

**WHATCOM COUNTY CONTRACT
INFORMATION SHEET**

Whatcom County Contract No.

201811027-2

Originating Department:	Planning & Development Services
Division/Program: <i>(i.e. Dept. Division and Program)</i>	Long Range Planning 2620/262025/2527
Contract or Grant Administrator:	Matt Aamot
Contractor's / Agency Name:	Community Attributes, Inc.
Is this a New Contract? If not, is this an Amendment or Renewal to an Existing Contract? Yes <input checked="" type="radio"/> No <input type="radio"/> Yes <input type="radio"/> No <input checked="" type="radio"/> If Amendment or Renewal, (per WCC 3.08.100 (a)) Original Contract #: <u>201811027</u>	
Does contract require Council Approval? Yes <input checked="" type="radio"/> No <input type="radio"/> If No, include WCC: _____ Already approved? Council Approved Date: _____ (Exclusions see: Whatcom County Codes 3.06.010, 3.08.090 and 3.08.100)	
Is this a grant agreement? Yes <input type="radio"/> No <input checked="" type="radio"/> If yes, grantor agency contract number(s): _____ CFDA#: _____	
Is this contract grant funded? Yes <input checked="" type="radio"/> No <input type="radio"/> If yes, Whatcom County grant contract number(s): <u>Not yet assigned (Concurrent with this amendment)</u>	
Is this contract the result of a RFP or Bid process? Contract _____ Yes <input checked="" type="radio"/> No <input type="radio"/> If yes, RFP and Bid number(s): <u>RFP # 18-47 (original contract RFP)</u> Cost Center: <u>2527</u>	
Is this agreement excluded from E-Verify? No <input type="radio"/> Yes <input checked="" type="radio"/> If no, include Attachment D Contractor Declaration form.	
If YES, indicate exclusion(s) below: <input checked="" type="checkbox"/> Professional services agreement for certified/licensed professional. <input type="checkbox"/> Contract work is for less than \$100,000. <input type="checkbox"/> Contract for Commercial off the shelf items (COTS). <input type="checkbox"/> Contract work is for less than 120 days. <input type="checkbox"/> Work related subcontract less than \$25,000. <input type="checkbox"/> Interlocal Agreement (between Governments). <input type="checkbox"/> Public Works - Local Agency/Federally Funded FHWA.	
Contract Amount:(sum of original contract amount and any prior amendments): \$ <u>86,350.00</u> This Amendment Amount: \$ <u>135,000.00</u> Total Amended Amount: \$ <u>221,350.00</u>	Council approval required for; all property leases, contracts or bid awards exceeding \$40,000 , and professional service contract amendments that have an increase greater than \$10,000 or 10% of contract amount, whichever is greater, except when : 1. Exercising an option contained in a contract previously approved by the council. 2. Contract is for design, construction, r-o-w acquisition, prof. services, or other capital costs approved by council in a capital budget appropriation ordinance. 3. Bid or award is for supplies. 4. Equipment is included in Exhibit "B" of the Budget Ordinance. 5. Contract is for manufacturer's technical support and hardware maintenance of electronic systems and/or technical support and software maintenance from the developer of proprietary software currently used by Whatcom County.
Summary of Scope: The County and cities have jointly agreed to use \$135,000 from the additional state grants funds for consultant assistance with the Review and Evaluation (Buildable Lands) Program. This contract amendment between Whatcom County and Community Attributes Inc. is to provide professional services to assist with public participation, coordination, countywide planning policies, data collection and analysis, methodology, final report, and draft comprehensive plan housing element revisions.	
Term of Contract:	Expiration Date: June 30, 2021

Contract Routing:	1. Prepared by: <u>BB</u>	Date: <u>7/11/19</u>
	2. Attorney signoff: _____	Date: <u>7-24-19</u>
	3. AS Finance reviewed: <u>bbennott</u>	Date: <u>7/29/19</u>
	4. IT reviewed (if IT related): _____	Date: _____
	5. Contractor signed: _____	Date: <u>7-10-19</u>
	6. Submitted to Exec.: _____	Date: <u>7-30-19</u>
	7. Council approved (if necessary): _____	Date: <u>8-7-19</u>
	8. Executive signed: _____	Date: <u>8-8-19</u>
	9. Original to Council: _____	Date: <u>8-9-19</u>

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.

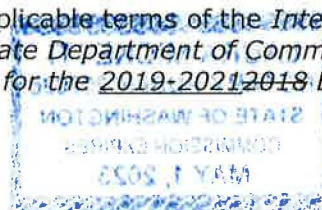
This amendment takes effect July 1, 2019 regardless of the date of signature.

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

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

IN WITNESS WHEREOF, Whatcom County and Community Attributes, Inc. have executed this Amendment on the date and year below written.

DATED this 10th day of July, 2019.

CONTRACTOR:

[Signature]
Community Attributes, Inc.

STATE OF WASHINGTON)
) ss.
COUNTY OF WHATCOM King)

On this 10 day of July, 2019, before me personally appeared
Christopher Melford to me known to be the
President/CEO of the Company and who executed
the above instrument and who acknowledged to me the act of signing and sealing thereof.



[Signature]
NOTARY PUBLIC in and for the State of Washington,
residing at
Seattle, WA. My commission expires
May 1, 2023.

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

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 8th day of August, 20 19, 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.



Suzanne M. Mildner
 NOTARY PUBLIC in and for the State of Washington,
 residing at Bellingham. My commission expires 12-31-22.

**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)	<ol style="list-style-type: none"> 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



Mark Personius, AICP
Director
RECEIVED
JUL 30 2019

JACK LOUWS
COUNTY EXECUTIVE

MEMORANDUM

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

FROM: Matt Aamot, Senior Planner *MA*

THROUGH: Mark Personius, Director *MP*

RE: Community Attributes Contract Amendment relating to the Review and Evaluation (Buildable Lands) Program

DATE: July 22, 2019

▪ Background and Purpose

The Washington State Legislature approved a bill (E2SSSB 5254) in the 2017 session establishing new Growth Management Act (GMA) requirements for Whatcom County and the cities relating to the “Review and Evaluation Program” (also known as buildable lands). The County and cities will now be required to review past development patterns and compare them to the planned growth envisioned in the Comprehensive Plan. If the actual growth deviates from planned growth, then local jurisdictions may need to take reasonable measures to address the situation. This process will include developing countywide planning policies, data collection, research, and developing methods to conduct the buildable lands evaluation. The GMA requires the County and cities to issue a final Review and Evaluation Program report by June 30, 2021. This report will include evaluation of certain aspects of existing County and city comprehensive plans and inform the next comprehensive plan updates, which are due by June 30, 2024.

▪ Funding Amount and Source

The State Legislature allocated \$225,000 to Whatcom County for state fiscal year 2019 (July 1, 2018 – June 30, 2019) in association with the new Review and Evaluation Program requirements. The State allocated an additional \$410,000 to Whatcom County for state fiscal years 2020 and 2021 (July 1, 2019 – June 30, 2021). These funds will be used for reimbursing County staff time and materials, reimbursing city expenses, and consultant work. The County and cities agreed that \$135,000 from the \$410,000 state grant would be utilized for consultant assistance.

Therefore, we are proposing to amend the contract with Community Attributes Inc. to provide additional assistance with the Review and Evaluation Program.

▪ **Differences from Previous Contract**

Work on several of the initiatives from the original contract will carry over in this contract amendment. These include:

- Working with the County and cities to develop a unified approach to the Review and Evaluation Program requirements;
- Developing countywide planning policies to establish the Review and Evaluation Program;
- Developing a tool (spreadsheet) to facilitate uniform data collection/reporting across jurisdictions; and
- Developing the Review and Evaluation Program methodology.

There are also several new tasks in the amended contract, including:

- Developing and implementing a public participation approach;
- Assisting with the final Review and Evaluation Program report; and
- Developing preliminary draft revisions of the housing elements of the County and city comprehensive plans.

Thank you for your review and consideration of the proposed contract amendment for consultant services between Community Attributes Inc. and Whatcom County. We look forward to discussing it with you.