical, and legal considerations that must be
addressed;
(c) The costs and benefits of a water use measurement program
relying on individual meters versus a water management program that
estimates permit-exempt groundwater withdrawals; and
(d) Measures to protect the privacy of individual property owners
and ensure accurate data collection.
(3) The department shall report on the pilot project results in
the report to the legislature submitted under section 205 of this
act. The department shall include recommendations to the legislature,
including estimated program costs for expanding the pilot projects to
other basins.

NEW SECTION. Sec. 205. The department shall submit a report to
the legislature by December 31, 2020, and December 31, 2027, in
compliance with RCW 43.01.036, that includes the following elements:
(1) Progress in completing and adopting watershed plans under
section 202 of this act and watershed restoration and enhancement
plans under section 203 of this act;
(2) A description of program projects and expenditures;
(3) An assessment of the streamflow restoration and enhancement
benefits from program projects;
(4) A listing of other efforts or actions taken associated with
streamflow restoration and enhancement, projects to benefit instream
resources, and other directly related watershed improvements
conducted in coordination with the restoration and enhancement
planning process;
(5) The total number of new withdrawals exempt from permitting
under RCW 90.44.050 authorized in each water resource inventory area
under provisions of sections 202 and 203 of this act, and estimates

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of consumptive water use impacts associated with the new withdrawals; and

(6) A description of potential or planned projects, including projected costs and anticipated streamflow, water supply, and watershed health benefits.

NEW SECTION. Sec. 206. (1) The watershed restoration and enhancement account is created in the custody of the state treasurer. All receipts from fees paid pursuant to sections 202 and 203 of this act must be deposited into the account. The account may also receive those moneys as may be appropriated by the legislature for the purpose of funding restoration and enhancement projects as identified in sections 202 and 203 of this act. Expenditures from the account may be used only for the costs of administering this act, including implementing watershed planning projects under section 202 of this act and watershed restoration and enhancement projects under section 203 of this act, and collecting data and completing studies necessary to develop, implement, and evaluate watershed restoration and enhancement projects under this act. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) Fee revenues collected under sections 202 and 203 of this act must be used exclusively within the water resource inventory area in which the fee originated. The restriction in this subsection does not apply to moneys in the watershed restoration and enhancement account that do not originate from fees collected under sections 202 and 203 of this act.

NEW SECTION. Sec. 207. (1) The watershed restoration and enhancement taxable bond account is created in the custody of the state treasurer. All receipts from direct appropriations from the legislature or moneys directed to the account from any other source must be deposited in the account. The account is intended to fund projects using taxable bonds. Expenditures from the account may be used only as provided for in this section. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.
Expenditures from the watershed restoration and enhancement taxable bond account may be used to assess, plan, and develop projects that include acquiring senior water rights, water conservation, water reuse, stream gaging, groundwater monitoring, and developing natural and constructed infrastructure, which includes, but is not limited to, projects such as floodplain restoration, off-channel storage, and aquifer recharge, or other actions designed to provide access to new water supplies with priority given to projects in watersheds developing plans as directed by sections 202 and 203 of this act and watersheds participating in the pilot project in section 204 of this act.

NEW SECTION. Sec. 208. (1) The watershed restoration and enhancement bond account is created in the custody of the state treasurer. All receipts from direct appropriations from the legislature or moneys directed to the account from any other source must be deposited in the account. The account is intended to fund projects using tax exempt bonds. Expenditures from the account may be used only as provided for in this section. Only the director or the director's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures.

(2) Expenditures from the watershed restoration and enhancement bond account may be used to assess, plan, and develop projects that include acquiring senior water rights, water conservation, water reuse, stream gaging, groundwater monitoring, and developing natural and constructed infrastructure, which includes, but is not limited to, projects such as floodplain restoration, off-channel storage, and aquifer recharge, or other actions designed to provide access to new water supplies with priority given to projects in watersheds developing plans as directed by sections 202 and 203 of this act and watersheds participating in the pilot project in section 204 of this act.

PART 3

NEW SECTION. Sec. 301. (1) A joint legislative task force on water resource mitigation is established to review the treatment of surface water and groundwater appropriations as they relate to instream flows and fish habitat, to develop and recommend a
mitigation sequencing process and scoring system to address such
appropriations, and to review the Washington supreme court decision
in *Foster v. Department of Ecology*, 184 Wn.2d 465, 362 P.3d 959

(2) The task force must consist of the following members:
(a) Two members from each of the two largest caucuses of the
senate, appointed by the president of the senate;
(b) Two members from each of the two largest caucuses of the
house of representatives, appointed by the speaker of the house of
representatives;
(c) A representative from the department, appointed by the
director of the department;
(d) A representative from the department of fish and wildlife,
appointed by the director of the department of fish and wildlife;
(e) A representative from the department of agriculture,
appointed by the director of the department of agriculture;
(f) One representative from each of the following groups,
appointed by the consensus of the cochairs of the task force:
   (i) An organization representing the farming industry in
   Washington;
   (ii) An organization representing Washington cities;
   (iii) Two representatives from an environmental advocacy
   organization or organizations;
   (iv) An organization representing municipal water purveyors;
   (v) An organization representing business interests;
   (vi) Representatives of two federally recognized Indian tribes,
one invited by recommendation of the Northwest Indian fisheries
commission, and one invited by recommendation of the Columbia river
intertribal fish commission.

(3) One cochair of the task force must be a member of the
majority caucus of one chamber of the legislature, and one cochair
must be a member of the minority caucus of the other chamber of the
legislature, as those caucuses existed as of the effective date of
this section.

(4) The first meeting of the task force must occur by June 30,
2018.

(5) Staff support for the task force must be provided by the
office of program research and senate committee services. The
department and the department of fish and wildlife shall cooperate
with the task force and provide information as the cochairs reasonably request.

(6) Within existing appropriations, the expenses of the operations of the task force, including the expenses associated with the task force's meetings, must be paid jointly and in equal amounts by the senate and the house of representatives. Task force expenditures are subject to approval by the house executive rules committee and the senate facility and operations committee. Legislative members of the task force are reimbursed for travel expenses in accordance with RCW 44.04.120. Nonlegislative members are not entitled to be reimbursed for travel expenses if they are elected officials or are participating on behalf of an employer, governmental entity, or other organization. Any reimbursement for other nonlegislative members is subject to chapter 43.03 RCW.

(7)(a) By November 15, 2019, the joint legislative task force must make recommendations to the legislature in compliance with RCW 43.01.036.

(b) Recommendations of the joint legislative task force must be made by a sixty percent majority of the members of the task force. The representatives of the departments of fish and wildlife, ecology, and agriculture are not eligible to vote on the recommendations. Minority recommendations that achieve the support of at least five of the named voting members of the task force may also be submitted to the legislature.

(8) The department shall issue permit decisions for up to five water resource mitigation pilot projects. It is the intent of the legislature to use the pilot projects to inform the legislative task force process while also enabling the processing of water right applications that address water supply needs. The department is authorized to issue permits in reliance upon water resource mitigation of impacts to instream flows and closed surface water bodies under the following mitigation sequence:

(a) Avoiding impacts by: (i) Complying with mitigation required by adopted rules that set forth minimum flows, levels, or closures; or (ii) making the water diversion or withdrawal subject to the applicable minimum flows or levels; or

(b) Where avoidance of impacts is not reasonably attainable, minimizing impacts by providing permanent new or existing trust water rights or through other types of replacement water supply resulting in no net annual increase in the quantity of water diverted or
withdrawn from the stream or surface water body and no net
detrimental impacts to fish and related aquatic resources; or
(c) Where avoidance and minimization are not reasonably
attainable, compensating for impacts by providing net ecological
benefits to fish and related aquatic resources in the water resource
inventory area through in-kind or out-of-kind mitigation or a
combination thereof, that improves the function and productivity of
affected fish populations and related aquatic habitat. Out-of-kind
mitigation may include instream or out-of-stream measures that
improve or enhance existing water quality, riparian habitat, or other
instream functions and values for which minimum instream flows or
closures were established in that watershed.

(9) The department must monitor the implementation of the pilot
projects, including all mitigation associated with each pilot
project, approved under this section at least annually through
December 31, 2028.

(10) The pilot projects eligible for processing under this
section, based on criteria as of the effective date of this section,
include:

(a) A city operating a group A water system in Kitsap county and
water resource inventory area 15, with a population between 13,000
and 14,000;
(b) A city operating a group A water system in Pierce county and
water resource inventory area 10, with a population between 9,500 and
10,500;
(c) A city operating a group A water system in Thurston county
and water resource inventory area 11, with a population between 8,500
and 9,500;
(d) A nonprofit mutual water system operating a group A water
system in Pierce county and water resource inventory area 12, with
between 10,500 and 11,500 service connections; and
(e) An irrigation district located in Whatcom county and water
resource inventory area 1, solely for the purpose of processing
changes of water rights from surface water to groundwater, and
implementing flow augmentation to benefit instream flows.

(11) Water right applicants eligible to be processed under this
pilot project authority must elect to be included in the pilot
project review by notifying the department by July 1, 2018. Once an
applicant notifies the department of its intent to be processed under
this pilot project authority, subsection (8) of this section applies
to final decisions issued by the department, even if such a final
decision is issued after the expiration of this section.

(12) By November 15, 2018, the department must furnish the task
force with information on conceptual mitigation plans for each water
resource mitigation pilot project application.

(13) To ensure that the processing of pilot project applications
can inform the task force process in a timely manner, the department
must expedite processing of applications for water resource
mitigation pilot projects. The applicant for each pilot project must
reimburse the department for the department's costs of processing the
applicant's application.

(14) The water resource mitigation pilot project authority
granted to the department does not affect or modify any other
procedural requirements of chapter 90.03, 90.44, or 90.54 RCW that
apply to the processing of such applications.


(16) This section expires January 1, 2029.

Sec. 302. RCW 90.03.247 and 2003 c 39 s 48 are each amended to
read as follows:

(1) Whenever an application for a permit to make beneficial use
of public waters is approved relating to a stream or other water body
for which minimum flows or levels have been adopted and are in effect
at the time of approval, the permit shall be conditioned to: (a)
Protect the levels or flows; or (b) require water resource mitigation
of impacts to instream flows and closed surface water bodies for
water resource mitigation pilot projects authorized under section 301
of this act.

(2) No agency may establish minimum flows and levels or similar
water flow or level restrictions for any stream or lake of the state
other than the department of ecology whose authority to establish is
exclusive, as provided in chapter 90.03 RCW and RCW 90.22.010 and
90.54.040. The provisions of other statutes, including but not
limited to ((RCW 77.55.100 and)) chapter 43.21C RCW, may not be
interpreted in a manner that is inconsistent with this section. In
establishing such minimum flows, levels, or similar restrictions, the
department shall, during all stages of development by the department
of ecology of minimum flow proposals, consult with, and carefully
consider the recommendations of, the department of fish and wildlife,
the department of community, trade, and economic development.

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commerce, the department of agriculture, and representatives of the
affected Indian tribes. Nothing herein shall preclude the department
of fish and wildlife, the department of (community, trade, and
economic development) commerce, or the department of agriculture
from presenting its views on minimum flow needs at any public hearing
or to any person or agency, and the department of fish and wildlife,
the department of (commerce, and economic development)
commerce, and the department of agriculture are each empowered to
participate in proceedings of the federal energy regulatory
commission and other agencies to present its views on minimum flow
needs.

Sec. 303. RCW 90.03.290 and 2001 c 239 s 1 are each amended to
read as follows:

(1) When an application complying with the provisions of this
chapter and with the rules of the department has been filed, the same
shall be placed on record with the department, and it shall be its
duty to investigate the application, and determine what water, if
any, is available for appropriation, and find and determine to what
beneficial use or uses it can be applied. If it is proposed to
appropriate water for irrigation purposes, the department shall
investigate, determine and find what lands are capable of irrigation
by means of water found available for appropriation. If it is
proposed to appropriate water for the purpose of power development,
the department shall investigate, determine and find whether the
proposed development is likely to prove detrimental to the public
interest, having in mind the highest feasible use of the waters
belonging to the public.

(2)(a) If the application does not contain, and the applicant
does not promptly furnish sufficient information on which to base
such findings, the department may issue a preliminary permit, for a
period of not to exceed three years, requiring the applicant to make
such surveys, investigations, studies, and progress reports, as in
the opinion of the department may be necessary. If the applicant
fails to comply with the conditions of the preliminary permit, it and
the application or applications on which it is based shall be
automatically canceled and the applicant so notified. If the holder
of a preliminary permit shall, before its expiration, file with the
department a verified report of expenditures made and work done under
the preliminary permit, which, in the opinion of the department,
establishes the good faith, intent, and ability of the applicant to
carry on the proposed development, the preliminary permit may, with
the approval of the governor, be extended, but not to exceed a
maximum period of five years from the date of the issuance of the
preliminary permit.

(b) For any application for which a preliminary permit was issued
and for which the availability of water was directly affected by a
moratorium on further diversions from the Columbia river during the
years from 1990 to 1998, the preliminary permit is extended through
June 30, 2002. If such an application and preliminary permit were
canceled during the moratorium, the application and preliminary
permit shall be reinstated until June 30, 2002, if the application
and permit: (i) Are for providing regional water supplies in more
than one urban growth area designated under chapter 36.70A RCW and in
one or more areas near such urban growth areas, or the application
and permit are modified for providing such supplies, and (ii) provide
or are modified to provide such regional supplies through the use of
existing intake or diversion structures. The authority to modify such
a canceled application and permit to accomplish the objectives of
(b)(i) and (ii) of this subsection is hereby granted.

(3) The department shall make and file as part of the record in
the matter, written findings of fact concerning all things
investigated, and if it shall find that there is water available for
appropriation for a beneficial use, and the appropriation thereof as
proposed in the application will not impair existing rights or be
detrimental to the public welfare, it shall issue a permit stating
the amount of water to which the applicant shall be entitled and the
beneficial use or uses to which it may be applied: PROVIDED, That
where the water applied for is to be used for irrigation purposes, it
shall become appurtenant only to such land as may be reclaimed
thereby to the full extent of the soil for agricultural purposes. But
where there is no unappropriated water in the proposed source of
supply, or where the proposed use conflicts with existing rights, or
threatens to prove detrimental to the public interest, having due
regard to the highest feasible development of the use of the waters
belonging to the public, it shall be duty of the department to reject
such application and to refuse to issue the permit asked for.

(4) If the permit is refused because of conflict with existing
rights and such applicant shall acquire same by purchase or
condemnation under RCW 90.03.040, the department may thereupon grant
such permit. Any application may be approved for a less amount of
water than that applied for, if there exists substantial reason
therefor, and in any event shall not be approved for more water than
can be applied to beneficial use for the purposes named in the
application. In determining whether or not a permit shall issue upon
any application, it shall be the duty of the department to
investigate all facts relevant and material to the application. After
the department approves said application in whole or in part and
before any permit shall be issued thereon to the applicant, such
applicant shall pay the fee provided in RCW 90.03.470: PROVIDED
FURTHER, That in the event a permit is issued by the department upon
any application, it shall be its duty to notify the director of fish
and wildlife of such issuance.

(5) The requirements of subsections (1) and (3) of this section
do not apply to water resource mitigation pilot projects for which
permits are issued in reliance upon water resource mitigation of
impacts to instream flows and closed surface water bodies under
section 301 of this act.

NEW SECTION. Sec. 304. The legislature intends to appropriate
three hundred million dollars for projects to achieve the goals of
this act until June 30, 2033. The department of ecology is directed
to implement a program to restore and enhance stream flows by
fulfilling obligations under this act to develop and implement plans
to restore stream flows to levels necessary to support robust,
healthy, and sustainable salmon populations.

NEW SECTION. Sec. 305. Sections 201 through 208 and 301 of this
act constitute a new chapter in Title 90 RCW.

NEW SECTION. Sec. 306. If any provision of this act or its
application to any person or circumstance is held invalid, the
remainder of the act or the application of the provision to other
persons or circumstances is not affected.

NEW SECTION. Sec. 307. This act is necessary for the immediate
preservation of the public peace, health, or safety, or support of
the state government and its existing public institutions, and takes effect immediately.

--- END ---
WHATCOM COUNTY COUNCIL AGENDA BILL

CLEARANCES

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Division Head:

Dept. Head:

Prosecutor:

Purchasing/Budget:

Executive:

TITLE OF DOCUMENT:
Appointment to Whatcom County Planning Commission - Applicant: Tony Freeland

ATTACHMENTS:
Application

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

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE: (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)
Applicant to fill 1 Vacancy, Partial term ending 1/31/2021
Applicant: Tony Freeland.
Applicants must be a resident of District 1. The Planning Commission shall assist the Planning & Development Services Department in carrying out its duties, including assistance in the preparation and execution of the comprehensive plan and recommendations to the department for the adoption of official controls and/or amendments. The Commission shall conduct hearings as required under RCW 36.70, and shall make findings and conclusions that shall be transmitted to the Planning and Development Services Department and County Council.

COMMITTEE ACTION:

COUNCIL ACTION:
4/24/2018: Introduced 6-0, Byrd absent

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

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.
Applicants to the Planning Commission – District 1 Vacancy

Tony Freeland

Kimberley Lund
Board and Commission Application

Step 1
Application for Appointment to Whatcom County Boards and Commissions

Public Statement
THIS IS A PUBLIC DOCUMENT: As a candidate for a public board or commission, the information provided will be available to the County Council, County Executive, and the public. All board and commission members are expected to be fair, impartial, and respectful of the public, County staff, and each other. Failure to abide by these expectations may result in revocation of appointment and removal from the appointive position.

<table>
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<th>Tony</th>
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<td>Last Name</td>
<td>Freeland</td>
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<td>4/16/2018</td>
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<tr>
<td>Street Address</td>
<td>1403 Harris Avenue</td>
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<tr>
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<tr>
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</tr>
<tr>
<td>Email Address</td>
<td><a href="mailto:tfreeland@freelandengineering.com">tfreeland@freelandengineering.com</a></td>
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Step 2
1. Name of Board or Committee
   Planning Commission

2. Do you meet the residency, employment, and/or affiliation requirements of the position for which you're applying? Yes

3. Which Council district do you live in? District 1

4. Are you a US citizen? Yes

5. Are you registered to vote in Whatcom County? Yes

6. Have you declared candidacy (as defined by RCW 42.17A.055) for a paid elected office in any jurisdiction within the county? Yes

7. Have you ever been a member of this Board/Commission? No

8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County? Yes

If yes, please explain
   Freeland & Associates, Inc. has provided consulting engineering services to Whatcom County as a sub-consultant to architects. The firm does not directly contract with Whatcom County.

You may attach a resume or detailed summary of experience, qualifications, & interest in response to the following questions Field not completed.

9. Please describe your occupation (or former)
   Professional Civil Engineer Bachelor of Science, Civil Engineering, University of Tennessee, with Honors Owner of
Consulting Engineering Company in Whatcom County Employ
10 professionals Former Commissioner of Water District No. 10
President of Whatcom County Building Services Appeals Board
Former Trustee of American Water Works Association Chapter
Former President of American Society of Civil Engineers Active
with Brigid Collins and Domestic Violence and Sexual Assault
Services

10. Please describe why you’re interested in serving on this board or commission

My professional background with community planning and
technical expertise on land use issues will be an asset to the
Commission. My views are balanced and I’m not associated
with any political community organizations nor bring an agenda
to the Commission.

References (please include daytime telephone number):
Jim Ackerman, Mayor of Nooksack (360) 961-2375 John
Mutchler, Mayor of Ferndale (360) 685-2350 Michael Jones,
Planning Director of Blaine (360) 332-8311 Ext. 3317 Rollin
Harper, Planning Director of Everson (360) 733-6033 Steve
Sundin, City of Bellingham Planner (360) 778-8359 Ron
Cowdan, Assistant Superintendent of Bellingham School
District (360) 676-6531

Signature of applicant: Tony Freeland

Place Signed / Submitted: Bellingham, Washington

Email not displaying correctly? View it in your browser.
To Whom It May Concern,

I am writing this message in support of the application submitted by Mr. Tony Freeland, P.E. to serve as a County Planning Commissioner.
I have worked with Tony for over ten years in his capacity as a civil engineer and as the City Engineer for the City of Nooksack.
Tony has a wealth of experience to draw upon that would support his duties on the Planning Commission.
I have always found Tony to be open-minded, practical and able to work well in collaboration with others.
It would be a great asset to the County to have Tony serve on the Planning Commission.

Respectfully,
Rollin Harper
City Planner for Everson, Nooksack and Sumas

Rollin H. Harper, Principa
Sehome Planning and Development Services
103 E. Holly Street, #206
Bellingham, WA 98225
(360) 733-6033
To Whatcom County Council:

I am most pleased to recommend Tony Freeland to the Whatcom County Planning Commission.

In a sentence, I wish Mr. Freeland lived in our Ferndale city limits as I would tap him for our planning commission.

Tony has been involved with a large number of projects in Ferndale. I checked: he has a sterling reputation in our planning department because of his intelligence, his commitment to advocate for his client, his understanding of local codes and concerns, and his ability to communicate and work with our staff in a respectful and productive way. In our code language up here, "Tony's one of the good guys" the city enjoys working with. No BS.

His intelligence and skills would be unmatched, I think. He'd bring a great voice and perspective to any group.

But with brains he also brings "heart"—an appreciation of community and life. Though aware of his work and reputation, it is "community" that introduced me to Tony. This moves a bit into "full disclosure" about my relationship with Tony, which is recent.

Unknown to me, until "after the fact," Tony had gifted the Bellingham Marathon Training Group ["Bellingham Fit"] with annual airline tickets to Japan to allow two [2] Whatcom County residents the opportunity to run in Bellingham’s sister city’s [Tateyama, Japan] marathon. I, as a member of Bellingham Fit [not as mayor] was awarded one of those trips. Until after the fact, Tony was unaware that I was the recipient, as I was also unaware of the donor. This initiated our first visit and meet, at his Fairhaven home a few months back.

My recommendation of Tony is based on what I know of his work, our few interactions, but mostly my discussion with staff in our planning department. Again, I’d pick him in a heartbeat for our Ferndale Planning Commission.

Jon

Jon R Mutchler, Mayor
City of Ferndale
JonMutchler@CityofFerndale.org
2095 Main Street – P.O. Box 936
Ferndale, WA 98248
(360) 685-2350
NOTE: All emails to and from this account are public record and may be subject to public disclosure
Good morning Ms. Schneider,

I am writing today to express my strong support for Mr. Tony Freeland’s appointment to the Whatcom County Planning Commission.

It has been my extreme pleasure to know Tony for over 20 years as we have worked together on numerous school construction projects.
He is a person of both competence and character. His exceptional interpersonal skills combined with his intellect make him well received by school personnel, contractors and regulatory staff.
Tony is a great listener. He truly seeks to understand, before needing to be understood.

Matters brought before the planning commission sometimes can be contentious and complex. They require someone who is smart, who is a good listener, who is a good thinker and exercises a calm and steady approach.
Tony Freeland’s gifts and talents are a perfect matched to meet those demands.

In conclusion, it is without any reservation whatsoever that I highly recommend Tony Freeland as a member of the Whatcom County Planning Commission and urge you to give him your strongest consideration.

Sincerely,
Ron Cowan
Executive Director Capital Projects
Bellingham Public Schools
From: Vikki Jackson [mailto:vikkinweco@gmail.com]
Sent: Friday, April 27, 2018 4:26 PM
To: Jennifer Schneider
Subject: Whatcom County Planning Commission nomination

I would like to provide my recommendation that Tony Freeland be considered for a position on the Whatcom County Planning Commission. I have known Tony professionally for over 20 years and can vouch for his professional and creative approach to problem solving. He has been working within Whatcom County as a professional engineer and has an excellent understanding of the assets and challenges that exist in Whatcom County. If selected he will add experience and depth to the Planning Commission.

Sincerely,

Vikki Jackson

--
Vikki Jackson, PWS, senior ecologist >;;;;-----

Northwest Ecological Services, LLC
2801 Meridian Street, Suite 202
Bellingham, WA 98225
Phone (360) 734-9484
Web: www.nwecological.com - Check Out Our New Website!
Hi Jennifer,
Will you please make sure this is forwarded to the Council members?
Thanks so much,
Dannon

Dear Council,

I am writing to provide a recommendation for Tony Freeland to support his application for the Whatcom County Planning Commission. I have worked with Tony on many projects over the years since I began practicing law in late 2005. He is a consummate professional and is well-respected in our community by professionals in the development and environmental realms. His expertise in land use regulations (including those related to zoning, subdivisions, critical areas, stormwater and road standards), the Whatcom County Comprehensive Plan, and Growth Management Act goals and policies will aid him in making fair and balanced recommendations to the County Council. I know Tony to be fair and open-minded, and I believe he will listen carefully to the viewpoints of his fellow Planning Commissioners and citizens in formulating opinions on the implementation of development regulations that will benefit citizens and the environment, alike. His existing knowledge and attention to detail will make him a quick study as a new Planning Commissioner.

I also know Tony through our mutual involvement in Bellingham Bay Rotary. In addition to his professional obligations, he shares a focus on community service. This year, he is on the Board of our Rotary club and also serves the club through his roles as secretary and chair of the community projects committee. He regularly volunteers to step in when no one else will. He is also just a joy to be around.

Tony would be a stellar addition to the Whatcom County Planning Commission, and I can’t think of a better person to serve.

Best Regards,
Dannon Traxler

Dannon C. Traxler
Attorney at Law
LANGABEER & TRAXLER, P.S.
Dear Councilmembers,

I am writing to express to you my support for the application by Tony Freeland for the County Planning Commission District 1 position. I understand Tony has applied for this position and I believe that he would make an excellent Planning Commissioner.

I am a local County resident, have lived here my entire life, and have owned and operated a planning and land use consulting business in the County for 16 years. In this capacity I have worked with Tony professionally many times over the past decade and have found him to be an extremely knowledgeable, thoughtful and compassionate person. As a professional engineer I believe Tony would bring a valuable perspective to the Planning Commission and could utilize his technical knowledge base to help the Commission make sound decisions on land use issues.

I am also a City of Bellingham Planning Commissioner and have acted in this capacity for 6 years. I understand the demands on a Commission volunteer, the responsibilities of a Commissioner, and the value of varied and reasoned perspectives and backgrounds in making a strong and effective Commission. I believe that Tony can meet these demands, and contribute to the function and value of the County Planning Commission.

Please consider this letter of support for Tony as you evaluate applicants. Good luck in your decision making process and in your continued long range planning efforts for our County.

Ali

--
Ali Taysi
Principal

AVT CONSULTING
1708 F St.
Bellingham, WA 98225

360 527 9445 office
360 671 0753 fax
www.avtplanning.com
NaDean Hanson

From: noreply@civicplus.com
Sent: Tuesday, April 24, 2018 7:33 PM
To: Ben Glassett; Jill Nixon; Suzanne Mildner; Kristi Felbinger; Dana Brown-Davis; Executive; NaDean Hanson
Subject: Online Form Submittal: Board and Commission Application

Board and Commission Application

Step 1

Application for Appointment to Whatcom County Boards and Commissions

Public Statement
THIS IS A PUBLIC DOCUMENT: As a candidate for a public board or commission, the information provided will be available to the County Council, County Executive, and the public. All board and commission members are expected to be fair, impartial, and respectful of the public, County staff, and each other. Failure to abide by these expectations may result in revocation of appointment and removal from the appointive position.

First Name: Kimberley
Last Name: Lund
Date: 4/24/2018
Street Address: 200 Sea Pines Road
City: Bellingham
Zip: 98229
Do you live in & are you registered to vote in Whatcom County? Yes
Do you have a different mailing address? Field not completed.
Primary Telephone: 3607382389
Secondary Telephone: Field not completed.
Email Address: kimjlund@hotmail.com

Step 2
1. Name of Board or Committee
   Planning Commission

2. Do you meet the residency, employment, and/or affiliation requirements of the position for which you’re applying? Yes

3. Which Council district do you live in? District 1

4. Are you a US citizen? Yes

5. Are you registered to vote in Whatcom County? Yes

6. Have you declared candidacy (as defined by RCW 42.17A.055) for a paid elected office in any jurisdiction within the county? No

7. Have you ever been a member of this Board/Commission? No

8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County? Yes

If yes, please explain
My husband and I are minority partners in the Heliotrope Hotel - a small, independently owned boutique hotel close to downtown Bellingham.

You may attach a resume or detailed summary of experience, qualifications, & interest in response to the following questions
Kimberley Lund Resume 2018.pdf

9. Please describe your occupation (or former occupation if retired), See my attached resume.
qualifications, professional and/or community activities, and education

10. Please describe why you’re interested in serving on this board or commission

Whatcom County has been a fantastic place for my family to call home for three generations. There is no other place that I would rather be raising my family. I feel that serving on the Planning Commission is one way to show gratitude for my community while helping preserve a legacy for Whatcom County as wonderful place to work and recreate. If selected, this commission would be an opportunity to better understand the complex issues we collectively face while deepening my civic engagement.

References (please include daytime telephone number):
Dr. Greg Baker, Superintendent of Bellingham Public Schools | (360) 676-6501
Rachel Meyers, Program Manager at Whatcom Community Foundation | (360) 671-6463

Signature of applicant: Kimberley Lund

Place Signed / Submitted: Bellingham, WA

Email not displaying correctly? View it in your browser.
KIMBERLEY LUND

PROFILE

50% creative

analytical

50%

CONTACT ME

Email Address: kmlund@hotmail.com
Mobile: 360.739.2389
LinkedIn: linkedin.com/in/kimberleylund

EDUCATION

BS, Chemical Engineering - University of Washington
Graduated 1996

SELECTED PROFESSIONAL EXPERIENCE

Executive Director
Bellingham Public Schools Foundation, Bellingham, WA 6/2014 to Present
Responsible for the operations, fiscal management and organizational development of the Foundation, which serves as the nonprofit partner for Bellingham Public Schools. I am responsible to the organization’s $500,000+ annual budget. The Foundation supports the community’s interest and investment in public schools by articulating giving opportunities that align with district priorities and cultivates support for new and/or unmet needs. I also act as an agent for reducing student achievement gaps by recognizing and addressing disparities between district schools and aligning funding with need. I also strive to create functional partnerships with other community organizations with similar interests to increase cooperation and support, reducing redundancy and confusion.

Outreach Director and Researcher
Responsible for the operations of a small nonprofit organization dedicated to providing independent analysis of the proposed Gateway Pacific Terminal project. As an organization with only two paid staff, I was tasked with a diverse set of responsibilities including the creation and maintenance of the CWB website (Wordpress), the design and development of all collateral marketing materials, technical research and report writing, political networking with relevant local elected officials and public outreach to various community groups.

ABOUT ME

I took a circuitous path from engineering and the statistical design of experiments to developing web and print design expertise. I began my career as a chemical engineer for Intel Corp and later left to become a marketing director at a dot-com venture. There I received a crash course in web design, brand development, and channel-partner management. I translated this learning into a successful small business start-up. My time these days is currently divided between freelancing, family, community service, and travel with an occasional yoga class in between.

SOFTWARE SKILLS

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<th>Rookie</th>
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SELECTED PROFESSIONAL EXPERIENCE

Co-owner and Founder,
Salty Girls, Bellingham, WA 2004 to 2007
Developed a line of all-natural health and beauty products for women athletes. Our products were carried in over 80 retail outlets nationwide including the Title 9 Catalog. Oversaw product development, formulation, production, operations, brand development, and sales. Responsible for all financial deliverables including budgeting, forecasting, accounting, and tax filings. Director of Dealer Development and Decision Support
Etera Corporation, Burlington, WA – Etera Networks 9/1999 to 7/2001
Successfully managed the ramp the 2000 & 2001 Etera Certified Dealer Program from 20 participants to over 1600. Responsible for implementation of marketing programs, events, seminars, and sales force communications. Hired and developed a training department within in a compressed schedule. Coordinated training for the external sales organization and launched Etera’s national online training program to over 500 channel partners on-time and at 25% of the allocated budget.

Failure Analysis Engineer
Intel Corporation, Hillsboro, OR – Portland Technology Development/Fab 20 2/1999 to 8/1999
Responsible for reporting baseline defect and root cause Pareto analysis for one of Intel’s highest volume semiconductor manufacturing facilities. This analysis drove fab-wide defect reduction efforts saving the company many millions by ensuring operational efficiency. Supported systematic excursion task forces and root cause investigations of process excursions in a state of the art semiconductor facility.

Process Engineer
Intel Corporation, Aloha, OR – Fab 5 Etch Department 9/1996 – 2/1999
Responsible for sustaining the automated wet etch modules used in the semiconductor manufacturing process. Team leader accountable for the technical growth, training and team health of 30+ technicians and specialists. Owned developing and implementing yield improvement and cost reduction projects through experimental design and analysis. Supervised the transfer of over 25% of the Pentium manufacturing process from Oregon’s Fab 5 to Intel’s Jerusalem Fab 8. One of seven engineers selected to the Fab 5 closure team that set both corporate and industry records for world class safety performance, factory line yields and productivity levels.

SELECTED SERVICE EXPERIENCE

Board Member, Pediatric Brain Tumor Research Fund 2010 to 2015
Successfully supported raising funds of over $1,200,000 in my four year tenure with the PBTRF through various events. The PBTRF is repeatedly recognized as one of the top-grossing guilds supporting Seattle Children’s Hospital and their oncology research efforts.

Board Member, Bellingham Public School Foundation 2012 to 2014
The newly revitalized Public School Foundation strives to close the existing funding gaps facing our educational systems and supports key programs and district priorities to ensure an excellent education for all of our local students. In addition to my regular board duties, I support the Foundation’s work through the creation and development of the BPSF’s print materials and strive to elevate the Foundation’s visibility and reach by improving their strategic messaging and encouraging thoughtful brand development. Elected to serve as Vice-President of the Board in the upcoming term.

REFERENCES AVAILABLE UPON REQUEST
COMMUNITYWISE BELLINGHAM
informing the conversation

project violet
adopt a drug, begin the adventure...

SENDAN CENTER
excellence in child & adolescent behavioral health

Pink Polka Dots
raising money for pediatric brain cancer research
## Clearances

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## Title of Document:

Appointments to Lake Whatcom Stormwater Utility Advisory Committee

## Attachments:

Application

## Summary Statement or Legal Notice Language:

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

5 Vacancies
4 Vacancies - Applicants will be geographically representative of a broad spectrum of stakeholders from within the Lake Whatcom Stormwater Utility Service Area. Applicants must maintain a primary residence within the service area.

1 Vacancy - applicant must be a representative of the Sudden Valley Community Association Terms - all terms will last until the Lake Whatcom Stormwater Utility rate structure is established. The committee will represent rate payers in the Lake Whatcom Stormwater Utility Service Area and advise Whatcom County Public Works staff and the Whatcom County Council on recommended rate structure options and a funding mechanism. Applicants: Laurence Brown, Joseph Baldwin, Chris Keller, Peter Dobey

## Committee Action:

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<th>Related File Numbers:</th>
<th>Ordinance or Resolution Number:</th>
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<td>4/24/2018: Introduced 6-0, Byrd absent</td>
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</table>

Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County's website at: www.co.whatcom.wa.us/council.
Applicants to the Lake Whatcom Stormwater Utility Advisory Committee

Nancy Alyanak
Joseph Baldwin
Laurence Brown
Todd Citron
Thomas Dales
Peter Dobey
Harry (Skip) Johnsen
Chris Keller
Enoch Ledet
Nathaniel Washington
APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Nancy Alyanak
Street Address: 4 Sandalwood Cir.
City: Bellingham
Mailing Address (if different from street address): 
Day Telephone: ___360-393-4188____ Evening Telephone: ___360-393-4188____ Cell Phone: 
E-mail address: __bc98229@comcast.net__

1. Name of board or committee - please see reverse: Lake Whatcom Stormwater Utility Advisory Committee

2. You must specify which position you are applying for. Please refer to vacancy list.

3. Do you meet the residency, employment, and/or affiliation requirements of the position for which you’re applying? (If applicable, please refer to vacancy list.)

4. Which Council district do you live in?

5. Are you a US citizen?

6. Are you registered to vote in Whatcom County?

7. Have you ever been a member of this Board/Commission?

If yes, dates: __________________________

8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County?

If yes, please explain: __________________________

9. Have you declared candidacy (as defined by RCW 42.17A.055, see instructions) for a paid elected office in any jurisdiction within the county?

You may attach a résumé or detailed summary of experience, qualifications, & interest in response to the following questions.

10. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.

I am a licensed Professional Geoscientist (TX #1176) with two geology degrees (B.A. & M.S.) and 30+ years industry experience. After retiring here in 2006, I became interested in where the phosphorus load in Lake Whatcom comes from and why there is so much of it. I have written numerous public comments to Council and DOE on the subject and regularly attend LWPG and SWWS sessions.

11. Please describe why you’re interested in serving on this board or commission:

My goal is a fee formula that reflects a property’s phosphorus(P) input. The largest single source of P in the watershed is P attached to sediment deposited/dumped in Mirror Lake by the MFN diversion. Every time it rains or the diversion flows Mirror Lake sediment is re-suspended and carried into Lake Whatcom. A fee on dumping sediment into a water body can encourage responsible sediment management. The attached proposal is one possible solution.

References (please include daytime telephone number):

I think the council members have enough information about me to make a decision without adding references.

Signature of applicant: Nancy Alyanak

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.
A Cost-Effective Proposal to Manage Mirror Lake Sediments

The Middle Fork Nooksack diversion system was designed to bring water and sediment from the river to the Lake Whatcom watershed by tunnel and pipeline. At the end of the pipeline, the carried sediment load had to be disposed of somehow. A small lake in the Lake Whatcom watershed, Mirror Lake, was chosen to be a sediment dump. Mirror Lake was turned into a settling pond/dump because it was conveniently located and 60 years ago dumping sediments into a lake was a reasonable thing to do. We now understand that sediments and their attached phosphorus are not good for lakes. The diversion sediments in Mirror Lake--past and future--represent a significant phosphorus contribution to Lake Whatcom watershed and ultimately to the lake itself.

This proposal explores diverting future Nooksack diversion sediments into a replacement settling pond located outside of the Lake Whatcom watershed, then stabilizing the diversion sediments already deposited in Mirror Lake. Without some stabilization, re-mobilized Mirror Lake sediments will be carried into Lake Whatcom. Those Mirror Lake sediments hold over one million pounds of phosphorus and represent a serious threat to Lake Whatcom water quality.

The first step in exploring this proposal is to determine if a new settling pond would be cost-effective. Cost-effectiveness depends on how many dollars the city/county would typically spend to remove a pound of phosphorus from the Lake Whatcom watershed and how many pounds of phosphorus a replacement settling pond would remove. Fortunately both can by determined from existing reports.

Determining how many pounds of phosphorus a replacement settling pond would remove per year requires figuring out how much phosphorus the diversion deposits in Mirror Lake. A 2015 study(1) examined the phosphorus in water and sediment entering Mirror Lake compared to the phosphorus in water and sediment exiting Mirror Lake. Total phosphorus concentration in samples taken from Mirror Lake inlet was compared with samples taken from Mirror Lake outlet. The results show about half of the phosphorus entering Mirror Lake stayed in Mirror Lake. That phosphorus is contained in the Mirror Lake sediments.

Mirror Lake drains into Anderson Creek, so creek samples are a combination of diversion material exiting Mirror Lake and Anderson Creek subbasin material. Enough Anderson Creek information is published(2) to provide a way to separate out the diversion phosphorus contribution from the creek subbasin contribution for water year 2013 (tables 6, 7 & 10).

An estimate of what Anderson Creek phosphorus samples would look like without the diversion can be calculated by looking at Brannian Creek samples because both creeks drain similar terrain. Phosphorus in kilograms(kg) per square kilometer(km2) per year for Brannian creek subbasin is listed in table 7. Table 10 lists the area in km2 for Anderson creek subbasin. Multiplying provides an estimated phosphorus load for Anderson creek without the diversion: 290 kg/yr. Anderson Creek with diversion samples tested phosphorus at 461 kg/yr (table 6), so in the 2013 water year the diversion alone contributed a phosphorus load of 171 kg/yr (461-290). An equal amount, 171 kg/yr or 376 lbs/yr remained in Mirror Lake (1). Building a replacement settling pond would remove 376 pounds of phosphorus per year from the Lake Whatcom watershed at diversion 2013 water year flows.

Cost-effectiveness also depends on how many dollars the city/county would typically spend to remove a pound of phosphorus from the Lake Whatcom watershed. An acceptable project cost to remove a pound of phosphorus can be calculated from two slides (no. 23, 25) presented at the March 28 Lake Whatcom Policy Group meeting. It is $37,238 per lb. of phosphorus removed per year. That means roughly $14,000,000 to build a replacement settling pond is cost-effective. Another of the March 28 meeting slides (No. 8) showed cumulative "Watershed-Wide Phosphorus Removed" progress toward the TMDL target. Posting the replacement settling pond on the slide (attached) shows the TMDL goal could be accelerated by 8 to 10 years.
Where might the new pond be located? A reasonable location might be along the pipeline route at enough elevation to support flow to the pipeline outfall at 400 feet elevation. The pipeline itself is 42" concrete pipe. The northeastern most section of the pipeline is ~700 to 800 feet elevation and flows through undeveloped timberland and marsh. The replacement settling pond can be smaller and shallower than Mirror Lake because sediment can be removed periodically from the new pond and sold for fill. Fourteen million dollars is probably enough money to build a replacement settling pond.

Even if Mirror Lake is no longer used as a settling pond, the existing sediment with attached phosphorus remains in Lake Whatcom watershed. That sediment is vulnerable to erosion and re-deposition. Mirror Lake holds 56 years of unconsolidated diversion sediment with attached phosphorus. From 1962 to 2000 an estimated 60,000 cubic meters of diversion sediment accumulated in Mirror Lake(3). Although a Mirror Lake sediment phosphorus analysis has never been published, it is possible to estimate the amount of phosphorus in Mirror Lake from Anderson Creek sediment analysis(2). Anderson creek sediment contains 0.003874 kg of phosphorus per kg of sediment. Mirror Lake core data show diversion sediments weigh about 2,006 kg per cubic meter. As of year 2000, the diversion sediments in Mirror Lake weighed 120,360,000 kg and held 466,275 kg (1,027,950 lbs) of phosphorus. That is a lot of phosphorus. In the last 18 years even more sediment and phosphorus has been added in Mirror Lake.

Over one million pounds of phosphorus in Mirror Lake sounds like a large number when only 376 pounds of phosphorus were deposited in water year 2013. In the past the diversion flow was much higher and would have deposited much more phosphorus per year. Unfortunately no published data is available to compare the water year 2013 flow rate with previous years.

The unconsolidated Mirror Lake sediments are vulnerable to erosion by water from diversion flow and winter storms. Unless the Mirror Lake sediments are stabilized with rocks or other capping material, over one million pounds of phosphorus will make its way into Lake Whatcom. One million pounds of phosphorus is a lot to ignore. Build the replacement settling pond and then stabilize Mirror Lake.

Nancy Aylanak
April 22, 2018
bc98229@comcast.net

References Cited:


Watershed-Wide Phosphorus Removed (Cumulative)

TMDL Target: 3,150 lbs removed by 2066

To date: 439 lbs. removed
14% complete

Projected: 608 lbs.
removed (through 2020)
19% complete

Projected 984 lbs. removed
Replacement Settling Pond
Board and Commission Application

Step 1

Application for Appointment to Whatcom County Boards and Commissions

Public Statement
THIS IS A PUBLIC DOCUMENT: As a candidate for a public board or commission, the information provided will be available to the County Council, County Executive, and the public. All board and commission members are expected to be fair, impartial, and respectful of the public, County staff, and each other. Failure to abide by these expectations may result in revocation of appointment and removal from the appointive position.

First Name               Joseph
Last Name                Baldwin
Date                     4/5/2018
Street Address           3042 Northshore Rd
City                     Bellingham
Zip                      98226
Do you live in & are you registered to vote in Whatcom County?    Yes
Do you have a different mailing address?    YES
Mailing Address          1511 Mt Baker Hwy, Bellingham WA 98226
Primary Telephone        360-305-4504
Secondary Telephone      360-933-1728
Email Address            jbatosc@yahoo.com
### Step 2

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Name of Board or Committee</td>
<td>Lake Whatcom Stormwater Advisory Committee</td>
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<td>2. Do you meet the residency, employment, and/or affiliation requirements of the position for which you’re applying?</td>
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<td>Yes</td>
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</tr>
<tr>
<td>7. Have you ever been a member of this Board/Commission?</td>
<td>No</td>
</tr>
<tr>
<td>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?</td>
<td>Yes</td>
</tr>
<tr>
<td>If yes, please explain</td>
<td>I own a construction company that occasionally is awarded a contract through open/public bidding</td>
</tr>
<tr>
<td>You may attach a resume or detailed summary of experience, qualifications, &amp; interest in response to the following questions</td>
<td>JOES RESUME 9-15-16.doc</td>
</tr>
<tr>
<td>9. Please describe your occupation (or former)</td>
<td>Owner of a construction company. My firm has completed several projects in the Lake Whatcom Watershed and we’re</td>
</tr>
</tbody>
</table>
occupation if retired), qualifications, professional and/or community activities, and education

10. Please describe why you’re interested in serving on this board or commission

I am always concerned about the quality of water in the watershed and the measures taken to insure the lake stays pristine. I also own 4 homes with the Lake Whatcom Watershed.

References (please include daytime telephone number):

Field not completed.

Signature of applicant: Joseph Baldwin

Place Signed / Submitted: Bellingham WA

Email not displaying correctly? View it in your browser.
Joseph D. Baldwin  
3042 Northshore Rd • Bellingham, WA 98226 • (360) 305-4504

Summary of Qualifications

• 32 year's progressive experience in construction management.
• Proven leadership capabilities.
• Well versed in construction estimating and project management on both building and civil construction.
• Extensive experience dealing with subcontractors, utility companies, municipalities, owners and tenants.
• Ability and experience in bringing large and small projects in under cost and within definite time constraints.
• Background includes extensive training in Paydirt, Word, Excel, Hard Dollar and related computer applications.

Professional Experience

Owner / Estimator / Project Manager
Oceanside Construction Inc. • Bellingham, WA • 2005-2016
Provide initial investigation, cost estimating, project management, and cost tracking for general contractor specializing in all phases of site work, utilities and remediation with $3,000,000.00 to $4,000,000.00 in annual contracts.
• Complete contracts, bonds, submittals and related documentation.
• Overseer cost and production tracking; handle negotiations with clients, owners and subcontractors.
• Directed projects from conception to completion, working both on and off the job.
• Directs office personnel on issues such as banking, insurance, bonding, licensing, etc.

Project Manager/Estimator
Friberg Construction Company Inc. • Ferndale, WA • 2000-2005
Provided initial investigation, cost estimating, project management, and cost tracking for general contractor specializing in all phases of site work, utilities and remediation with $4,000,000.00 to $5,000,000.00 in annual contracts.
• Completed contracts, bonds and related documentation.
• Oversaw cost and production tracking; handled negotiations with clients, owners and contractors.
• Directed projects from conception to completion, working both on and off the job.

Sales Representative
Construction Machinery Inc. • Bellingham, WA • 1998–2000
Responsible for sales, rentals and service for approximately twenty five different manufacturers of construction equipment ranging from hand tools to excavators.
• Working independently from our main office in Kent WA. I was responsible for identifying prospective customers and coordinating sales and rentals through one of our seven offices and making sure all details of sale, rental or service were handled in a timely fashion.

Project Manager/Estimator
Henifin & Assoc. Inc. • Bellingham, WA • 1997–1998
Successfully brought in $2 million in projects in less than 6 months, staying under estimated costs and facilitating solid profit margins.
• Identified estimated costs and managed projects from start to finish.
• Worked directly with owners and clients during contract and change order negotiations.
Project Manager/Estimator
Enviro-Chem Technologies, Inc. • Bellingham, WA • 1994–1997
Provided initial investigation and cost estimating for general contractor specializing in all phases of site work, demolition and remediation with $1 to $2 million in annual contracts.
  • Completed contracts, bonds and related documentation.
  • Oversaw cost and production tracking; handled negotiations with clients, owners and contractors.
  • Directed projects from conception to completion, working both on and off the job.

Project Manager/Estimator
Eldred & Essex • Bellingham, WA • 1992–1994
Managed initial investigations and cost estimating for growing commercial and industrial contractor with $8 to $10 million in annual contracts, including $1 to $2 million in refinery work. The company emphasized construction on wood frame, steel and concrete tilt up structures.
  • Completed contracts, bonds and related documentation.
  • Oversaw cost and production tracking; handled negotiations with clients, owners and contractors.
  • Directed projects from conception to completion, working both on and off the job

Estimator/Foreman
Sumas Transport • Bellingham, WA • 1988–1992
Completed all estimating and subcontract negotiations for general contractor focusing primarily on earthwork and demolition with $1 to $5 million in annual contracts. Promoted from grade foreman to chief estimator within 2 years.

Transportation Technician III
Washington State Department of Transportation • Olympia, WA • 1984–1988
Inspected all phases of DOT projects, which included bridge construction and painting, paving (concrete, asphalt, latex), drainage, finish work, guard rail installation, signals and luminairs. Participated in Acme Bridge, I-90 Access and Bow Hill Weigh Station projects, as well as general I-5 reconstruction.
  • Operated instrument on survey crew, overseeing four employees.
  • Oversaw all phases of construction on projects ranging in cost from $100,000 to $5 million.
  • Assisted in design and drafting of new construction and repairs/revisions on existing structures.

Field Artillery Surveyor/ Specialist 4
U.S. ARMY • Europe • 1977–1980
Worked as a field artillery surveyor doing various types of survey to include higher order surveying, also did coordinate calculations by hand and was on loan to Construction Engineers for road and building survey for approximately one year. Held top secret clearance for entire three years of service and received Honorable Discharge at end of my three year term.

Professional References

Robert Wagner
Owner, Robert Wagner Architects
1916 Pike Place # 221
Seattle WA, 98101-1056
(206) 448-2528

Jeff Jenkins
Executive Financial Officer, Haskell Corp.
1001 Meador Ave.
Bellingham, WA 98226
(360) 734-1200

Mark Salisbury
Owner, Granite Pre-cast
4108 Bakerview Spur
Bellingham, WA 98226
(360) 671-2251

Steve Hunnicutt
Owner, Hunnicutt Painting
3910 Bakerview Spur
Bellingham, WA 98226
(360) 734-9859
Chris Ruiz  
Project Coordinator, Stantec  
11130 NE 33rd Place, Suite 200  
Bellevue, WA 98004  
(425)289-7360

John Ravnick  
Owner, Ravnick and Associates  
108 Gilkey Road  
Burlington, WA. 98233  
(360) 707-2048

Brad Davis  
Branch Manager, Concrete Nor’West  
6513 Siper Road  
Everson, WA. 98247  
(360) 966-2826

Steve Scott  
Bonding Agent, HUB  
PO Box 3018  
Bothell, WA 98011-5768  
(206)571-6337

Deryk Cowden  
Owner, Cowden  
3463 Cedarville Rd  
Bellingham, WA. 98226  
(360) 592-4200

Todd Lewis  
Branch Manager, H.D Fowler (Bellingham)  
2165 Midway Lane  
Bellingham, WA. 98226  
(360) 734-8400
Board and Commission Application

Step 1

Application for Appointment to Whatcom County Boards and Commissions

Public Statement
THIS IS A PUBLIC DOCUMENT: As a candidate for a public board or commission, the information provided will be available to the County Council, County Executive, and the public. All board and commission members are expected to be fair, impartial, and respectful of the public, County staff, and each other. Failure to abide by these expectations may result in revocation of appointment and removal from the appointive position.

First Name Laurence
Last Name Brown
Date 4/2/2018
Street Address 37 Deer Run Lane
City Bellingham
Zip 98229
Do you live in & are you registered to vote in Whatcom County? Yes
Do you have a different mailing address? Field not completed.
Primary Telephone 2403837077
Secondary Telephone Field not completed.
Email Address BODbrown@SuddenValley.com

Step 2
1. Name of Board or Committee  
   Lake Whatcom Stormwater Advisory Committee

2. Do you meet the residency, employment, and/or affiliation requirements of the position for which you’re applying?  
   Yes

3. Which Council district do you live in?  
   District 3

4. Are you a US citizen?  
   Yes

5. Are you registered to vote in Whatcom County?  
   Yes

6. Have you declared candidacy (as defined by RCW 42.17A.055) for a paid elected office in any jurisdiction within the county?  
   No

7. Have you ever been a member of this Board/Commission?  
   No

8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County?  
   No

You may attach a resume or detailed summary of experience, qualifications, & interest in response to the following questions:

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education  
   (see attached)
10. Please describe why you’re interested in serving on this board or commission

(see attached)

References (please include daytime telephone number):
Leslie McRoberts (360) 319-4910; Carl Weimer (360) 223-2636; Todd Donovan (Councilmember); Mark Personius (County staff)

Signature of applicant: Laurence W. Brown

Place Signed / Submitted: Bellingham, WA
April 2, 2018

Re: Lake Whatcom Stormwater Utility Advisory Committee

Whatcom County Councilmembers
Bellingham, WA

Dear Councilmembers,

I am applying for appointment to the Advisory Committee to fill the position of representative of the Sudden Valley Community, being President of the Board of Directors of the Sudden Valley Community Association at least until November 2018, and serving on the Board until November 2019. (Thereby, I am also qualified as a resident homeowner within the Stormwater Utility Service Area.)

I moved to Whatcom County as a resident owner-Member of the Sudden Valley Community Association in late June 2011. I then got active in County issues in 2012, most particularly as a member of the SVCA Board of Directors starting in October that year, first by appointment, then as elected to a full (3-year) term the next month. I became SVCA representative to the Lake Whatcom Policy Group starting in 2012, even before SVCA had an official seat within that Group. I have worked closely with the County Council, County staff, and the Water District on issues directly related to protecting the Lake.

My goal in seeking membership on the Commission is primarily to represent the interests, and communicate the past and ongoing contributions, of SVCA and its owner-Members in ensuring that Lake Whatcom remains a reliable source of clean drinking water for the largest population segment in Whatcom County. I seek to continue the progress that has been made in coordination among SVCA, the County, and the Water District toward protecting and restoring Lake Whatcom, and in having it recognized as an exemplar for environmental protection among populated, multi-use water basins.

Sincerely yours,

Laurence W. (Larry) Brown
37 Deer Run Lane (Sudden Valley, Division 16)
Bellingham, Washington 98229-7608

BODbrown@SuddenValley.com (LwBrown@Mail.com)

cell: 240-383-7077
Laurence W. Brown
37 Deer Run Lane
Bellingham, WA 98229-7608
Cell: 240/383-7077
< LwBrown@Mail.com >

Specialize in creating coalitions, arriving at consensus results among diverse perspectives and advocating consensus positions through negotiated processes in order to achieve satisfactory results. Expertise in critical infrastructure protection and information security, electric sector, as well as natural gas, chemical, and IT.

SIGNIFICANT ACCOMPLISHMENTS:

Sudden Valley Community Association, 2013-Present
Led this large community (about 7000 residents) through two transitions, first to a management company to reintroduce professional management concepts, then back to self-management, to cost-effectively refine and consolidate those accomplishments. Represented the Association before the County Council and Commissions.

Electric Industry Operational-Data Sharing Agreement, 2008-2010
Drafted information sharing and confidentiality agreements, for the industry and researchers, regarding advanced operational and reliability data created by modern “smart transmission grid” monitoring equipment.

Electric Industry Cyber-Security Standards, V.1, 2002-2006
Provided legal advice and drafting assistance during the 4-year process of creating the first comprehensive set of cybersecurity standards adopted by the industry in May 2005 and approved conditionally by the Federal Energy Regulatory Commission.

Homeland Security Act of 2002: Critical Infrastructure Information Act of 2002; Critical Infrastructure Information Security Act of 2001 (Senate); Critical Infrastructure Information Act of 2001 (House); Cyber Security Information Act (House, 2000 and 2001)
Principal drafter and negotiator of a comprehensive mechanism that, by such means as shielding sensitive corporate information from inappropriate disclosure, would encourage voluntary sharing with the federal government of vital information intended to be used to avoid and remedy sabotage, terrorism, and “cyber” or “hacker” attacks.

North American Electric Reliability Council
Critical Infrastructure Protection Committee (CIPC) 2002-2007
Critical Infrastructure Protection Advisory Group (later “CIPC”) 1998-2002
Early member of this group; helped create the Electric Sector Information Sharing and Analysis Center (ES-ISAC) in 2001 with the FBI; advised leadership of the CIPC as it became the Electric Sector Coordinating Council (ES-SCC) to work with DHS and DOE on security issues; advised the inter-SCC group “PCIS” (Partnership for Critical Infrastructure Security) on information sharing/security issues.

Year 2000 Information and Readiness Disclosure Act (IRDA), 1998
Year 2000 Act (Y2K Act), 1999
Primary drafter and negotiator of historic 1998 legislation (IRDA) designed to promote the broad, public dissemination of vital, yet legally sensitive, information intended to be used to avoid potential adverse impacts of the Y2K/Millennium Bug; worked to organize broad utility-industry support for and participation in the successful utilization of the processes authorized by IRDA.
Following on the passage of IRDA, drafted portions of and worked to pass the Y2K Act, providing general protection from Y2K-related litigation; ensured the Act contained provisions specifically designed to specifically protect utilities and other critical infrastructure providers.
RESUME:

November 2012 — November 2015; November 2016 — Present

Board President, Sudden Valley Community Association
Bellingham, WA

SVCA has about 7000 residents (would be fourth largest town in county): thousands of homes, 9 condominiums, 2 pools, golf course, parks and trails, 40 miles of road, acres of forested land, etc.; as President, and between terms in 2016, SVCA representative to Lake Whatcom Policy Group (environmental/drinking water protection) and Whatcom Council of Governments.

February 2007 — June 2011

Principal, WBC Holdings
Cabin John, MD

Since founding WBC Holdings in 2007, worked with major entities on IT security, confidentiality and customer issues in the electricity and telecommunication industries.

May 2001 — January 8, 2007

Director, Legal Affairs, Retail Energy,
Office of General Counsel
Edison Electric Institute, Washington, D.C.

Areas of Responsibility: Heightened focus on protecting utility infrastructure from terrorism, sabotage, "cyber" and information warfare, etc. as well as electric system reliability in preparation for and after disasters.

May 15, 1989 — May 2001

Senior Attorney, EEI OGC

October 1988 — May 15, 1989

Counsel, General Counsel's Office
Delmarva Power and Light Company, Wilmington, Delaware

September 1982 — October 1988

Trial Attorney, Public Utilities, Office of General Counsel
Federal Energy Regulatory Commission, Washington, D.C.

MEMBER:

State Bar of Texas, 1982-present

EDUCATION:

J.D., Hastings College of the Law, San Francisco, CA, 1982

A.B. (B.A.), The University of Chicago, 1977

Laurence W. Brown
Board and Commission Application

Step 1

Application for Appointment to Whatcom County Boards and Commissions

Public Statement
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First Name  Todd
Last Name    Citron
Date         4/24/2018
Street Address  4700 Lakeway Drive
City         Bellingham
Zip          98229
Do you live in & are you registered to vote in Whatcom County? Yes
Do you have a different mailing address? YES
Mailing Address  PO Box 982, Bellingham, WA 98227
Primary Telephone  360-715-3453
Secondary Telephone  Field not completed.
Email Address  todd@zoodle.com
**Step 2**

<table>
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<tr>
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You may attach a resume or detailed summary of experience, qualifications, & interest in response to the following questions

Field not completed.

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or

MAT (Masters in Teaching - History): Boston College, 1988 BA
- English: Wesleyan University, 1983
10. Please describe why you’re interested in serving on this board or commission

As a home-owner in the watershed over the last 27 years I have become keenly aware of the impacts that we have as residents of the watershed. This awareness has come from three sources. First, I have spent many years learning about and mitigating my personal (and family) impact on the watershed by reducing my home’s footprint, planting a watershed friendly garden, and by considering lifestyle choices (e.g., transportation and water use) that minimize impacts. Second, as a commissioner at Lake Whatcom Water and Sewer District (District) for the last 20 years I have come to understand how water and sewer move through the watershed, and how critical it is to have good working systems and operations to assure the health of the lake and the safety of the residents in the watershed. Third, as a District commissioner I have availed myself of many resources and had the opportunity to attend many meetings about storm water in the watershed. The convergence of my understanding of the impacts that we, the residents of the watershed, have; the reality of having to pay for the mitigation of those impacts; and my experience as a commissioner at a water and sewer utility, led me to begin, several years ago, to advocate within the Lake Whatcom Management Program (City, County, District) for the creation of a storm water utility district to better focus the management of the ongoing mitigation work, and to more fairly distribute the costs of that mitigation among the residents of the watershed. I believe that I can make a positive contribution to the task force by continuing an investigation on how best to achieve those goals. Thanks, Todd Citron

References (please include daytime telephone number):

Laura Weide, Commissioner, Lake Whatcom Water and Sewer District: write laura.weide@wwsd.org for preferred number. Pat Sorenson, General Manager, Lake Whatcom Water & Sewer District: 360-734-9224

Signature of applicant: Todd Citron

Place Signed / Submitted 4700 Lakeway Drive, 98229

Email not displaying correctly? View it in your browser.
Board and Commission Application

Step 1

Application for Appointment to Whatcom County Boards and Commissions

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First Name: Thomas
Last Name: Dales
Date: 4/24/2018
Street Address: 17 Horseshoe Circle
City: BELLINGHAM
Zip: 98229
Do you live in & are you registered to vote in Whatcom County?: Yes
Do you have a different mailing address?: Field not completed.
Primary Telephone: 3607080100
Secondary Telephone: Field not completed.
Email Address: ryan.dales@wwu.edu

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<tr>
<td>1. Name of Board or Committee</td>
<td>Lake Whatcom Stormwater Utility Advisory Committee</td>
</tr>
<tr>
<td>2. Do you meet the residency, employment, and/or affiliation requirements of the position for which you’re applying?</td>
<td>Yes</td>
</tr>
<tr>
<td>3. Which Council district do you live in?</td>
<td>District 3</td>
</tr>
<tr>
<td>4. Are you a US citizen?</td>
<td>Yes</td>
</tr>
<tr>
<td>5. Are you registered to vote in Whatcom County?</td>
<td>Yes</td>
</tr>
<tr>
<td>6. Have you declared candidacy (as defined by RCW 42.17A.055) for a paid elected office in any jurisdiction within the county?</td>
<td>No</td>
</tr>
<tr>
<td>7. Have you ever been a member of this Board/Commission?</td>
<td>No</td>
</tr>
<tr>
<td>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?</td>
<td>No</td>
</tr>
</tbody>
</table>

You may attach a resume or detailed summary of experience, qualifications, & interest in response to the following questions:

<table>
<thead>
<tr>
<th>Question</th>
<th>Answer</th>
</tr>
</thead>
<tbody>
<tr>
<td>9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education</td>
<td>Please see attached resume.</td>
</tr>
</tbody>
</table>
10. Please describe why you’re interested in serving on this board or commission:

I have never been interested in or a participant of local politics until I heard about the significant financing issue that is going to directly impact me. I decided to attend my first information session about the process that will eventually decide a portion of my future. As I sat at the information session Wednesday 4/18 I heard a lot of confusion and fear, but I also heard many ideas about how to approach this issue. Should it be based on impervious surfaces, a property tax, or a flat rate? I felt like I could see what everybody was saying, and there are going to people upset with whatever the final solution is. However, I plan to be open to all ideas in order to bring resolution. Financing this program will be a complex issue as we sort out how to equitably spread the burden that it will bring. I look forward to your consideration for this position, so we can work together to bring this vision to full view.

References (please include daytime telephone number):

Current Boss: Audrey Taylor Professor, Department Chair
audrey.taylor@wwu.edu (360) 650-2204

Signature of applicant:

Ryan Dales

Place Signed / Submitted:

Bellingham, WA

(Section Break)

Email not displaying correctly? View it in your browser.
EDUCATION:
Western Washington University
BA in Accounting: June 2008

MBA: June 2009

JOB EXPERIENCE:
Western Washington University Accounting Department
February 2012 - Present
Senior Instructor
Bellingham, WA
- Develop course content to teach introductory financial and managerial accounting courses
- Track and corrected progress of 120 students per quarter (average)
- Submit timely progress reports to students and administration
- Resolve conflicts between students at the lowest possible level

Bellingham Technical College
Fall 2017 - Present
Adjunct Faculty
Bellingham, WA
- Similar duties as above

Whatcom Community College
September 2012 - Fall 2015
Adjunct Faculty
Bellingham, WA
- Similar duties as above

Skagit Valley Community College
April 2012 - Fall 2012
Adjunct Faculty
Bellingham, WA
- Similar duties as above

VSH
January 2011-February 2012
Staff Accountant
Bellingham, WA
- Performed review and attestation services and prepared financial statements for over 20 clients
- Reviewed financial statement accounts for errors or misapplications of GAAP
- Designed/developed forecasting software to assist clients with preparing budgets
- Assisted clients during implementation of new information systems

Moss Adams LLP
October 2009-June 2010
Staff Accountant
Bellingham, WA
- Pre-audit planning for engagements
- Reviewed client accounting and operating procedures
- Performed internal control test work and conducted audit tests sufficient in scope to support an audit opinion
- Participated in the preparation of financial statement reports and perform analytical reviews of various accounts

Western Washington University Accounting Department
September 2008-June 2009
Graduate Assistant
Bellingham, WA
- Started the VITA program at WWU
- Assisted faculty with research into governmental agencies
- Prepared, filed and transmitted tax returns for low income and retired persons

Saturna Capital
July 2007 - March 2008
Corporate Driver/Operations Clerk
Bellingham, WA
- Validated and verified new software for company move to paperless system
- Bought new office equipment using competitive bid process

Western Washington University Veterans Service Center
September 2006 – April 2007
Bellingham, WA
United States Marine Corps
October 1999 – October 2004 Helicopter Crew Chief/Mechanic Cherry Point, NC
- Only marine on base qualified as a Plane Captain for both CH-46 and DC-9 aircraft
- Managed various maintenance and procurement programs
- Enlisted the aid from other maintenance divisions to ensure aircraft safe for flight

VOLUNTEER POSITIONS:
Beta Alpha Psi/WWU Accounting Society
February 2008 – February 2009 President Bellingham, WA
February 2007 – February 2008 Publicity Coordinator Bellingham, WA

KUGS 98.3 FM
September 2006 – September 2007 News Reader/Radio Show Host Bellingham, WA

Skagit Valley Community College Student Government (ASSVCC)
September 2005 – March 2006 Treasurer, Committee Chair, Student Rep. Mt. Vernon, WA

Volunteer Income Tax Assistance (VITA)
December 2002 – 2009 Various locations
- Prepare, file and transmit tax returns for low income and retired persons

HONORS & ACHIEVEMENTS:
Harrington Scholarship 2008
Beta Alpha Psi First Place Best Practices 2007
Member Beta Alpha Psi/AS 2006-Present
S.V.C.C. Cross Country Team Captain 2005-2006
President Veterans Club, S.V.C.C. 2004-2005
Single Marine Program Treasurer 2003-2004
Navy Achievement Medal 2004
Good Conduct Medal 2004
Marine of the Month (April, May, June) 2003
Eagle Scout 1999-Present
Board and Commission Application

Step 1

Application for Appointment to Whatcom County Boards and Commissions

Public Statement
THIS IS A PUBLIC DOCUMENT: As a candidate for a public board or commission, the information provided will be available to the County Council, County Executive, and the public. All board and commission members are expected to be fair, impartial, and respectful of the public, County staff, and each other. Failure to abide by these expectations may result in revocation of appointment and removal from the appointive position.

First Name  Peter
Last Name    Dobey
Date         4/18/2018
Street Address  3175 North Shore Road
City         Bellingham
Zip          98226
Do you live in & are you registered to vote in Whatcom County? Yes
Do you have a different mailing address? Field not completed.
Primary Telephone  3607782047
Secondary Telephone  8312510862
Email Address  peterdobey@comcast.net

Step 2
1. Name of Board or Committee: Lake Whatcom Stormwater Advisory Committee

2. Do you meet the residency, employment, and/or affiliation requirements of the position for which you’re applying? Yes

3. Which Council district do you live in? District 3

4. Are you a US citizen? Yes

5. Are you registered to vote in Whatcom County? Yes

6. Have you declared candidacy (as defined by RCW 42.17A.055) for a paid elected office in any jurisdiction within the county? No

7. Have you ever been a member of this Board/Commission? No

8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County? Field not completed.

You may attach a resume or detailed summary of experience, qualifications, & interest in response to the following questions Field not completed.

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education

Retired Senior Mechanical Product Designer, Graduated from San Jose State University 1980
10. Please describe why you’re interested in serving on this board or commission

I live on Lake Whatcom and I want to improve it’s health.

References (please include daytime telephone number):

Robert Bornstein 360 739-1143

Signature of applicant: Peter M. Dobey

Place Signed / Submitted: Bellingham, WA

(Section Break)

Email not displaying correctly? View it in your browser.
Board and Commission Application

Step 1

Application for Appointment to Whatcom County Boards and Commissions

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First Name
Harry (Skip)

Last Name
Johnsen

Date
4/24/2018

Street Address
4911 Columbus Avenue

City
Bellingham

Zip
98229

Do you live in & are you registered to vote in Whatcom County?
Yes

Do you have a different mailing address?
Field not completed.

Primary Telephone
3607396463

Secondary Telephone
3606710828

Email Address
harryjohnsen@comcast.net

Step 2
1. Name of Board or Committee
   - Lake Whatcom Stormwater Utility Advisory Committee

2. Do you meet the residency, employment, and/or affiliation requirements of the position for which you’re applying?
   - Yes

3. Which Council district do you live in?
   - District 3

4. Are you a US citizen?
   - Yes

5. Are you registered to vote in Whatcom County?
   - Yes

6. Have you declared candidacy (as defined by RCW 42.17A.055) for a paid elected office in any jurisdiction within the county?
   - No

7. Have you ever been a member of this Board/Commission?
   - No

8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County?
   - No

You may attach a resume or detailed summary of experience, qualifications, & interest in response to the following questions

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education
10. Please describe why you’re interested in serving on this board or commission

I have lived in the watershed for 24 years and am an officer and director of the Coronado Heights Association, a homeowner association that owns, operates and maintains a stormwater management system serving our neighborhood. I also have considerable professional experience in public utility rate setting, LID formation and similar issues. I believe the stormwater rates must be fair and equitable.

References (please include daytime telephone number):

Timothy Ballew II, Barbara Brenner, Dan Raas (360-676-1621)

Signature of applicant: Harry L. Johnsen

Place Signed / Submitted: Geneva area, Lake Whatcom Watershed

(Section Break)

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Board and Commission Application

Step 1

Application for Appointment to Whatcom County Boards and Commissions

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First Name  Chris
Last Name   Keller
Date        4/17/2018
Street Address  4 Saffron Ct
City        Bellingham
Zip         98229
Do you live in & are you registered to vote in Whatcom County? Yes
Do you have a different mailing address? Field not completed.
Primary Telephone  360-543-3571
Secondary Telephone Field not completed.
Email Address  Ckeller@matrixservice.com

Step 2
1. Name of Board or Committee: Lake Whatcom Stormwater Advisory Committee

2. Do you meet the residency, employment, and/or affiliation requirements of the position for which you’re applying? Yes

3. Which Council district do you live in? District 3

4. Are you a US citizen? Yes

5. Are you registered to vote in Whatcom County? Yes

6. Have you declared candidacy (as defined by RCW 42.17A.055) for a paid elected office in any jurisdiction within the county? No

7. Have you ever been a member of this Board/Commission? No

8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County? No

You may attach a resume or detailed summary of experience, qualifications, & interest in response to the following questions:

Field not completed.

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education: Estimating Manager for Matrix Service, former Chief Estimator and Project Manager with Haskell Corporation.
10. Please describe why you’re interested in serving on this board or commission

I’m interested in bringing another view and perhaps some different expertise to help find viable solutions

References (please include daytime telephone number):

Evan Haskell 360-734-1000 Terry Corrigan 360-734-1000

Signature of applicant: Christopher D Keller

Place Signed / Submitted: Bellingham, WA

Email not displaying correctly? View it in your browser.
Sent from my iPhone

Begin forwarded message:

From: Enoch J Ledet <enoch.ledet@gmail.com>
Date: April 20, 2018 at 9:05:02 AM PDT
To: WaterResources@co.whatcom.wa.us
Subject: Fwd: Online Form Submittal: Board and Commission Application

I would like to apply for a Storm Water District Utility Citizens Advisory

Committee Member

I currently live in Sudden Valley
Respectfully,
EJ Ledet
# Board and Commission Application

## Step 1

Application for Appointment to Whatcom County Boards and Commissions

**Public Statement**

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<table>
<thead>
<tr>
<th>First Name</th>
<th>Enoch J</th>
</tr>
</thead>
<tbody>
<tr>
<td>Last Name</td>
<td>Ledet</td>
</tr>
<tr>
<td>Date</td>
<td>3/28/1948</td>
</tr>
<tr>
<td>Street Address</td>
<td>6 Morning Beach Drive</td>
</tr>
<tr>
<td>City</td>
<td>Bellingham</td>
</tr>
<tr>
<td>Zip</td>
<td>98229</td>
</tr>
<tr>
<td>Do you live in &amp; are you registered to vote in Whatcom County?</td>
<td>Yes</td>
</tr>
<tr>
<td>Do you have a different mailing address?</td>
<td>No</td>
</tr>
<tr>
<td>Primary Telephone</td>
<td>3607380925</td>
</tr>
<tr>
<td>Secondary Telephone</td>
<td>3609205112</td>
</tr>
</tbody>
</table>

**Email Address**

enoch.ledet@gmail.com

## Step 2

1. Name of Board or Committee

Lake Whatcom Storm Water District Utility Citizen Advisory Committee
2. Do you meet the residency, employment, and/or affiliation requirements of the position for which you’re applying?  
Yes

3. Which Council district do you live in?  
District 4 Sudden Valley

4. Are you a US citizen?  
Yes

5. Are you registered to vote in Whatcom County?  
Yes

6. Have you declared candidacy (as defined by RCW 42.17A.055) for a paid elected office in any jurisdiction within the county?  
No

7. Have you ever been a member of this Board/Commission?  
No

8. Do you or your spouse have a financial interest in or are you an employee or officer of any business or agency that does business with Whatcom County?  
No

You may attach a resume or detailed summary of experience, qualifications, & interest in response to  
Chemist/Biochemist 40 years experience  
Drinking Water/Waste Water/Petrochemical Analysis and Causal Analysis  
Investigator/Facilitator  
As a taxpayer/independent researcher, I’m interested
the following questions

In implementing the most cost effective, holistic solutions
To improve both drinking water and Lake Whatcom Water
Quality. My qualifications are listed in section 9 below.

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education

Enoch J. Ledet Qualifications and Experience 2013- Present-
Contract Senior Consultant for Stillwater Associates 2012- 
Contract Chemist Consultant to Saudi Aramco for RAS Tanura
Clean Fuel & Aromatics Laboratory Assessment Study 2012-
Present - Product Assurance, LLC - owner/Product Quality
Specialist; 2003-2012 Shell Puget Sound Refinery 8+ years
Quality Measurements Manager – Product Quality Focal Point for
Refinery; Root Cause Analysis Leader/Investigator of Refinery
Product Quality Incidents – work with Fuels Product
Management, Supply, Pipeline, Distribution, and
Retail/Wholesale Customers to resolve product quality incidents.
Implemented Shell Ensure Quality Standard at Puget and wrote
Quality Systems Manual for Refinery. Exchange auditor for
ISO17025 for Motiva and Shell US Refineries. Retired from Shell
Oil in Feb, 2012. 1994-2003 Shell Oil
Products/Motiva/Equilon/Equiva 9 years Product Assurance
Specialist/Manager/Auditor/Support to Distribution (100 Equity
and 300 OSPs Terminals), Pipelines, Retail/Wholesale Service
Stations (24,000) – responsible for gas, diesel, jet product
assurance; gatekeeper of Federal, State, Municipal Regulations;
Negotiator with Legal on EPA Notices Of Violations; Root Cause
Analysis Practitioner/Facilitator/Manager For Business Integration
Team (Supply, Refineries, Pipelines, (Gasoline, Diesel, Jet, LPG,
MFO, Terminals, and Retail/Wholesale Service Stations) – root
cause team leader/investigator for resolution of fuel product
quality incidents (Exxon MagTex, Shell PL, Exxon Beaumont,
Port Arthur Motiva, Hearne, and College Station Terminals. 1992-
1994 Shell Anacortes Refinery -2 years as Lab Quality Assurance
Manager responsible for Product Assurance/Compliance/Testing
1979-1992 Shell Development /Shell Global Solutions-
Westhollow Technology Center–13 years Analytical/Process
Chemistry R&D Support to Toxicology; Analytical Support to:
(Chromatography, Product Quality Assurance (Gas, Diesel, Jet);
Detergents; Antifreeze; Environmental (Air, Water, Hazardous
Waste); Research Manager – Supporting Hydrocarbon
Processes, Fuels and Lubricants, and Environmental Engineering
Departments. 1974-1979 Shell Norco Refinery –5 years
Chemist/Process Chemist Support to Distillation, Alkylation, Cat
Cracking, Environmental 1966-1974 Education: BA/MS Degrees

233
10. Please describe why you’re interested in serving on this board or commission

As a registered voter/taxpayer/independent researcher I want to assure that proposed solutions to address/mitigate/eliminate/manage P and improve oxygen concentrations/water quality in Lake Whatcom are cost effective and timely.

References (please include daytime telephone number):

Bruce MacCormack (360) 676-7777 Richard Bauman (650) 380-6877 Kris Halterman (360) 739-5890 Larry Brown bodbrown@suddenvalley.com

Signature of applicant: Enoch J Ledet

Place Signed / Submitted: Bellingham, WA
Board and Commission Application

**Step 1**

Application for Appointment to Whatcom County Boards and Commissions

**Public Statement**

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<table>
<thead>
<tr>
<th>First Name</th>
<th>Nathaniel W.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Last Name</td>
<td>Washington</td>
</tr>
<tr>
<td>Date</td>
<td>5/3/1946</td>
</tr>
<tr>
<td>Street Address</td>
<td>16 Austin Creek Lane</td>
</tr>
<tr>
<td>City</td>
<td>Bellingham</td>
</tr>
<tr>
<td>Zip</td>
<td>98229</td>
</tr>
<tr>
<td>Do you live in &amp; are you registered to vote in Whatcom County?</td>
<td>Yes</td>
</tr>
<tr>
<td>Do you have a different mailing address?</td>
<td><em>Field not completed.</em></td>
</tr>
<tr>
<td>Primary Telephone</td>
<td>(360) 738-3590</td>
</tr>
<tr>
<td>Secondary Telephone</td>
<td>(360) 738-3590</td>
</tr>
<tr>
<td>Email Address</td>
<td><a href="mailto:natwash46@gmail.com">natwash46@gmail.com</a></td>
</tr>
</tbody>
</table>

**Step 2**
<table>
<thead>
<tr>
<th>1. Name of Board or Committee</th>
<th>Lake Whatcom Stormwater Utility Advisory Committee</th>
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You may attach a resume or detailed summary of experience, qualifications, & interest in response to the following questions: Field not completed.

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education: Retired. Employed 23 yrs Snohomish County Surface Water Management (Utility) 1994-2017. Sr Planner (Drainage) 2011-2017; Sr. Engineering Tech 2001-2009; Engineering Tech V, IV & III 1994-2001. THE LATER YEARS. Have extensive experience, as a planner sr engineering tech, with implementing the County’s NPDES Phase 1 Municipal Stormwater Permits: reviewing the permits to develop the
County's policy for compliance (saved the county hundreds of thousands of dollars annually by a letter of the law interpretation of the permit), including the current push for employing low impact development (LID) where practical as the best management practice for improving water quality and stream corridor habitat; working with deputy prosecuting attorney teams to insure the policies met the letter of the law, if not the spirit as well; working with SWM management developing initial S.9 facility inspection compliance budgets and on-going budgets as well as budgets for Road Maint. Did research to determine most appropriate stormwater standard and LID facility BMPs and maintenance equipment as proprietary technology progressed. THE EARLY YEARS. As an engineering tech focused primarily on meeting the NPDES Phase 1 Municipal Stormwater Permit stormwater facility structural and water quality function inspection and maintenance, repair, replace and retrofit requirements. Started as a county-wide residential and commercial facility inspector (levels III, IV & V). Coordinated identification of facility deficiencies and maintenance remedies carried out by Road Maint crews. Also conducted construction acceptance inspections for private development and County road projects with stormwater facilities. As Sr Engineering Tech supervised Tech IV facility inspectors and coordinated with Road Maint supervisors and field crew leads and continued to do construction acceptance inspections plus permit reviews private development plan designs and end of project as-builts; as well as County road project plan designs and end of project as-built reviews. Also was consulted by county engineers concerning appropriate standard and LID stormwater facility design and maint requirements, especially as LID best management practices (BMPs) became more common and there is the need to understand the impacts of trade-offs between standard BMPs and LID BMPs on each project.

10. Please describe why you’re interested in serving on this board or commission

Now that I am retired, I would love to help join in the effort to make the Lake Whatcom Stormwater Utility, an instrument for real and lasting change in the Lake's health at an equitable cost to both the public and private stakeholders and the interests they represent. Establishing the utility is probably not a panacea. But is has the promise of doing the good and valuable work of protecting and enhancing the Lake's function to a standard that most people will appreciate. That is, as long as county politics, both elective and bureaucratic don't stir the waters.

References (please include daytime)

Karen Kerwin, Sno Co SWM Engineering Manager: (425) 388-6422
Bill Leif, Sno Co SWM County NPDES Manager: (425)
telephone number): 388-3148 James Parker, Sno Co Road Maint Manager (425)
388-7500

Signature of applicant: Nat W Washington

Place Signed / Submitted: Sudden Valley, WA
**WHATCOM COUNTY COUNCIL AGENDA BILL**

<table>
<thead>
<tr>
<th>CLEARANCES</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
<th>Assigned to:</th>
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<td>SM</td>
<td>4/13/18</td>
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<tr>
<td>Division Head:</td>
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<tr>
<td>Dept. Head:</td>
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<td>Prosecutor:</td>
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<td>Purchasing/Budget:</td>
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<tr>
<td>Executive:</td>
<td>TWS</td>
<td>4/30/18</td>
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</tbody>
</table>

**RECEIVED**

MAY 01 2018

WHATCOM COUNTY COUNCIL

**TITLE OF DOCUMENT:** Reappointments to the Bellingham-Whatcom Public Facilities District.

**ATTACHMENTS:** Memorandum

<table>
<thead>
<tr>
<th>SEPA review required?</th>
<th>Yes</th>
<th>No</th>
<th>Should Clerk schedule a hearing?</th>
<th>Yes</th>
<th>No</th>
<th>Requested Date:</th>
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</thead>
<tbody>
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</table>

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

County Executive Jack Louws recommends the confirmation of the reappointment of Brent Walker and Dunham Gooding to the Bellingham-Whatcom Public Facilities District.

The City of Bellingham is concurrently confirming these reappointments.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

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

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

TO: Members of the Whatcom County Council
FROM: Jack Louws, County Executive
DATE: April 13, 2018
SUBJECT: Public Facilities District Reappointments

Brent Walker and Dunham Gooding are serving terms on the Bellingham-Whatcom Public Facilities District board which will expire on July 30th, 2018. I and Mayor Linville wish to reappoint both gentlemen for another term, and respectfully request your confirmation.

Both Mr. Walker and Mr. Gooding have been valuable assets and we believe their continued involvement will be beneficial to the PFD Board.
**WHATCOM COUNTY COUNCIL AGENDA BILL**

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</thead>
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<td></td>
<td></td>
<td></td>
<td>5/22/18</td>
<td>Hearing</td>
</tr>
<tr>
<td>Dept. Head:</td>
<td></td>
<td>4/24/18</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Prosecutor:</td>
<td></td>
<td>4/24/18</td>
<td></td>
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<tr>
<td>Purchasing/Budget:</td>
<td></td>
<td>4/30/18</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Executive:</td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

**TITLE OF DOCUMENT:**
Ord amend WCC 15.04 Building Codes, regarding fee for appeals to Council

**ATTACHMENTS:**

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

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

This ordinance amends WCC to add section 15.04.060 to authorize an appeal fee for appeals of decisions of the building official, fire code official, or the director of planning and development services on mitigation or revision of the penalty to the County Council.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

**Please Note:** Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: [www.co.whatcom.wa.us/council](http://www.co.whatcom.wa.us/council).
April 25, 2018

TO: Jack Louws, County Executive

FROM: Marina Engels, Deputy Clerk of the Council

SUBJECT: Ordinance amending WCC 15.04

Recently an appeal was filed of a decision regarding the partial remission of a fine imposed by Planning and Development Services for violation of the Uniform Building Code. During the processing of the appeal to the County Council we became aware that the fee established by Ordinance 2008-037, adopted September 9, 2008, had somehow been removed from the Whatcom County Code. The fee is still authorized in the Unified Fee Schedule (#1220). We wish to re-authorize the appeal fee.

The only difference from this ordinance and the 2008 version is that language regarding refunding the fee if the appellant prevails in the appeal has been added.

We would like to introduce the ordinance at the May 8, 2018, meeting and schedule a public hearing on May 22.

Thank you.
ORDINANCE NO. ______

AMENDING WHATCOM COUNTY CODE 15.04, BUILDING CODES,
REGARDING FEE FOR APPEALS TO COUNTY COUNCIL

WHEREAS, Whatcom County Code (WCC) 15.04.050(F)(1) states that any person, firm or corporation violating any of the provisions of chapter 15.04 or the codes adopted by reference by that chapter shall be deemed guilty of a civil offense; and

WHEREAS, the penalty provided by WCC 15.04.050(F)(1) shall be imposed by a notice in writing from the building official or the fire code official or the director of planning and development services, by certified service, to either the person, firm or corporation incurring the penalty; and

WHEREAS, the notice shall include the amount of the penalty imposed and shall describe the violation with reasonable particularity in ordering the act(s) constituting the violation(s) to cease and desist or, in appropriate cases, requiring necessary corrective action to be taken within a specific and reasonable time; and

WHEREAS, WCC 15.04.050(F)(2) states that within 30 days after the notice is received, the person incurring the penalty may apply in writing to the building official for remission or mitigation of such penalty; and

WHEREAS, upon receipt of the application, the department may remit or mitigate the penalty upon whatever terms the department deems proper; and

WHEREAS, WCC 15.040.050(F)(2) establishes a process to appeal final decisions of the building official, fire code official, or the director of planning and
development services, on mitigation or revision of the penalty to the county council; and

WHEREAS, the Unified Fee Schedule authorizes a fee for appeals to the county council.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that Whatcom County Code Chapter 15.04 is hereby amended as shown in Exhibit A to this ordinance.

ADOPTED this ____ day of ________, 2018.

ATTEST:

Dana Brown-Davis, Clerk of the Council

Rud Browne, Council Chair

APPROVED AS TO FORM:

Jack Louws, County Executive
EXHIBIT A

CHAPTER 15.04
BUILDING CODES

15.04.060 Fee

A fee, as established in the Unified Fee Schedule, shall be paid to the county council office upon filing of an appeal authorized by Whatcom County Code 15.04.050(F)(2). This fee shall not apply to appeals initiated by a county department.

If an appellant prevails in an appeal of final decisions of the building official, fire code official, or the director of planning and development services, on mitigation or revision of the penalty to the county council, the appellant’s appeal fees shall be refunded.
### CLEARANCES

<table>
<thead>
<tr>
<th>Originator:</th>
<th>Date:</th>
<th>Date Received in Council Office:</th>
<th>Agenda Date:</th>
<th>Assigned to:</th>
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<tbody>
<tr>
<td></td>
<td>4/26/18</td>
<td>05/08/18</td>
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<table>
<thead>
<tr>
<th>Division Head:</th>
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<table>
<thead>
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<th></th>
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</tr>
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<tr>
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<table>
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</thead>
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<table>
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<td>4/26/18</td>
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</table>

<table>
<thead>
<tr>
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<th>Date:</th>
<th></th>
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</thead>
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<tr>
<td></td>
<td>3/30/18</td>
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</tr>
</tbody>
</table>

### TITLE OF DOCUMENT:
2018 Supplemental Budget Request #7

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

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

**Supplemental #7 requests funding from the General Fund:**

1. To appropriate $310,000 in Non Departmental to fund criminal justice audio visual system upgrades.
2. To appropriate $2,000 in Parks to fund Stimpson Nature Reserve bridge renovation from donation proceeds.
3. To appropriate $34,253 in Health to partially fund new Human Services Supervisor position.

**From the Veterans Relief Fund:**

4. To appropriate $5,270 to partially fund new Human Services Supervisor position.

**From the Low Income Housing Fund:**

5. To appropriate $32,197 to fund homeless housing operations from increased document recording fees.

**From the Homeless Housing Fund:**

6. To appropriate $13,964 to partially fund new Human Services Supervisor position from increased document recording fees.

7. To appropriate $302,278 and add an FTE to fund increased homeless housing support from additional document recording fees.

**From the Trial Court Improvement Fund:**

8. To appropriate $205,000 to partially fund criminal justice audio visual system upgrade.

**From Real Estate Excise Tax Fund I:**

9. To appropriate $100,000 to fund Lookout Mountain slope stabilization and road repair.

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

10. To appropriate $836,000 for Parks to fund Plantation Indoor Range HVAC and roof replacement.

11. To re-appropriate $11,500 for AS-Facilities to fund direct digital control system.

**From the Administrative Services Fund:**

12. To appropriate and charge out $55,207 in Facilities to fund construction coordinator/project manager position.

13. To appropriate $8,770 in Facilities to fund one-time costs in support of construction coordinator/project manager position.

### COMMITTEE ACTION:

### COUNCIL ACTION:

<table>
<thead>
<tr>
<th>Related County Contract #:</th>
<th>Related File Numbers</th>
<th>Ordinance or Resolution Number:</th>
</tr>
</thead>
<tbody>
<tr>
<td>246</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
PROPOSED BY: Executive  
INTRODUCTION DATE: 5/8/18

ORDINANCE NO.  
AMENDMENT NO. 7 OF THE 2018 BUDGET

WHEREAS, the 2017-2018 budget was adopted December 6, 2016; and,  
WHEREAS, changing circumstances require modifications to the approved 2017-2018 budget; and,  
WHEREAS, the modifications to the budget have been assembled here for deliberation by the Whatcom County Council.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the 2017-2018 Whatcom County Budget Ordinance #2016-068 is hereby amended by adding the following additional amounts to the 2018 budget included therein:

<table>
<thead>
<tr>
<th>Fund</th>
<th>Expenditures</th>
<th>Revenues</th>
<th>Net Effect</th>
</tr>
</thead>
<tbody>
<tr>
<td>General Fund</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non Departmental</td>
<td>310,000</td>
<td>(205,000)</td>
<td>105,000</td>
</tr>
<tr>
<td>Parks</td>
<td>2,000</td>
<td>(2,000)</td>
<td>-</td>
</tr>
<tr>
<td>Health</td>
<td>34,253</td>
<td>-</td>
<td>34,253</td>
</tr>
<tr>
<td>Total General Fund</td>
<td>346,253</td>
<td>(207,000)</td>
<td>139,253</td>
</tr>
<tr>
<td>Veterans Relief Fund</td>
<td>5,270</td>
<td>-</td>
<td>5,270</td>
</tr>
<tr>
<td>Low Income Housing Fund</td>
<td>32,197</td>
<td>(32,197)</td>
<td>-</td>
</tr>
<tr>
<td>Homeless Housing Fund</td>
<td>316,242</td>
<td>(316,242)</td>
<td>-</td>
</tr>
<tr>
<td>Trial Court Improvement Fund</td>
<td>205,000</td>
<td>-</td>
<td>205,000</td>
</tr>
<tr>
<td>Real Estate Excise Tax Fund II</td>
<td>100,000</td>
<td>-</td>
<td>100,000</td>
</tr>
<tr>
<td>Real Estate Excise Tax Fund I</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parks</td>
<td>836,000</td>
<td>(294,400)</td>
<td>541,600</td>
</tr>
<tr>
<td>AS- Facilities</td>
<td>11,500</td>
<td>-</td>
<td>11,500</td>
</tr>
<tr>
<td>Total Real Estate Excise Tax Fund I</td>
<td>847,500</td>
<td>(294,400)</td>
<td>553,100</td>
</tr>
<tr>
<td>Administrative Services Fund</td>
<td>8,770</td>
<td>-</td>
<td>8,770</td>
</tr>
<tr>
<td>Total Supplemental</td>
<td>1,861,232</td>
<td>(849,839)</td>
<td>1,011,393</td>
</tr>
</tbody>
</table>

In addition, Exhibit C – Authorized Positions in the 2017-2018 Budget Ordinance should be amended to provide for the following FTE changes:
- Add 1 FTE Human Services Supervisor in Health
- Add 1 FTE Community Health Specialist in Health
- Add 1 FTE Construction Coordinator in AS-Facilities.

ADOPTED this ___ day of ____________________, 2018.

ATTEST:  
WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk  
Rud Browne, Chair of the Council

APPROVED AS TO FORM:  
( ) Approved  ( ) Denied

______________________________  
Jack Louws, County Executive

Date: ______________________

I:\BUDGET\SUPPLS\2018_Suppl\Supplemental #7-2018.docx
## Summary of the 2018 Supplemental Budget Ordinance No. 7

<table>
<thead>
<tr>
<th>Department/Fund</th>
<th>Description</th>
<th>Increased (Decreased) Expenditure</th>
<th>(Increased) Decreased Revenue</th>
<th>Net Effect to Fund Balance (Increase) Decrease</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>General Fund</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non Departmental</td>
<td>To fund criminal justice audio visual systems upgrade.</td>
<td>310,000</td>
<td>(205,000)</td>
<td>105,000</td>
</tr>
<tr>
<td>Parks</td>
<td>To fund Stimpson Family Nature Reserve bridge renovation from donation proceeds.</td>
<td>2,000</td>
<td>(2,000)</td>
<td>-</td>
</tr>
<tr>
<td>Health</td>
<td>To partially fund Human Services Supervisor position.</td>
<td>34,253</td>
<td>-</td>
<td>34,253</td>
</tr>
<tr>
<td><strong>Total General Fund</strong></td>
<td></td>
<td>346,253</td>
<td>(207,000)</td>
<td>139,253</td>
</tr>
<tr>
<td>Veterans Relief Fund</td>
<td>To partially fund Human Services Supervisor position.</td>
<td>5,270</td>
<td>-</td>
<td>5,270</td>
</tr>
<tr>
<td>Low Income Housing Fund</td>
<td>To fund homeless housing operations from increased document recording fees.</td>
<td>32,197</td>
<td>(32,197)</td>
<td>-</td>
</tr>
<tr>
<td><strong>Homeless Housing Fund</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Health</td>
<td>To partially fund Human Services Supervisor position from increased document recording fees.</td>
<td>13,964</td>
<td>(13,964)</td>
<td>-</td>
</tr>
<tr>
<td>Health</td>
<td>To fund increased homeless housing support from additional document recording fees.</td>
<td>302,278</td>
<td>(302,278)</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total Homeless Housing Fund</strong></td>
<td></td>
<td>316,242</td>
<td>(316,242)</td>
<td>-</td>
</tr>
<tr>
<td>Trial Court Improvement Fund</td>
<td>To partially fund criminal justice audio visual systems upgrade.</td>
<td>205,000</td>
<td>-</td>
<td>205,000</td>
</tr>
<tr>
<td>Real Estate Excise Tax Fund II</td>
<td>To fund Lookout Mountain slope stabilization and road repair.</td>
<td>100,000</td>
<td>-</td>
<td>100,000</td>
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<tr>
<td><strong>Real Estate Excise Tax Fund I</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parks</td>
<td>To fund Plantation Indoor Range HVAC and roof replacement.</td>
<td>836,000</td>
<td>(294,400)</td>
<td>541,600</td>
</tr>
<tr>
<td>AS- Facilities</td>
<td>To re-appropriate funding for direct digital control (DDC) system.</td>
<td>11,500</td>
<td>-</td>
<td>11,500</td>
</tr>
<tr>
<td><strong>Total Real Estate Excise Tax Fund I</strong></td>
<td></td>
<td>847,500</td>
<td>(294,400)</td>
<td>553,100</td>
</tr>
<tr>
<td><strong>Administrative Services Fund</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Facilities</td>
<td>To fund and charge out construction coordinator/project manager position (Admin Services home cost center; charged out to capital project budgets.)</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Facilities</td>
<td>To fund one-time costs to support construction coordinator/project manager position.</td>
<td>8,770</td>
<td>-</td>
<td>8,770</td>
</tr>
<tr>
<td><strong>Total Administrative Services Fund</strong></td>
<td></td>
<td>8,770</td>
<td>-</td>
<td>8,770</td>
</tr>
<tr>
<td><strong>Total Supplemental</strong></td>
<td></td>
<td>1,861,232</td>
<td>(849,839)</td>
<td>1,011,393</td>
</tr>
</tbody>
</table>
MEMORANDUM

TO: Jack Louws, County Executive
    Whatcom County Council

FROM: Perry Rice, IT Manager

RE: Supplemental Budget Request – Criminal Justice Audio Visual Systems

DATE: May 1, 2018

Enclosed for your consideration is a supplemental budget request of $310,000 to upgrade audio visual systems in six courtrooms and to provide video conferencing capabilities for our criminal justice system.

- **Background and Purpose**
  Superior Court and District court have Jefferson Audio Visual Systems (JAVS) to record proceedings in 8 court rooms. In 2015, end-of-life JAVS systems were replaced in 2 Superior Court rooms. The remaining 6 JAVS recording systems are end-of-life and need to be replaced. This replacement will also provide attorneys with built in presentation capabilities from their computer laptops.

  In addition to replacing the court room JAVS recording systems, Superior Court, District Court, the Prosecuting Attorney’s Office and the Public Defender’s Office will need video conferencing capabilities to remote correctional facilities when our inmates are relocated for the Main Jail Repairs project starting this summer.

- **Funding Request and Source**
  Funding for this Supplemental Budget Request is as follows:

<table>
<thead>
<tr>
<th>Source</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trial Court Improvement Fund:</td>
<td>$205,000</td>
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<tr>
<td>General Fund:</td>
<td>$105,000</td>
</tr>
<tr>
<td></td>
<td>$310,000</td>
</tr>
</tbody>
</table>

- **Contact Information**
  Please contact Perry Rice at x5235 if you have any questions regarding this request.
Supplemental Budget Request

Administrative Services

Information Technology

Status: Pending

Supp# ID # 2694  Fund 1  Cost Center 4532  Originator: Perry Rice for Criminal Justice

Expenditure Type: One-Time  Year 2  2018  Add'l FTE  Add'l Space  Priority 1

Name of Request: Upgrade Criminal Justice AV Systems

Department/Head Signature (Required on Hard Copy Submission)  Date 4/27/2018

Costs:

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<td>Computer-Capital Outlays</td>
<td>$310,000</td>
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<td>8301.135</td>
<td>Operating Transfer In</td>
<td>($205,000)</td>
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<tr>
<td>Request Total</td>
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<td>$105,000</td>
</tr>
</tbody>
</table>

1a. Description of request:

Upgrade Courtroom Jefferson Audio Visual Systems (JAVS) in District Court (3), Superior Court (2) and Jail Court (1). Include video conferencing capabilities to connect to Yakima Corrections during the Jail Repairs Project. Also provide Prosecuting Attorney's Office and Public Defender's Office with video conferencing capabilities.

1b. Primary customers:

- Superior Court
- District Court
- Municipal Courts that Use Jail Courtroom
- Prosecuting Attorney's Office
- Public Defender's Office
- Attorneys
- Citizens

2. Problem to be solved:

Whatcom County currently has 8 courtrooms with Audio Visual Recording Systems. District Court has 3, Superior Court has 4 and the Jail has 1 courtroom with Audio Visual Recording Systems. 6 of these Audio Visual Recording Systems are end-of-life and need to be upgraded.

The Main Jail Repair Project will require inmates to be moved to other locations such as Yakima Correctional Facility during the work. Our criminal justice system will need video conferencing capabilities during this work which will also be beneficial after the work is completed. This includes the courtrooms, Prosecutor's Office, Public Defender's Office and citizen viewing rooms.

3a. Options / Advantages:

Courtroom AV Upgrades:

The primary alternative is to continue to use the current audio visual recording systems. This is not a good alternative since the vendor is ending support and the courts must have recordings or transcripts of court proceedings.

Criminal Justice System Video Conferencing:

The primary alternative is to transport inmates for court proceedings and to also have Prosecutor's and Public Defender's travel to remote locations to work with clients. The transport and travel costs in addition to court logistics make this option infeasible.

Wednesday, April 25, 2018
3b. Cost savings:
The primary cost savings would be avoiding the court interruptions if an end-of-life marginally supported system failed. Court reporters might need to be hired on an emergency basis.

Travel and transport costs would also be avoided when inmates are relocated to accommodate the Main Jail Repair Project.

4a. Outcomes:
- 6 Court Audio Visual Recording Systems would be upgraded in 2018
- Video Conferencing Capabilities would be provided to Courts, Prosecutor's Office and Public Defender's Office

4b. Measures:
Criminal Justice System will have upgraded court Audio Visual Systems and video conferencing capabilities to remote locations during and beyond Main Jail Repairs.

5a. Other Departments/Agencies:
Superior Court
District Court
Sheriff's Office
Prosecuting Attorney's Office
Public Defender's Office
Municipal Courts that Use the Main Jail Courtroom
Facilities Management
Information Technology

5b. Name the person in charge of implementation and what they are responsible for:
Information Technology, Facilities Management and our vendor will be working closely with our contacts in the Criminal Justice System.

6. Funding Source:
Trial Court Improvement Fund and General Fund
MEMORANDUM

TO: Jack Louws, Executive
FROM: Michael McFarlane
DATE: April 13th, 2018
RE: Budget Supplementals 2584, 2586, 2589

Please find three budget supplementals for your review and approval.

Supplemental 2584: This supplemental requests $2,000 of funding to repair and renovate several small pedestrian bridges on the trail at the Stimpson Family Nature Reserve. Funding for this project is being provided through a donation received from the Rotary Club of Bellingham.

Supplemental 2586: This request is to repair the main road in the Lookout Mountain Forest Preserve. This road began to experience a failure in early February when a crack was discovered. This road services not only park users, but is the power corridor and access to the communication tower sites on top of the mountain. A steep unconsolidated slope, buried power cable, residential proximity and the need to accommodate larger vehicles are challenges addressed in this project. Project costs are estimated to not exceed $100,000 and REET II funding is being requested.

Supplemental 2589: Funding is requested for replacement of the roof and HVAC system at the indoor range at the Plantation Rifle Range. This project was placed on hold several years ago pending grant funding and a design modification which included the roof replacement. Two FARR funding grants in the amount of $294,400 have been procured from the State. An additional $541,000 is being requested from REET I.
Supplemental Budget Request

Parks & Recreation

<table>
<thead>
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<th>Supp'l ID #</th>
<th>Fund</th>
<th>Cost Center</th>
<th>Originator</th>
</tr>
</thead>
<tbody>
<tr>
<td>2584</td>
<td>1</td>
<td>6357</td>
<td>Michael McFarlane</td>
</tr>
</tbody>
</table>

Expenditure Type: One-Time  
Year: 2018  
Add'L FTE:  
Add'L Space:  
Priority: 1

Name of Request: Stimpson Family Nature Reserve Bridge Donation

X  
Date: 4-16-18

Department Head Signature (Required on Hard Copy Submission)

<table>
<thead>
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<th>Costs:</th>
<th>Object</th>
<th>Object Description</th>
<th>Amount Requested</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>6320.002</td>
<td>Office &amp; Op Supplies</td>
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</tr>
<tr>
<td></td>
<td>8301.126</td>
<td>Operating Transfer In</td>
<td>($2,000)</td>
</tr>
<tr>
<td>Request Total</td>
<td></td>
<td></td>
<td>$0</td>
</tr>
</tbody>
</table>

1a. Description of request:
The Rotary Club of Bellingham has donated $2,000 for renovation of the pedestrian bridges at the Stimpson Family Nature Reserve. The bridges require new decking, rails and or supports. Funds will be used to purchase materials and Park & Recreation Staff assisted by volunteers will complete the work.

1b. Primary customers:
Visitors to the Stimpson Family Nature Reserve. In 2017, the Reserve had over 34,000 visitations. Most visitors are Whatcom County residents.

2. Problem to be solved:
The decking and other wooden elements on the pedestrian bridges are past or approaching their anticipated life spans. Replacement of these elements will allow the structures to remain in good condition providing continued use and access to park visitors and reducing risk to the County.

3a. Options / Advantages:
While repairs have been made to keep the bridges safe and functioning, these bridge structures have been assessed by staff and are at the end of their life spans. Replacement or major renovation is warranted.

3b. Cost savings:
Funding for this project is being provided by a donation from the Rotary Club of Bellingham.

4a. Outcomes:
Work will be scheduled this spring and completion is expected by the end of June.

4b. Measures:
Upgrades to the bridge structures will be completed and the trail system open and in use by the public.

5a. Other Departments/Agencies:
This project will require a natural resource notification to Whatcom Planning and Development Services. An HPA (Hydraulic Project Approval) has already been obtained for the Washington State Department of Fish and Wildlife.

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

6. Funding Source:
Donation from the Rotary Club of Bellingham currently being held in the Parks Special Revenue Fund.

Monday, April 16, 2018
1a. Description of request:
This request partially funds the addition of a Human Services Supervisor position. This will be a full-time position within the Health Department that supervises staff and programs in the areas of Developmental Disabilities, Homelessness and Affordable Housing, and Veterans.

1b. Primary customers:
The Health Department’s Human Services division, community partners, interdepartmental partners, intergovernmental partners, and residents of Whatcom County in need of services.

2. Problem to be solved:
Currently, the Human Services Manager directly supervises 6 program staff and 3 major program areas. Developmental Disabilities, Veterans Services and Homeless and Affordable Housing. Supervision is fulfilled to the extent possible within time and energy constraints. The Human Services Manager is not able to provide sufficient in-depth support or supervision to the programs or staff as well as provide the broad budgetary, program planning and contract oversight needed for the division. Due to lack of program planning and implementation capacity, the Developmental Disabilities local program fund balance has increased significantly over the past few years. The fund balance is expected to reach over $1 million by year end. Individuals with developmental disabilities are in need of services that would qualify for this funding, yet we are unable to respond in a timely manner with additional programs and services. Similar situations also exist in our Veterans and Housing programs where we are experiencing increased revenue and workload.

3a. Options / Advantages:
Program performance, and sufficient staff supervision and support will both be improved with the addition of this position. Program evaluations and increased quality management will be realized with the addition of this supervisor position within the Human Services Division. A community needs assessment and strategic planning process will be completed to inform the design and implementation of new and expanded program and services. Current staff in Developmental Disabilities, Veterans and Housing programs will have the support they need to perform their job duties, and meet their work obligations with
Supplemental Budget Request

Status: Pending

<table>
<thead>
<tr>
<th>Health</th>
<th>Human Services</th>
</tr>
</thead>
<tbody>
<tr>
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<tr>
<td><strong>Suppl ID #: 2542</strong></td>
<td><strong>Originator:</strong> Patty Proctor</td>
</tr>
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</table>

high quality.

3b. **Cost savings:**
Unknown at this time. It is assumed that the increased attention and work focused on programming effectiveness and evaluation will produce greater cost savings in the future.

4a. **Outcomes:**
The Human Services Supervisor will supervise five staff positions who focus their work in the noted program areas. Specific focus will be targeted initially on expanding and enhancing services in the community utilizing available local funds dedicated to these service areas, especially Developmental Disabilities.

4b. **Measures:**
Human Services Supervisor is hired and supervising five staff and related community programs. Programs and services in the program areas will be increased and/or enhanced, fund balance will be utilized and remain at a reasonable stable level and Human Services staff will be sufficiently supported.

5a. **Other Departments/Agencies:**
Program and service expansion will benefit community agencies currently providing these services. Additional benefit will be realized by the community in terms of increased support to homeless housing efforts, the Whatcom GRACE program, and the criminal justice system efforts to prevent and reduce incarceration.

5b. **Name the person in charge of implementation and what they are responsible for:**
Anne Deacon, Human Services Manager, will recruit and hire the position.

6. **Funding Source:**
Developmental Disabilities Millage will provide partial funding for this position. Other sources of funding for this position include local Document Recording Fees, and Veterans Millage. This supplemental is the portion that is paid through the general fund. Separate supplemental budgets are submitted for the Veteran Millage and Document Recording Fee portion. See supplemental ID 2587 and 2588.
Supplemental Budget Request

Health

Fund 114
Cost Center 114
Originator: Patty Proctor

Human Services

Expenditure Type: One-Time
Year: 2018
Add'l FTE: No
Add'l Space: No
Priority: 1

Name of Request: Human Services Supervisor - Veteran Millage

Department Head Signature (Required on Hard Copy Submission)

Date: 4/20/18

<table>
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<tr>
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Request Total: $5,270

1a. Description of request:
This request is a companion to supplemental request 2582. This request is to establish budget authority for the Veteran Program portion of a new Human Services Supervisor.

1b. Primary customers:
The Health Department's Human Services division, community partners, inter-departmental partners, intergovernmental partners, and residents of Whatcom County in need of services.

2. Problem to be solved:
Currently, the Veteran program has no Supervisor position assigned. Supervision is fulfilled to the extent possible within time and energy constraints. The Human Services Manager is not able to provide sufficient, in-depth support or supervision to the program or staff as well as provide the broad budgetary, program planning and contract oversight needed for the division.

3a. Options / Advantages:
Program performance, and sufficient staff supervision and support will both be improved with the addition of this position. Program evaluations and increased quality management will be realized with the addition of this supervisor position within the Human Services division.

3b. Cost savings:
Unknown at this time. It is assumed that the increased attention and work focused on programming effectiveness and evaluation will produce greater cost savings in the future.

4a. Outcomes:
Specific focus will be targeted initially on expanding and enhancing services in the community utilizing available local funds dedicated to these service areas.

4b. Measures:
Human Services Supervisor is hired and supervising staff and related community programs.

5a. Other Departments/Agencies:
Program and service expansion will benefit community agencies currently providing these services.

5b. Name the person in charge of implementation and what they are responsible for:
Anne Deacon, Human Services Manager, will recruit and hire the position.

6. Funding Source:
Fund Balance
Supplemental Budget Request

**Health**

**Human Services**

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<th><strong>Originator:</strong> Patty Proctor</th>
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</table>

**Expenditure Type:** One-Time  
**Year:** 2018  
**Priority:** 1

**Name of Request:** Homeless Housing Operations

**Department Head Signature (Required on Hard Copy Submission):**

![Signature]

**Date:** 4/29/18

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<td>6610</td>
<td>Contractual Services</td>
<td>$32,197</td>
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</table>

**Request Total:** $0

1a. *Description of request:*

Increase spending authority to allow for allocation of new funds coming from document recording fees. This increase in fees is a result of recent state legislation. The document recording fee was increased by $3 per document. The county retains 60% of that amount ($1.80 per document), and the other 40% goes to the state. This will increase the annual amount of revenue from this source by approximately $64,400. The county's average annual revenue for this fund will increase to approximately $270,000. These funds will be used to increase support for operations at specialized shelters and housing facilities.

1b. *Primary customers:*

Specialized shelters and housing program facilities and the individuals they serve (Individuals who are victims of domestic violence, or releasing from correctional facilities, or discharging from treatment facilities, or disenfranchised youth, or who are chronically homeless due to behavioral health challenges).

2. *Problem to be solved:*

Specialized shelters and staffed housing programs/facilities do not have adequate private funding to cover fully the cost of operations.

3a. *Options / Advantages:*

Individuals in need of these services will have access to support and safe housing. On-site services will provide assistance in moving toward permanent housing solutions.

3b. *Cost savings:*

Individuals who receive these services are much more likely to stabilize, engage in treatment and other necessary services, and progress toward independence. County funds will provide partial support, often leveraging other monies.

4a. *Outcomes:*

Specialized shelters and housing program facilities will have operational costs supported, thereby stabilizing their programs. Some of these costs include 24/7 personnel, rent, utilities and meals, program supplies, and supportive services.

4b. *Measures:*

The Health Department tracks the number of individuals served, how many move into more permanent housing, and engagement in treatment or other services. Specialized shelters and housing facilities supported by these monies can serve up to 80 individuals or households at any given time.

5a. *Other Departments/Agencies:*

Community partners providing these services include Sun House, DVSAS, Interfaith Coalition, the Northwest Youth Services Positive Adolescent Development program, and City Gate Apartments program.
<table>
<thead>
<tr>
<th>Health</th>
<th>Human Services</th>
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</thead>
<tbody>
<tr>
<td>Supp ID 2 2585</td>
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<tr>
<td></td>
<td>Cost Center 121100</td>
</tr>
<tr>
<td></td>
<td>Originator: Patty Proctor</td>
</tr>
</tbody>
</table>

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

Anne Deacon, Human Services Manager, will work with staff to ensure quality performance of the community programs funded by these additional dollars.

6. *Funding Source:*

Local document recording fees.
Supplemental Budget Request

Status: Pending

Health

Fund  122  Cost Center  122200  Originator: Patty Proctor

Human Services

Expenditure Type: One-Time  Year 2 2018  Add'l FTE  □  Add'l Space  □  Priority 1

Name of Request: Human Services Supervisor - Housing

Department Head Signature (Required on Hard Copy Submission)  Date

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<tr>
<td>8351</td>
<td>Operating Transfer Out</td>
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Request Total  $0

1a. Description of request:
Compatriot to Supplemental request id 2582. This request is to establish budget authority for the Homeless Housing Program portion of a new Human Services Supervisor.

1b. Primary customers:
The Health Department's Human Services division, community partners, inter-departmental partners, intergovernmental partners, and residents of Whatcom County in need of services.

2. Problem to be solved:
Currently, the Homeless program has no Supervisor position assigned. Supervision is fulfilled to the extent possible within time and energy constraints. The Human Services Manager is not able to provide sufficient in-depth support or supervision to the program or staff as well as provide the broad budgetary, program planning and contract oversight needed for the division.

3a. Options / Advantages:
Program performance, and sufficient staff supervision and support will both be improved with the addition of this position. Program evaluations and increased quality management will be realized with the addition of this supervisor position within the Human Services division.

3b. Cost savings:
Unknown at this time. It is assumed that the increased attention and work focused on programming effectiveness and evaluation will produce greater cost savings in the future.

4a. Outcomes:
Specific focus will be targeted initially on expanding and enhancing services in the community utilizing available local funds dedicated to these service areas.

4b. Measures:
Human Services Supervisor is hired and supervising staff and related community programs.

5a. Other Departments/Agencies:
Program and service expansion will benefit community agencies currently providing these services.

5b. Name the person in charge of implementation and what they are responsible for:
Anne Deacon, Human Services Manager, will recruit and hire the position.

6. Funding Source:
This revenue increase is a result of 2018 state legislation increasing local document recording fees.
## Supplemental Budget Request

**Status:** Pending

**Health**

<table>
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<th>Fund</th>
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<tr>
<td>122</td>
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**Expenditure Type:** One-Time  
**Year:** 2018  
**Add'l FTE:** ✔  
**Priority:** 1

### Name of Request: Homeless Housing Program Support

**Department Head Signature:** Regina A. DeCarlo  
**Date:** 4/20/18

### Costs:

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**Request Total:** $0

### 1a. Description of request:

This request adds additional revenue dedicated to homeless housing activities, derived from an increase to local document recording fees. This revenue increase is a result of 2018 state legislation that increased the document recording fee by $22 per document. The first $10 goes to counties, of the remaining $12 per document, 64% goes to counties, and the remainder goes to the state. This increase will bring in approximately $632,000 per year, bringing the total amount of annual revenue for this fund to approximately $1.7 million. This additional revenue will be directed to increase case management and other supportive services to individuals experiencing homelessness. This request also funds the addition of a Housing Community Health Specialist position to provide program support for the Homelessness and Affordable Housing program.

### 1b. Primary customers:

Whatcom County residents in need of housing assistance. The Health Department's Human Services division, community partners, inter-departmental partners, and intergovernmental partners.

### 2. Problem to be solved:

Case management services and rental assistance support to the homeless population are currently inadequate to meet current community needs. Rental assistance funds derived from various federal grants to community partners is not being fully utilized at this time because of the level of case management required by these federal grant funds. Case Managers and rental assistance are needed to help individuals who are homeless attain and retain housing.

Human Services staffing is currently inadequate. The division has only one Program Specialist assigned to the housing program. Increased demands of this program from the Washington State Department of

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*Friday, April 20, 2018*
Supplemental Budget Request

Status: Pending

<table>
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<th>Health</th>
<th>Human Services</th>
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<td></td>
<td>Cost Center 122200</td>
</tr>
<tr>
<td></td>
<td>Originator: Patty Proctor</td>
</tr>
</tbody>
</table>

Commerce as well as the community’s continued challenges of homelessness and affordable housing require more response and action than one full-time equivalent position can deliver. Revenues dedicated to housing activities and associated workload demands in the county’s homelessness and affordable housing program have increased over the past few years by 225%. Total county dollars dedicated to housing in 2015 was $2.5 million. In 2019 the total will increase to almost $5.8 million, and by 2021 will likely reach $7.2 million.

3a. Options / Advantages:

Adequate Case Management services will optimize the use of federal grants in our community that support rental assistance. More individuals who are experiencing homelessness will attain and retain housing. Program implementation, performance, and reporting will be improved with the additional staff resources dedicated to this complex program. Program evaluations and increased quality management will also be realized with the addition of a staff position within the Human Services division. Whatcom County's homeless housing successes have been publicly recognized at the state level, even in the face of national, state, and local increases in homelessness. The additional resources will continue to improve on these successes.

3b. Cost savings:

Federal grant funding will be fully expended with additional case management support, thereby mitigating the risk of losing that funding in the future. Individuals who are homeless will be stably housed, promoting opportunities for recovery from health challenges, increasing opportunities for gainful employment and contributing back to the community. Due to recent legislation, local revenue available to this program has increased significantly. Work expectations have increased along with this revenue increase. This additional staff position will add much needed support to this complex and challenging program, allowing the Health Department to fulfill more of its obligations to the community in reducing homelessness. It is assumed that the increased attention and work focused on programming effectiveness and evaluation will produce greater cost savings to the entire community in the future.

4a. Outcomes:

More individuals will be stably housed. The Community Health Specialist will assist with contract management, program evaluation, strategic planning and development of community partnerships and programs. Specific focus will be targeted initially on expanding and enhancing services in the community utilizing available local dedicated funds.

4b. Measures:

Housing case management capacity will increase resulting in greater housing retention for those individuals who are newly housed. It is expected that each Case Manager position added in the community will serve an additional 20 – 35 individuals depending upon their unique needs. The Health Department will be able to comply fully with the additional contract requirements of the state’s Department of Commerce and federal regulations. Program evaluations, reporting, and contracts management will be current.

5a. Other Departments/Agencies:

Program quality assurance and service expansion will benefit community agencies currently providing these services. Additional benefit will be realized by the community in terms of increased support to homeless housing efforts, the Whatcom GRACE program, and the criminal justice system efforts to prevent and reduce incarceration.

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

Anne Deacon, Human Services Manager, will provide oversight of contract and program management activities and will recruit and hire the staff positions.

6. Funding Source:

Local Document Recording Fees
Supplemental Budget Request

Non-Departmental

Suppl ID #: 2595

<table>
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Expenditure Type: One-Time

Year: 2018

Add'l FTE [ ]

Add'l Space [ ]

Priority: 1

Name of Request: Trial Crt Imp Fund Trf to support Crim Justice AV

Department Head Signature (Required on Hard Copy Submission): [X] 4/27/18

Costs:

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Request Total: $205,000

1a. Description of request:
Companion supplemental to help fund Criminal Justice Audio Visual Systems upgrade (Supplemental #2594)

1b. Primary customers:

2. Problem to be solved:

3a. Options / Advantages:

3b. Cost savings:

4a. Outcomes:

4b. Measures:

5a. Other Departments/Agencies:

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

6. Funding Source:

Trial Court Improvement Fund

Wednesday, April 25, 2018

Rpr: Rpt Suppl Regular
MEMORANDUM

TO: Jack Louws, Executive
FROM: Michael McFarlane
DATE: April 13th, 2018
RE: Budget Supplementals 2584, 2586, 2589

Please find three budget supplementals for your review and approval.

Supplemental 2584: This supplemental requests $2,000 of funding to repair and renovate several small pedestrian bridges on the trail at the Stimpson Family Nature Reserve. Funding for this project is being provided through a donation received from the Rotary Club of Bellingham.

Supplemental 2586: This request is to repair the main road in the Lookout Mountain Forest Preserve. This road began to experience a failure in early February when a crack was discovered. This road services not only park users, but is the power corridor and access to the communication tower sites on top of the mountain. A steep unconsolidated slope, buried power cable, residential proximity and the need to accommodate larger vehicles are challenges addressed in this project. Project costs are estimated to not exceed $100,000 and REET II funding is being requested.

Supplemental 2589: Funding is requested for replacement of the roof and HVAC system at the indoor range at the Plantation Rifle Range. This project was placed on hold several years ago pending grant funding and a design modification which included the roof replacement. Two FARR funding grants in the amount of $294,400 have been procured from the State. An additional $541,000 is being requested from REET I.
Supplemental Budget Request

Status: Pending

**Parks & Recreation**

**Supp't ID #**: 2586  |  **Fund**: 3E+0  |  **Cost Center**: 18002  |  **Originator**: Christ Thomsen

**Expenditure Type**: One-Time  |  **Year**: 2018  |  **Add'l FTE**  |  **Add'l Space**  |  **Priority**: 1

**Name of Request**: Lookout Mountain Slope Stabilization & Road Repair

**Department Head Signature (Required on Hard Copy Submission)**  |  **Date**: 4-16-18

**Costs**

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1a. **Description of request:**

This project repairs a slope and road failure on the LM-2000 Road in Lookout Mountain Forest Preserve.

1b. **Primary customers:**

The LM-2000 Road is a mainline forest road within the Lookout Mountain Forest Preserve. The road, provides access to communications towers within, or adjacent to, Lookout Mountain Forest Preserve; provides non-motorized public access to existing and planned trails; provides Emergency Services access for EMS and fire response; and provides Whatcom County Parks & Recreation staff access for maintenance, monitoring, and patrolling of county owned lands and infrastructure.

As such, primary customers are recreational visitors to Lookout Mountain Forest Preserve, easement and communications site lease holders, and county and emergency services providers.

2. **Problem to be solved:**

About February 2, 2018, department staff reported a previously unidentified crack in the LM-2000 Road within Lookout Mountain Forest Preserve. The crack was located in a spot, above a private residence, where the side slope is inclined at approximately 45 degrees or steeper with an estimated height of 65 feet above the residence.

On February 5, 2018 staff and a representative from a geotechnical firm, GeoEngineers, visited the site. The crack had continued to move and expand, and additional down settling was observed. Out of concern for the residence below, and on recommendation of GeoEngineers, the situation was deemed an emergency.

On February 6, 2018, working with GeoEngineers and a contracted heavy equipment operator, Parks excavated overburden and afforded temporary site stabilization.

Since that time, Parks has been working with GeoEngineers to develop an approach to slope stabilization and road reconstruction. The project is complicated by an underground high voltage powerline which services cell towers further up the mountain. This power line lies below the road and requires relocation prior to slope stabilization and road repairs efforts are implemented.

Work completed to date provided temporary stabilization of the slope and allowed Parks to reopen the road to non-motorized public use and for light trucks to transit the site. Heavy duty trucks and equipment are prohibited on the road until long-term slope stabilization and road repairs are effected. Several projects are planned for this summer above the slope failure point; most of which are to be implemented.

*Monday, April 16, 2018*
by easement and lease holders. These projects have been in planning phases for years. Watershed work restrictions limit their work window to June 1 to September 30 annually. Heavy trucks and equipment are required to implement these projects. Further, communications sites owners and lessees have an ongoing need for access to maintain, monitor, and repair equipment.

3a. Options / Advantages:
While temporary repairs have been implemented long-term repairs are necessary to stabilize the slope and to reopen the roadway to heavy truck and equipment use. The problem has been analyzed by Department staff and consulting geotechnical engineers from GeoEngineers. GeoEngineers presented recommendations for uphill slope stabilization, downslope retention, and roadway repairs. Whatcom County Public Works engineering staff collaborated in review of GeoEngineers' recommendations. Further, Puget Sound Energy presented two alternate plans to address relocating the power line; one plan is the preferred approach and the second plan is a backup plan in the event the preferred approach isn't successful.

The recommendations include excavating the existing road prism, pushing the road alignment into the uphill side of the road, relocating the underground power line, constructing an uphill retaining wall, installing a rock-filled welded wire basket wall on the downslope side, and reconstructing the roadway using geogrid materials to tie the roadway and retaining walls together while more evenly distributing vehicle and equipment loading within the road prism.

Other alternatives considered included relocating the roadway to avoid the area or abandoning the road. Relocation was dismissed as impractical due to topography and cost. Abandonment of the roadway was dismissed as impractical because of operational needs for the roadway including access to existing communications sites, public access, and department staff and emergency services access needs.

3b. Cost savings:
This project does not provide maintenance and operations cost savings.

Parks is working with easement holders and lessees on cost sharing for repair costs. Any costs covered or recovered will be applied to the county as reimbursement for this project.

4a. Outcomes:
Outcomes expected include slope stabilization and road repairs being completed per design specifications as soon as practicable and the road is returned to full service.

4b. Measures:
The slope is stabilized and the road is returned to full service.

GeoEngineers is contracted to provide construction services to monitor work to ensure compliance with design standards and specifications.

5a. Other Departments/Agencies:
Planning and Development Services is responsible for issuing permits associated with this project. Parks recently applied for a building and land disturbance permit for this project.

5b. Name the person in charge of implementation and what they are responsible for:
Planning and Development Services permitting staff.

6. Funding Source:
REET II
Location:
LM-2000 Road above Shetland Ct.

Location:

Lake Louise Rd
Gate 13
To Bellingham
7 miles

Lookout Loop Trail

Waterfall Loop Trail

To Lake Whatcom View Trail

0.2 mi

1.0 mi

12 mi

Gate 9

Sudden Valley

WHATCOM COUNTY PARKS & RECREATION

Budget Supplemental: 2586
**Lookout Mountain Slope Stabilization & Road Repair**

**Problem:**

- **Road and slope failure**
  - Crack in roadway
  - Down-settling of overburden
- **Safety risks**
  - Public
    - Road users
  - Private property
    - Residence
    - 65-feet below
- **Active road use**
  - Easement holders
  - Lessees
  - Public
  - Department staff
  - EMS staff
- **Planned projects schedules at risk**

[Image: Crack and Down-settling of Overburden, Excavated Overburden, Jobsite]
# Lookout Mountain Slope Stabilization & Road Repair

## Cost Estimate

<table>
<thead>
<tr>
<th>Task / Item</th>
<th>Description</th>
<th>Low Cost Estimate</th>
<th>High Cost Estimate</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Road excavation &amp; powerline relocate</td>
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<td>Road repair</td>
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<td>Geo hazard assessment</td>
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<td>4</td>
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<td>Engineering Construction Support</td>
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<td>10</td>
<td>Materials- Straw</td>
<td>$200</td>
<td>$400</td>
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</table>

**Total** | **$71,700** | **$100,000**
MEMORANDUM

TO: Jack Louws, Executive
FROM: Michael McFarlane
DATE: April 13th, 2018
RE: Budget Supplementals 2584, 2586, 2589

Please find three budget supplementals for your review and approval.

Supplemental 2584: This supplemental requests $2,000 of funding to repair and renovate several small pedestrian bridges on the trail at the Stimpson Family Nature Reserve. Funding for this project is being provided through a donation received from the Rotary Club of Bellingham.

Supplemental 2586: This request is to repair the main road in the Lookout Mountain Forest Preserve. This road began to experience a failure in early February when a crack was discovered. This road services not only park users, but is the power corridor and access to the communication tower sites on top of the mountain. A steep unconsolidated slope, buried power cable, residential proximity and the need to accommodate larger vehicles are challenges addressed in this project. Project costs are estimated to not exceed $100,000 and REET II funding is being requested.

Supplemental 2589: Funding is requested for replacement of the roof and HVAC system at the indoor range at the Plantation Rifle Range. This project was placed on hold several years ago pending grant funding and a design modification which included the roof replacement. Two FARR funding grants in the amount of $294,400 have been procured from the State. An additional $541,000 is being requested from REET I.
Supplemental Budget Request

Status: Pending

Parks & Recreation

Suppl ID # 2589  Fund  3E+0  Cost Center  17001  Originator: Christ Thomsen

Expenditure Type: One-Time  Year 2  2018  Add’l FTE  □  Add’l Space  □  Priority  1

Name of Request: Plantation Indoor Range HVAC and Roof Replacement

X

Department Head Signature (Required on Hard Copy Submission)  Date

<table>
<thead>
<tr>
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<th>Object Description</th>
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<tr>
<td>7350</td>
<td>Buildings &amp; Structures</td>
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<tr>
<td>Request Total</td>
<td></td>
<td>$541,600</td>
</tr>
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</table>

1a. Description of request:
This project replaces the Plantation Indoor Range ventilation system with a modern system designed to accommodate today’s environmental health requirements and the shooting public’s needs. It also provides for the replacement of the indoor range roof.

1b. Primary customers:
Visitors to the Plantation Range and contracted Law Enforcement and education agencies are the primary customers of this project. In 2017, the Range served over 16,200 recreational shooters and was host to over 230 law enforcement and education agency training days.

2. Problem to be solved:
In the 2015/2016 biennium Whatcom County provided funding for replacement of Plantation Rifle Range HVAC (ASR # 2015-5355). These funds were matched with a grant from the Washington State Recreation and Conservation Office (RCO) (project # 14-1127D). The project scope was to remove and replace the existing HVAC system in the Indoor Range. The system filters airborne lead and other particulates from the indoor shooting range as well as providing heating for the indoor range. The existing HVAC system was installed in 1983; making it 35 years old. The system has had frequent breakdowns and is inefficient. The range cannot be used without a functioning HVAC system.

During the design phase of that project, it was discovered that the roof would need to be replaced to support installation of the new HVAC unit and associated ducting structure. The Indoor Range roof was last replaced in 1995. Membrane roofing of the type installed has a typical life expectancy of 15 years. With care and maintenance, this roof has lasted 23 years to date. Recently, the roof has begun to show its age though leaks and other problems. In addition to supporting HVAC retrofit activities, roof replacement is necessary to protect the integrity of the building envelope. Roughly 3100 square of asbestos containing roof material will be abated as part of the roof replacement.

In the 2017/2018 biennium Whatcom County provided additional funding for the project (ASR # 2017-5637). These funds were again matched by a grant from the RCO (project # 16-2784).

Unfortunately, the Washington State Legislature did not fund capital programs when they adopted the 2017/2019 state budget. This meant that RCO suspended all existing capital project contracts and did not fund new projects. Consequently, Parks did not move forward with replacing the Plantation Indoor Range HVAC system and roof. By the end of 2017, all Departmental spending authority expired.

Eventually, the Washington State Legislature passed funding for capital programs and RCO reinstated projects funding.

Monday, April 16, 2018

Rpt: Rpt Suppl Regular
Supplemental Budget Request

Status: Pending

Parks & Recreation

<table>
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<th>Fund</th>
<th>Cost Center</th>
<th>Originator</th>
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<tbody>
<tr>
<td>2889</td>
<td>3E+0</td>
<td>17001</td>
<td>Christ Thomsen</td>
</tr>
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</table>

Costs for this project have increased since funding was initially requested. Cost increases are due to a number of reasons, including:

1) Lead and asbestos abatement costs. Lead abatement was anticipated but not to the scale required to implement project work. Asbestos abatement costs were unforeseen. The roof was last replaced in 1983. It was expected that all asbestos roofing materials were removed at that time.

2) Retrofitting the existing indoor range building to accommodate the new HVAC system is greater than anticipated due to required structural modifications.

3) The original cost estimate included mostly off the shelf components that aren’t applicable to project conditions.

4) Industry-wide increases in construction costs and the annual effects of inflation.

Design is work is complete to 90% and permit ready plans are in hand. The project, however, lacks sufficient funding through grants alone.

3a. Options / Advantages:

Numerous options have been considered. These options have been distilled into three primary alternatives:

The first is to replace the existing HVAC system and roof. This allows the County to continue to operate the Plantation Indoor Range. This option is the current proposal and preferred as it provides for continuation of an existing service level and preserves county infrastructure.

The second option considered is to replace the roof only and operate the indoor range until the HVAC system fails. At which point, the indoor range would be closed for use. This option was rejected because it reduces service level and fails to adequately maintain existing assets.

The third option is to forego the project work and mothball the indoor range. This option was rejected because it reduces service level and fails to adequately maintain existing assets.

3b. Cost savings:

It is anticipated that there will be a reduction in energy costs due to increased energy efficiency. Energy savings are somewhat difficult to quantify at this time due to the differences in system design and scope.

It is also anticipated there will be cost savings associated with supplies and labor required to maintain the system. Currently, because the HVAC system is roof mounted, two or more employees are required onsite when maintaining or servicing the unit. The new system will be installed at ground level and will require fewer employees during maintenance and service activities. Additionally, the new system includes monitoring equipment that indicates when particular services are required; such as, filter media replacement. This means maintenance moves from a set schedule whether it is needed or not to an on demand system.

4a. Outcomes:

The Plantation Indoor Range HVAC system and roof are replaced by December 15, 2018.

4b. Measures:

Installation of the HVAC system is complete and the roof has been replaced.

Construction services are to be provided through contract. These services monitor asbestos and lead abatement activities to certify abatement is complete, monitor construction activities to provide quality assurance, and to certify that the HVAC system functions to performance specifications.

5a. Other Departments/Agencies:

Whatcom County Planning and Development Services is responsible for issuing permits for this project.

Monday, April 16, 2018

Rpt: Rpt Suppl Regular
5b. Name the person in charge of implementation and what they are responsible for:
   Planning and Development Services permitting staff as assigned to the project by Planning and
   Development Services.

6. Funding Source:
   REET I funds: $541,600.

   Washington State Recreation and Conservation Office grant funds: $294,400.
Plantation Indoor Range HVAC and Roof Replacement

Problem:

- 35-year old HVAC system
  - Unreliable
  - Does not meet today's operational standards
    - Air flow
    - Filtration
    - Energy
  - Functional HVAC system required for range operations
Problem:

- **Roof**
  - Severely degraded materials
  - Asbestos and lead contamination of roof envelope
  - Insufficient R-value
  - Leaks

- **Structural**
  - Modifications required for HVAC retrofit
  - Envelope compromised via roof leaks

---

**Asbestos containing roof materials**

**Degraded Roof Materials**

**Leaks**
Problem:

- Employee and public safety
  - Airborne lead and particulates
  - Access to HVAC system for maintenance

Existing: Roof Mounted HVAC System

Existing: Airflow

Desired: Laminar Airflow
Plantation Indoor Range HVAC and Roof Replacement

HVAC Replacement Proposal
# Plantation Indoor Range HVAC and Roof Replacement

## Cost Estimate

<table>
<thead>
<tr>
<th>Task / Item</th>
<th>Description</th>
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<tbody>
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<td>1</td>
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<td>Permitting</td>
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Total: $836,000  
RCO Grants: ($294,400)  
Request Total: $541,600
MEMO TO: Jack Louws
FROM: Rob Ney, Project & Operations Manager
DATE: April 20, 2018
RE: Supplemental Budget Request – DDC Controls Reallocation

- **Background and Purpose**
  This supplemental budget request is to re-establish the contingency funding originally provided in ASR #2017-5498. The original budget established in 2017 for the Siemens Direct Digital Controls (DDC) project included the contractors cost and a contingency for unforeseen circumstances. The contract amount was carried over to the 2018 budget, but not the amount allocated for contingency which was returned to the original funding source. Due to unforeseen circumstances associated with the project, Facilities would like to re-establish the contingency funds to cover these expenses. There is no net increase over the original 2017 request.

- **Funding Amount and Source**
  Funding amount needed for this supplement budget request is $11,500. This project was originally approved in the Facilities Budget ASR #2017-5498 in the amount of $336,063.00 account #3260517002. REET 1 funded the original budget for this project.

- **Differences from Previous Contract**
  This project is a one-time agreement.

Please contact Rob Ney at extension 5387, if you have any questions or concerns regarding the terms of this agreement.

Enclosures
Supplemental Budget Request

Administrator Services

Facilities Management

Suppl ID #: 2592

Fund: 326

Cost Center:

Originator: Rob Ney

Expenditure Type: One-Time

Year: 2017

Add'l FTE: □

Add'l Space: □

Priority: 1

Name of Request: DDC Controls Reallocation

X

Department Head Signature (Required on Hard Copy Submission)

Date: 4/24/18

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1a. Description of request:

ASR #2017-5498 was approved for Upgrading the Siemens Direct Digital Control (DDC) System in various County locations. The DDC system controls the Heating Ventilation Air Conditioning (HVAC) system. This was a one-time authorization of funds and was not included in a Project Based Budget. Therefore, the funds not allocated in the original contract would sunset at the end of the 2017 calendar year. Facilities had a contingency built into the 2017 budget which was not utilized in 2017 and were returned to the original fund. Due to unforeseen circumstances associated with the project, Facilities would like to re-establish the contingency funds to cover these expenses. There is a net increase in funds requested (above the 2017 request).

1b. Primary customers:

All Employees & Citizens who use the Courthouse, NW Annex, Civic Center, Forest Street, Central Shop & Main Jail.

2. Problem to be solved:

Because this work was not covered in a Project Based Budget, the contingency funds/remaining budget were not continued into 2018. The project has identified unanticipated work that was not known at the time of the contract. Had this work progressed in 2017, the contingency funds included in the 2017 budget request would have covered these costs.

3a. Options / Advantages:

Using the Facilities Budget for these unforeseen, but this could potentially run our line item short for Facilities.

This was originally funded through the REET 1 fund and should continue to be funded from REET 1

3b. Cost savings:

The DDC System allows for better control over our HVAC system; this gives us energy conservation and environmental control within buildings for the public and our employees.

4a. Outcomes:

Once the system is in place and the building & citizens will have a functioning system. This project is currently underway.

4b. Measures:

When the new functioning system is up and running properly.

When the new system is running we will continue to have lower heating and cooling costs.

5a. Other Departments/Agencies:

None

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

Rob Ney

Friday, April 20, 2018
### Supplemental Budget Request

<table>
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<td><strong>Suppl ID #</strong> 2390</td>
<td><strong>Fund</strong> 326 <strong>Cost Center</strong></td>
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</table>

6. **Funding Source:**
REET 1
MEMO TO:  Jack Louws
FROM:  Rob Ney, Project & Operations Manager
DATE:  April 20, 2018
RE:  Supplemental Budget Request – New Construction Coordinator/Project Manager Position in Facilities Management

- **Background and Purpose**
  As identified in the Deputy Executives report on the options for expansion of the Triage Facility, and also in my Supplemental Budget Request for the Facilities Management operations move to Williamson Way, a new position would be requested to manage the proposed Triage Facility construction project. This is the formal request for that new FTE. This position is funded by the different project in which this new employee would be assigned and could include the new Triage Facility, the Courthouse envelope project, the Jail renovations, or another unidentified project. Initially, the position would be primarily funded by the money devoted for the construction of the new Triage facility on Division Street.

- **Specific Request**
  Funding amount needed for this supplement budget request is $63,977.00. This funding includes an annual salary, benefits, and one time purchases such as a computer and office furniture. There are two Supplemental Budget Requests for this request: $8,770 & $55,207.00.

- **Funding Source**
  This position will be funded by the projects the new position will be assigned. Year 1, this position will be primarily funded by the Triage Center budget 374100. Discussions will need to occur each biennium to discuss where the position will be charged to.

Please contact Rob Ney at extension 5387, if you have any questions or concerns regarding the terms of this agreement.

Enclosures
Supplemental Budget Request

Administrative Services  Facilities Management

Fund 507  Cost Center 50700  Originator: Rob Ney

Expenditure Type: Ongoing  Year 2 2018  Add'l FTE  Add'l Space  Priority 1

Name of Request: Construction Coordinator/Project Manager

Department Head Signature (Required on Hard Copy Submission)  Date

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1a. Description of request:
The new position will be assigned to manage large scale construction projects for Facilities Management. The first assignment for this new position will be to coordinate, and be the owner’s representative, for the construction of a new Triage Facility on Division Street.

1b. Primary customers:
Any department receiving services from Facilities Management. Year 1, the primary customer will be the Health Department. In the future, this position will work on the Courthouse Exterior Project, the Jail, and possibly Civic Center and 1500 State Street.

2. Problem to be solved:
Professional project management is a necessary skill for ensuring cost effective management of the County’s capital project and building maintenance efforts. Effective management of these contracts will save the County money, possibly funding this position through cost savings and efficient management of these projects.

3a. Options / Advantages:
The only other option is to hire a firm to perform this effort. However, a County employee will have the best interests in the County as his primary duties, and will not be conflicted by existing relationships with contractors or sub-contractors. This is the most cost effective way to provide these project management services.

3b. Cost savings:
A County employee will be substantially less than a contracted project manager.

4a. Outcomes:
Efficient and effective construction projects.

4b. Measures:
When we compare the project’s final costs to the original contract amount, and take into consideration the
Supplemental Budget Request

<table>
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<th>Facilities Management</th>
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<tr>
<td><strong>Cost Center</strong> 50700</td>
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</table>

unforeseen issues addressed during the construction project.

5a. Other Departments/Agencies:
   Success will be measured by delivery of efficient and cost effective projects.
   None

5b. Name the person in charge of implementation and what they are responsible for:
   None; Rob Ney

6. Funding Source:
   Project Budgets
Supplemental Budget Request

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Expenditure Type: One-Time  
Year 2 2018  
Add'l FTE ✓  
Add'l Space ✓  
Priority 1

Name of Request: One-time Cost-Construction Coordinator/Proj Mgr

Department Head Signature (Required on Hard Copy Submission)  
4/24/18

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<th>Object Description</th>
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1a. Description of request:
Companion supplemental to Supplemental ID #2593 for computer, phone and office supplies

1b. Primary customers:

2. Problem to be solved:

3a. Options / Advantages:

3b. Cost savings:

4a. Outcomes:

4b. Measures:

5a. Other Departments/Agencies:

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

6. Funding Source:
Admin Services Fund Balance

Thursday, April 26, 2018
Establishing the Mental Health and Developmental Disabilities Special Revenue Fund

**ATTACHMENTS:**

Ordinance Establishing the Mental Health and Developmental Disabilities Special Revenue Fund

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

Ordinance to establish a Mental Health and Developmental Disabilities Special Revenue Fund to track and account for revenues received through the Washington State levy for people with developmental disabilities or in need of mental health services.

**COMMITTEE ACTION:**

**COUNCIL ACTION:**

**Related County Contract #:**

**Related File Numbers:**

**Ordinance or Resolution Number:**

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

TO: Jack Louws, County Executive
FROM: Regina A. Delahunt, Director
DATE: April 26, 2018
SUBJECT: Establishing the Mental Health and Developmental Disabilities Special Revenue Fund

Please find attached an ordinance to create a Mental Health and Developmental Disabilities Special Revenue Fund. This fund will be used to track and account for restricted and committed revenues received through the established Washington State levy for people with developmental disabilities or in need of mental health services in accordance with RCW 71.20.100.

Please call Patty Proctor at x6015 if there are any questions. Thank you.

Encl.
ORDINANCE NO. _________

ESTABLISHING THE MENTAL HEALTH AND DEVELOPMENTAL DISABILITIES SPECIAL REVENUE FUND

WHEREAS, The State of Washington established a tax levy funding additional services for people with developmental disabilities or in need of mental health services. (RCW 71.20.110)

WHEREAS, the Health Department needs a special revenue fund to account for restricted and committed revenues which will be used to fund developmental disability or mental health programs.

WHEREAS, the Health Department needs a separate fund to separately track and account for these revenues until the funds can be properly expended.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that a new special revenue fund is hereby established titled the “Mental Health and Developmental Disabilities Fund”. This new fund shall be dedicated to tracking restricted and committed revenues for mental health and developmental disabilities programs according to RCW 71.20.100 and County Council requirements.

ADOPTED this ____ day of __________, 20__.

ATTEST:

Dana Brown-Davis, Clerk of the Council

WHATCOM COUNTY EXECUTIVE
APPROVED AS TO FORM:

______________________________

Civil Deputy Prosecutor
Executive

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

(Current Chair’s Name), Council Chair

WHATCOM COUNTY, WASHINGTON

(Current Executive’s Name), County

( ) Approved   ( ) Denied

Date Signed: ____________________
**WHATCOM COUNTY COUNCIL AGENDA BILL**

<table>
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<th>CLEARANCES</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
<th>Assigned to:</th>
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**TITLE OF DOCUMENT:** An ordinance ordering the closure of the Potter Road - South Fork Bridge No. 148 Replacement Project Fund 342.

**ATTACHMENTS:** Proposed ordinance and memo.

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

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

This ordinance orders the closure of the Potter Road - South Fork Bridge No. 148 Replacement Project Fund 342.

**COMMITTEE ACTION:**

<table>
<thead>
<tr>
<th>RELATED COUNTY CONTRACT #:</th>
<th>RELATED FILE NUMBERS:</th>
<th>ORDINANCE OR RESOLUTION NUMBER:</th>
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Please Note: Once adopted and signed, ordinances and resolutions are available for viewing and printing on the County’s website at: www.co.whatcom.wa.us/council.

292
TO: The Honorable Jack Louws, Whatcom County Executive and Honorable Members of the Whatcom County Council

THROUGH: Jon Hutchings, Public Works Director

FROM: Randy Rydel, Financial Services Manager

DATE: April 26, 2018

RE: Ordinance to close the Potter Road - South Fork Bridge No. 148 Replacement Project Fund 342

Please find attached for your review and approval an ordinance to close the Potter Road - South Fork Bridge No. 148 Replacement Project Fund 342 and to transfer the remaining cash balance of approximately $1,157,316 back into the Road Fund 108. This project received additional funding of $1,000,000 from the Nooksack Indian Tribe which substantially reduced the amount due from the Road Fund. The project is complete and the project fund is no longer needed.

Please contact Randy Rydel at extension 6217 if you have any questions or concerns regarding this project fund closure.
ORDINANCE NO. ______

CLOSING THE POTTER ROAD – SOUTH FORK BRIDGE NO. 148
REPLACEMENT PROJECT FUND 342

WHEREAS, on November 20, 2012, Ordinance 2012-052 created the Potter Road - South Fork Bridge No. 148 Replacement Project Fund 342 and funded the project; and,

WHEREAS, the project has now been completed; and,

WHEREAS, the project fund is no longer needed; and,

WHEREAS, the Road Fund contributed $1,900,000 towards the project; and,

WHEREAS, additional funding of $1,000,000 from the Nooksack Indian Tribe significantly reduced the actual Road Fund contribution; and,

WHEREAS, the current cash balance in the project fund is approximately $1,157,316; and,

WHEREAS, remaining cash in the fund should be returned to the Road Fund,

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the Potter Road - South Fork Bridge No. 148 Replacement Project Fund 342 be dissolved and its remaining cash balance returned to the Road Fund.

ADOPTED this ___ day of __________, 2018.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Clerk of the Council

Rud Browne, Council Chair

APPROVED AS TO FORM:

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON

Daniel L. Gibson
Civil Deputy Prosecutor

Jack Louws
County Executive

( ) Approved ( ) Denied

Date Signed: ___________________
**WHATCOM COUNTY COUNCIL AGENDA BILL**

<table>
<thead>
<tr>
<th>CLEARANCES</th>
<th>Initial</th>
<th>Date</th>
<th>Date Received in Council Office</th>
<th>Agenda Date</th>
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<td>5/8/18</td>
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**TITLE OF DOCUMENT:** Ordinance ordering the closure of the 2015 County Roadway Safety Program Fund 355.

**ATTACHMENTS:** Proposed ordinance and memo.

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

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

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

**Requested Date:**

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

This ordinance orders the closure of the 2015 County Roadway Safety Program Fund 355.

**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).
TO: The Honorable Jack Louws, Whatcom County Executive and Honorable Members of the Whatcom County Council

THROUGH: Jon Hutchings, Public Works Director

FROM: Randy Rydel, Financial Services Manager

DATE: April 26, 2018

RE: Ordinance to close the 2015 County Roadway Safety Program Fund 355

Please find attached for your review and approval an ordinance to close the 2015 County Roadway Safety Program Fund 355 and to transfer the remaining cash balance of approximately $54,817 back into the Road Fund 108. The project is complete and the project fund is no longer needed.

Please contact Randy Rydel at extension 6217 if you have any questions or concerns regarding this project fund closure.
ORDINANCE NO. ________

CLOSING the 2015 County Roadway Safety Program Fund 355

WHEREAS, on November 25, 2014, Ordinance 2014-071 created the 2015 County Roadway Safety Program Fund 355 and funded the project; and,

WHEREAS, the project has now been completed; and,

WHEREAS, the project fund is no longer needed; and,

WHEREAS, the Road Fund contributed $70,000 towards the project; and,

WHEREAS, the current cash balance in the project fund is approximately $54,817; and,

WHEREAS, remaining cash in the fund should be returned to the Road Fund;

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the 2015 County Roadway Safety Program Fund 355 be dissolved and its remaining cash balance returned to the Road Fund.

ADOPTED this ____ day of ________, 2018.

ATTEST:

Dana Brown-Davis, Clerk of the Council

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Rud Browne, Council Chair

APPROVED AS TO FORM:

Daniel L. Gibson
Civil Deputy Prosecutor

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON

Jack Louws
County Executive

(  ) Approved (  ) Denied

Date Signed: ____________________________
### CLEARANCES

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<tr>
<th>Originator</th>
<th>Division Head</th>
<th>Dept. Head</th>
<th>Prosecutor</th>
<th>Purchasing/Budget</th>
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<tbody>
<tr>
<td>Randy Rydel</td>
<td>A+</td>
<td>JH</td>
<td>Dg</td>
<td>BB</td>
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</tbody>
</table>

### Date

- Initial: 4/26/18
- Date Received in Council Office: 4/26/18
- Agenda Date: 5/8/18
- Assigned to: Introduction
- Finance / Council

### TITLE OF DOCUMENT:

Ordinance ordering the closure of the Cedar Hills/Euclid Storm Water Improvements Fund 367.

### ATTACHMENTS:

Proposed ordinance and memo.

### SEPA review required?

- Yes ( )
- No ( X )

### SEPA review completed?

- Yes ( )
- No ( X )

### Should Clerk schedule a hearing?

- Yes ( )
- No ( X )

### Requested Date:

### SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

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

This ordinance orders the closure of the Cedar Hills/Euclid Storm Water Improvements Fund 367.

### 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.
TO: The Honorable Jack Louws, Whatcom County Executive and Honorable Members of the Whatcom County Council

THROUGH: Jon Hutchings, Public Works Director

FROM: Randy Rydel, Financial Services Manager

DATE: April 26, 2018

RE: Ordinance to close the Cedar Hills/Euclid Storm Water Improvements Fund 367

Please find attached for your review and approval an ordinance to close the Cedar Hills/Euclid Storm Water Improvements Fund 367 and to transfer the remaining cash balance of approximately $414 back into the REET II Fund 324. The project is complete and the project fund is no longer needed.

Please contact Randy Rydel at extension 6217 if you have any questions or concerns regarding this project fund closure.
ORDINANCE NO. ________

CLOSING CEDAR HILLS/EUCLID STORM WATER IMPROVEMENTS PROJECT FUND 367

WHEREAS, on November 25, 2014, Ordinance 2014-083 created the Cedar Hills/Euclid Storm Water Improvements Fund and funded the project; and,

WHEREAS, the project has now been completed; and,

WHEREAS, the project fund is no longer needed; and,

WHEREAS, the REET II Fund contributed $955,000 towards the project; and,

WHEREAS, the current cash balance in the project fund is approximately $414; and,

WHEREAS, remaining cash in the fund should be returned to the REET II Fund,

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the Cedar Hills/Euclid Storm Water Improvements Fund be dissolved and its remaining cash balance returned to the REET II Fund.

ADOPTED this ___ day of ________, 2018.

ATTEST: WHATCOM COUNTY COUNCIL

WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Clerk of the Council
Rud Browne, Council Chair

APPROVED AS TO FORM: WHATCOM COUNTY EXECUTIVE

WHATCOM COUNTY, WASHINGTON

Daniel L. Gibson
Civil Deputy Prosecutor
Jack Louws
County Executive

( ) Approved ( ) Denied

Date Signed: ______________________