

FILE UNDER AB 2015 . 175
DATE RECEIVED: 5/26/15
SUBMITTED BY: Perry Eskridge

SPONSORED BY: _____

PROPOSED BY: _____

INTRODUCTION DATE: _____

COUNCIL MEETING
 Natural Resources COMMITTEE
EXHIBIT: _____

ORDINANCE NO. _____

ESTABLISHING WHATCOM COUNTY CODE 2.118, CREATING THE WHATCOM COUNTY WILDLIFE ADVISORY COMMITTEE

WHEREAS, the Washington State Growth Management Act (GMA) requires Whatcom County to engage in comprehensive land use planning; and

WHEREAS, the GMA requires that the County shall ensure that comprehensive plan amendments will provide sufficient capacity of land suitable for development to accommodate housing and employment growth; and

WHEREAS, goal one (1) of the GMA, in Revised Code of Washington (RCW) 36.70A.020, is to encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner; and

WHEREAS, goal two (2) of the GMA, in RCW 36.70A.020, is to reduce the inappropriate conversion of undeveloped land into sprawling, low-density development; and

WHEREAS, goal four (4) of the GMA, in RCW 36.70A.020, is to encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock; and

WHEREAS, goal six (6) of the GMA, in RCW 36.70A.020, is to mandate that private property shall not be taken for public use without just compensation having been made and that the property rights of landowners shall be protected from arbitrary and discriminatory actions; and

WHEREAS, in RCW 36.70A.070, the GMA mandates that the County include a housing element that ensures the vitality and character of established residential neighborhoods that provides and inventory and analysis of existing and projected housing needs, statements of preservation for all types of housing including single-family residences, identifies sufficient land for all housing specifically including "government-assisted housing, housing for low-income families, manufactured housing,

1 multifamily housing, and group homes and foster care facilities, and provides and
2 projects the needs for all economic segments of the community; and
3

4 **WHEREAS**, the Countywide Housing Affordability Taskforce identified the need
5 for over 11,000 units of affordable housing throughout the county in 2008 and one
6 jurisdiction, Bellingham, has declared a formal affordable housing emergency; and
7

8 **WHEREAS**, goal eleven (11) of the GMA is to encourage the involvement of
9 citizens in the planning process and ensure coordination between communities and
10 jurisdictions to reconcile conflicts; and
11

12 **WHEREAS**, Whatcom County is required by RCW 36.70A.130(1) to regularly
13 review and update the comprehensive plan, with the latest update due by June 30,
14 2016; and
15

16 **WHEREAS**, Whatcom County staff recommends revisions and amendments
17 based on several elements and objectives, including updating the narrative and policies
18 to address current issues and planning initiatives or to reflect new policy direction; and
19

20 **WHEREAS**, Whatcom County citizens have expressed to the County Council their
21 desire for the County to incorporate housing choices and innovative development plans
22 into the Whatcom County Comprehensive Plan; and
23

24 **WHEREAS**, the Whatcom County Council would benefit from the advice and
25 recommendations of those with background and technical expertise, including but not
26 limited to, housing policy analysts, financial institutions engaged in real estate financing,
27 economics, real estate industry leaders, developers, engineers and architects when
28 making land use policy decisions.
29

30 **NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that
31 Whatcom County Code 2.119, creating the Whatcom County Housing Planning
32 Committee, is hereby established as outlined in Exhibit A of this ordinance.
33

34
35 **ADOPTED** this ____ day of _____, 2015.
36
37

38
39 ATTEST:
40
41

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

42
43 _____
44 Dana Brown-Davis, Clerk of the Council
45

Carl Weimer, Council Chair
46

WHATCOM COUNTY EXECUTIVE

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APPROVED AS TO FORM:

WHATCOM COUNTY, WASHINGTON

Civil Deputy Prosecutor

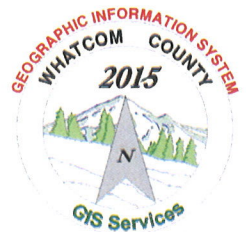
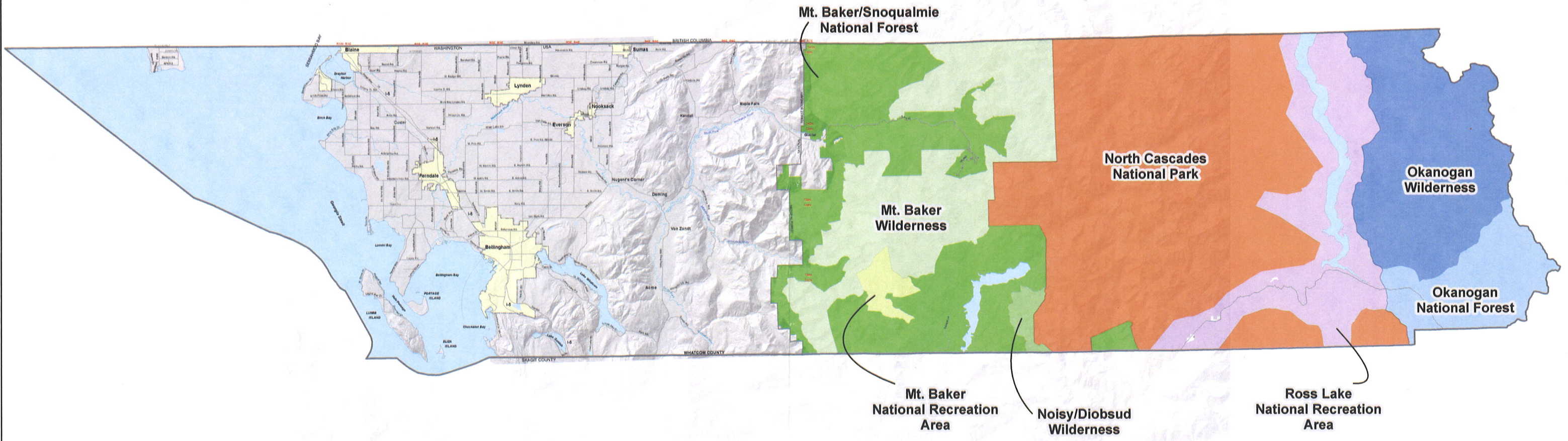
Jack Louws, County Executive

() Approved () Denied

Date Signed: _____

FILE UNDER AB 2015 . 175 ✓
 DATE RECEIVED: 5/26/15
 SUBMITTED BY: Max Perry

COUNCIL MEETING
 Natural Resources COMMITTEE
 EXHIBIT: _____



Whatcom County

USE OF WHATCOM COUNTY'S GIS DATA IMPLIES THE USER'S AGREEMENT WITH THE FOLLOWING STATEMENT:
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AB2015-175 ✓
6-9-2015
Natural Resources
Mark Personius

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



J.E. "Sam" Ryan
Director

Memorandum

TO: The Honorable Whatcom County Council

FROM: Mark Personius, PDS, Assistant Director *MP*

DATE: June 2, 2015

SUBJECT: Wildlife Advisory Committee – PDS Comments

We would like to thank Council for the opportunity to comment on the proposed Wildlife Advisory Committee (WAC).

PDS already serves and/or staffs more than a dozen "advisory committees" (including the Critical Areas CAC and TAC) as well as the Planning Commission and County Council on a bi-monthly to quarterly basis. We fully appreciate the importance of and support a strong public participation program when it comes to planning issues. However, coordination of those efforts as well as the commitment of public resources are vital considerations to improving the efficiency of our public involvement strategies. PDS is concerned that establishing a new *permanent* Wildlife Advisory Committee (WAC) will *permanently* draw additional staff resources away from other existing programs and/or could duplicate the efforts of other existing advisory committees. If the goal is to inform the 2016 Comp Plan Update and/or implementation of the WRIA 1 Nooksack Watershed Management Plan, then the WAC should be created to serve those purposes and in that time period, specifically, as needed.

We understand the mission of the WAC is to advise the Whatcom County Council and the Whatcom County Planning and Development Services Department on wildlife and habitat issues as they relate to the Whatcom County Comprehensive Plan, with the goal of integrating wildlife management and protection into the community planning process.

Based on Council discussion and public input at the May 26, 2015 Natural Resources Committee meeting, PDS recommends:

- Create the Wildlife Advisory Committee (WAC) as a temporary committee to provide input to the 2016 Comprehensive Plan Update process specifically to

update/prepare an "Existing Conditions Report" to evaluate the status and condition of the County's ecosystems, including wildlife habitat. A Resolution may be more appropriate than an Ordinance for this type of Committee.

- According to public-interest testimony, the main mission of the WAC would be to update the technical work completed in the past (inventory and analysis of wildlife habitat and management activities); assess the status of those habitats (How are they functioning? Are they primarily on public or private lands?); and make recommendations on what voluntary actions the County and/or landowners could take to protect/preserve those habitats.
- PDS assumes no funds will be budgeted separately for the WAC. From public-interest testimony, it appears County Council and the WAC anticipate that staff support from PDS (or other departments) be limited to GIS, technical data collection and meeting and record-keeping coordination, as required to meet the Open Public Meetings Act (OPMA). Since PDS staff resources and current biennial budget do not account for this staff support, *we anticipate the need for an additional 0.25-0.5 FTE to support the WAC*. PDS has an existing qualified part-time staff member that could serve the WAC—without having to hire additional new staff—were that position's hours increased accordingly. PDS would recommend using Conservation Futures funds to pay for that additional conservation planning related staff work, anticipated to include:
 - Help the committee understand its role
 - Provide timely opportunities for committee members to comment on policy
 - Provide timely communication on emerging issues
 - Schedule meetings in consultation with the WAC and provide meeting places
 - Provide background and other briefing material
 - Facilitate meetings and conference calls as needed
 - Develop meeting agendas and minutes
 - Communicate the committee comments, views, and perspectives to Whatcom County leadership prior to decision-making
 - Provide feedback regarding how the Whatcom County uses committee input
 - Prepare any reports for which the committee is responsible
- The WAC is intended to be comprised primarily of technical experts in the field of wildlife management who will be charged with the responsibility of updating the existing ecosystem inventory and analysis. Federal, state, and tribal agency staff appointments appear to be required as part of the proposed WAC as well. Have these agencies been consulted as to their availability and agreement to populate and commit to the WAC 's mission? Should the entire 11-member WAC and not just the 7-member "Technical

update/prepare an "Existing Conditions Report" to evaluate the status and condition of the County's ecosystems, including wildlife habitat. A Resolution may be more appropriate than an Ordinance for this type of Committee.

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Advisory Sub-Committee" make management recommendations, as presently indicated in proposed Exhibit A, Section 2.118.030.C.?

Anticipated 2015-2016 Wildlife Advisory Committee (WAC) roles, responsibilities and major tasks:

2015 Tasks

- ✓ Recruit Wildlife Advisory Committee members (newspaper article, personal communications, set up website)
- ✓ Set up first meeting (find location, time, etc.)
- ✓ Set up regular meetings after conferring with WAC
- ✓ WAC to develop Existing Conditions Report - This report will provide an initial inventory, characterization, and assessment of fish and wildlife populations, communities, and habitats in Whatcom County. It will be compiled from existing maps, documents, and information collected from community partners and available resources.
 - Research and compile existing relevant information regarding wildlife populations, distributions, habitat requirements, threats.
 - Compile list of other agencies' and groups' efforts, jurisdictions, etc.
 - Create maps of info
 - Identify data gaps

2016-Beyond

- ✓ Using best available science, make 2016 Comprehensive Plan Update management recommendations on how to provide and protect appropriate habitat conditions for Whatcom County wildlife. Recommendations may include conservation subdivision design, wildlife corridors, landscape ecological planning, wildlife management and efforts to minimize or avoid human/wildlife conflict
- ✓ Provide Annual Report to County Council
- ✓ Provide periodic updates to the Existing Conditions Report

FILE UNDER AB 2015 .175
DATE RECEIVED: 6/23/15
SUBMITTED BY: Barry Buchanan

.../ORD/2015/DRAFT 4 Ordinance Creating Wildlife Advisory Committee

COUNCIL MEETING
 Natural Resources COMMITTEE

EXHIBIT: _____

SPONSORED BY: Buchanan & Brown

PROPOSED BY: Buchanan & Brown

INTRODUCTION DATE: _____

ORDINANCE NO. _____

ESTABLISHING WHATCOM COUNTY CODE 2.118, CREATING THE WHATCOM COUNTY WILDLIFE ADVISORY COMMITTEE

WHEREAS, the Washington State Growth Management Act (GMA) requires Whatcom County to engage in comprehensive land use planning; and

WHEREAS, the GMA indicates that Whatcom County's comprehensive land use planning efforts should foster land use patterns and develop a local vision of rural character that will be compatible with the use of the land by wildlife and for fish and wildlife habitat; and

WHEREAS, goal nine (9) of the GMA, in Revised Code of Washington (RCW) 36.70A.020, is to retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities; and

WHEREAS, in RCW 36.70A.160, the GMA directs local governments to identify open space corridors within and between urban growth areas useful for recreation, wildlife habitat, trails and connections between critical areas; and

WHEREAS, habitat conservation areas must be identified, designated and protected through the use of best available science, according to RCW 36.70A.172; and

WHEREAS, goal eleven (11) of the GMA is to encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts; and

WHEREAS, Whatcom County is required by RCW 36.70A.130(1) to regularly review and update the comprehensive plan, with the latest update due by June 30, 2016; and

WHEREAS, Whatcom County staff recommends revisions and amendments based on several elements and objectives, including updating the narrative and policies to address current issues and planning initiatives or to reflect new policy direction; and

DA KIDRU 211
1146214A 1140
14 OCTOBER 2015

.../ORD/2015/DRAFT 4 Ordinance Creating Wildlife Advisory Committee

1 **WHEREAS**, Whatcom County citizens have expressed to the County Council their
2 desire for the County to incorporate wildlife management and conservation planning for
3 fish and wildlife habitat into the Whatcom County land use planning process; and
4

5 **WHEREAS**, the Whatcom County Council would benefit from the advice and
6 recommendations of those with background and technical expertise, including but not
7 limited to, in wildlife management, conservation science, **and** wildlife biology ~~and citizen~~
8 ~~science~~, when making land use policy decisions.
9

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10 WHEREAS, the County Council acknowledges the Community has finite resources requiring
11 good fiscal and environmental stewardship, and the community would benefit from
12 achievable wildlife management recommendations, and,
13

14 WHEREAS, the County Council recognizes people are part of the landscape and within a
15 watershed diverse uses interact and depend on limited resources, requiring balanced
16 wildlife management recommendations which provide viable community and ecological
17 services.
18

19
20 **NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that
21 Whatcom County Code 2.118, creating the Whatcom County Wildlife Advisory
22 Committee, is hereby established as outlined in Exhibit A of this ordinance.
23

24
25 **ADOPTED** this ____ day of _____, 2015.
26

27
28
29 ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

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31
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33 _____
Dana Brown-Davis, Clerk of the Council

Carl Weimer, Council Chair

34
35
36
37 APPROVED AS TO FORM:

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON

38
39
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41 _____
Civil Deputy Prosecutor

Jack Louws, County Executive

() Approved () Denied

Date Signed: _____

EXHIBIT A

Chapter 2.118 WILDLIFE ADVISORY COMMITTEE

Sections:

- 2.118.010 Established
- 2.118.020 Purpose
- 2.118.030 Function
- 2.118.040 Qualifications
- 2.118.050 Membership
- 2.118.060 Term of Office
- 2.118.070 Organization – Meetings
- 2.118.080 Committee Staffing

2.118.010 Established.

The Wildlife Advisory Committee is hereby established.

2.118.020 Purpose.

The committee will advise the Whatcom County Planning and Development Services Department staff and the Whatcom County Council on the value of wildlife and habitat management issues as they relate to the Whatcom County Comprehensive Plan, with the goal of integrating wildlife management and protection into the community planning process.

The committee will balance diverse uses within a watershed reflected by wildlife management recommendations which provide viable community uses and ecological services.

2.118.030 Function.

A. The committee will provide recommendations on **integrating wildlife management and protection** issues relative to fulfilling goal nine (9) of the Washington State Growth Management Act (GMA): to retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities. The full committee shall provide an annual report once each calendar year beginning in 2016.

B.

B. Each committee recommendation will consist of:

- a. Identified issue or constraint
- b. Discussion of ecological process, function or species addressed
- c. Range of solutions considered

1 d. Preferred Solution

2 e. Cost of implementation

- 3 1. A cost benefit analysis is required when an existing industry recognized
- 4 method is available; at a minimum a discussion of project costs and positive
- 5 or adverse impacts where community and ecological uses intersect.

6 f. Cited and reviewed references

7 ~~It is understood that the community has limited resources, it is unlikely~~
 8 ~~that it will be possible to treat all species equally, competing interests~~
 9 ~~exist between humans and the natural environment, and competing~~
 10 ~~interests exist between one local native species and another.~~
 11 ~~Therefore, the committee will make recommendation as how best to~~
 12 ~~balance these competing interests and ideally will provide a cost benefit~~
 13 ~~analysis associated with each recommendation.~~

14
15 **BC.** The Technical Advisory sub-committee, as defined in Section
16 2.118.050(B), will:

- 17
- 18 i. Prior to the end of 2015, develop the initial inventory,
- 19 characterization, and assessment, which includes an analysis of
- 20 risk, of existing ecosystem conditions (Existing Condition Report),
- 21 and to make management recommendations using best available
- 22 science that will provide appropriate habitat conditions for local
- 23 species, with an emphasis on biodiversity and healthy ecosystem
- 24 processes and functions. This may include recommendations
- 25 regarding wildlife corridors, landscape ecological planning, wildlife
- 26 management, avoiding human/wildlife conflict.
- 27
- 28 ii. Continue to provide periodic updates to the Existing Condition
- 29 Report or to address technical questions from the Whatcom
- 30 County Council, Whatcom County staff, or the Wildlife
- 31 Management Committee.
- 32

33 **2.118.040 Qualifications.**

34 To qualify for County Council appointment to fill any vacancy on a board,
35 committee, or commission, a person shall be a qualified registered voter
36 and be a ~~resident of the district or a~~ member or employee of the agency
37 or group he or she is appointed to represent.
38

39 **2.118.050 Membership.**

- 40
- 41 A. The committee shall consist of 11 members.
- 42
- 43 B. The County Council will appoint seven of the 11 members following
- 44 the adoption of this ordinance to serve as a Wildlife Technical
- 45 Advisory sub-committee of the full Wildlife Advisory Committee.
- 46 These seven members will have technical expertise in wildlife and
- 47 habitat management or current or past professional experience
- 48 such as, but not limited to, at least one of the following: wetlands

1 manager, wildlife biologist, population biologist, natural resources
2 manager, watershed scientist, conservation specialist, ~~urban~~
3 forestry protection, and ~~citizen science.~~ ~~Two of these seven~~
4 ~~members may be~~ tribal representative.
5

6 C. The Whatcom County Council will appoint the remaining four
7 members during its annual board and committee appointment
8 process in January 2016.
9

10 D. The committee members shall serve without compensation.
11

12 **2.118.060 Term of Office.**
13

14 A. Initial Staggered Terms:
15

16 i. Three of the initial seven Technical Members shall initially
17 serve a term ending on January 31, 2018.
18

19 ii. Four of the initial seven Technical Members shall initially serve
20 a term ending on January 31, 2019.
21

22 B. Thereafter, all eleven (11) member terms will be four years.
23

24 **2.118.070 Organization – Meetings.**
25

26 A. Meetings of the committee shall be open and accessible to the
27 public and shall be subject to the Open Public Meetings Act.
28

29 B. The committee shall determine its own meeting schedule, but shall
30 meet at least ~~monthly~~ **quarterly**.
31

32 C. The committee shall be responsible for taking complete and
33 accurate written records.
34

35 D. Whatcom County staff shall be responsible for assuring the
36 meetings are audio recorded.
37

38 E. Written and audio recordings of meetings, resolutions, findings,
39 and recommendations shall be kept, and such records shall be
40 public.
41

42 F. The committee shall comply with Whatcom County Code 2.03 –
43 Boards and Commissions.
44

45 G. The committee shall adopt its own rules and procedures for the
46 conduct of business.
47

48 H. The committee shall elect a chairperson from among its members
49 who shall preside at its meetings.
50

51 **2.118.080 Committee Staffing.**

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- A. The Whatcom County Planning and Development Services Department and Whatcom County Public Works Department shall provide geographic information system (GIS) data and other information to the committee as requested.
- B. The Whatcom County Planning and Development Services Department and the Whatcom County Public Works Department shall provide technical assistance and assist with meeting coordination.