

PROPOSED BY: _____
INTRODUCTION DATE: _____

ORDINANCE NO. _____

ADOPTING AMENDMENTS TO WHATCOM COUNTY CODE CHAPTER 16.50 (C-PACER PROGRAM)

WHEREAS, the Council wishes to continue the Commercial Property Assessed Clean Energy and Resiliency ("C-PACER") program established in RCW 36.165.005 and WCC Chapter 16.50; and,

WHEREAS, Planning and Development Services has made Council aware of certain language in the code that has kept financial institutions from using the program, which Council wishes to rectify; and,

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

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

FINDINGS OF FACT

1. In RCW 36.165.005, the State Legislature granted county governments in Washington the authority to establish a Commercial Property Assessed Clean Energy and Resiliency ("C-PACER") program that jurisdictions can voluntarily implement to ensure that free and willing owners of agricultural, commercial, and industrial properties and of multifamily residential properties with five or more dwelling units can obtain low-cost, long term financing; and
2. The State Legislature found that this financing can be used for qualifying improvements, including energy efficiency, water conservation, renewable energy, and resiliency projects; and
3. The C-PACER program authorized in chapter 36.165 RCW promotes voluntary energy efficiency programs, energy conservation, and resiliency; and
4. Commercial and multi-family buildings are major sources of energy use, and major sources of greenhouse gas emissions; and
5. Permanent improvements to those buildings in the form of efficiency technologies, products, or activities to reduce or support the reduction of energy consumption, or support the production of clean, renewable energy, can save building owners money, and reduce greenhouse gas emissions known to drive climate change; and
6. In 2007, Whatcom County completed a Climate Protection and Energy Conservation Action Plan that laid out specific actions and targets for reducing greenhouse gas emissions and increasing energy conservation efforts in response to potential climate change; and
7. The establishment and operation of a C-PACER program serves important public health and safety interests; and
8. A qualified improvement as defined in RCW 36.165.010 provides benefits to the public, either in the form of energy or water resource conservation, reduced public health risk, or reduced public emergency response risk; and

9. The C-PACER program authorized in chapter 36.165 RCW is consistent with goals and policies of the Whatcom County Comprehensive Plan and the Whatcom County Climate Protection and Energy Conservation Action Plan; and
10. On October 27, 2020 and November 10, 2020, Whatcom County Council discussed the C-PACER program, program administration, and costs; and
11. On March 7, 2023, Whatcom County Council discussed the proposed amendments to the C-PACER program and introduced an ordinance to amend WCC Chapter 16.50; and,
12. On March 21, 2023, the County Council held a duly noticed public hearing on the proposed amendments.

CONCLUSIONS

1. The amendments to WCC Chapter 20.50 are in the public interest.
2. The amendments are consistent with the Whatcom County Comprehensive Plan.

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

Section 1. Amendments to the Whatcom County Code Chapter 16.50 are hereby adopted as shown in Exhibit A.

Section 2. Staff is authorized to work with Code Publishing to correct and update any cross-references made ineffective by these amendments.

ADOPTED this _____ day of _____, 2023.

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

ATTEST:

Dana Brown-Davis, Council Clerk

Barry Buchanan, Council Chair

APPROVED as to form:

() Approved () Denied

/s/Royce Buckingham approved via email 3/6/23/MR

Royce Buckingham, Civil Deputy Prosecutor

Satpal Sidhu, Executive

Date: _____