

Amendment No. 2
Whatcom County Contract No. 201811027
CONTRACT BETWEEN WHATCOM COUNTY AND
Community Attributes, Inc.

THIS AMENDMENT is to the Contract between Whatcom County and Community Attributes, Inc., dated December 5, 2018 and designated "Whatcom County Contract No. 201811027." In consideration of the mutual benefits to be derived, the parties agree to the following:

This amendment changes the term of this agreement through June 30, 2021.

This amendment changes the Scope of Work as shown on Exhibit A.

This amendment increases the maximum consideration by \$135,000, over a two year period, for a total consideration of \$221,350 as shown on Exhibit B.

Unless specifically amended by this agreement, all other terms and conditions of the original contract shall remain in full force and effect.

This amendment takes effect July 1, 2019 regardless of the date of signature.

This amendment is contingent upon:

1. The County receiving State funding; and
2. County Council approval of a supplemental budget request.

Section 38.5 of the contract is amended as follows:

County-State Contract: The consultant shall follow all applicable terms of the *Interagency Agreement with Whatcom County through Washington State Department of Commerce Local Government Division Growth Management Services for the 2019-2021*~~*2018 Buildable Land Grants (July 1, 2018)*~~.

CONTRACTOR INFORMATION:

Community Attributes Inc.

Mailing Address: 500 Union Street, Suite 200, Seattle, WA 98101

Contact Name: Chris Mefford, President & CEO

Contact Phone: 206-523-6683

Contact FAX: 866-726-5717

Contact Email: chris@communityattributes.com

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WHATCOM COUNTY:

Approved as to form:



Prosecuting Attorney

7-24-19

Date

Approved:

Accepted for Whatcom County:

By: _____
Jack Louws, Whatcom County Executive

STATE OF WASHINGTON)
) ss
COUNTY OF WHATCOM)

On this _____ day of _____, 20____, before me personally appeared Jack Louws, to me known to be the Executive of Whatcom County, who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

NOTARY PUBLIC in and for the State of Washington,
residing at

_____. My commission expires

_____.

**Exhibit A
(Scope of Work)**

| TASKS , ACTIONS, & DELIVERABLES | DESCRIPTION | END DATE |
|--|---|------------------|
| Task 1 | Public Participation – Develop public participation approach for the Review and Evaluation Program | January 31, 2020 |
| Action(s) | <ol style="list-style-type: none"> 1. Develop a coordinated County/City public participation approach for the Review and Evaluation Program, consistent with Whatcom County’s Public Participation Plan. 2. The public participation approach will include a proposed schedule of County and City public participation activities. | |
| Deliverable(s) | <ol style="list-style-type: none"> 1. Draft & Final County/City Public Participation Plan | |
| Task 2 | City/County Coordination - County/City collaboration to develop a unified Review and Evaluation Program approach | June 30, 2021 |
| Action(s) | <ol style="list-style-type: none"> 1. Support County/City collaboration, including City/County Planners’ Group meetings, to develop a unified approach to buildable land requirements. 2. Coordination for GIS utilization and data requirements. 3. Finalize methods to resolve disputes among jurisdictions in CWPPs. 4. Attend up to 7 meetings in person and 3 on a video or conference call. Make presentations and/or engage in discussion, as appropriate. | |
| Deliverable(s) | <ol style="list-style-type: none"> 1. Presentations, as needed, at City/County Planners’ Group or other meetings. 2. Final dispute resolution methods, incorporated in CWPPs (see Task 3). | |

| TASKS , ACTIONS, & DELIVERABLES | DESCRIPTION | END DATE |
|---------------------------------|---|------------------|
| Task 3 | Countywide Planning Policies - Develop Countywide Planning Policies (CWPPs), in consultation with cities, to establish the buildable lands program | October 30, 2019 |
| Action(s) | <ol style="list-style-type: none"> 1. Collaborate with the County and cities, remotely and through City/County Planners' Group meetings (see Task 2), to revise CWPPs. | |
| Deliverable(s) | <ol style="list-style-type: none"> 1. Draft CWPPs establishing the buildable lands program. | |
| Task 4 | Data Collection and Analysis - Collect annual data to the extent necessary to assess achieved development densities and land suitable for development and conduct preliminary analysis of data | May 30, 2021 |
| Action(s) | <ol style="list-style-type: none"> 1. Coordinate data collection with County and cities. 2. Continued development and utilization of the data reporting and evaluation tool, including preliminary analysis of the data collected. 3. Summarize data collected by each jurisdiction. | |
| Deliverable(s) | <ol style="list-style-type: none"> 1. Final Data Reporting Tool 2. Data summary exhibits to be included in Review and Evaluation Report (Task 6) | |

| TASKS , ACTIONS, & DELIVERABLES | DESCRIPTION | END DATE |
|---------------------------------|---|----------------|
| Task 5 | Methodology - Develop Whatcom County Review and Evaluation (Buildable Lands) Program Methodology | March 31, 2020 |
| Action(s) | <ol style="list-style-type: none"> 1. Review the updated State Buildable Lands Guidelines when developing the Whatcom County Review and Evaluation (Buildable Lands) Program methodology. 2. Review Whatcom County Land Capacity Analysis (LCA) Methodology (2015) and consider combining the LCA Methodology with the Review and Evaluation Program Methodology. The review and evaluation (buildable lands) analysis and the land capacity analysis will be two separate reports issued at different times. Given this approach, review and determine whether a single methodology and spreadsheet format can be used for both the review and evaluation (buildable lands) analysis and land capacity analysis, recognizing that the planning periods and some inputs into the spreadsheets will be different for these two separate reports. 3. County/City collaboration, including City/County Planners' Group meetings as specified in Task 2, to develop a Review and Evaluation Program (Buildable Lands) Methodology. 4. Consult with key stakeholders. If necessary, complete up to 10 phone interviews. 5. Develop market factors for each jurisdiction. This may include developing a survey of property owners or other appropriate methods to inform selection of market factors. The County is responsible for distributing the survey, collecting completed surveys, and delivering copies of the completed surveys to CAI. CAI will compile, analyze, and report survey results and produce market factors. | |
| Deliverable(s) | <ol style="list-style-type: none"> 1. Final Market Factor White Paper, including a summary of property owner survey results 2. Final Review and Evaluation (Buildable Lands) Program Methodology | |

| TASKS , ACTIONS, & DELIVERABLES | DESCRIPTION | END DATE |
|---------------------------------|---|---------------|
| Task 6 | Review and Evaluation Program Report | June 30, 2021 |
| Action(s) | <p>Develop and finalize the Review and Evaluation Program Report with all elements required by RCW 36.70A.215.</p> <p>(a) Determine whether there is sufficient suitable land, including land in UGAs, to accommodate the countywide population projection established in the existing Whatcom County Comprehensive Plan and city comprehensive plans.</p> <p>(b) The evaluation and identification of land suitable for development and redevelopment will include:</p> <ul style="list-style-type: none"> • A review and evaluation of the land use designations and zoning/development regulations; environmental regulations (such as tree retention, stormwater, or critical area regulations) impacting development; and other regulations that could prevent planned densities from being achieved; and infrastructure gaps (including but not limited to transportation, water, sewer, and stormwater). • Use of reasonable market factors when evaluating land suitable to accommodate new development or redevelopment of land for residential, commercial, and industrial development. <p>(c) Provide an analysis of county and/or city development assumptions, targets, and objectives contained in the countywide planning policies and the county and city comprehensive plans when growth targets and assumptions are not being achieved.</p> <p>(d) Determine the actual density of housing that has been constructed and the actual amount of land developed for commercial and industrial uses within the urban growth area since the adoption of a comprehensive plan.</p> <p>(e) Based on the actual density of development, review commercial, industrial, and housing needs by type and density range to determine the amount of land needed for commercial, industrial, and housing for the remaining portion of the twenty-year planning period used in the most recently adopted comprehensive plan.</p> <p><i>Draft 1 of Review and Evaluation Program Report to address items a-e, above. Whatcom County staff will receive, review, and consolidate edits from all draft reviewers. CAI will respond to two rounds of edits provided by the County and cities.</i></p> | |

| TASKS , ACTIONS, & DELIVERABLES | DESCRIPTION | END DATE |
|---------------------------------|---|---------------|
| | <p>(f) Identify reasonable measures that the County and/or Cities may consider, if necessary, during the next comprehensive plan and development regulation update to comply with the Review and Evaluation Program requirements of the Growth Management Act (RCW 36.70A.215).</p> <p><i>Draft 2 of Review and Evaluation Program Report to address revisions to Draft 1 and first draft of reasonable measures. CAI will respond to one round of edits on reasonable measures provided by the County and cities.</i></p> | |
| Deliverable(s) | 1. Draft and Final Review and Evaluation Program Report required by RCW 36.70A.215. | |
| Task 7 | Preliminary Draft Housing Element Revisions | June 30, 2021 |
| Action(s) | <ol style="list-style-type: none"> 1. Review "Housing Memorandum: Issues Affecting Housing Availability and Affordability" (State Department of Commerce, June 2019). 2. Review the housing element of the Whatcom County Comprehensive plan for consistency with Buildable Lands findings. 3. Review the housing elements in the seven city comprehensive plans for consistency with Buildable Lands findings. 4. Formulate preliminary draft revisions to the housing elements, if needed, considering the Review and Evaluation Program Report and any reasonable measures identified by jurisdictions in accordance with RCW 36.70A.070(2). | |
| Deliverable(s) | <ol style="list-style-type: none"> 1. Preliminary draft revisions, if needed, to the housing element of the Whatcom County Comprehensive plan. 2. Preliminary draft revisions, if needed, to the housing elements of the seven city comprehensive plans. | |

| TASKS , ACTIONS, & DELIVERABLES | DESCRIPTION | END DATE |
|---------------------------------|---|---------------|
| Task 8 | On-Going Implementation | June 30, 2021 |
| Action(s) | 1. Develop procedures and estimate resources needed for on-going implementation of the Review and Evaluation Program, including a user manual, projected staffing resources, and any software/equipment needs. | |
| Deliverable(s) | 1. User manual for the Review and Evaluation Program, to include: <ul style="list-style-type: none"> a. Identification of reports that will be required from permit tracking systems; b. Estimated staffing resources needed to maintain the buildable lands program over time; and c. Software/equipment needs to maintain the buildable lands program. | |
| Project Management | 1. Monthly status reports and invoices. | Ongoing |

**Exhibit B
(Compensation)**

CAI will accomplish the above scope of work no later than June 30, 2021. Any schedule adjustments will be discussed jointly through project work with County staff and CAI.

CAI will deliver the above services on a time and materials basis, as scoped, for \$135,000 (a maximum of 25% of this amount can be expended in 2019). CAI's 2019 billing rates are attached. These rates may be increased in 2020 and 2021, subject to approval of Whatcom County Planning and Development Services. Typical average fee increases per year range from 2.5% to 5.0% firm-wide. Additionally, CAI may add new employees and their rates, subject to approval of Whatcom County Planning and Development Services.

Community Attributes 2019 Hourly Rates

| | | |
|-------------------|-------------------------|----------|
| Chris Mefford | President & CEO | \$297.50 |
| Spencer Cohen | Senior Economist | \$210.00 |
| Tim McIlhenny | Data Systems Developer | \$162.50 |
| Nancy Eklund | Senior Planning Manager | \$160.00 |
| Japhet Koteen | Senior Program Manager | \$152.50 |
| Bryan Lobel | Senior Planner | \$130.00 |
| Elliot Weiss | Senior Planner | \$130.00 |
| Michaela Jellicoe | Economics Analyst | \$130.00 |
| Madalina Calen | Economics Analyst | \$127.50 |
| Kristina Gallant | Planning Analyst | \$115.00 |
| Sergey Lukyanenko | Developer | \$100.00 |
| Zack Tarhouni | Economics Analyst | \$75.00 |
| Eliza Brower | Research Assistant | \$50.00 |