

CLERK OF THE COUNCIL
Dana Brown-Davis, C.M.C.
COUNTY COURTHOUSE
311 Grand Avenue, Suite #105
Bellingham, WA 98225-4038
(360) 778-5010



COUNCILMEMBERS
Barbara Brenner
Rud Browne
Barry Buchanan
Tyler Byrd
Todd Donovan
Carol Frazey
Satpal Sidhu

WHATCOM COUNTY COUNCIL

**COMBINED PACKET FOR
JANUARY 29, 2019**

**THIS COMBINED PACKET INCLUDES AGENDAS
AND RELATED PAPERWORK
FOR THE FOLLOWING JANUARY 29 MEETINGS:**

NATURAL RESOURCES COMMITTEE (9:30 A.M.)

FINANCE AND ADMINISTRATIVE SERVICE COMMITTEE (11 A.M.)

COMMITTEE OF THE WHOLE – EXECUTIVE SESSION (1:15 P.M.)

PUBLIC WORKS AND HEALTH COMMITTEE (2 P.M.)

CRIMINAL JUSTICE AND PUBLIC SAFETY (2:45 P.M.)

PLANNING AND DEVELOPMENT COMMITTEE (2:50 P.M.)

SPECIAL COUNCIL COMMITTEE OF THE WHOLE (4:10 P.M.)

COUNCIL (7 P.M.)

NEXT COUNCIL MEETING DATE: FEBRUARY 12, 2019

**PLEASE VISIT THE COUNCIL'S NEW [LEGISLATIVE INFORMATION CENTER](#)
TO ACCESS ALL COUNCIL MEETING-RELATED INFORMATION**

COMMITTEE AGENDAS

NATURAL RESOURCES COMMITTEE

Members: Barry Buchanan, Todd Donovan, Satpal Sidhu

9:30 a.m. Tuesday, January 29, 2019

Council Chambers, 311 Grand Avenue

Call To Order

Special Order of Business

1. [AB2019-097](#) 2019 Selection of Committee Chair
Pages 1 - 3

Special Presentation

1. [AB2019-088](#) Parks staff will make a presentation on the boat launch at Lighthouse Marine Park, located in Point Robert; the presentation will include a summary of the current condition, a brief history of the launch, site conditions, and on-going operations
Pages 4 - 15

Committee Discussion

1. [AB2019-079](#) Discussion/Approval of Water Resources Inventory Area 1 Watershed Management Plan Update
Page 16

Other Business

Adjournment

FINANCE AND ADMINISTRATIVE SERVICES COMMITTEE

Members: Tyler Byrd, Carol Frazey, Satpal Sidhu

11 a.m. Tuesday, January 29, 2019

Council Chambers, 311 Grand Avenue

Call To Order

County Executive's Report

Special Order of Business

1. [AB2019-096](#) 2019 Selection of Committee Chair
Pages 17 - 19

Committee Discussion and Recommendation to Council

1. [AB2019-082](#) Request for County Council to approve the Criminal Justice Treatment Account Plan
Pages 20 - 23
2. [AB2019-087](#) Request authorization for the County Executive to enter into an EDI Interlocal Loan and Grant Agreement between Whatcom County and Port of Bellingham in the amount of \$250,000
Pages 24 - 51

3. [AB2019-033](#) Ordinance amending the 2019-2020 Whatcom County Budget, request no. 1, in the amount of \$778,500
Pages 52 - 68
4. [AB2019-036](#) Ordinance amending Whatcom County Code 2.108, Bellingham-Whatcom County Commission Against Domestic Violence, expanding the scope of the Commission and referring to interlocal agreement with the City of Bellingham
Pages 69 - 74
5. [AB2019-040](#) Ordinance amending Whatcom County Code Chapter 2.128, Business and Commerce Advisory Committee, to add one additional member
Pages 75 - 78
6. [AB2019-089](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Washington State University to continue the jointly shared costs for faculty positions and program support for WSU Extension in the amount of \$215,951 for a total amended contract amount of \$1,999,276.90
Pages 79 - 84
7. [AB2019-037](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Bellingham regarding the City of Bellingham-Whatcom County Commission on Domestic & Sexual Violence
Pages 85 - 93
8. [AB2019-049](#) Resolution cancelling uncollectible personal property taxes
Pages 94 - 99
9. [AB2019-034](#) Resolution amending the 2019 Flood Control Zone District and Subzones Budget, request no. 1, in the amount of \$35,000 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)
Pages 100 - 103

Council "Consent Agenda" Items

1. [AB2019-024](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Marvin Wayne, M.D., P.S. in the amount of \$160,000
Pages 104 - 118
2. [AB2019-025](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Whatcom Humane Society to extend the term of the Agreement to April 30, 2019
Pages 119 - 123
3. [AB2019-081](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Office of Crime Victims Advocacy to increase advocacy for child victims of abuse or neglect in dependency Court Appointed Special Advocates program, in the amount of \$95,173.00
Pages 124 - 163
4. [AB2019-068](#) Resolution to approve annual petition for refunds paid list consistent with RCW 84.69.020
Pages 164 - 179

Other Business

Adjournment

COMMITTEE OF THE WHOLE – EXECUTIVE SESSION
1:15 p.m. Tuesday, January 29, 2019
Council Office Conference Room, 311 Grand Avenue

Call To Order

Committee Discussion

1. [AB2019-095](#) Discussion with Chief Civil Deputy Prosecutor Karen Frakes regarding a proposed ordinance amending Whatcom County Code 24.11, Drinking Water (AB2018-018) **[Discussion of this item may take place in executive session (closed to the public) pursuant to RCW 42.30.110 (1) (i)]**
No Paper

Other Business

Adjournment

PUBLIC WORKS AND HEALTH COMMITTEE
Members: Barbara Brenner, Barry Buchanan, Carol Frazey
2 p.m. Tuesday, January 29, 2019
Council Chambers, 311 Grand Avenue

Call To Order

Special Order of Business

1. [AB2019-099](#) 2019 Selection of Committee Chair
Pages 181 - 183

Committee Discussion

1. [AB2019-094](#) Discussion regarding the need for additional street lights in the Kendall area of Whatcom County
Page 184

Other Business

Adjournment

CRIMINAL JUSTICE AND PUBLIC SAFETY COMMITTEE
Members: Barry Buchanan, Tyler Byrd, Carol Frazey
2:45 p.m. Tuesday, January 29, 2019
Council Chambers, 311 Grand Avenue

Call To Order

Special Order of Business

1. [AB2019-098](#) 2019 Selection of Committee Chair
Pages 185 - 187

Other Business

Adjournment

PLANNING AND DEVELOPMENT COMMITTEE

Members: Barbara Brenner, Tyler Byrd, Todd Donovan

2:50 p.m. Tuesday, January 29, 2019

Council Chambers, 311 Grand Avenue

Call To Order

Special Order of Business

1. [AB2019-100](#) 2019 Selection of Committee Chair
Pages 188 - 190

Committee Discussion

1. [AB2019-077](#) Discussion with Planning and Development Services about potential zoning code amendments relating to the density credit program; discussion to include which amendments should be docketed for further review
Pages 191 - 199
2. [AB2019-020](#) Discussion of proposed ordinance adopting various minor amendments to Whatcom County Code Titles 20 (Zoning), 21 (Land Division Regulations), and 22 (Land Use and Development Procedures), making corrections, updates, and clarifications (**ordinance scheduled for introduction this evening under AB2019-018**)
Pages 200 - 284

Other Business

Adjournment

SPECIAL COMMITTEE OF THE WHOLE

4:10 p.m. Tuesday, January 29, 2019

Council Chambers, 311 Grand Avenue

Call To Order

Committee Discussion

1. [AB2019-101](#) Council to clarify intent of motion approved January 15, 2019, related to preliminary draft Comprehensive Plan and Zoning Code amendments - Cherry Point
Page 285

Other Business

Adjournment

CALL TO ORDER
FLAG SALUTE
ROLL CALL

If you will be handing out paperwork to councilmembers, please give one copy to the clerk for our office files. Thank you.

Audience members who wish to address the council during a public hearing are asked to sign up at the back of the room before the meeting begins. The council chair will ask those who have signed up to form a line at the podium. Each speaker should state his or her name for the record and optionally include city of residence. Speakers will be given three minutes to address the council. Council staff will keep track of time limits and inform speakers when they have thirty seconds left to conclude their comments. When a large group of individuals supports the same position on an issue, we encourage the selection of one or two representatives to speak on behalf of the entire group.

1. [AB2019-032](#) Resolution to sell tax-title property by public auction
Pages 286 - 289
2. [AB2019-064](#) Ordinance imposing an interim moratorium on the acceptance and processing of applications and permits for new or expanded facilities in the Cherry Point UGA, the primary purpose of which would be the shipment of unrefined fossil fuels not to be processed at Cherry Point
Pages 290 - 294

During open session, audience members can speak to the council on any issue not scheduled for public hearing. Each speaker should state his or her name for the record and optionally include city of residence. Speakers will be given three minutes to address the council. Council staff will keep track of time limits and inform speakers when they have thirty seconds left to conclude their comments.

Items under this section of the agenda may be considered in a single motion. Councilmembers have received and studied background material on all items. Committee review has taken place on these items, as indicated. Any member of the public, administrative staff, or council may ask that an item be considered separately.

(From Council Finance and Administrative Services Committee)

1. [AB2019-024](#) Request authorization for the County Executive to enter into a contract between Whatcom County and Marvin Wayne, M.D., P.S. in the amount of \$160,000
Pages 104 - 118
2. [AB2019-025](#) Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Whatcom Humane Society to extend the term of the Agreement to April 30, 2019
Pages 119 - 123

3. [AB2019-081](#) Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Office of Crime Victims Advocacy to increase advocacy for child victims of abuse or neglect in dependency Court Appointed Special Advocates program, in the amount of \$95,173.00
Pages 124 - 163
4. [AB2019-068](#) Resolution to approve annual petition for refunds paid list consistent with RCW 84.69.020
Pages 164 - 179

OTHER ITEMS

(From Council Finance and Administrative Services Committee)

1. [AB2019-033](#) Ordinance amending the 2019-2020 Whatcom County Budget, request no. 1, in the amount of \$778,500
Pages 52 - 68
2. [AB2019-036](#) Ordinance amending Whatcom County Code 2.108, Bellingham-Whatcom County Commission Against Domestic Violence, expanding the scope of the Commission and referring to interlocal agreement with the City of Bellingham
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Pages 100 - 103
9. [AB2019-049](#) Resolution cancelling uncollectible personal property taxes
Pages 94 - 99

COUNCIL APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2019-052](#) Appointments to fill vacancies on the Flood Control Zone District Advisory Committee - Applicants: Geographic Area - Dale Blok, Albert DeBoer, Scott Hulse, Kent Roorda. Special Districts - Ron Bronsema, Jeff DeJong. Impacted Cities - Kyle Christensen, John Perry. Council acting as the Whatcom County Flood Control Zone Board of Supervisors
Pages 295 - 310
2. [AB2019-092](#) Appointment to fill vacancy on Portage Bay Shellfish Protection District Advisory Committee. Applicant: Alan Chapman
Pages 311 - 314
3. [AB2019-093](#) Appointment to fill vacancy on the Sumas/Everson/Nooksack Flood Control Sub-Zone Advisory Committee. Applicant: Jerry Juergens
Pages 315 - 318

EXECUTIVE APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

1. [AB2019-086](#) County Executive Jack Louws requests confirmation of his new appointments and reappointments to Executive boards and committees; appointments to take effect on February 1, 2019
Pages 319 - 416

INTRODUCTION ITEMS

Council action will not be taken. The council may accept these items for introduction (no action) in a single motion. Changes, in terms of committee assignment for example, may be made at this time.

1. [AB2019-073](#) Ordinance regarding temporary installation of stop signs on certain County roads
Pages 417 - 420
2. [AB2019-074](#) Ordinance Establishing a Temporary Speed Limit Change for Birch Bay Drive
Pages 421 - 427
3. [AB2019-075](#) Ordinance Establishing Temporary One-Way Traffic on Birch Bay Drive
Pages 428 - 431
4. [AB2019-076](#) Ordinance Authorizing the Temporary Re-Opening of Cottonwood Drive at Morgan Drive to Vehicular Traffic
Pages 432 - 438
5. [AB2019-018](#) Ordinance adopting various minor amendments to Whatcom County Code Titles 20 (Zoning), 21 (Land Division Regulations), and 22 (Land Use and Development Procedures), making corrections, updates, and clarifications
Pages 439 - 523

COMMITTEE REPORTS, OTHER ITEMS, AND COUNCIL MEMBER UPDATES

ADJOURN



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2019-097

File ID:	AB2019-097	Version:	1	Status:	Agenda Ready
File Created:	01/23/2019	Entered by:	KFelbing@co.whatcom.wa.us		
Department:		File Type:	Special Order of Business		

First Assigned to: Council Natural Resources Committee

Agenda Date:	Next Mtg. Date:	Hearing Date:
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TITLE FOR AGENDA ITEM:

2019 Selection of Committee Chair

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

None

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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Attachments: Committee Assignments With Contacts As of Jan 15

Final Action:
Enactment Date:
Enactment #:

2019 WHATCOM COUNTY COUNCIL ASSIGNMENTS

As of Jan 15, 2019

"(✓)" Indicates Chair of Committee (Still TBD)

County Council Committee Assignments	Barbara Brenner	Rud Browne	Barry Buchanan	Tyler Byrd	Todd Donovan	Carol Frazey	Satpal Sidhu
Council Chairperson (<i>Acts as Chair of the FCZD Board of Supervisors, as Council Rep. to Whatcom County Economic Development Investment Board, and Legislative Rep to the Law Library Board of Trustees</i>)		✓					
Council Vice-Chairperson					✓		
Executive Pro-Tempore (<i>Can not be on COG</i>)			✓				
Standing Committees							
Criminal Justice and Public Safety			✓	✓		✓	
Finance & Administrative Services - <i>Chair of Finance Committee will automatically act as Council Rep. to What-Comm Administrative Board</i>				✓		✓	✓
Planning & Development	✓			✓	✓		
Public Works and Health	✓		✓			✓	
Natural Resources			✓		✓		✓
<i>Select 2 Natural Res. Committee members as Representatives to Lake Whatcom Policy Group</i>			✓		✓		
Other Committee Assignments							
Behavioral Health Advisory Committee (replaced BHAB & Beh. Health Revenue Adv. Committee)	✓						
Bellingham International Airport Advisory					✓		
Bellingham Regional Chamber of Commerce				✓			
Business and Commerce Advisory Committee (non-voting)						✓	
Council of Governments (COG) <i>Appoint TWO members to serve on the Full Council (can not be Exec Pro-Tem)</i>						✓	✓
Council of Governments (COG) <i>Appoint ONE of the above two members to also serve on the Exec Board and Transportation Policy Board (cannot be Exec Pro-Tem)</i>							✓
Developmental Disabilities Board					✓		
Drayton Harbor & Portage Bay Shellfish Protection Districts					✓		
EMS Oversight Board <i>Representative</i>			✓				
EMS Oversight Board <i>Alternate Representative</i>				✓			
Flood Control Zone Committee (Ex Officio)		✓					
Incarceration Prevention and Reduction Task Force (<i>And Appoint one alternate</i>)			✓		✓ alt.		
Intergovernmental Tribal Relations Committee (<i>Appt. TWO</i>)	✓					✓	
LEOFF Board			✓				
Local Emergency Planning Committee (LEPC)				✓			
Lummi Island Ferry Advisory Committee - <i>Appoint ONE non-voting attendee</i>					✓		
OPTIONAL: Lummi Island Ferry Advisory Committee Alt. - Appoint TWO alternates if Council wishes							
Marine Resources Committee		✓					
North Sound Behavioral Health Exec. Committee		✓					
Northwest Clean Air Agency							✓
Northwest Regional Council (NWRCC)						✓	
Opportunity Council			✓				
Public Defense Advisory	✓						
Public Health Advisory Board			✓				
Reserve Officers Board of Trustees - (<i>Appoint TWO</i>)	✓						✓
Solid Waste Advisory	✓						
WSAC Alternate Board Member (The Executive is the active representative, Councilmember is alternate)		✓					
WSAC Legislative Steering Committee		✓					
Whatcom Transportation Authority							✓

WHATCOM COUNTY COUNCIL MEMBERS

2019

Rud Browne Term expires January 2022	(360) 820-9494 RBrowne@co.whatcom.wa.us
Todd Donovan Term expires January 2022	(360) 483-8474 TDonovan@co.whatcom.wa.us
Tyler Byrd Term expires January 2022	(360) 778-5021 TByrd@whatcomcounty.us
Barry Buchanan Term expires January 2022	(360) 224-4330 BBuchana@co.whatcom.wa.us
Carol Frazey Temporary Term expires January 2020	(360) 778-5024 CFrazey@whatcomcounty.us
Satpal Sidhu Term expires January 2020	(360) 305-4948 SSidhu@co.whatcom.wa.us
Barbara Brenner Term expires January 2020	(360) 384-2762 bbrenner@co.whatcom.wa.us

MAIL TO ALL COUNCIL MEMBERS SHOULD BE SENT TO THE FOLLOWING ADDRESS:

WHATCOM COUNTY COUNCIL
311 GRAND AVENUE, SUITE 105
BELLINGHAM, WA 98225

(360) 778-5010 council@co.whatcom.wa.us



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2019-088

File ID:	AB2019-088	Version:	1	Status:	Agenda Ready
File Created:	01/17/2019	Entered by:	RLamb@co.whatcom.wa.us		
Department:		File Type:	Presentation		

First Assigned to: Council Natural Resources Committee

Agenda Date:	Next Mtg. Date:	Hearing Date:
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TITLE FOR AGENDA ITEM:

Parks staff will make a presentation on the boat launch at Lighthouse Marine Park, located in Point Robert; the presentation will include a summary of the current condition, a brief history of the launch, site conditions, and on going operations

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

See attached

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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Attachments: RL Memorandum to M. McFarlane

Final Action:
Enactment Date:
Enactment #:



MEMORANDUM

TO: Michael McFarlane
FROM: Rod Lamb
RE: Lighthouse Marine Park Boat Launch Update
DATE: January 17, 2019

Background & History

The Boat Launch project was initially envisioned in the early 1970's. Department records indicate permit approval for the project was received in 1972. The approved boat launch included one boarding float with two parallel concrete ramps on the north and south sides of the float. The ramp facility was also protected by two breakwater structures or jetties on the north and south sides of each concrete ramp (See Figure 1).

Records show that in 1974 Parks requested a change in the scope of the project that included consolidating the two separate ramps and moving the boarding float to the south side of the ramp. The two protective breakwater structures were eliminated (See Figure 2).

In 2011, Parks applied for state grant to replace the boarding float and pilings. The state awarded \$240,000, and Whatcom County provided \$80,000 matching funds for a total project budget of \$320,000.

Seasonal Structure/Boat Launch Use/Maintenance

The boat launch is a seasonal facility. The boarding float is installed around Memorial Day and then removed after Labor Day. A typical season lasts between 12 and 15 weeks.

From 2004-2008 the average number of launches was approximately 775 per year. In the last three years, since the dock was reinstalled after damage the dock sustained in 2015 there have been 436 total launches. 2016 was a partial season and had a total of 88 launches, 2017 was a full season and totaled 284 launches, and 2018 was also a partial season due to damage and totaled 64 launches.

Installing and removing the dock requires significant labor (five crew members) and equipment (backhoe, dump truck and equipment trailer) resources. Safe installation and removal can only occur with calm conditions during favorable daytime low tides. Prior to installation debris from the concrete ramp that has accumulated during winter storms must be removed. Clearing the ramp is a day-long effort of two crew members, a back hoe, and dump truck.

Additionally, in order to keep the launch functional through the season, park staff spends between 75 and 100 hours per season clearing the ramp of debris with a dedicated park tractor.

Site Conditions

The Strait of Georgia is over 135 miles long, nearly twenty miles wide, and covers more 2,600 square miles. Weather systems from the Pacific Ocean can create very rough conditions and Lighthouse Marine Park occupies one of the most exposed locations in the strait.

Regulatory Requirements

The current launch replaced an older structure that was removed from service in 2009 due to damage that was severe enough that replacement was required. The replacement structure was required to meet current regulatory permit requirements from various agencies including WCPDS, WADOE, WDFW, USACE and USFWS. Some of those requirements dictated how and when the project was constructed, while others directly influenced the boarding float final design. Examples include:

- Limited grounding area (no more than 20% of the total float area can contact the ground surface) and requiring a minimum clearance (non-grounding portions of the float must be 12 inches above the ground surface)
- Light penetrating grating to reduce shading effect under the structure (a minimum 60% of the grating surface was required to open so light could pass through)

These requirements had a significant impact on the type of structure that was ultimately constructed and installed at the launch facility. Additionally, the weight of float units was limited by the lifting capacity of equipment available to the parks crew for installation and removal.

Damage / Repair

The replacement dock and pile structures were completed in 2015. The replacement structure was subsequently damaged during a summer storm event in July of that year. An assessment of the damage revealed that grounding sections of the structure included aluminum channel that was determined to be far too light to withstand site conditions.

Parks coordinated with the contractor, engineer and manufacturer to address the deficiency, and make corrective actions. Because of donated design & engineering services, "at-manufacturer's cost" pricing, and donated labor from our contractor, repairs totaled \$27,000. Council approved the additional funding on March 8, 2016 (Ord. 2016-010). Following remanufacturing and installation of the newly design grounding assemblies, Parks installed the repaired dock in June 28, 2016.

After two in-water seasons, staff noticed fatigue cracks on the frame of some of the float units in July 2018. Parks contacted the engineer to assess the damage and to make recommendations. The engineer has indicated the damage is the result of concentrated loading at the points where the dock comes in contact with the ground as breaking waves from high and low tides ebb and flow.

The engineer has prescribed a possible repair that includes reinforcing the float frames with a solid aluminum bar to better distribute the loading and reduce the potential for fatigue stresses (See Figure 3).

The estimate to repair the float is \$50,000.

- Although our engineer has prescribed a repair strategy, no guarantee can be made that the dock will not sustain additional damage.
- Historic records and recent launch counts show that revenues have never been sufficient to cover more than a fraction of the launches operating costs (a \$10 fee is charged to use the launch).
- The majority of visitors to the park come for the day-use and camping facilities, and not the boat launch.

Alternative Launch Facilities

There are three other launch facilities in proximity to Lighthouse Marine Park. These include two private facilities in Point Roberts and one public launch in Delta, British Columbia.

The two private facilities are located at the Point Roberts Marina Resort. The marina operates a monorail launch that can handle boats up to 25 feet in length and weigh less than 3,000 lbs. The second private facility is Westwind Marine Inc., also located at the marina. Westwind can handle larger boats up to 54-feet in length. Details of these facilities follow:

Point Roberts Marina Resort Boat Lift

Restrictions: Single Axle Trailer only / 3000 lbs. maximum capacity (some height restriction apply)

Hours:

- 9am - 4pm Tues-Sat (Winter)
- 8:30am - 7:30pm Sat-Sun (Summer)

Cost:

- \$50 round trip (trailer with rollers)
- \$60 round trip (trailer with bunks)

Westwind Marine, Inc.

Facility launches larger boats typically over 26 feet

Restrictions: maximum capacity up to 54 feet

Hours:

- 9am-4pm Tues & Fri. 9am-3pm Sat (Winter)
- 9am-5pm Tues-Sat. (Summer)

Cost (varies by boat length)

- 28' boat - \$261.80 round trip
- 36' boat - \$336.60 round trip

The Ladner boat launch located in Delta, British Columbia is approximately 10 miles north of Point Roberts. Based on an internet search conducted January 17, 2019 the launch is free and has onsite parking. Exact operational hours are unknown, but appear to be sunrise to sunset, seven days per week.

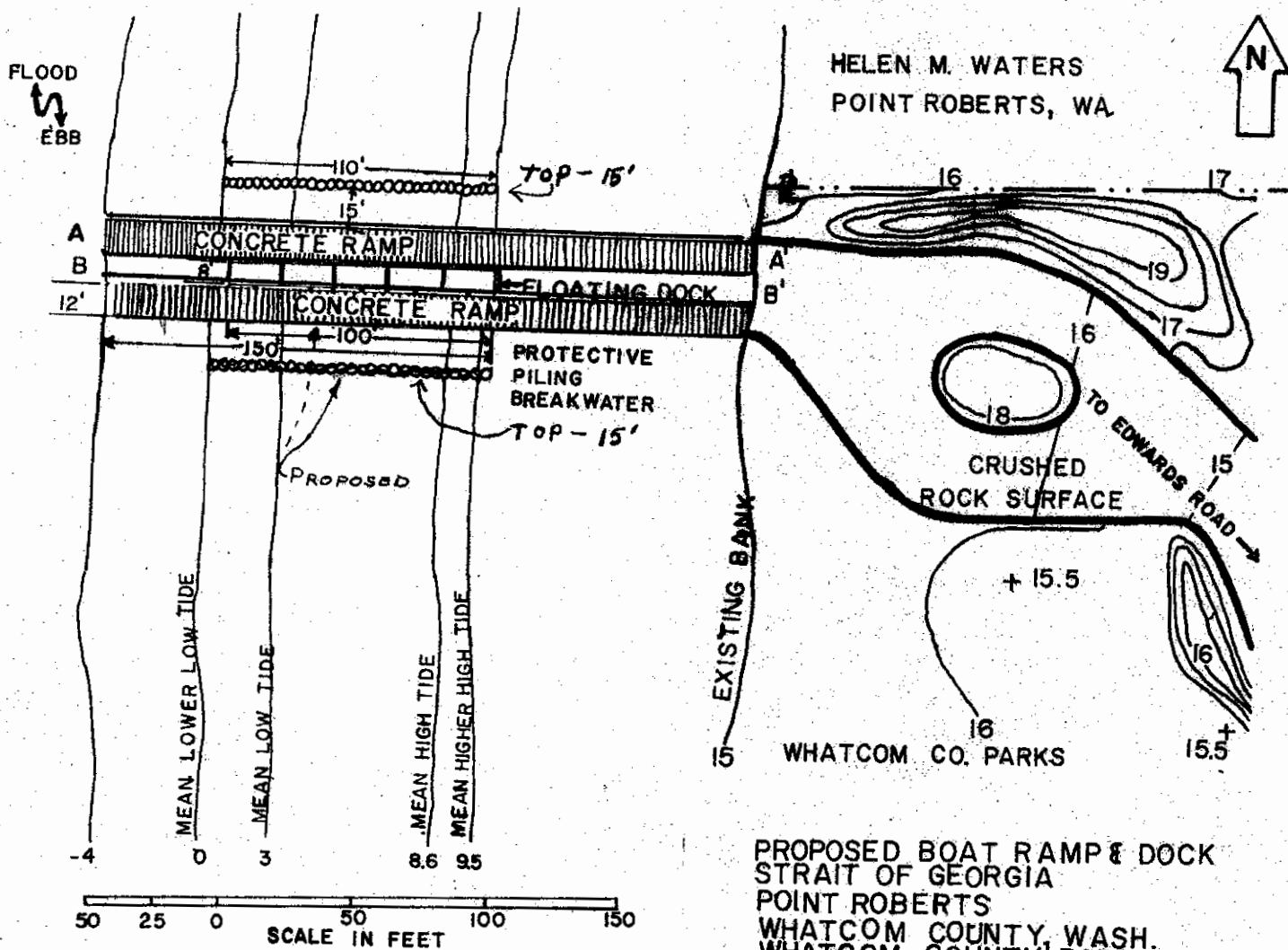
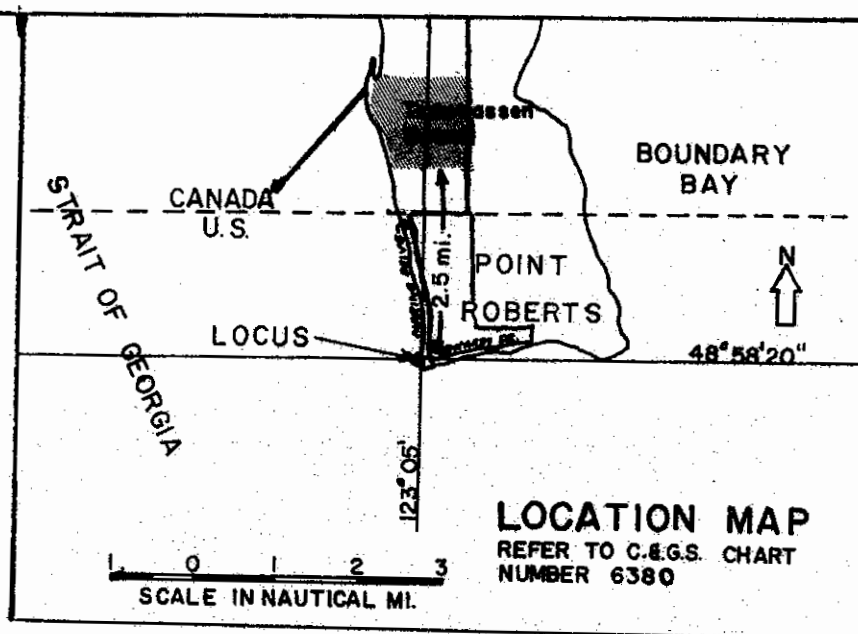
Options to Consider

- Option 1 – Council can authorize a budget supplemental for \$50,000 and prescribed repairs to the boarding float can be made. The repairs would be completed this spring and the repaired float could be installed in May 2019.
- Option 2 – The boarding float could be permanently removed, and possibly repurposed in another park location more suitable to its construction. The concrete launch ramp would remain in place and could be either maintained or not. Boaters could then choose to use one of the three alternative launches listed above.

FIGURE 1 - PARKS ORIGINAL BOAT LAUNCH PROPOSAL (1972)

NOTE:

1. NO HARBOR LINES ESTABLISHED IN THIS AREA
2. DATUM-M.L.L.W. = 0.0'
3. PURPOSE: TO PROVIDE PUBLIC SMALL BOAT RAMP AND DOCK



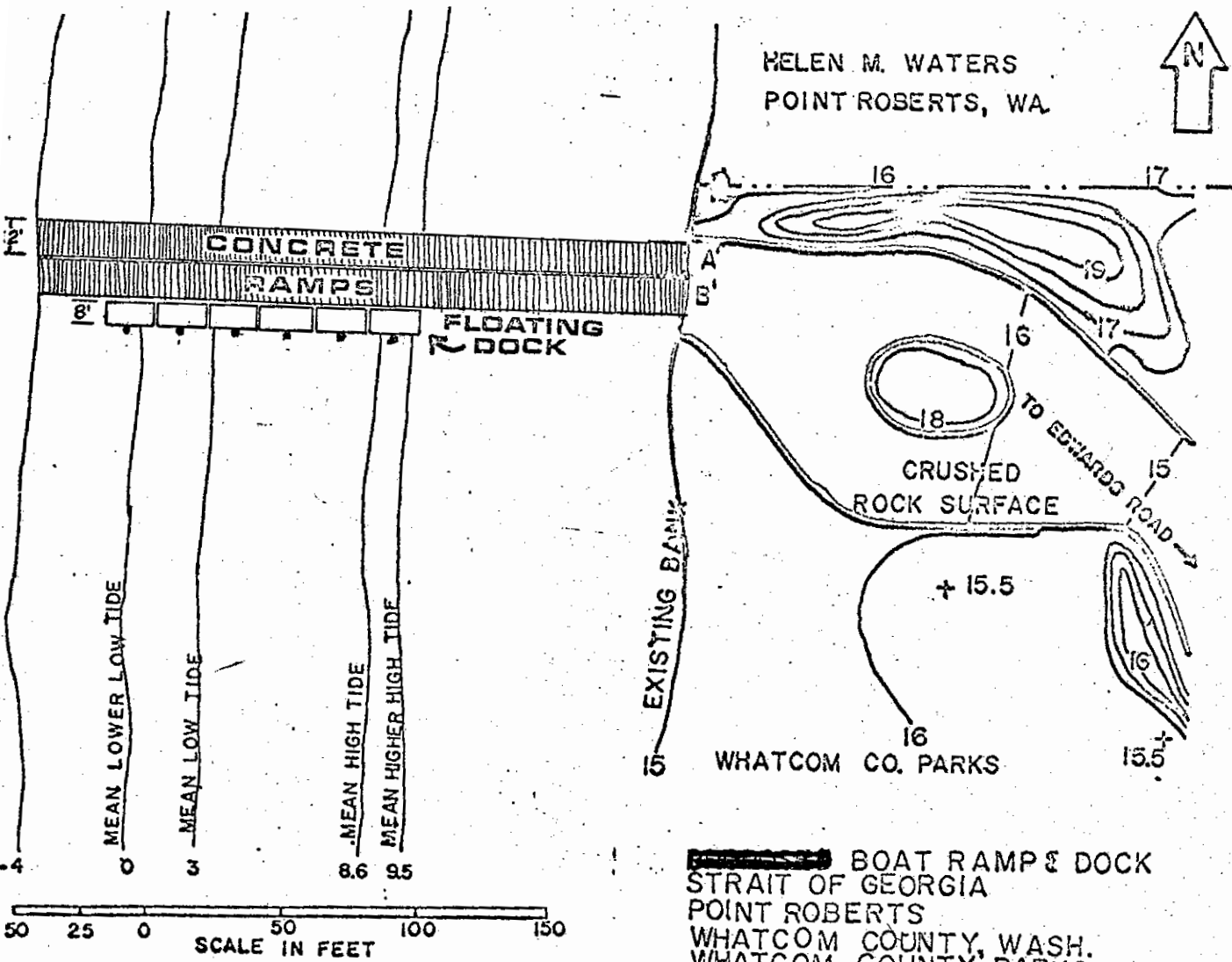
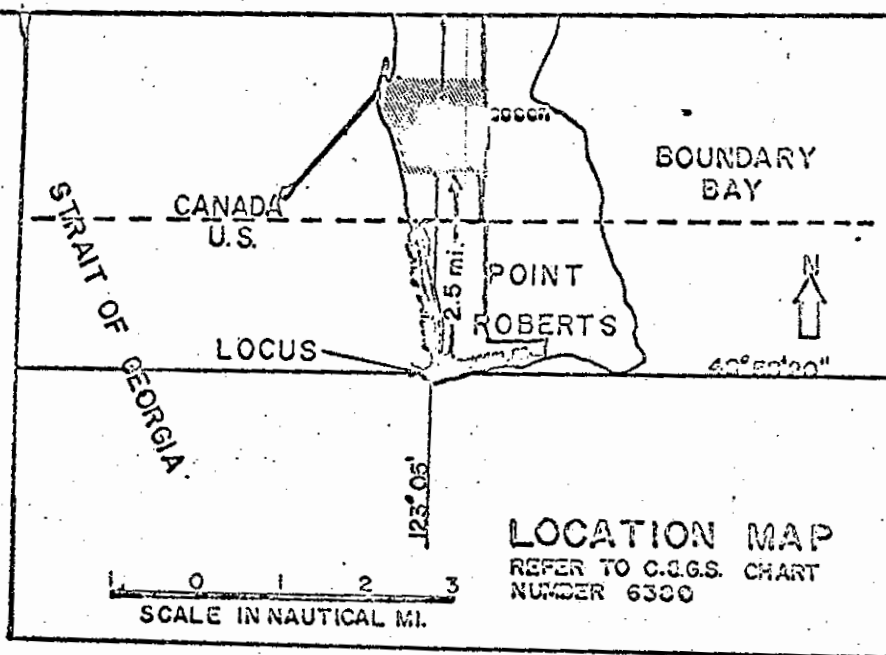
PROPOSED BOAT RAMP & DOCK
STRAIT OF GEORGIA
POINT ROBERTS
WHATCOM COUNTY, WASH.
WHATCOM COUNTY PARKS
MARCH 13, 1972

Sheet 1 of 3

FIGURE 2 - PARKS MODIFIED BOAT LAUNCH (AS-BUILT 1974)

NOTE:

1. NO HARBOR LINES ESTABLISHED IN THIS AREA
2. DATUM-M.L.L.W. = O.O'
3. PURPOSE: TO PROVIDE PUBLIC SMALL BOAT RAMP AND DOCK

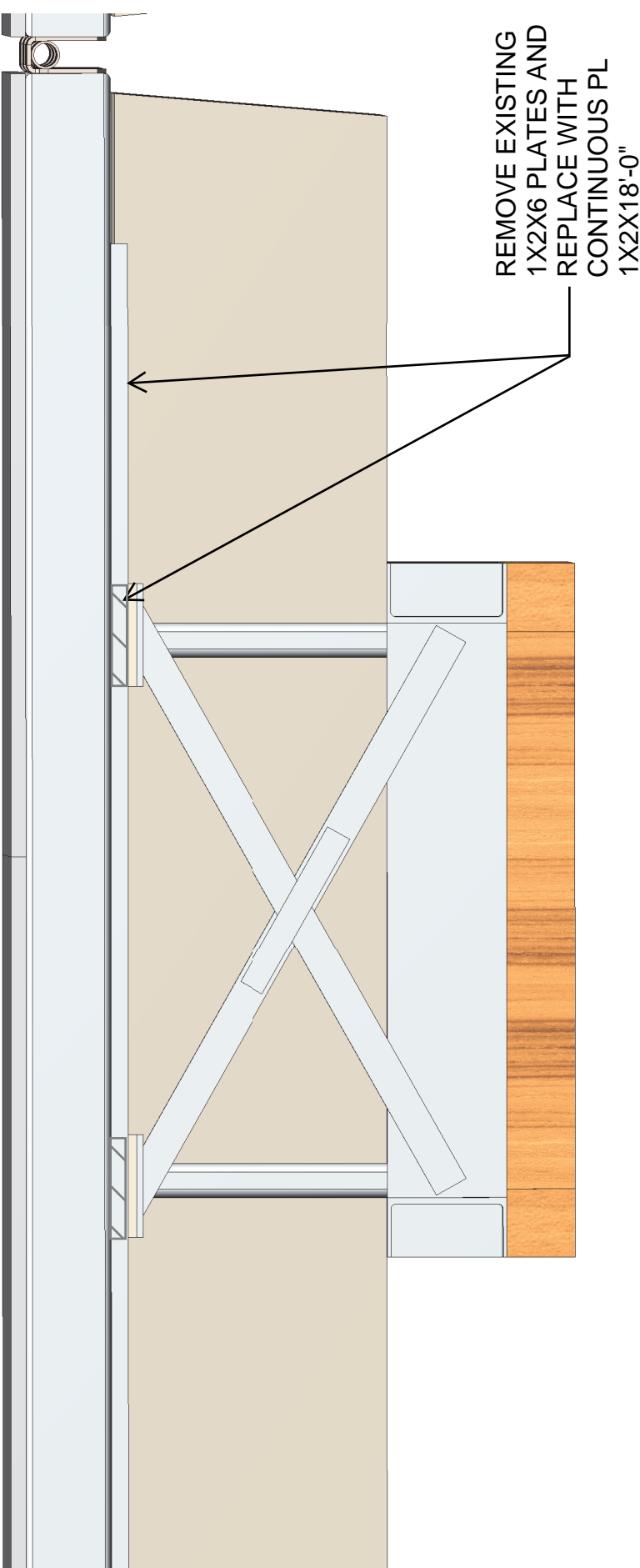


BOAT RAMP & DOCK
STRAIT OF GEORGIA
POINT ROBERTS
WHATCOM COUNTY, WASH.
WHATCOM COUNTY, PARKS

HS Built -
August, 1974

~~Sheet 1 of 3~~

FIGURE 3 - ENGINEER'S PRESCRIBED REPAIR (2018)



FLOAT REPAIR OPTION - REPLACE LEG CONNECTION PLATE WITH FULL LENGTH PLATE

L2X2 TRANSVERSE ANGLES
THAT PREVENT A
CONTINUOUS PLATE ON THE
MIDDLE FRAME MEMBER

NOTICE SEGMENTED
CONNECTION PLATES

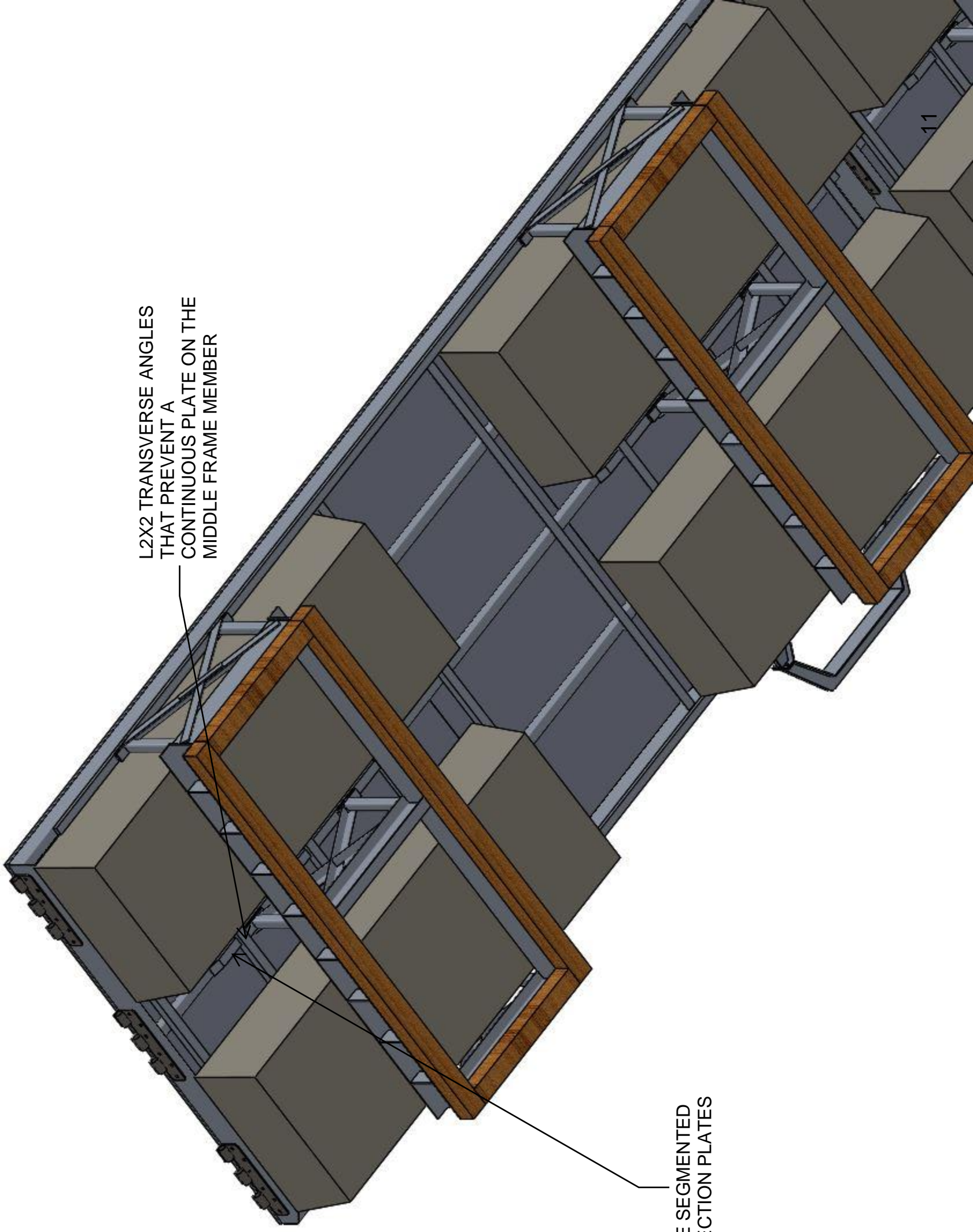


FIGURE 4 - CLEARED BOAT RAMP - JUNE 28, 2016



FIGURE 5 - DOCK INSTALLATION JUNE 28, 2016



FIGURE 6

Dock Repair Cost Estimate

12/17/2018

Lighthouse Marine Park Boat Launch**Base Bid**

No.	Description	Quantity	Unit	Cost	Extension
1	Transport (round trip)	1	LS	5000	\$5,000
2	Disassemble Dock Sections	1	LS	2750	\$2,750
3	Media-blast	1	LS	3500	\$3,500
4	Dock Frame reinforcement	1	LS	25000	\$25,000
5	Reassemble Dock Sections	1	LS	2750	\$2,750
6	Parks Crew (load & unload)	16	Hours	63	\$1,008
7	Hinge bushings	8	EA	100	\$800

Subtotal \$40,808

10% Contingency \$4,080.80

WA Sales Tax (8.5%) \$3,816

Total \$48,704

Annual Operating Costs**Lighthouse Marine Park Boat Launch****Base Bid**

No.	Description	Quantity	Unit	Cost	Extension
1	Spring Installation (clear ramp & install floats)	64	Hours	60	\$3,840
2	Daily Ramp Maintenance (0.75 hours/day)*	75	Hours	50	\$3,750
3	Heavy Equipment Cost (tractor)	1	LS	3600	\$3,600
4	End of Season Removal	64	Hours	60	\$3,840
5	Annual Maintenance **	1	LS	3500	\$3,500
				Total	\$18,530

Note: 2018 Labor rates shown are shown above

* = Assumes 100 day season

** = No historic annual maintenance figures are available & the number shown is used here for discussion purposes only. Actual costs may vary considerably than estimate.

LS estimate assumes 2 crew members for 3 days plus \$500 material allowance

Launch Counts: 2018

2016 88 Boats (partial season mid August-Late Sept.

2017 284 Boats (Full Season)

2018 64 Boats (partial season late May-mid July

436 Total @ \$10/launch = \$4,360 revenue



FIGURE 7 - PREVIOUS DOCK FLOAT (2008)



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2019-079

File ID:	AB2019-079	Version:	1	Status:	Agenda Ready
File Created:	01/15/2019	Entered by:	SMock@co.whatcom.wa.us		
Department:		File Type:	Discussion		

First Assigned to: Council Natural Resources Committee

Agenda Date:	Next Mtg. Date:	Hearing Date:
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TITLE FOR AGENDA ITEM:

Discussion/Approval of Water Resources Inventory Area 1 Watershed Management Plan Update

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Discussion/Approval of Water Resources Inventory Area 1 Watershed Management Plan Update
prepared in response to the Streamflow Restoration Act (RCW 90.94)

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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Attachments:

Final Action:
Enactment Date:
Enactment #:



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2019-096

File ID:	AB2019-096	Version:	1	Status:	Agenda Ready
File Created:	01/23/2019	Entered by:	KFelbing@co.whatcom.wa.us		
Department:		File Type:	Special Order of Business		

First Assigned to: Council Finance and Administrative Services Committee

Agenda Date:	Next Mtg. Date:	Hearing Date:
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TITLE FOR AGENDA ITEM:

2019 Selection of Committee Chair

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

None

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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Attachments: Committee Assignments With Contacts As of Jan 15

Final Action:
Enactment Date:
Enactment #:

2019 WHATCOM COUNTY COUNCIL ASSIGNMENTS

As of Jan 15, 2019

"(✓)" Indicates Chair of Committee (Still TBD)

County Council Committee Assignments	Barbara Brenner	Rud Browne	Barry Buchanan	Tyler Byrd	Todd Donovan	Carol Frazey	Satpal Sidhu
Council Chairperson (<i>Acts as Chair of the FCZD Board of Supervisors, as Council Rep. to Whatcom County Economic Development Investment Board, and Legislative Rep to the Law Library Board of Trustees</i>)		✓					
Council Vice-Chairperson					✓		
Executive Pro-Tempore (<i>Can not be on COG</i>)			✓				
Standing Committees							
Criminal Justice and Public Safety			✓	✓		✓	
Finance & Administrative Services - <i>Chair of Finance Committee will automatically act as Council Rep. to What-Comm Administrative Board</i>				✓		✓	✓
Planning & Development	✓			✓	✓		
Public Works and Health	✓		✓			✓	
Natural Resources			✓		✓		✓
<i>Select 2 Natural Res. Committee members as Representatives to Lake Whatcom Policy Group</i>			✓		✓		
Other Committee Assignments							
Behavioral Health Advisory Committee (replaced BHAB & Beh. Health Revenue Adv. Committee)	✓						
Bellingham International Airport Advisory					✓		
Bellingham Regional Chamber of Commerce				✓			
Business and Commerce Advisory Committee (non-voting)						✓	
Council of Governments (COG) <i>Appoint TWO members to serve on the Full Council (can not be Exec Pro-Tem)</i>						✓	✓
Council of Governments (COG) <i>Appoint ONE of the above two members to also serve on the Exec Board and Transportation Policy Board (cannot be Exec Pro-Tem)</i>							✓
Developmental Disabilities Board					✓		
Drayton Harbor & Portage Bay Shellfish Protection Districts					✓		
EMS Oversight Board <i>Representative</i>			✓				
EMS Oversight Board <i>Alternate Representative</i>				✓			
Flood Control Zone Committee (Ex Officio)		✓					
Incarceration Prevention and Reduction Task Force (<i>And Appoint one alternate</i>)			✓		✓ alt.		
Intergovernmental Tribal Relations Committee (<i>Appt. TWO</i>)	✓					✓	
LEOFF Board			✓				
Local Emergency Planning Committee (LEPC)				✓			
Lummi Island Ferry Advisory Committee - <i>Appoint ONE non-voting attendee</i>					✓		
OPTIONAL: Lummi Island Ferry Advisory Committee Alt. - Appoint TWO alternates if Council wishes							
Marine Resources Committee		✓					
North Sound Behavioral Health Exec. Committee		✓					
Northwest Clean Air Agency							✓
Northwest Regional Council (NWRRC)						✓	
Opportunity Council			✓				
Public Defense Advisory	✓						
Public Health Advisory Board			✓				
Reserve Officers Board of Trustees - (<i>Appoint TWO</i>)	✓						✓
Solid Waste Advisory	✓						
WSAC Alternate Board Member (The Executive is the active representative, Councilmember is alternate)		✓					
WSAC Legislative Steering Committee		✓					
Whatcom Transportation Authority							✓

WHATCOM COUNTY COUNCIL MEMBERS

2019

Rud Browne Term expires January 2022	(360) 820-9494 RBrowne@co.whatcom.wa.us
Todd Donovan Term expires January 2022	(360) 483-8474 TDonovan@co.whatcom.wa.us
Tyler Byrd Term expires January 2022	(360) 778-5021 TByrd@whatcomcounty.us
Barry Buchanan Term expires January 2022	(360) 224-4330 BBuchana@co.whatcom.wa.us
Carol Frazey Temporary Term expires January 2020	(360) 778-5024 CFrazey@whatcomcounty.us
Satpal Sidhu Term expires January 2020	(360) 305-4948 SSidhu@co.whatcom.wa.us
Barbara Brenner Term expires January 2020	(360) 384-2762 bbrenner@co.whatcom.wa.us

MAIL TO ALL COUNCIL MEMBERS SHOULD BE SENT TO THE FOLLOWING ADDRESS:

WHATCOM COUNTY COUNCIL
311 GRAND AVENUE, SUITE 105
BELLINGHAM, WA 98225

(360) 778-5010 council@co.whatcom.wa.us



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2019-082

File ID:	AB2019-082	Version:	1	Status:	Agenda Ready
File Created:	01/15/2019	Entered by:	SMurdoch@co.whatcom.wa.us		
Department:		File Type:	Agreement		

First Assigned to: Council Finance and Administrative Services Committee

Agenda Date:	Next Mtg. Date:	Hearing Date:
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TITLE FOR AGENDA ITEM:

Request for County Council to approve the Criminal Justice Treatment Account Plan

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

See attachments

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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Attachments: Supporting Documents CJTA 2018.2019 Plan, staff memo 1-29-19.pdf

Final Action:
Enactment Date:
Enactment #:

Whatcom County Criminal Justice Treatment Account Plan

In 2002, Washington State adopted RCW 70.96A.350 which established the Criminal Justice Treatment Account (CJTA). This law was designed to reduce sentencing guidelines and create alternatives to treat nonviolent offenders with substance use disorders (SUD). A CJTA panel convened in June of 2018 and approved the following plan for service priorities and general allocations.

I. Overview:

Legislative Action - RCW 71.24.580, created a Criminal Justice Treatment Account in the state treasury. Moneys in the account may be expended solely for:

- (a) Substance use disorder treatment and treatment support services for offenders with a substance use disorder that, if not treated, would result in addiction, against whom charges are filed by a prosecuting attorney in Washington state;
- (b) the provision of substance use disorder treatment services and treatment support services for nonviolent offenders within a drug court program; and
- (c) the administrative and overhead costs associated with the operation of a drug court.

RCW 71.24.580 also directs the development of a County level CJTA panel for plan development and fund expenditure. County CJTA plans are submitted to the Washington State CJTA panel for review and distribution of funds.

II. CJTA Panel Development:

As per RCW 71.24.580, a Whatcom County CJTA panel was created consisting of:

Alcohol and drug coordinator, county prosecutor, county sheriff, county superior court, a substance abuse treatment provider appointed by the county legislative authority, a member of the criminal defense bar appointed by the county legislative authority, and, in counties with a drug court, a representative of the drug court.

Panel Members included:

- Sheriff represented by the Chief of Corrections, Wendy Jones
- Superior Court Administrator, Dave Reynolds
- Chief Prosecuting Attorney, Dave McEachran represented by Kathy Walker
- Drug Court representative, Chris Furman (Drug Court Coordinator)
- County Coordinator represented by Jackie Mitchell
- Treatment Provider, Chris Watras of SeaMar
- Public Defender's Office, Starck Follis represented by Mamie Lackie

III. Plan Outline & Recommendations:

After reviewing the written plan materials, panel members expressed a strong preference for a clear pathway out of the Whatcom County Jail for Therapeutic Court members and other inmates with substance use disorders. The plan developed included assuring the availability of SUD assessments at the jail, followed by residential treatment as medically necessary and rental assistance for people needing housing. Stable housing for individuals transitioning from jail was viewed as crucial after a course of inpatient treatment.

In addition, the panel recommended reserving a small amount of CJTA funds for outpatient treatment services for individuals that met outpatient placement criteria and lacked insurance. Finally, the panel initially recommended funding for housing case management services to ensure CJTA recipients could receive assistance with landlord communications, budgeting, leases, and housing applications.

IV. Plan Execution:

RCW 71.24.580 directs the CJTA panel to submit a plan, approved by the county legislative authority or authorities, to the Washington State CJTA committee panel established in subsection (5)(b) of this section, for disposition of all the funds provided from the criminal justice treatment account within that county.

V. Final Plan:

The final CJTA plan includes all services outlined above except housing case management. In practice, people coming out of jail with SUD who are participating in one of the Therapeutic Courts already have case management services available in the community. Additionally, funding housing case management would unnecessarily deplete the available resources for rental assistance. Total CJTA funding for 2018-2019 is \$174,881 with 10% of this total allocated to support County administration of the monies.

Ninety per cent (90%) of people released from the jail to the community are Medicaid recipients and can access behavioral health services. Therefore, it is recommended that Whatcom County utilize CJTA funds for approximately 10% of people who do not qualify for Medicaid. People receiving assistance from CJTA will be prioritized to include Therapeutic Court and GRACE members followed by all other CJTA eligible individuals. The plan for expenditures resulted in the following table.

Admin @ 10%	10%
Jail Assessment	18%
Outpatient Agencies	11%
Residential	17%
Housing Support/ Rent and Deposit	44%
Total	100%

In conclusion, CJTA funds will provide a continuum of care for eligible individuals involved in Therapeutic Court programs or GRACE who are in need of SUD services. This plan was approved by the Whatcom County CJTA Panel and submitted to the state for approval.



Memorandum

TO: JACK LOUWS
FROM: Regina Delahunt, Director
DATE: 01/14/19
RE: Criminal Justice Treatment Account Plan

Attached for your review and approval by the County Council is the 2019 Whatcom County Criminal Justice Treatment Account Plan. In order to receive Criminal Justice Treatment Account (CJTA) funding, state law requires that the county legislative authority approve the county's CJTA Plan. As required by legislation, a local panel met to provide input into the plan including recommendations for the prioritized use of CJTA funding.

Whatcom County will receive \$174,881 in 2019 which must be used for treatment, support, and recovery services for people with a substance disorder facing criminal charges. Recommendations included in the plan prioritize the use of funds for Therapeutic Courts participants. Funds will be used to provide services including substance use disorder assessments in the jail, residential treatment as medically necessary and rental assistance for those needing housing.





Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2019-087

File ID:	AB2019-087	Version:	1	Status:	Agenda Ready
File Created:	01/17/2019	Entered by:	SMildner@co.whatcom.wa.us		
Department:		File Type:	Agreement		

First Assigned to: Council Finance and Administrative Services Committee

Agenda Date:	Next Mtg. Date:	Hearing Date:
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TITLE FOR AGENDA ITEM:

Request authorization for the County Executive to enter into an EDI Interlocal Loan and Grant Agreement between Whatcom County and Port of Bellingham in the amount of \$250,000

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

See attached memorandum

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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Attachments: Executive memo 01-16-19.pdf, CIS and EDI Interlocal Agt.pdf

Final Action:
Enactment Date:
Enactment #:

**WHATCOM COUNTY
EXECUTIVE'S OFFICE**

County Courthouse
311 Grand Avenue, Suite #108
Bellingham, WA 98225-4082



Jack Louws
County Executive

MEMORANDUM

TO: Whatcom County Council members
FROM: Jack Louws, County Executive
RE: EDI Program - Interlocal Loan & Grant Agreement with
The Port of Bellingham
DATE: January 16, 2019

Enclosed are two (2) originals of an Interlocal Loan and Grant Agreement between Whatcom County and the Port of Bellingham for your review and approval.

▪ **Background and Purpose**

On January 15, 2019, the Council adopted the EDI Board's recommendation to provide funding through the EDI Program for the Port of Bellingham's Walsh Marine Building Expansion project in Blaine, Washington.

This loan and grant agreement is being presented to you now for approval. Once approved, we respectfully request your authorization for the County Executive to execute this agreement.

▪ **Funding Amount and Source**

\$83,333.33 will be drawn from the EDI Program's grant program, followed by \$166,666.67 which will be drawn from the EDI Program's loan program. This program funding is derived from the Public Utilities Improvement Fund.

Please contact me with any questions or concerns regarding the terms of this agreement.

Enclosures

WHATCOM COUNTY CONTRACT INFORMATION SHEET

Whatcom County Contract No.

201901010

Originating Department:	Executive
Division/Program: (i.e. Dept. Division and Program)	EDI Program
Contract or Grant Administrator:	Suzanne Mildner
Contractor's / Agency Name:	Port of Bellingham

Is this a New Contract? If not, is this an Amendment or Renewal to an Existing Contract? Yes ☐ No ☐
Yes ☒ No ☐ If Amendment or Renewal, (per WCC 3.08.100 (a)) Original Contract #: _____

Does contract require Council Approval? Yes ☒ No ☐ 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 ☐ No ☒ If yes, grantor agency contract number(s): _____ CFDA#: _____

Is this contract grant funded?
Yes ☐ No ☒ If yes, Whatcom County grant contract number(s): _____

Is this contract the result of a RFP or Bid process? Contract _____
Yes ☐ No ☒ If yes, RFP and Bid number(s): _____ Cost Center: _____

Is this agreement excluded from E-Verify? No ☐ Yes ☒ If no, include Attachment D Contractor Declaration form.

If YES, indicate exclusion(s) below:

<input type="checkbox"/> Professional services agreement for certified/licensed professional.	<input type="checkbox"/> Contract for Commercial off the shelf items (COTS).
<input type="checkbox"/> Contract work is for less than \$100,000.	<input type="checkbox"/> Work related subcontract less than \$25,000.
<input type="checkbox"/> Contract work is for less than 120 days.	<input type="checkbox"/> Public Works - Local Agency/Federally Funded FHWA.
<input checked="" type="checkbox"/> Interlocal Agreement (between Governments).	

Contract Amount:(sum of original contract amount and any prior amendments): \$ <u>\$250,000.00</u> This Amendment Amount: \$ _____ Total Amended Amount: \$ _____	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.
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Summary of Scope: Interlocal Loan and Grant Agreement with the Port of Bellingham utilizing EDI Program funding (from the Public Utilities Improvement Fund) for use in the Port's Walsh Marine building expansion project.

Term of Contract: <u>10</u> years (loan)	Expiration Date: Estimated 12/31/2029
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Contract Routing:	1. Prepared by: <u>sm</u>	Date: <u>1/10/19</u>
	2. Attorney signoff: <u>Christopher Quinn</u> <i>COQ</i>	Date: <u>1/11/2019</u>
	3. AS Finance reviewed: <u>M. Caldwell</u> <i>MC</i>	Date: <u>1/11/2019</u>
	4. IT reviewed (if IT related): _____	Date: _____
	5. Contractor signed: _____	Date: _____
	6. Submitted to Exec.: _____ <i>✓</i>	Date: <u>1-17-19</u>
	7. Council approved (if necessary): _____	Date: _____
	8. Executive signed: _____	Date: _____
	9. Original to Council: _____	Date: _____

**Economic Development Investment Program
Interlocal Loan & Grant Agreement**

I PARTIES

This Agreement is made by and between **Whatcom County** (hereinafter referred to as **the County**), and **the Port of Bellingham** (hereinafter referred to as **the Port**).

II TERM

This Agreement takes effect upon execution hereof by the authorized representatives of both parties and continues in effect until all payments required under Section V, MUTUAL CONSIDERATION, Subsection C, REPAYMENT OF COUNTY LOAN, have been made or until terminated as provided for in Section VIII, TERMINATION.

III PURPOSE

The purpose of this Agreement is to provide funding support for the Walsh Marine Building Project (hereinafter referred to as **the Project**) using certain County funds designated for such infrastructure development. These funds will be used to complete the Project as outlined in the Economic Development Investment (EDI) Program Application as attached (Attachment C).

IV RECITALS

The Parties make this Agreement based on and in recognition of certain relevant facts and circumstances including:

A. Sales and use taxes are collected in and for the County under authority of RCW 82.14.370 and Whatcom County Code 2.130 for the purpose of financing public facilities in the County, and the proceeds are deposited in the Whatcom County Public Utilities Improvement Fund.

B. The Port will construct the Project. The Project will be partially funded by a **\$166,666.67 loan from the Whatcom County Public Utilities Improvement Fund, a \$83,333.33 grant from the Whatcom County Public Utilities Improvement Fund**, and the balance of the Project will be funded by the Port of Bellingham, as outlined in Attachment C. The Project improvements, when complete, will be owned and maintained by Port of Bellingham.

C. RCW 82.14.370 was adopted to serve the goals of promoting the ongoing operation of business in rural distressed areas, promoting the expansion of existing

businesses in rural distressed areas, attracting and developing new businesses, and providing family wage jobs and the development of communities of excellence in such areas. The parties expect the Project to further these goals.

D. RCW 82.14.370 defines public facilities to include bridges, roads, domestic and industrial water facilities, sanitary sewer facilities, earth stabilization, storm sewer facilities, railroad, electricity, natural gas, buildings, structures, telecommunications infrastructure, transportation infrastructure, or commercial infrastructure, and Port facilities in the state of Washington.

E. The County has created the EDI Board to review applications for loans and grants from the Public Utilities Improvement Fund and to make recommendations for Public Utilities Improvement Fund investments based on commitment of other funds, potential for resulting job creation, and other factors.

F. The EDI Board has reviewed the application for Public Utilities Improvement Funds and has recommended approval to the Whatcom County Council.

G. The County EDI Board has reviewed and recommended this project application be approved with a recommendation of a loan in the amount of \$166,666.67 and a grant in the amount of \$83,333.33, for a total of \$250,000. A copy of the EDI application for this project is attached by reference to this Agreement.

H. The Whatcom County Council reviewed the recommendation, and approved a loan to the Port from the Public Utilities Improvement Fund in the amount of \$166,666.67, and a grant to the Port from the Public Utilities Improvement Fund in the amount of \$83,333.33.

I. The Public Utilities Improvement Fund balance is sufficient to make the requested loan and grant to the Project.

J. RCW 39.34 authorizes interlocal agreements whereby municipal governments may jointly exercise the powers granted to each.

V MUTUAL CONSIDERATION

The parties do not intend to create any new or separate legal or administrative entity by this Agreement but intend for this mutual Agreement to govern the County's financial support for the Project. The terms and conditions contained herein reflect the voluntary participation of the parties.

A. **PORT OF BELLINGHAM RESPONSIBILITIES:** The Port hereby agrees as follows:

- (i) If after the award of the construction contract, the scope of the Project or the Project budget has changed, the Port shall provide the County the following updated documents: 1) a detailed description of the project; 2) a project budget itemizing major improvements together with the estimated cost of the improvements; and 3) a schedule showing sources and uses of funding for the

project, if any of the aforementioned documents varies from those that were submitted with the Port's application for EDI funding.

- (ii) The Port shall be responsible for all aspects of the design and construction of the project.
- (iii) The Port shall be responsible for all aspects of the public works construction contract administration, which shall include, but not be limited to, advertising, bidding, and awarding the contract. The Port will comply with all applicable laws, rules and regulations relating to bidding the project. The County shall have no responsibility for the Project other than the funding set forth herein.
- (iv) The Port shall provide the County with a final report showing the actual cost of the project and the actual sources and uses of funding for the project.
- (v) The Port shall repay the loan in full in accordance with the terms of Section V.C below and the amortization schedule set forth in Attachment A, attached hereto.

B. WHATCOM COUNTY'S RESPONSIBILITIES: The County hereby agrees as follows:

- (i) COUNTY LOAN—The County shall *loan* One Hundred Sixty-six Thousand, Six Hundred Sixty-seven Dollars and Sixty-seven Cents (\$166,667.67) for the Project described herein (the "Loan"). This Loan shall be by County warrant drawn on the Public Utilities Improvement Fund and payable to the Port, available upon written request after approval and execution of this agreement by the Whatcom County Council and the Port, and pursuant to the terms contained in (iii) Payout of Loan and Grant Funding.
- (ii) COUNTY GRANT—The County shall issue a *grant* to the Port for up to Eighty-three Thousand Three Hundred Thirty-three Dollars and Thirty-three Cents (\$83,333.33) for the Project described herein. This grant shall be by County warrant drawn on the Public Utilities Improvement Fund and payable to the Port upon approval of this agreement by the Whatcom County Council and the Port, and pursuant to the terms contained in (iii), Payout of Loan and Grant Funding, below.
- (iii) PAYOUT OF LOAN AND GRANT FUNDING—The County shall pay out the loan and grant funding to the Port up to a maximum of Two Hundred Fifty Thousand Dollars and Zero Cents (\$250,000.00) of the total project costs. This amount shall be paid in accordance with Attachment B, attached hereto. Disbursements of grant and loan funding shall be made contingent upon and subject to the continued commitment of the other project funding sources.
- (iv) Unless the parties to this agreement mutually agree in writing to modify the consideration, the funding identified herein is all the County is obligated to pay towards this project. The Port agrees to protect the County from, hold it harmless from, and indemnify it for, any charges that may be levied in excess of the agreed amount.

C. REPAYMENT OF COUNTY LOAN—The Port shall repay the Loan as follows:

- (i) The term of the Loan shall be ten years, commencing from the date that the County disburses the Loan proceeds to the Port. Interest shall accrue on the

unpaid principal at a rate of 1% per annum. Interest shall begin accruing from the date of disbursement of loan funds.

- (ii) The Port will make loan payments to the County annually on or before the anniversary date of receiving loan proceeds in accordance with the attached amortization schedule (Attachment A). Loan payments must be delivered to the Whatcom County Executive Dept., Suite 108, 311 Grand Avenue, Bellingham, WA 98225.
- (iii) Failure to make the payment in the required amount by the date it is due according to the amortization schedule hereto attached shall constitute an event of default by the Port. In the event that the Port fails timely to make a Loan payment hereunder, the County shall notify the Port of the failure and the Port shall have fourteen (14) days to cure its failure. At the option of the County, such an event of default and the Port's failure to cure within the stated time period is a sufficient basis upon which the County may take action to collect the amount that is delinquent, and if the County takes action to collect pursuant to this provision, the Port shall pay to the County not only the amount owing, but also any collection of reasonable costs incurred by the County. Furthermore, if the Port fails to make a payment on the Loan within thirty (30) days of the date it is due, and if the County has provided the Port with the notice provided for in this section, then the County may choose to declare the remaining balance of the loan due and owing.
- (iv) There is no prepayment penalty should the Port desire to retire this debt early, either in whole or in part.

VI RECORDS, REPORTS AND AUDITS

The Port agrees to maintain such records, make such reports and follow such procedures pertaining to this Agreement as may be reasonably required by the County and as are typically maintained and made by the Port in the undertaking of a project of this nature. All Port records pertaining to this Agreement and the Project work shall be retained by the Port for a period of three (3) years after final audit unless a longer period is required to resolve audit findings or litigation. The County and other authorized representatives of the State government shall have access to any books, documents, papers, and records of the Port which pertain to this Agreement or the Project work for the purpose of making audit, examination, excerpts, and transcriptions.

VII RELATIONSHIP OF PARTIES AND AGENTS

Neither the Port nor the County shall have authority to execute contracts or to make commitments on behalf of the other, and nothing contained herein shall be deemed to create the relationship of employer and employee or principal and agent between the County and the Port. This agreement does not create, either implicitly or explicitly, any right, duty or obligation that is not expressly provided for herein.

The Port represents that it has or will secure at its own expense all personnel, contractors, and/or subcontractors required in order to perform the Project work. Such personnel shall

not be employees of, or contractors with the County for purposes of the project described herein. All such personnel, contractors, and/or subcontractors shall be fully qualified (as determined by the Port in its sole discretion) and authorized/permitted under State and/or local law to perform such services.

VIII TERMINATION

If the Port fails to comply with the terms and conditions of this Agreement, the County may pursue such remedies as are legally available, including, but not limited to, the termination or closeout of this Agreement in the manner specified herein:

- A. **TERMINATION FOR CAUSE**— If the Port fails to comply with the terms and conditions of this Agreement, the County will give notice to the Port in writing of its failure to comply. The Port will be given thirty (30) days from date of notice to comply with the terms of the Agreement or submit a plan acceptable to the County to bring the Port into compliance with the Agreement within a time period reasonably acceptable to the County. Failure to comply with the terms and conditions of this Agreement by either party shall constitute an event of default. In the event of default by the Port and a failure by the Port to cure as provided for herein, the County may take such remedial actions under the law as are available to cure the default, including the imposition of the reasonable costs of collection. In the event of default by the County, the Port may take such remedial actions under the law as are available to cure the default, including specific performance.
- B. **TERMINATION FOR OTHER GROUNDS**—This Agreement may be terminated in whole or in part by mutual consent and written agreement between the parties, duly authorized and executed, setting forth the conditions of termination, including effective date and, in case of termination in part, that Portion to be terminated.

IX COMPLIANCE WITH LAWS

The County and the Port shall comply with all applicable laws, ordinances, and codes of the Federal, State and local governments with regard to the performance of this Agreement.

X INTEREST OF MEMBERS OF THE COUNTY AND THE PORT

No member of the governing body of either party and no other officer, employee, or agent of either party who exercises any functions or responsibilities in connection with the planning or carrying out of the Project shall have any personal financial interest, direct or indirect, in this Agreement.

XI HOLD HARMLESS AND INDEMNITY

To the extent permitted by law, the Port shall indemnify and hold harmless the County, its officers, agents, and employees, from all liability, loss or damage, including costs of defense they may suffer as a result of claims, demands, actions, costs, or judgments

which result from the activities to be performed by the Port, its agents, employees, or subcontractors pursuant to this Agreement.

XII ASSIGNABILITY

The Port shall not assign any interest in this Agreement and shall not transfer any interest in this Agreement (whether by assignment or novation) without prior written consent of the County thereto, provided, however, that claims for money by the Port from the County under this Agreement may be assigned to a bank, trust company, or other financial institution without such approval. Written notice of any such assignment or transfer shall be furnished promptly to the County by the Port.

XIII NON-WAIVER

The failure of either party to insist upon strict performance of any provision of this Agreement or to exercise any right based upon a breach thereof or the acceptance of any performance during such breach shall not constitute a waiver of any right under this Agreement.

XIV CONTRACT MODIFICATIONS

No modification or waiver of any clause or condition of this Agreement shall be binding upon either party unless such modification or waiver is in writing and duly authorized and executed by the County and the Port.

XV SEVERABILITY

If any Portion of this Agreement is changed per mutual agreement or any Portion is held invalid, the remainder of this Agreement shall remain in full force and effect.

XVI NOTICES

Unless stated otherwise herein, all notices and demands shall be in writing and sent or hand-delivered to the parties to their addresses as follows:

TO PORT:

Rob Fix, Executive Director
Port of Bellingham
1801 Roeder Avenue
Bellingham, WA 98225

TO COUNTY:

Brad Bennett, Finance Manager
c/o Whatcom County Executive's Office
311 Grand Avenue, Suite 108
Bellingham, WA 98225

or to such other addresses as the parties may hereafter designate in writing. Notices and/or demands shall be sent by registered or certified mail, postage prepaid, or hand-delivered. Such notices shall be deemed effective when mailed or hand-delivered at the addresses specified above.

XVII INTEGRATION

This Agreement contains all terms and conditions to which the County and the Port agreed, and this Agreement supersedes all of their previous understandings and agreements, written and oral, with respect to this loan and grant transaction. There are no other oral or written agreements between the Port and County as to the loan and grant terms contained herein. No changes or additions to this Agreement shall be valid or

binding upon either party unless such change or addition be in writing, duly authorized and executed by both parties.

XVIII GOVERNING LAW AND VENUE

All questions of the validity, construction, and application of this Agreement shall be governed by the laws of the State of Washington. Venue for any suit between the parties arising out of this Agreement shall be the Superior Court of the State of Washington in and for Skagit County, Washington.

XIX RECORDING

Upon execution of this agreement by the parties hereto, the County shall cause it to be recorded with the Whatcom County Auditor, or otherwise published pursuant to the requirement contained within RCW 39.34.040.

IN WITNESS WHEREOF, the County and the Port have executed this Agreement as of the date and year last written below.

EXECUTED, this _____ day of _____, 2019, for the **PORT OF BELLINGHAM**:

Rob Fix, Executive Director

STATE OF WASHINGTON)
) ss.
COUNTY OF Whatcom)

On this _____ day of _____, 2019, before me personally appeared **ROB FIX**, to me known to be the **Executive Director** of the Port of Bellingham and 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 _____.

ATTACHMENT A

WHATCOM COUNTY EDI Loan-POB Walsh Marine-Blaine

Principal	\$166,667
Interest Rate	1.00%
Loan Term	10

#	Year	Beginning				
		Balance	Payment	Interest	Principal	Ending Balance
1	2020	\$166,667	\$17,597	\$1,667	\$15,930	\$150,737
2	2021	\$150,737	\$17,597	\$1,507	\$16,090	\$134,647
3	2022	\$134,647	\$17,597	\$1,346	\$16,251	\$118,396
4	2023	\$118,396	\$17,597	\$1,184	\$16,413	\$101,983
5	2024	\$101,983	\$17,597	\$1,020	\$16,577	\$85,406
6	2025	\$85,406	\$17,597	\$854	\$16,743	\$68,663
7	2026	\$68,663	\$17,597	\$687	\$16,910	\$51,753
8	2027	\$51,753	\$17,597	\$518	\$17,079	\$34,674
9	2028	\$34,674	\$17,597	\$347	\$17,250	\$17,424
10	2029	\$17,424	\$17,598	\$174	\$17,424	\$0
			<u>\$175,971</u>	<u>\$9,304</u>	<u>\$166,667</u>	

Attachment B

Port of Bellingham – Walsh Marine Building Project Loan and Grant Draw Down Requirements

The \$83,333.33 grant funding will be disbursed prior to any loan funding, as follows:

The Port of Bellingham will send invoices for project expenses to Whatcom County Executive's Office, 311 Grand Avenue, Suite 108, Bellingham, WA 98225. Invoices will include copies of receipts. Funds will be made available by warrant within 30 days following receipt of invoice and are for reimbursement of project expenses only. The request for grant funds should reference the Whatcom County assigned interlocal agreement number.

The \$166,666.67 loan will be disbursed as follows:

Following the disbursement of all grant funds, the loan funds will be made available for application to the project by warrant within 30 days of receipt of written request from Rob Fix, Executive Director of the Port of Bellingham, and sent to the Whatcom County Executive's office, 311 Grand Avenue, Suite 108, Bellingham, WA 98225. The request will include the full loan amount (\$166,666.67), and a reference to the contract number assigned to this Interlocal Agreement. Repayment of the loan will begin one year from the disbursement date and follow the schedule noted in Attachment A.

Whatcom County Economic Development Investments Program

Application for Funding



Jack Louws, Whatcom County Executive

Whatcom County Economic Development Investment (EDI) Program

Revolving Loan and Grant Program to Encourage Creation or Retention of Private Sector Jobs

Preliminary Information and Application

Note: The intent of this Program is to be consistent with State law, RCW 82.14.370

1. **Who is eligible to apply:** Local general or special-purpose governments and higher education.
2. **What projects are covered:** Construction of publically-owned infrastructure, facilities, and related improvements, which enable or encourage the creation or retention of private sector businesses and jobs in Whatcom County consistent with EDI Program Policy Objectives.
3. **What activities are fundable:** New construction, refurbishment, replacement, rehabilitation, renovation or repair. Demolition is allowable if tied to construction. Soft costs allowed within scope of construction budget. No land acquisition except right-of-way included in a construction project.
4. **What can you use the funds for:** Transportation (roads, bridges, rail), utility services (water, sewer, storm, energy, telecom) and public buildings or structures.
5. **Other Limitations:** Planning/feasibility only projects are not eligible. Minimum local match is 10% of EDI request. EDI Board will make recommendations to the County Council which makes the final decision.

Preferential Project Types

First Preference – “JOBS IN HAND PROJECTS” – These types of projects will allow for the immediate creation and/or retention of jobs by providing public infrastructure that directly supports jobs. A perfect example would be a private business that will build or move into a facility and hire employees if a road is built or if water/sewer lines are extended to the site. These types of proposals would include a commitment by the private sector employer to create jobs and provide private investment.

Second Preference – “BUILD IT AND JOBS WILL COME PROJECTS” – These types of projects will construct public infrastructure but are not associated with a specific commitment from a private business to locate and/or create jobs. A perfect example would be the construction of roads and utility infrastructure to serve a new business park that would benefit multiple businesses.

Third Preference – COMMUNITY ENHANCEMENT PROJECTS – These types of projects generally improve the physical appearance or create community assets to enhance the business climate. Examples would be boardwalk, streetscaping, downtown structures, and other publicly-owned facilities that make a community or region more attractive to existing or future businesses.

Whatcom County Economic Development Investment (EDI) Program

Revolving Loan and Grant Program to Encourage Creation or Retention of Private Sector Jobs

Preferential Project Terms

First Preference – EDI LOAN – Due to the preferred revolving nature of EDI funds, proposals that are loan only will receive higher scoring. Loan terms and interest rate structure matches the Public Works Trust Fund program. The county will maintain discretion to modify such as including a deferral period.

Second Preference – LOAN/GRANT COMBINATION – The preferred combination of grant funds and loan funds is 1/3 grant, 2/3 loan.

Third Preference – EDI GRANT – Due to the “one-shot” nature of grants, projects of equal scoring requesting a grant only will be scored lower than another similar project requesting a loan/grant mix.

Preferential* Project Amounts (Guidelines)

JOBS IN HAND PROJECTS - \$1,000,000 limit if grant only. \$2,000,000 limit if combination of grant and loan. \$3,000,000 limit if loan only.

BUILD IT AND JOBS WILL COME PROJECTS - \$500,000 limit if grant only. \$1,000,000 limit if combination of grant and loan. \$1,500,000 limit if loan only.

COMMUNITY ENHANCEMENT PROJECTS - \$250,000 limit if grant only. \$500,000 limit if combination of grant and loan. \$750,000 limit if loan only.

*Based on compelling reasons, the EDI Board and County Council may consider exceptions.

Past Performance

Have you received EDI Program funding in the past? ☒ Yes; ☐ No

If yes, provide project name and EDI grant/loan awarded:

Wood Stone \$500,000 loan; Index Industries \$500,000 loan/\$200,000 grant; All American Marine Expansion Project \$2M loan/\$1M grant; “C” Street Terminal \$2M loan/\$1M grant.

If yes, EDI Program staff and/or the EDI Board may conduct an audit to review performance measures against projected outcomes, such as job creation projections.

Has your jurisdiction received any audit findings from the Washington State Auditor in the past 10 years?

☐ Yes; ☒ No. If yes, provide details:

Whatcom County Economic Development Investment (EDI) Program
Revolving Loan and Grant Program to Encourage Creation or Retention of Private Sector Jobs

THRESHOLD PROJECT CRITERIA

Evidence of Planning

YES NO

 X _____
 X _____
 X _____

Project included on an adopted regional economic strategy ("CEDS" list).
 Project included in the applicant's Comprehensive Plan.
 Project included in the applicant's Capital Expenditure Plan or adopted budget.

COMMENTS: The project is listed under the 2018 CEDS (Port of Bellingham, Blaine Wharf District Marine), 2007 Blaine Wharf District Master Plan (Shipyard Industrial Area) and in the Port's 2018 Capital budget.

THRESHOLD PROJECT SCORING

POINTS

Preferential Project Type

 10

 Jobs In Hand *10 points*
 Build It And Jobs Will Come *5 points*
 Community Enhancement *2 points*

 5

Preferential Project Terms

 Loan Only *10 points*
 Loan/Grant *5 points*
 Grant Only *2 points*

 5

Preferential Project Amounts

 Within Dollar Limits *5 points*
 Outside Preferred Dollar Limits *0 points*

 20

TOTAL POINTS

To proceed to other parts of the application and to receive EDI Board review, a proposed project must score 10 or more points on the above section.

Whatcom County Economic Development Investment (EDI) Program
Revolving Loan and Grant Program to Encourage Creation or Retention of Private Sector Jobs

PROJECT APPLICANT

Applicant Name: Port of Bellingham

Applicant Address: 1801 Roeder Avenue, Bellingham, WA 98225

Applicant Contact Person: Brady Scott

Applicant Email and Phone Number: Bradys@portofbellingham.com 360-676-2500

PROJECT TITLE

Walsh Marine Building, Blaine Marine Industrial Area

PROJECT AMOUNT REQUESTED

\$ 250,000 EDI TOTAL - (Loan: \$ 166,666.66; Grant: \$ 83,333.33)

\$ 293,700 Local Match - (10% of EDI request minimum)

PROJECT TYPE

X Jobs In Hand Build It And Jobs Will Come Community Enhancement

PROJECT TERMS

 Loan Only X Grant/Loan Grant Only If a loan, term requested: 20 (years)

PROJECT LOCATION: 218 McMillan Drive, Blaine, WA 98230

Whatcom County Economic Development Investment (EDI) Program

Revolving Loan and Grant Program to Encourage Creation or Retention of Private Sector Jobs

PROJECT DESCRIPTION

(one page limit)

The Walsh Marine Building Project located at the Blaine Marine Industrial Area will provide the necessary infrastructure upgrades and facilities to allow the Walsh Marine Boatyard, owned and operated by Norm Walsh, to remain economically viable and provide increased services beyond its current capacity.

The project involves the construction of a 2,240 square foot pre-fabricated partially insulated building for use on the Walsh Marine leasehold in conjunction with their boatyard operations. The building will include an open bay, machine shop, wood shop, tool room, office and bathroom on the ground level, with a parts department and lunchroom on the mezzanine level and a storage loft above the machine and wood shop space. The open bay area will have high ceilings and will provide indoor space for small boats to be worked on. The conceptual design and layout of the building was developed by Norm Walsh owner and operator of Walsh Marine in order to provide a base of operations to efficiently manage the boatyard.

Walsh Marine is the only boatyard in Blaine that can handle large vessels and has a loyal customer base of commercial and recreational vessels, both large and small. Walsh Marine is also one of the few remaining boatyards that uses a marine railway system to haul and launch vessels, which is a preferred method for certain older and wooden vessels. In conjunction with the marine railway, the boat yard is equipped with a side rail system to move vessels off the main rails to be worked on while keeping the marine railway in use, thus increasing the capacity of the yard. Walsh Marine also uses a travel lift to haul and launch smaller vessels. Walsh Marine has been operating at the site since 2011 and the owner, Norm Walsh, is a second generation shipwright who has spent most of his life in the boatyard industry.

In 2010, a shop building previously on site was demolished and the side rail area was covered with a large tent structure to provide a covered work area. Since 2011, when Walsh Marine took over management of the boatyard, the boatyard has operated out of a temporary office trailer, two webblockers, several containers and under the large tent structure originally designed to shelter the side rail system, the latter making the side rail system nonfunctional. These temporary facilities no longer effectively serve the boatyard: the temporary office trailer is deteriorating, the tent facility has been damaged beyond repair by storms and is scheduled for removal, and the webblocker is being demolished and rebuilt in another location. Due to the condition of the tent, Walsh Marine is currently operating outside in all weather conditions. This new building facility will: (i) replace and consolidate these existing facilities, (ii) provide dry and sheltered space for boatyard work, (iii) allow the shipyard to be operated more efficiently, and (iv) allow the side rail system to be put back into productive use.

Walsh Marine has also indicated an interest to expand their leasehold into property where the webhouse is currently located and being demolished. The site is also scheduled for environmental remediation due to legacy contamination in portion of the site. This new building facility is a necessary precursor to expansion of the boatyard and will help facilitate further economic development at the Blaine Marine Industrial Area. Furthermore, being outside the environmental remediation area will serve as a productive work area during cleanup.

This project retains and grows a key marine trades employer in Blaine and, as a "jobs-in-hand" project, is an optimal use of EDI funds.

Whatcom County Economic Development Investment (EDI) Program

Revolving Loan and Grant Program to Encourage Creation or Retention of Private Sector Jobs

BASIC PROJECT INFORMATION

1. Complete the public project budget and status of funds below. If EDI funds are approved is funding 100% complete? X Yes; ___ No

The Port will use \$293,700 of its capital budget and \$250,000 in EDI grant/loan funds to complete the project. 54% of the project to be funded by the Port, 15% by EDI grant and 31% by EDI loan.

<u>Funding Source</u>	<u>Amount</u>	<u>Planned/Applied For</u>		<u>Secured</u>	
Federal Dollars	\$ _____	Yes ___	No ___	Yes ___	No ___
State Dollars	\$ _____	Yes ___	No ___	Yes ___	No ___
Local Dollars	\$ 293,700.00	Yes <u>X</u>	No ___	Yes <u>X</u>	No ___
EDI Funding	\$ 250,000.00	Yes <u>X</u>	No ___	Yes ___	No <u>X</u>
TOTAL	\$ 543,700.00				

2. Describe the amount of outside (private) funding committed to the project (eg. Plant and equipment).

Walsh Marine will be moving existing boat yard equipment valued at approximately \$20,000 into the facility. This equipment consists of a variety of different items such as bandsaws, table saws, floor planer, lathe, milling machine, floor press, hydraulic hose presses, pipe threading machines, welding machines, plasma cutters, portable touch sets, drill press, eye wash station and compressors. Walsh Marine will also be moving office equipment, shelving and storage bins into the building valued at approximately \$3,000. Additionally, Walsh Marine will be investing approximately \$5,000 in new inventory to increase its parts department and as a basis to start a small marine chandlery. In addition, Walsh Marine will be paying rent under the terms and condition of the Lease, including rent for the new building improvement.

3. Describe the public infrastructure being proposed. Include engineering estimates and a site map detailing the proposed improvements as Attachments A and B.

The project involves the construction of a 2,240 square foot pre-fabricated partially insulated building for use on the Walsh Marine leasehold in conjunction with their boatyard operations. The building will include an open bay, machine shop, wood shop, tool room, office and bathroom on the ground level, with a parts department and lunchroom on the mezzanine level and a storage loft above the machine and wood shop space. The open bay area will have high ceilings and will provide indoor space for small boats to be worked on. The engineering estimate, included as Attachment A, is \$543,700. A site map showing the proposed improvement is included as Attachment B.

4. Describe how these improvements will enhance or encourage community vitality and stimulate other private development in the area.

The project will allow a small boatyard to remain in Blaine and provides much needed upgrades to its infrastructure. Walsh Marine has been operating at the site since 2011. Walsh has been operating in harsh conditions as the existing tent structure was damaged beyond repair in winter storms. Walsh Marine has been operating the boatyard exposed to the elements and this project would allow a number of activities to be housed under one roof and away from the elements, increasing employee efficiency and decreasing the environmental impact to the site and adjoining areas.

Whatcom County Economic Development Investment (EDI) Program

Revolving Loan and Grant Program to Encourage Creation or Retention of Private Sector Jobs

This project is part of the Port's development of the industrial area in Blaine, which includes environmental cleanup and site redevelopment. Separate projects are underway that will demolish old buildings and open up the site for Walsh Marine to expand and new business to be co-located. The Port has already received interest from other marine business about the future potential of the area and once the work is complete anticipates increased marine activity in the Blaine Marina industrial area. The increase in marine activity and development would not be possible without completing this project and the corresponding new site layout.

5. List all permits and environmental reviews required for the public project and detail their status (completed, in-process, etc.)

	In Process	Date Completed
Preliminary Engineering	_____	<u>June 2018</u>
Environmental Review	<u>X</u>	_____
Design Engineering	<u>X</u>	_____
Right-of-Way	<u>N/A</u>	_____
Construction Permits	<u>X</u>	_____
Environmental Permits	<u>X</u>	_____
Bid Documents	<u>X</u>	_____
Award Construction Contract	_____	_____
Begin Construction	_____	_____
Project Operational	_____	_____

6. Are any other public jurisdictions involved in this project? If so, in what way?

City of Blaine – SEPA review, shoreline, building, mechanical and electrical permits

7. Who will maintain the public facility/infrastructure to be completed with EDI funds? Will this project impact utility rates within the jurisdiction?

The Port will own the building which will be authorized for use by Walsh Marine through a lease agreement. As a condition of the lease, Walsh Marine will be responsible for ongoing operations and maintenance of the facility. Utility rates will not be affected.

8. Will this project directly generate a revenue stream that could be used to repay an EDI loan? Will this project spur indirect revenues that could be used to repay an EDI loan? If no to either question – why?

Yes, The Port lease with Walsh Marine and rental stream generated from other Port real estate will secure the repayment of the \$166,666.66 loan. The Port will repay the EDI loan over 20 years. The project does not spur indirect revenues for repayment.

9. What other revenue sources are available for this project and have they been considered. This includes forming a Local Improvement District (LID or ULID), issuing Councilmanic Bonds, Revenue Bonds, or other source(s).

The Port will be paying for the balance of the project costs from its capital funds. Tenant lease revenue and funds generated by the real estate division will provide debt service.

Whatcom County Economic Development Investment (EDI) Program

Revolving Loan and Grant Program to Encourage Creation or Retention of Private Sector Jobs

10. Describe the private development project that will be supported by this public facility project. If there is a committed private sector partner include Contingency Agreement (Attachment C).

Walsh Marine has been operating a boat yard in Blaine since 2011. Prior to forming Walsh Marine, Norm Walsh, worked for many years with Westman Marine at the same site. Upon the closure of Westman Marine in 2010 Norm formed Walsh Marine to continue operations at the boatyard. Walsh Marine currently employs 4 full time staff. Walsh Marine offers painting, carpentry and fiberglass repair, welding and vessel construction services. Walsh Marine has been operating out of a mobile office trailer, a tent structure and storage in two of the Port's webblockers. Over the years, winter storms have badly damaged the current tent structure at the site and the tent no longer provides protection from the elements. The new Pre-Fab building will consolidate these activities under one roof and provide for a dry protected environment for boatyard activities.

11. Explain why the private development requires the proposed public improvement(s).

Over the years, winter storms have badly damaged the current tent structure at the site and the tent no longer provides protection from the elements. The new building will consolidate these activities under one roof and provide for a dry protected environment for boatyard activities. The Port will be demolishing its current webblocker building which is adjoining the Walsh leasehold. Removal of the webblocker building allows for Walsh Marine to expand and the new building will be located for optimal utilization of the site. The project, including the webblocker demolition, and environmental cleanup are all part of the industrial are redevelopment and necessitate public improvements.

12. What is the status of the associated private development review and permits? List all permits required and give the current status (applied for, being reviewed, issued).

	In Process	Date Completed
Environmental Review	<u>N/A</u>	
Construction Permits	<u>N/A</u>	
Environmental Permits	<u>N/A</u>	

Whatcom County Economic Development Investment (EDI) Program

Revolving Loan and Grant Program to Encourage Creation or Retention of Private Sector Jobs

13. Describe the type of industry or economic activity the public development will attract. What is the strategy to attract industry to the project site?

This is a "Jobs in Hand" project. Construction of the new Pre-Fab building will directly support existing jobs at Walsh Marine and allow for the addition of new hires.

14. List the number of projected jobs, by type, to be retained and/or created by the private entity.

Occupation	Current Jobs Retained** (In FTEs)	# Of Jobs Created Year 1 (In FTEs)	# Of Jobs Created by Year 5 (In FTEs)	Hourly Wage of current or new position	Local Occupational Hourly Wages***
Mgmt./Admin*	1.5			\$23-25	N/A
Technical/Prof					
Office/Clerical					
Production					
Sales					
Skilled Crafts	2.5	2.5	2.5	\$18 to 25	
Others					
Totals	4.0	2.5	2.5	N/A	N/A

* Indicate Management positions in annual salary.

** Retained jobs are defined as jobs that would otherwise be lost from the county without this project.

*** This column will be populated with data from the state before application is distributed and revised annually.

- a. Projected annual gross payroll for all job classifications. Approximately \$390,000 (with addition of new jobs)
- b. Describe fringe benefits the company offers to regular full time employees? (health insurance, retirement plans, etc.) None currently; five-year goal is to offer health insurance and vacation time to regular full time employees.

15. How does this project support the economy of Whatcom County and how does it fit into a county-wide economic development strategy?

Marine Trades is a target section in the Port's countywide development strategy. From a manufacturing and business operations perspective, Bellingham, Blaine and the region has served as a home to boat and ship building and repair companies for more than 100 years. There has been a boatyard in Blaine at the Walsh Marine site since the early 1950's. The community has long-established and newer companies providing a network of local suppliers, repair shops and experienced and skilled workforce. The Port of Bellingham uniquely provides maritime real estate and marina space and economic development support.

Whatcom County Economic Development Investment (EDI) Program

Revolving Loan and Grant Program to Encourage Creation or Retention of Private Sector Jobs

16. What will the effect of this project be on the natural environment – does the project address any issues related to public health, pollution, or quality of life?

The new building will allow Walsh Marine to perform some of its waste generating activities such as sanding and painting in a controlled environment. The new building will allow Wash Marine to better control the waste generated and prevent any runoff from entering Blaine Harbor. The building will be semi insulated providing for a better work environment and will be utilizing LED lighting to lower power consumption.

17. Does this project address any existing issues related to public safety and/or does it increase public safety in the future or address a potential future public safety issue?

Removal of the tent, mobile office and the Port's weblocker building will allow for site reconfiguration which will improve access to/from and around the boatyard. The building will provide for a better work environment for Wash Marine's employees and customers. The project is being coordinated with the Ports environmental cleanup of the area which will benefit from the new site layout.

18. Describe specific quantifiable measures of the outcomes, other than purely jobs, that will demonstrate project success. Describe how you will measure this and explain what you expect to show as progress toward the outcome.

With an office and work building Walsh Marine will increase its business activity. The overall site will benefit by deconstructing the tent and mobile office and consolidating its activities under one roof. Success will be evidenced by more efficient and harmonious activity within the Boatyard.

Application for Funding – Certification

I HEREBY CERTIFY THAT THE INFORMATION GIVEN IN THIS APPLICATION TO WHATCOM COUNTY FOR INVESTMENTS IN ECONOMIC DEVELOPMENT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Signature of Responsible Public Official: _____

Date 7/17/18

Whatcom County Economic Development Investment (EDI) Program

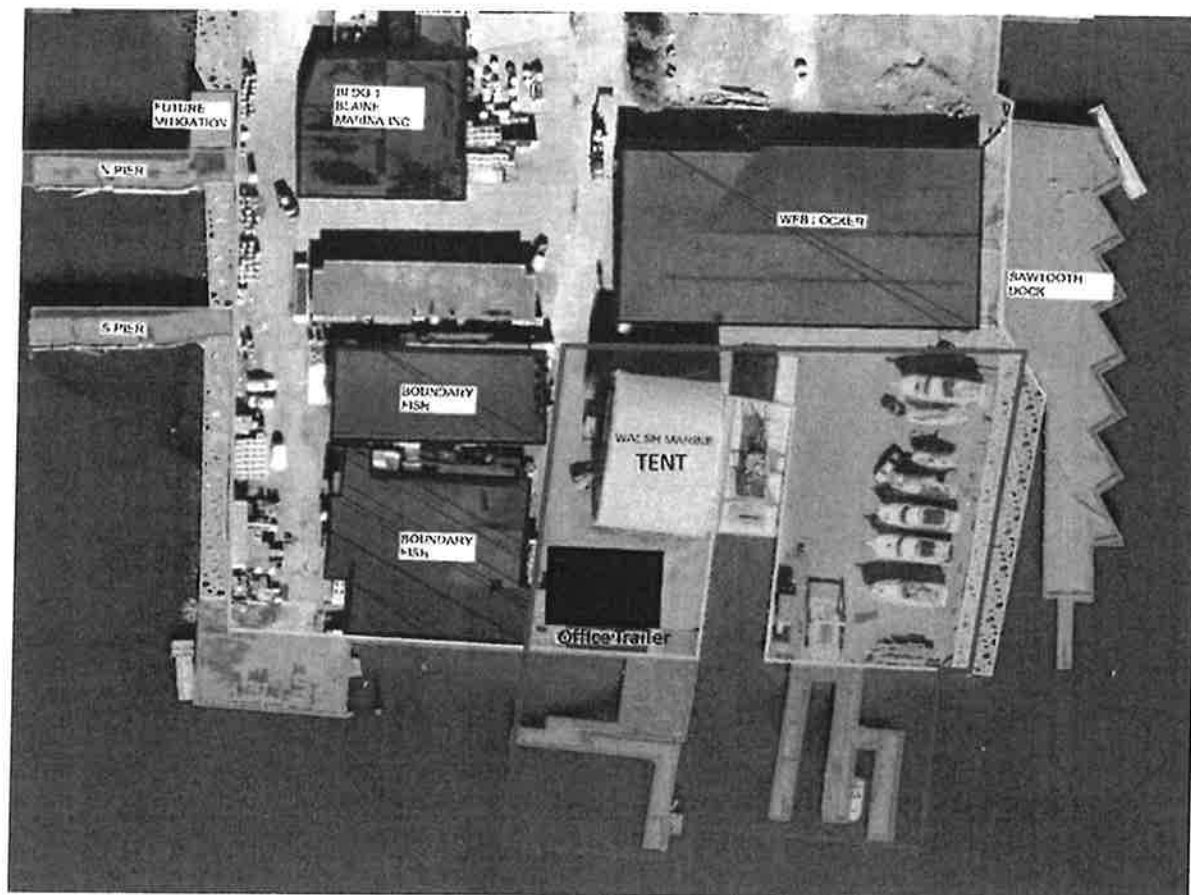
Revolving Loan and Grant Program to Encourage Creation or Retention of Private Sector Jobs

Attachment A

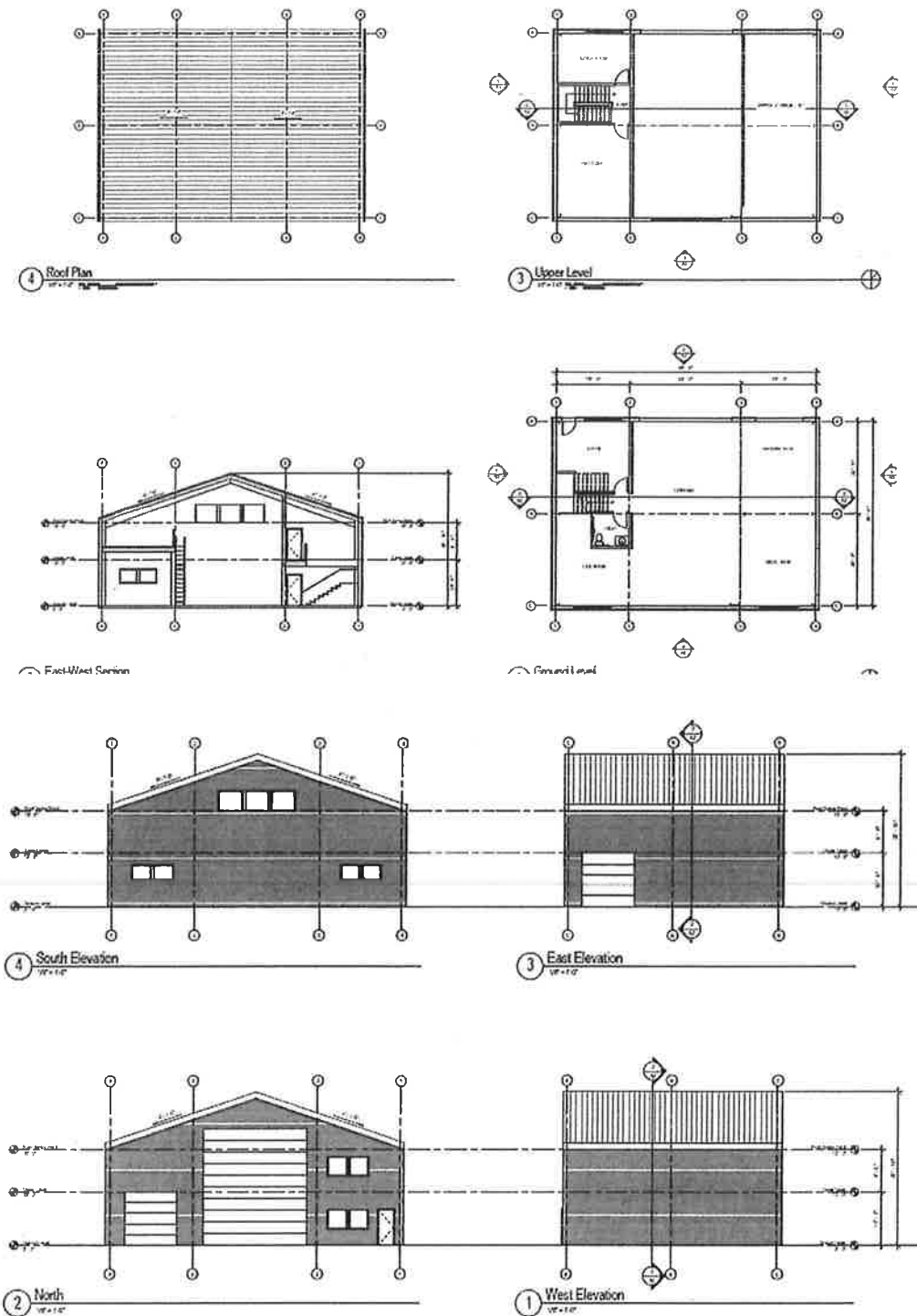
Hard Costs	Qty	Unit Cost	Total
Building (40'X56' - 18'-20' Walls)	2,240 sf	\$ 100	224,000
Insulation & Sheathing*	3,600 sf	\$ 8	28,800
Mezzanines	1,300 sf	\$ 40	52,000
Office & Lunch Room	350 sf	\$ 30	10,500
Stairs	1 ea	\$ 5,000	5,000
MEP	2,240 sf	\$ 17	38,100
Elec. Service Allowance	1 ea		10,000
Total			\$ 368,400
Contractor's Fee - 12%			44,200
Subtotal			\$ 412,600
Soft Costs			
Blaine Sales Tax	8.7%		35,900
A / E Fees**	7%		28,900
Port Admin Costs			10,000
Permit Fees (Estimate)			15,000
Construction Contingency	10%		41,300
			\$ 131,100
Combined Hard & Soft Costs			\$ 543,700

Whatcom County Economic Development Investment (EDI) Program
Revolving Loan and Grant Program to Encourage Creation or Retention of Private Sector Jobs

Attachment B



Whatcom County Economic Development Investment (EDI) Program *Revolving Loan and Grant Program to Encourage Creation or Retention of Private Sector Jobs*





Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2019-033

File ID:	AB2019-033	Version:	1	Status:	Introduced
File Created:	01/04/2019	Entered by:	MCaldwel@co.whatcom.wa.us		
Department:		File Type:	Ordinance		

First Assigned to: Council Finance and Administrative Services Committee

Agenda Date:	Next Mtg. Date:	Hearing Date:
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TITLE FOR AGENDA ITEM:

Ordinance amending the 2019-2020 Whatcom County Budget, request no. 1, in the amount of \$778,500

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Supplemental #1 requests funding from the General Fund:

1. To re-appropriate \$25,000 in Non Departmental to fund agenda management.

From the Stormwater Fund:

2. To appropriate \$35,000 to fund completion of the Lake Whatcom funding process from Flood Fund transfer.

From the Trial Court Improvement Fund:

3. To re-appropriate \$205,000 to fund upgrade of criminal justice audio visual systems and to amend Exhibit B - Capital Appropriations of the 2019-2020 Whatcom County Budget to add this project.

From the Public Utilities Improvement Fund:

4. To appropriate \$263,500 in the EDI Program to fund expanded scope of Tri-Funder Economic Development Project.
5. To appropriate \$250,000 in the EDI Program to fund Port of Bellingham Walsh Marine Building expansion project.

In addition, Exhibit C - Position Control Changes should be amended to add 1 FTE Pre Trial Services Coordinator in Superior Court Administration funded by existing budget authority.

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
01/15/2019	Council	INTRODUCED	Council Finance and Administrative Services Committee

Attachments: Amendment No 1 of 2019 budget.pdf

Final Action:
Enactment Date:
Enactment #:

ORDINANCE NO.
AMENDMENT NO. 1 OF THE 2019 BUDGET

WHEREAS, the 2019-2020 budget was adopted November 20, 2018; and,

WHEREAS, changing circumstances require modifications to the approved 2019-2020 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 2019-2020 Whatcom County Budget Ordinance #2018-064 is hereby amended by adding the following additional amounts to the 2019 budget included therein:

Fund	Expenditures	Revenues	Net Effect
General Fund			
Non Departmental	25,000	-	25,000
Total General Fund	25,000	-	25,000
Stormwater Fund	35,000	(35,000)	-
Trial Court Improvement Fund	205,000	-	205,000
Public Utilities Improvement Fund - EDI Program	513,500	-	513,500
Total Supplemental	778,500	(35,000)	743,500

In addition, Exhibit B – Capital Appropriations in the 2019-2020 Budget Ordinance should be amended to add the capital appropriations listed in Attachment #1.

In addition, Exhibit C – Position Control Changes should be amended to add 1 FTE Pre Trial Services Coordinator to Superior Court Administration.

ADOPTED this ____ day of _____, 2019.

ATTEST:

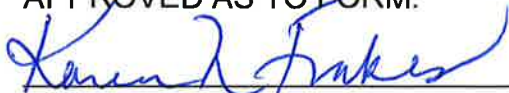
WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

Chair of Council

APPROVED AS TO FORM:

() Approved () Denied


Civil Deputy Prosecutor

Jack Louws, County Executive

Date: _____

WHATCOM COUNTY				
Summary of the 2019 Supplemental Budget Ordinance No. 1				
Department/Fund	Description	Increased (Decreased) Expenditure	(Increased) Decreased Revenue	Net Effect to Fund Balance (Increase) Decrease
General Fund				
Non Departmental	To re-appropriate funds for agenda management from current expense's historic preservation fund balance.	25,000	-	25,000
Total General Fund		25,000	-	25,000
Stormwater Fund	To fund completion of the Lake Whatcom funding process.	35,000	(35,000)	-
Trial Court Improvement Fund	To re-appropriate funds to upgrade criminal justice audio visual systems.	205,000	-	205,000
Public Utilities Improvement Fund				
EDI Program	To fund expanded scope of Tri-Funder Economic Development Project.	263,500	-	263,500
EDI Program	To fund Port of Bellingham Walsh Marine Building expansion project.	250,000	-	250,000
Total Public Utilities Improvement Fund		513,500	-	513,500
Total Supplemental		778,500	(35,000)	743,500

ATTACHMENT #1

Exhibit B

Capital Appropriations
2019-2020 Budget

Department	Fund	Suppl Req #	Capital Description	Budget Year	Cost
Non-Departmental	Trial Court Improvement	2683	General Government Equipment and Software Criminal Justice Audio Visual Systems	2019	\$ 205,000



MEMORANDUM

TO: Jack Louws, County Executive
Whatcom County Council

FROM: Dana Brown-Davis, Clerk of the Council
Perry Rice, IT Manager *PJR* *me for DBD*

RE: Supplemental Budget Request – Countywide Agenda Management

DATE: January 2, 2019

Enclosed for your consideration is a supplemental budget request to re-appropriate \$25,000 to complete the Countywide Agenda Management project implementation.

• **Background and Purpose**

Initial funding of \$72,400 was budgeted in the 2017 – 2018 Biennial Budget to implement a countywide agenda management system (ASR #2017-5532) using the Historic Preservation Restricted Fund balance.

In 2017 the County contracted with Granicus, Inc. to implement their software solution and in 2018 the design, core configuration and training was completed. We plan to Go Live with the Granicus solution starting with the January 15, 2019 Council meeting.

The re-appropriation is necessary for the final milestone payment, data migration, a sandbox site, audio-visual system integration and post-implementation support.

A summary of the project budget through 12/31/2018 follows:

Initial Budget	\$72,400.00
2017 Expenditures	(\$11,571.37)
2018 Expenditures	(\$21,706.06)
Balance	\$39,176.57

The overall costs of the project have been lower than expected to date. The project team believes that the project can be completed with \$25,000 out of the remaining \$39,176.57.

• **Funding Request and Source**

This Supplemental Budget Request is a re-appropriation of \$25,000 from the Historic Preservation Restricted Balance Fund.

• **Contact Information**

Please contact Dana Brown-Davis at x5015 or Perry Rice at x5235 if you have any questions regarding this request.

Supplemental Budget Request

Status: Pending

Administrative Services

Information Technology

Suppl ID # 2684

Fund 1

Cost Center 4019

Originator: D. Brown-Davis / P. Rice

Year 1 2019

Add'l FTE ☐

Priority 1

Name of Request: Re-Appropriate Funds for Countywide Agenda Mgmt.

X

Marcia Engel

B.J.A.

1/2/2019

Department Head Signature (Required on Hard Copy Submission)

Date

Costs:	Object	Object Description	Amount Requested
	7420	Computer-Capital Outlays	\$25,000
	Request Total		\$25,000

1a. Description of request:

Re-appropriate funds not used in 2017 / 2018 to complete the Countywide Agenda Management project implementation. \$72,400 was appropriated in the 2017 - 2018 Biennial Budget (ASR #2017-5532) for the one-time costs to implement this system. Approximately \$39,000 of remains unspent at the end of 2018.

1b. Primary customers:

Whatcom County government departments and the general public.

2. Problem to be solved:

The project is not yet complete and unused funds need to be re-appropriated in order to complete the project. The projected Go Live for the new system is the January 15, 2019 Council meeting.

3a. Options / Advantages:

A contract is in place with one more milestone payment due after the January 15, 2019 Go Live and system acceptance. Other project items that have not yet been completed include data migration from the prior system, a sandbox site, audio-visual system integration and post-implementation support. The best option is to re-appropriate unused funds for this project since the 2019 Council base budget would not be able to absorb these costs.

3b. Cost savings:

We anticipate cost savings for each department that utilizes the electronic agenda management system. However, at this time we can only estimate cost savings for the Council Office, based on estimates from other jurisdictions that use automated agenda systems. We estimate that the Council Office will save at least twenty hours of staff time per month, plus savings in the cost of paper and copying.

4a. Outcomes:

We will be able to complete the Countywide Agenda Management project in the 1st Quarter of 2019.

4b. Measures:

County Departments, Council Staff, Councilmembers and citizens will be using the Granicus Agenda Management System for Council meetings.

5a. Other Departments/Agencies:

All county departments will use this system to submit agenda items to Council. Council staff will use the system to create and publish agendas and minutes.

5b. Name the person in charge of implementation and what they are responsible for:

Council and Information Technology staff are working with all County departments during this implementation.

6. Funding Source:

Historic Preservation Restricted Fund Balance

Jon Hutchings
DIRECTOR



RECEIVED

JAN 3 - 2019

MEMORANDUM

JACK LOUWS
COUNTY EXECUTIVE

TO: Jack Louws, County Executive

THROUGH: Jon Hutchings, Public Works Director

FROM: Kraig Olason, PMP, Stormwater Program Manager *KO*

DATE: January 2, 2019

RE: Supplemental Budget Request

Requested Action

The Public Works Stormwater Division requests supplemental budget authority to continue establishment of an equitable funding proposal and prepare the fee roll for submittal to the Whatcom County Treasurer for a Lake Whatcom Stormwater Utility.

Background and Purpose

The County Council established a Stormwater Utility Service area for unincorporated Lake Whatcom in December 2017 to supplement funding for the Lake Whatcom Management Program. A budget request was approved in February 2018 for funding a consultant to work with the Advisory Committee to conduct a rate study and prepare rate alternatives.

This supplemental budget request includes funding necessary for the consultants to complete their work for the rate study, and to re-authorize funding for preparation of the fee roll that was not completed in 2018 due to an extended schedule.

Funding Amount and Source

This request is for \$35,000 from the Stormwater Fund (123). The Stormwater Fund is principally supported by the Flood Fund.

Please contact Gary Stoyka at extension 6218 or Kraig Olason at extension 6301 if you have any questions or concerns regarding the terms of this agreement.

Attachment

Supplemental Budget Request

Status: Pending

Public Works

Stormwater

Suppl ID # 2677

Fund 123

Cost Center 123201

Originator: Kraig Olason

Year 1 2019

Add'l FTE ☐

Priority 1

Name of Request: 2019 Completing Lk Whatcom Funding Process

X



1/3/19

Department Head Signature (Required on Hard Copy Submission)

Date

Costs:	Object	Object Description	Amount Requested
	6630	Professional Services	\$35,000
	8301.169	Operating Transfer In	(\$35,000)
	Request Total		\$0

1a. Description of request:

This SBR will provide additional funding to continue the work necessary to establish an equitable funding proposal. The County Council established the Stormwater Utility Service area for unincorporated Lake Whatcom in December 2017 to supplement funding for the Lake Whatcom Management Program. The Council established the Lake Whatcom Stormwater Utility Advisory Committee in May 2018 to assist staff and the council in developing rate and funding recommendations that would be submitted to the council for their consideration. The Council initially requested that the administration develop funding alternatives and recommend rates and charges by the end of 2018. Council approved a budget request in February 2018 to provide funding for a consultant to work with the Advisory Committee to conduct a rate study and prepare rate alternatives.

The consultant budgeted for six advisory committee meetings and to conduct a study to determine the average impervious surface area of residential properties; however, the advisory committee asked that the consultant investigate the possibility of measuring the impervious surface area of all residential properties. This request required the consultant to do an additional pilot study. The addition of this pilot study in addition to the committee taking longer than was originally planned to work through other issues will require an estimated four additional advisory committee meetings and additional analysis by the consultant.

This supplement budget request includes funding necessary for the consultant to complete their work.

1b. Primary customers:

Residents within the Lake Whatcom Stormwater Utility Service Area and other Lake Whatcom Management Program partners.

2. Problem to be solved:

Whatcom County currently provides base funding for the Lake Whatcom Management Program (LWMP) with a combination of Flood Control Zone District, Real Estate Excise taxes, and state grants. The needs of the LWMP exceed the level of service that is offered throughout the County for water management services and therefore, exceeds the available funds that can be reasonably provided by the Flood Control Zone District. The County Council established the Lake Whatcom Stormwater Utility to fund services above the base level provided county-wide. Furthermore, these fees will establish more funding equity between residents who live in the incorporated portion of the Lake Whatcom watershed and those that live in the unincorporated portion. Residents within the City of Bellingham pay into a stormwater utility that funds the City's share of the cost of the LWMP and those in the unincorporated portion do not. Some people also believe that residents who live in the Lake Whatcom watershed have a greater impact on the lake and should pay a higher cost for that impact than county residents in general.

Supplemental Budget Request

Status: Pending

Public Works

Stormwater

Suppl ID # 2677

Fund 123

Cost Center 123201

Originator: Kraig Olason

3a. Options / Advantages:

This funding is needed for establishing the funding alternatives of the newly-formed utility. Without this funding, it will not be possible to establish fees and provide the funding needed for implementation of the Lake Whatcom Management Program.

3b. Cost savings:

Establishing the funding mechanism and fee roll will provide the funding that was requested by the County Council.

4a. Outcomes:

Funding will be provided to implement the Lake Whatcom Management Program.

4b. Measures:

Establishment of the fee rolls.

5a. Other Departments/Agencies:

Public Works staff will need to work with staff at the Treasurer's Office to establish the fee rolls and begin fee collection.

5b. Name the person in charge of implementation and what they are responsible for:

Gary Stoyka, Public Works Department

6. Funding Source:

Funding will come from the Flood Control Zone District



MEMORANDUM

TO: Jack Louws, County Executive
Whatcom County Council

FROM: Perry Rice, IT Manager *PJR*

RE: Supplemental Budget Request – Criminal Justice Audio Visual Systems

DATE: December 31, 2018

Enclosed for your consideration is a supplemental budget request to re-appropriate \$205,000 from the Trial Court Improvement Fund (TCIF) to upgrade audio visual systems in five courtrooms and to provide video conferencing capabilities for our criminal justice system.

• **Background and Purpose**

Superior Court and District Court have Justice AV Solutions (JAVS) systems to record proceedings in eight court rooms. In 2015, end-of-life JAVS systems were replaced in two Superior Court rooms. At the end of 2018, procurement was initiated to replace the JAVS system in the Main Jail court room along with a mobile video conferencing system.

The remaining five 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 be equipped with video conferencing capabilities to remote correctional facilities when our inmates are relocated for the Main Jail Repairs project in the Spring of 2019.

Associated with this request, the JAVS equipment will be added to the 2019 – 2020 Capital List.

• **Funding Request and Source**

This Supplemental Budget Request is a re-appropriation of \$205,000 from the Trial Court Improvement Fund.

• **Contact Information**

Please contact Perry Rice at x5235 if you have any questions regarding this request.

Supplemental Budget Request

Status: Pending

Administrative Services

Information Technology

Suppl ID # 2683

Fund 135

Cost Center 135100

Originator: P. Rice for Criminal Justice

Year 1 2019

Add'l FTE ☐

Priority 1

Name of Request: Re-Appropriate Funds to Upgrade JAVS

X



1/2/2019

Department Head Signature (Required on Hard Copy Submission)

Date

Costs:	Object	Object Description	Amount Requested
	7420	Computer-Capital Outlays	\$205,000
	Request Total		\$205,000

1a. Description of request:

Re-appropriate funds originating from the Trial Court Improvement Fund (TCIF) not used in 2018 to upgrade courtroom Justice Audio Visual Systems (JAVS) in District Court (3) and Superior Court (2). The upgrades will also include video conferencing capabilities to connect to Yakima Corrections during the Main Jail Repairs Project for these courtrooms and also for the Prosecuting Attorney's Office and Public Defender's Office.

1b. Primary customers:

Superior Court, District Court, Prosecuting Attorney's Office, Public Defender's Office, Attorneys and Citizens

2. Problem to be solved:

Superior Court and District Court have Justice AV Solutions (JAVS) systems to record proceedings in eight court rooms. In 2015, end-of-life JAVS systems were replaced in two Superior Court rooms. At the end of 2018, procurement was initiated to replace the JAVS system in the Main Jail court room along with a mobile video conferencing system.

The remaining five 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 be equipped with video conferencing capabilities to remote correctional facilities when our inmates are relocated for the Main Jail Repairs project in the Spring of 2019.

3a. Options / Advantages:

Courtroom Audio Visual System Upgrades:

The primary alternative is to continue to use the current audio visual recording systems. This is not a good alternative since the equipment is end-of-life and becoming increasingly more difficult for the vendor and Information Technology to support. 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 inmates. The transport and travel costs in addition to court logistics make this option infeasible.

Supplemental Budget Request

Status: Pending

Administrative Services

Information Technology

Suppl ID # 2683

Fund 135

Cost Center 135100

Originator: P. Rice for Criminal Justice

3b. Cost savings:

The primary cost savings would be to avoid 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 Repairs Project.

4a. Outcomes:

- Five courtroom audio video systems would be upgraded in 2019
- Video conferencing capabilities would be provided to the Courts, Prosecutor's Office and Public Defender's Office

4b. Measures:

Criminal Justice System will have upgraded courtroom audio visual systems and video conferencing capabilities to remote locations during and beyond the Main Jail Repairs Project.

5a. Other Departments/Agencies:

Superior Court
District Court
Prosecutor's Office
Public Defender's Office
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 Balance

**WHATCOM COUNTY
EXECUTIVE'S OFFICE**

County Courthouse
311 Grand Avenue, Suite #108
Bellingham, WA 98225-4082



Jack Louws
County Executive

MEMORANDUM

TO: Jack Louws, Whatcom County Executive
Whatcom County Council

FROM: Tawni Helms, Administrative Coordinator
through Tyler Schroeder, Deputy Executive *TRS*

DATE: January 4, 2019

SUBJECT: Budget Supplemental for Expanded Scope for Tri-Funder Agreement

Background and Purpose:

In 2011 the Parties successfully joined their funding resources on a multi-year basis to increase efficiency in coordination and focus on the shared economic development outcomes expected by the parties.

Recently, the Port of Bellingham submitted an EDI funding proposal requesting an increase to fully fund the Economic Development Office. The increased funding in the amount of \$63,500 from Whatcom County and \$133,379 from the Port of Bellingham will support economic development programs and personnel to facilitate the creation or retention of business/jobs and promote economic development purposes within the county. This funding request was approved by Council through budget ordinance #2017-071.

Increased funding allows for the expanded scope which includes more targeted services utilizing the existing collaboration. Deliverables include the implementation of a countywide strategic plan and a vision for economic development for the entire region. Projects include the facilitation of a countywide rural broadband study; facilitate master plans for Cherry Point District and residential and industrial infrastructure adjacent to the I-5 corridor.

Funding Amount and Source:

Funding source is the Public Utilities Improvement – Economic Development Investment (EDI) Fund.

Please contact Tyler Schroeder at extension 5207, if you have any questions or concerns regarding the terms of this agreement.

Encl.

Supplemental Budget Request

Status: Pending

Non-Departmental

Supp'l ID # 2685

Fund 332

Cost Center 332219

Originator: T. Helms

Year 1 2019

Add'l FTE ☐

Priority 1

Name of Request: EDI - Expanded scope for Tri-Funder Economic Dev

X

Department Head Signature (Required on Hard Copy Submission)

Date

Costs:	Object	Object Description	Amount Requested
	6610	Contractual Services	\$263,500
	Request Total		\$263,500

1a. Description of request:

In December, the Port of Bellingham submitted a funding proposal to increase services for Economic Development. This will allow the parties to fully fund the Economic Development operations with the additional \$63,500 and fund the additional scope at a cost of \$200,000 for the facilitation of:

Countywide rural broadband study
Master plan of Cherry Point District
Master plan of residential and industrial infrastructure adjacent to the I-5 corridor

1b. Primary customers:

Whatcom County residents, businesses and local governments

2. Problem to be solved:

Whatcom County, the Port of Bellingham and City of Bellingham have joined resources on a multi-year basis to increase efficiency in coordination of countywide economic development services.

3a. Options / Advantages:

Partially fund Economic Development programs or reduce services.

3b. Cost savings:

n/a

4a. Outcomes:

Full funding of the Economic Development programs.

4b. Measures:

Services will be accomplished, master plans will be developed for future implementation.

5a. Other Departments/Agencies:

n/a

5b. Name the person in charge of implementation and what they are responsible for:

6. Funding Source:

EDI Fund

**WHATCOM COUNTY
EXECUTIVE'S OFFICE**


County Courthouse
311 Grand Avenue, Suite #108
Bellingham, WA 98225-4082



Jack Louws
County Executive

MEMORANDUM

TO: Whatcom County Council members

FROM: Jack Louws, County Executive 

RE: EDI Program - Interlocal Loan & Grant Agreement with
Port of Bellingham

DATE: January 2, 2019

Attached is a Supplemental budget request for spending authority on an EDI Interlocal Loan and Grant Agreement for which budget authority is required.

At the January 15th, 2019 council meeting, this supplemental budget is being introduced simultaneously with the EDI Board's recommendation to provide funding through the EDI Program for the Port of Bellingham's Walsh Marine building expansion project. An Interlocal Agreement has been drafted and will be presented to the Council for approval at the January 29th meeting concurrently with final approval of this budget supplemental request.

The Port is expecting to proceed with the project in early to mid-2019.

This program funding is derived from the Public Utilities Improvement Fund.

Supplemental Budget Request

Status: Pending

Executive

Suppl ID # 2682

Fund 332

Cost Center 332238

Originator: Suzanne Mildner

Year 1 2019

Add'l FTE ☐

Priority 1

Name of Request: POB Walsh Marine Bldg -EDI

X

Department Head Signature (Required on Hard Copy Submission)

Date

Costs:	Object	Object Description	Amount Requested
	7220	Intergov Subsidies	\$166,667
	7221	Intergov Subsidies-Grants	\$83,333
	Request Total		\$250,000

1a. Description of request:

This request is for EDI Program funding to support the Port of Bellingham's Walsh Marine building expansion project in Blaine, Washington.

1b. Primary customers:

Port of Bellingham; City of Blaine

2. Problem to be solved:

The County Council has received a recommendation from the EDI Board to approve funding for a grant in the amount of \$83,333.33 and a loan in the amount of \$166,666.67, for a total of \$250,000 in EDI funding to support the Port of Bellingham's project in Blaine, Washington. The project is located in the Blaine marine industrial area, which is an active marine trades area. Construction and expansion of the boatyard will help facilitate further economic development. Budget authority is being requested so that the project may proceed following execution of an Interlocal Agreement between the County and Port of Bellingham.

3a. Options / Advantages:

The EDI Board has determined that this project meets the objectives of the EDI Program project guidelines.

3b. Cost savings:

N/A

4a. Outcomes:

The project is scheduled to begin in 2019 and will involve the construction of a 2,240 square foot pre-fabricated building for use on the Walsh Marine leasehold in conjunction with their boatyard operations. With an office and work building Walsh Marine will increase its business activity.

4b. Measures:

Final project report and budget summary.

5a. Other Departments/Agencies:

Port of Bellingham as owner of the building; and the Port will be paying the balance of projects costs from its capital funds.

5b. Name the person in charge of implementation and what they are responsible for:

Port of Bellingham contact: Brady Scott

6. Funding Source:

Public Utilities Improvement Fund



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2019-036

File ID:	AB2019-036	Version:	1	Status:	Introduced
File Created:	01/07/2019	Entered by:	JNixon@co.whatcom.wa.us		
Department:		File Type:	Ordinance		

First Assigned to: Council Finance and Administrative Services Committee

Agenda Date:	Next Mtg. Date:	Hearing Date:
---------------------	------------------------	----------------------

TITLE FOR AGENDA ITEM:

Ordinance amending Whatcom County Code 2.108, Bellingham-Whatcom County Commission Against Domestic Violence, expanding the scope of the Commission and referring to interlocal agreement with the City of Bellingham

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
01/15/2019	Council	INTRODUCED	Council Finance and Administrative Services Committee

Attachments: Ordinance Amending chapter 2.108 Commission Against Domestic Violence.pdf, Bellingham-Whatcom CADV Letter

Final Action:
Enactment Date:
Enactment #:

PROPOSED BY: _____
INTRODUCTION DATE: _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 2.108 OF THE WHATCOM COUNTY CODE REGARDING THE BELLINGHAM-WHATCOM COUNTY COMMISSION AGAINST DOMESTIC VIOLENCE, EXPANDING THE SCOPE OF THE COMMISSION TO INCLUDE ADDRESSING BOTH DOMESTIC AND SEXUAL VIOLENCE, AND REFERRING DETAILS OF THIS JOINT UNDERTAKING TO AN INTERLOCAL AGREEMENT WITH THE CITY OF BELLINGHAM

WHEREAS, the Bellingham-Whatcom County Commission Against Domestic Violence was created in 1998 by Ordinance No. 98-072 and codified as Chapter 2.108 of the Whatcom County Code; and

WHEREAS, the Commission has voted in the affirmative to expand its mission to include ending sexual violence; and

WHEREAS, the Whatcom County Council finds that it is appropriate to codify the expanded scope of the Commission and utilize an interlocal agreement with the City of Bellingham to provide for the ongoing functions, composition, anticipated funding sources, and staffing of the Commission.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that chapter 2.108 of the Whatcom County Code is hereby amended as set forth in the attached Exhibit A.

ADOPTED this ____ day of _____, 2019.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Clerk of the Council

Rud Browne, Council Chair

WHATCOM COUNTY EXECUTIVE
APPROVED AS TO FORM:

WHATCOM COUNTY, WASHINGTON

Karen N. Frakes
Civil Deputy Prosecutor

Jack Louws
County Executive

() Approved () Denied

Date Signed: _____

Chapter 2.108
COMMISSION AGAINST ~~ON~~ DOMESTIC & SEXUAL VIOLENCE

Sections:

2.108.010 Created.

2.108.020 Purpose.

2.108.030 Functions.

~~2.108.040 Composition.~~

2.108.040 Organization – Meetings

~~2.108.050 Organization – Meetings.~~

2.108.010 Created and Sustained.

The Bellingham-Whatcom County ~~commission against domestic violence is created.~~
Commission Against Domestic Violence was created in 1998 by ordinances adopted by the Bellingham City Council and the Whatcom County Council. The Whatcom County Council affirms the important work of the commission, confirms the expanded scope of the commission, and recognizes the commission as a joint undertaking by the City and Whatcom County. As a joint undertaking between the City and Whatcom County, the ongoing work of the commission will be supported through an interlocal agreement between the City and Whatcom County. Additional government agencies may become parties to the interlocal agreement as appropriate. The name of the commission shall be the City of Bellingham-Whatcom County Commission on Domestic & Sexual Violence.

2.108.020 Purpose.

The purpose of the commission is to provide leadership in the community's effort to ~~reduce and prevent domestic violence.~~ address domestic and sexual violence. The purpose of the commission will be further detailed in the interlocal agreement with the City of Bellingham.

2.108.030 Functions, Operation, and Composition.

The functions of the commission ~~shall be:~~, including data collection, researching best practices, development of tools, providing training, obtaining financial and other resources, and advising local agencies, will be further outlined and detailed in an interlocal agreement providing for cooperation and coordination with Whatcom County. The guidelines for operation and the specific composition of the commission will be further detailed in the interlocal agreement.

~~A. Develop and implement a coordinated comprehensive domestic violence plan that is monitored, evaluated and updated on a regular basis.~~

~~B. Promote coordination and increase collaboration of institutions, systems and services as they respond to offenders, victims, children and others who have been impacted by domestic violence.~~

~~C. Increase community awareness and understanding about domestic violence.~~

~~D. Serve as an advisory board to local government agencies and the community with respect to domestic violence issues.~~

~~E. Develop community benchmarks for monitoring domestic violence and prepare an annual report.~~

~~F. Serve as a community forum on domestic violence and create a mechanism for identifying issues, concerns, needs and resources. (Ord. 98-072 § 1).~~

2 ~~2.108.040 Composition.~~

3 ~~A. The commission shall consist of up to 28 members. The following officials shall be~~
4 ~~designated government representatives on the commission.~~

6 ~~1. Whatcom County prosecutor;~~

8 ~~2. Whatcom County sheriff;~~

10 ~~3. Bellingham police chief;~~

12 ~~4. Bellingham city attorney;~~

14 ~~5. Bellingham municipal court administrator;~~

16 ~~6. One Whatcom County court administrator selected by the county court administrators;~~

18 ~~7. Whatcom County director of health and human services;~~

20 ~~8. Whatcom County public defender;~~

22 ~~9. Whatcom County director of district court probation;~~

24 ~~10. A designated representative from the Department of Social and Health Services Division~~
25 ~~of Children and Family Services;~~

27 ~~11. A designated representative from the Department of Social and Health Services~~
28 ~~Community Service Office;~~

30 ~~12. One chief executive officer or a designated representative from the cities in Whatcom~~
31 ~~County other than Bellingham selected by a majority vote of the eligible chief executive~~
32 ~~officers;~~

34 ~~13. One police chief from the cities in Whatcom County other than Bellingham selected by a~~
35 ~~majority vote of the eligible police chiefs;~~

37 ~~14. One superintendent from the school districts in Whatcom County selected by a majority~~
38 ~~vote of the eligible superintendents.~~

40 ~~B. Additional members shall be selected by the mayor and the county executive from among~~
41 ~~members of the community who have an interest in, or are impacted by, domestic violence.~~
42 ~~The mayor and county executive shall each appoint seven members to include the following:~~

44 ~~1. One domestic violence victims service provider;~~

46 ~~2. Two human services providers, including, but not limited to, educators, victim or offender~~
47 ~~services, clergy or religious leaders and early childhood education providers;~~

49 ~~3. One representative of a major employer;~~

51 ~~4. One health care provider;~~

53 ~~5. Two representatives from the community at large.~~

1
2 ~~C. The county executive appointment shall be subject to confirmation by a majority of the~~
3 ~~county council as per Section 3.23 of the Whatcom County Charter.~~

4
5 ~~D. In selecting members of the commission the mayor and county executive shall attempt~~
6 ~~to reflect the racial, ethnic, economic and geographical diversity of the community and to~~
7 ~~ensure the participation of at least one survivor of domestic violence.~~

8
9 ~~E. Terms of the nongovernment members, and of those government members selected by~~
10 ~~majority vote of designated groups, shall be four years; provided, that the terms of those~~
11 ~~nongovernment members first appointed shall be staggered so that two members shall be~~
12 ~~appointed for one year, four members shall be appointed for two years, four members shall~~
13 ~~be appointed for three years and four members shall be appointed for four years. Members~~
14 ~~may be reappointed. Members may be removed by the appointing authority. Each member~~
15 ~~shall continue to serve until a successor has been appointed. (Ord. 2008-029 Exh. A; Ord.~~
16 ~~2005-001; Ord. 2000-041; Ord. 98-072 § 1).~~

17
18 ~~2.108.050~~ **2.108.040** Organization – Meetings.

19 Meetings of the commission shall be open and accessible to the public. The commission shall
20 determine its own meeting schedule but shall meet at least once each quarter. Written
21 records of meetings, resolutions, findings and recommendations shall be kept and such
22 records shall be public. The commission shall adopt its own rules and procedures which shall
23 be public record. The city and county shall provide funding for the commission as the city
24 and county deem necessary for the commission to perform its duties. The commission shall
25 elect a chairperson from among its members who shall preside at its meetings. (Ord. 98-
26 072 § 1).
27

Community Members:

Alan Artman
Faithlife Corp

Riannon Bardsley
Northwest Youth Services

Beth Boyd
PeaceHealth Medical Center

Karen Burke
DVSAS

Lorayne Dennis
Lummi Victims of Crime

Christina Kobdich
Unity Care Northwest

Ken Levinson
Bellingham Attorney General's Office

Katie Olvera
KPO Counselling

Michael Parker
Whatcom Homeless Service Center

Sharon Rutherford
St. Joseph's Hospital

Garret Shelsta
Christ the King Church-Bellingham

Mary Welch
Northwest Justice Project

Michele Zlotek
Whatcom Transportation Authority

Moonwater
Whatcom Dispute Resolution Center

Government Members:

Regina Delahunt
Whatcom Co. Health Department

David Doll
Bellingham Police Department

William Elfo
Whatcom County Sheriff's Office

Starck Follis
Whatcom County Public Defender

Silvia Johnson
DSHS Children's Administration

Jon Mutchler
City of Ferndale

Eric Richey
Whatcom County Prosecutor

Darlene Peterson
Bellingham Municipal Court

Linda Quinn
Ferndale School District

Dave Reynolds
Whatcom Co. Superior Court

Mike Riber
DSHS Community Service Office

Peter Ruffatto
City of Bellingham

Kevin Turner
Ferndale Police Department

Bruce Van Glubt
Whatcom County District Court

Staff:

Susan Marks
Director

Liz Stuart
Project Manager

Elizabeth Montoya
Project Manager

Jessyca Murphy
Administrative Manager

January 14, 2019

To:

Executive Jack Louws & Whatcom County Council

From:

Susan Marks, Director, Bellingham Whatcom County Commission Against Domestic Violence, smarks@dvcommission.org, 360.312.5700 x 1242

In 2014, members of the Bellingham-Whatcom County Commission Against Domestic Violence (DV Commission) set a goal to explore expanding our mission to include sexual assault in addition to domestic violence. Members determined that we needed to collect data to identify the need and role for the DV Commission in improving how our community institutions respond to sexual assault. In 2016, the DV Commission received a grant from the U.S. Department of Justice, Office on Violence Against Women, to conduct a comprehensive Audit of our criminal legal response to sexual assault. In May 2017, initial findings from this Audit were shared at our DV Commission's Annual Meeting. Based on these findings, Commission members and community partners voted unanimously to recommend to Whatcom County and the City of Bellingham that our mission be expanded to include both domestic and sexual violence.

Since the inception of the DV Commission, there has been confusion among community partners and elected officials in Whatcom County and the City of Bellingham about the role of the Commission. There also have been questions about the way the Commission was formed, using joint ordinances in both the County and City that mirrored each other – which meant that each ordinance needed to be updated with any changes to the Commission. Senior leadership in both government agencies noted that when an entity like the DV Commission is formed by local governments to accomplish a shared mission and purpose, and jointly funded by those governments, generally there is an Interlocal Agreement put in place. Commission members agreed that it would be best to develop an Interlocal Agreement and update the ordinances to refer to that Agreement – and that it made the most sense to enact these changes at the same time we recommended an expansion to our mission.

In fall 2018, Commission members developed and approved a recommendation for an updated name, mission statement, functions, and designated membership positions. Then the DV Commission Director, Bellingham City Attorney, and Whatcom County Chief Deputy Civil Attorney worked together to incorporate those recommendations into a Interlocal Agreement.

Therefore, this Interlocal Agreement is presented both to expand the role of the DV Commission, and to have a founding document that better reflects the nature of the DV Commission as a joint venture between Whatcom County and the City of Bellingham.

BWCCADV

**Bellingham-Whatcom County
Commission Against Domestic Violence**





Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2019-040

File ID:	AB2019-040	Version:	2	Status:	Introduced
File Created:	01/07/2019	Entered by:	DBrown@co.whatcom.wa.us		
Department:		File Type:	Ordinance		

First Assigned to: Council Finance and Administrative Services Committee

Agenda Date:	Next Mtg. Date:	Hearing Date:
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TITLE FOR AGENDA ITEM:

Ordinance amending Whatcom County Code Chapter 2.128, Business and Commerce Advisory Committee, to add one additional member

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Ordinance amending Whatcom County Code Chapter 2.128, Business and Commerce Advisory Committee, to add one additional member (health care).

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
01/15/2019	Council	INTRODUCED	Council Finance and Administrative Services Committee

Attachments: Amending Business and Commerce Committee

Final Action:
Enactment Date:
Enactment #:

ORDINANCE NO. _____

**AMENDING WHATCOM COUNTY CODE CHAPTER 2.128, BUSINESS AND COMMERCE
ADVISORY COMMITTEE, TO ADD ONE ADDITIONAL MEMBER**

WHEREAS, on May 22, 2018, the Whatcom County Council adopted Ordinance 2018-030, creating the Whatcom County Business and Commerce Advisory Committee (BCAC); and

WHEREAS, the primary purpose of the BCAC is to provide the County Council with advise on issues, including regulations and policies that could impact local businesses, industry, or economic development; and

WHEREAS, membership of the BCAC currently includes elected officials, representatives of the county's institutions of higher education, and representatives of internet technology, manufacturing, food processing, recreation, retail, marine trades, commercial real estate, agriculture, and energy industries; and

WHEREAS, the Council wishes to increase membership on the committee to include one representative from the health care industry.

NOW THEREFORE BE IT ORDAINED by the Whatcom County Council that Whatcom County Code 2.128 is hereby amended as outlined in Exhibit A to this ordinance.

ADOPTED this ____ day of _____, 2019.

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

Civil Deputy Prosecutor

Jack Louws, County Executive

() Approved () Denied

Date Signed: _____

EXHIBIT A

CHAPTER 2.128 Business and Commerce Advisory Committee

Sections:

2.128.010	Established
2.128.020	Purpose
2.128.030	Function
2.128.040	Membership
2.128.050	Organization - Meetings

2.128.010 Established.

The Whatcom County business and commerce advisory committee is hereby established. (Ord. 2018-030 Exh. A).

2.128.020 Purpose.

The committee will advise the Whatcom County council on issues, including regulations and policies that could impact local businesses, industry, or economic development. (Ord. 2018-030 Exh. A).

2.128.030 Function.

The committee will report directly to the county council as necessary to carry out the following functions:

- A. Review and provide recommendations on comprehensive plans, regulations, economic development efforts and on proposals which directly impact business and economic conditions in Whatcom County; and
- B. Assist the county and provide recommendations on efforts to improve business conditions, environment and infrastructure; and
- C. Assist and develop recommendations for comprehensive economic development efforts of associate development organizations (ADO) and other issues impacting business in Whatcom County; and
- D. Develop recommendations and strategies for ensuring the county applies a client-focused approach to supporting businesses with regulations, permitting, and planning. (Ord. 2018-030 Exh. A).

2.128.040 Membership.

- A. The committee shall be composed of ~~18~~ **19** members serving four-year terms.
- B. The following designated officials shall be nonvoting members:
 - 1. One member of the Whatcom County council;
 - 2. County executive or designee;
 - 3. City of Bellingham mayor or designee;
 - 4. Port of Bellingham executive director or designee; and
 - 5. One representative from the small cities, designated by the Small Cities Caucus.
- C. The county council shall appoint one member representing for-profit entities in each of the following industries:
 - 1. Internet technology;
 - 2. Manufacturing;
 - 3. Food processing;
 - 4. Recreation;
 - 5. Retail;
 - 6. Marine trades;
 - 7. Commercial real estate;
 - 8. Agriculture; and
 - 9. Energy industry; and
 - 10. Health Care.**

D. The county council shall also appoint:

1. Two members representing for-profit business entities in any industry, including those listed in subsection C of this section; and
2. Two nonvoting members representing the county's institutions of higher education (Western Washington University, Whatcom Community College, the Northwest Indian College, and Bellingham Technical College).

E. No two appointed members may represent or be employed by the same company or organization.

F. The term of office for appointed members shall be four years; provided, that the terms of those first appointed shall be staggered so that five will be appointed for two years and six will be appointed for four years. (Ord. 2018-030 Exh. A).

2.128.050 Organization – Meetings.

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

B. The committee shall determine its own meeting schedule but shall meet at least four times per year and attempt to complete its work as expeditiously as possible.

C. At every meeting, the committee will schedule an open session to take public comment on local business issues. Written records of meetings, resolutions, findings, and recommendations shall be kept and such records shall be public. The county council and county executive shall receive meeting minutes on a regular basis.

D. The committee shall adopt its own rules and procedures for the conduct of business.

E. The committee shall elect a chairperson from among its members who shall preside at its meetings.

F. The committee shall comply with Whatcom County Charter Section 4.20, Qualifications, and with Chapter [2.03](#) WCC, Boards and Commissions. (Ord. 2018-030 Exh. A).

2.128.055 Committee staffing.

The Port of Bellingham office of director of economic development shall provide staffing for the committee. (Ord. 2018-030 Exh. A).



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2019-089

File ID:	AB2019-089	Version:	1	Status:	Agenda Ready
File Created:	01/17/2019	Entered by:	ckahle@wsu.edu		
Department:		File Type:	Memorandum of Agreement		

First Assigned to: Council Finance and Administrative Services Committee

Agenda Date:	Next Mtg. Date:	Hearing Date:
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TITLE FOR AGENDA ITEM:

Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Washington State University to continue the jointly shared costs for faculty positions and program support for WSU Extension in the amount of \$215,951 for a total amended contract amount of \$1,999,276.90

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

See attached memo

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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Attachments: Memo, WSU Whatcom County Extension Contract Amendment

Final Action:
Enactment Date:
Enactment #:



MEMORANDUM

TO: Jack Louws, County Executive

FROM: Michael Wallace, Director 

RE: Memorandum of Agreement with Washington State University

DATE: January 17, 2019

Enclosed is the necessary paperwork for a contract extension with Washington State University to continue the jointly sharing of costs for faculty positions and program support in Extension Whatcom County and Washington State University for your review and signature.

▪ **Background and Purpose**

- Continue to share costs for faculty positions in WSU Whatcom County Extension serving Whatcom County.
- Continue cost sharing for Forestry Program to serve Whatcom County in 2019.
- Include the majority of funds from Whatcom County Solid Waste in the WSU Contract. Hiring will be done through WSU to support the goals of the agreement with Solid Waste. The work will be done through our community horticulture program.

▪ **Funding Amount and Source**

2019 Whatcom County General Fund Budget for Whatcom County WSU Extension, \$32,160 from the Health Department for Strengthening Families Program and \$50,000 from the Health Department Solid Waste Division.

• **Differences from Previous Contract**

With the approval of the Executive and Council we are using our new funding in the 4H Youth Development program that will extend staffing time to reach residents in the North County region and to include more diverse audiences.

Thanks for your ongoing support of our programs!

Please contact me at extension 5813 if you have any questions or concerns regarding the terms of this agreement.

Encl. 

WHATCOM COUNTY CONTRACT INFORMATION SHEET

Whatcom County Contract No.
9909009

Originating Department:	Cooperative Extension		
Division/Program: (i.e. Dept. Division and Program)	Click here to enter text.		
Contract or Grant Administrator:	Drew Betz		
Contractor's / Agency Name:	Washington State University		
Is this a New Contract? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If not, is this an Amendment or Renewal to an Existing Contract? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If Amendment or Renewal, (per WCC 3.08.100 (a)) Original Contract #: <u>9909009</u>			
Does contract require Council Approval? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		If No, include WCC: _____ (see Whatcom County Codes 3.06.010, 3.08.090 and 3.08.100)	
Is this a grant agreement? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
		If yes, grantor agency contract number(s): _____ CFDA#: _____	
Is this contract grant funded? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
		If yes, Whatcom County grant contract number(s): _____	
Is this contract the result of a RFP or Bid process? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
		If yes, RFP and Bid number(s): _____ Contract _____ Cost Center: _____	
Is this agreement excluded from E-Verify? No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> If no, include Attachment D Contractor Declaration form.			
If YES, indicate exclusion(s) below:			
<input type="checkbox"/> Professional services agreement for certified/licensed professional. <input type="checkbox"/> Contract work is for less than \$100,000. <input type="checkbox"/> Contract work is for less than 120 days. <input checked="" type="checkbox"/> Interlocal Agreement (between Governments). <input type="checkbox"/> Contract for Commercial off the shelf items (COTS). <input type="checkbox"/> Work related subcontract less than \$25,000. <input type="checkbox"/> Public Works - Local Agency/Federally Funded FHWA.			
Contract Amount:(sum of original contract amount and any prior amendments): \$ <u>1,783,325.90</u> This Amendment Amount: \$ <u>\$215,951.00</u> Total Amended Amount: \$ <u>1,999,276.90</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, professional services, or other capital costs approved by council in a capital budget appropriation ordinance. 3. Bid or award is for supplies or equipment included approved in the budget. 4. 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: This amendment continues the shared agent costs for WSU Whatcom County Extension for 2017, includes the cost of the forestry extension program for 2018 and incorporates funding from Whatcom County Health Department /Solid Waste Division into this contract for 2018.			
Term of Contract: 12 months		Expiration Date: 12/31/2019	

Contract Routing:	1. Prepared by: <u>Drew Betz</u>	Date: <u>1/14/2019</u>
	2. Attorney signoff: _____	Date: _____
	3. AS Finance reviewed: <u>MS Caldwell</u>	Date: <u>1-17-19</u>
	4. IT reviewed (if IT related): _____	Date: <u>1/17/19</u>
	5. Contractor signed: _____	Date: _____
	6. Submitted to Exec.: _____	Date: _____
	7. Council approved (if necessary): _____	Date: _____
	8. Executive signed: _____	Date: _____

Whatcom County Contract No.

9909009-21

Amendment No. 21
Whatcom County Contract No. 9909009
CONTRACT BETWEEN WHATCOM COUNTY AND
Washington State University

THIS AMENDMENT is to the Contract between Whatcom County and Washington State University dated September 22, 1999 and designated "Whatcom County Contract No. 9909009". In consideration of the mutual benefits to be derived, the parties agree to the following:

Appendix A to this agreement is amended as set forth in the Amended Appendix A

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: January 1, 2019, regardless of the date of signature.

IN WITNESS WHEREOF, Whatcom County and Washington State University have executed this Amendment on the date and year below written.

DATED this _____ day of _____, 2019

CONTRACTOR:

Washington State University

Daniel Nordquist, AVPRA
Office of Research Support and Operations

STATE OF WASHINGTON)
) ss.
COUNTY OF WHITMAN)

On this ___ day of _____, 20___, before me personally appeared _____ to me known to be the _____ of the _____
_____ and 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 _____.

WHATCOM COUNTY:

Approved as to form:

 1-17-19

Prosecuting Attorney Date

Approved:

Accepted for Whatcom County:

By: _____
Jack Louws, Whatcom County Executive

STATE OF WASHINGTON)
) ss
COUNTY OF WHATCOM)

On this _____ day of _____, 2017, 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 _____.

CONTRACTOR INFORMATION:

Daniel G. Nordquist
AVPRA
Office of Research Support and Operations
Washington State University

Mailing Address:
ORSO
Washington State University
Pullman, WA 99164-3140

Contact Name: Dan Nordquist
Contact Phone: (509)335-9661
Contact FAX: (509)335-1676
E-mail: ogrd@wsu.edu

MEMORANDUM OF AGREEMENT

Between

WASHINGTON STATE UNIVERSITY EXTENSION

And

Whatcom County

APPENDIX A

The following individuals and programs will be jointly funded under this Memorandum of Agreement through a Professional Services Contract for the period January 1 through December 31, 2019.

	\$ Amount for County Portion
County Director/Fam. Programs*	\$28,842.00
4H Agent/Program	\$51,363.00
Agricultural Systems Agent	\$26,793.00
Water Resources Agent	\$26,793.00
Strength. Families Program	\$32,160.00
Community Horticulture Program	<u>\$50,000.00</u>
Total	<u>\$215,951.00</u>

*Includes department head responsibilities for one Extension Educator.

Mike Gaffney Date
Extension Director
WSU Extension

Jack Louws Date
County Executive

Daniel G. Nordquist Date
Associate Vice President
Office of Research Support & Operations

October 10, 2012



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2019-037

File ID:	AB2019-037	Version:	1	Status:	Agenda Ready
File Created:	01/07/2019	Entered by:	JNixon@co.whatcom.wa.us		
Department:		File Type:	Interlocal		

First Assigned to: Council Finance and Administrative Services Committee

Agenda Date:	Next Mtg. Date:	Hearing Date:
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TITLE FOR AGENDA ITEM:

Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Bellingham regarding the City of Bellingham-Whatcom County Commission on Domestic & Sexual Violence

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and the City of Bellingham regarding the City of Bellingham-Whatcom County Commission on Domestic & Sexual Violence

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
-------	--------------	---------	----------

Attachments: Bellingham-Whatcom CADV Letter, Contract Information Sheet and Interlocal Agreement

Final Action:
Enactment Date:
Enactment #:

Community Members:

Alan Artman
Faithlife Corp

Riannon Bardsley
Northwest Youth Services

Beth Boyd
PeaceHealth Medical Center

Karen Burke
DVSAS

Lorayne Dennis
Lummi Victims of Crime

Christina Kobdich
Unity Care Northwest

Ken Levinson
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Katie Olvera
KPO Counselling

Michael Parker
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Sharon Rutherford
St. Joseph's Hospital

Garret Shelsta
Christ the King Church-Bellingham

Mary Welch
Northwest Justice Project

Michele Zlotek
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Whatcom Co. Health Department

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Bellingham Police Department

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DSHS Children's Administration

Jon Mutchler
City of Ferndale

Eric Richey
Whatcom County Prosecutor

Darlene Peterson
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Linda Quinn
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Whatcom Co. Superior Court

Mike Riber
DSHS Community Service Office

Peter Ruffatto
City of Bellingham

Kevin Turner
Ferndale Police Department

Bruce Van Glubt
Whatcom County District Court

Staff:

Susan Marks
Director

Liz Stuart
Project Manager

Elizabeth Montoya
Project Manager

Jessyca Murphy
Administrative Manager

January 14, 2019

To:

Executive Jack Louws & Whatcom County Council

From:

Susan Marks, Director, Bellingham Whatcom County Commission Against Domestic Violence, smarks@dvcommission.org, 360.312.5700 x 1242

In 2014, members of the Bellingham-Whatcom County Commission Against Domestic Violence (DV Commission) set a goal to explore expanding our mission to include sexual assault in addition to domestic violence. Members determined that we needed to collect data to identify the need and role for the DV Commission in improving how our community institutions respond to sexual assault. In 2016, the DV Commission received a grant from the U.S. Department of Justice, Office on Violence Against Women, to conduct a comprehensive Audit of our criminal legal response to sexual assault. In May 2017, initial findings from this Audit were shared at our DV Commission's Annual Meeting. Based on these findings, Commission members and community partners voted unanimously to recommend to Whatcom County and the City of Bellingham that our mission be expanded to include both domestic and sexual violence.

Since the inception of the DV Commission, there has been confusion among community partners and elected officials in Whatcom County and the City of Bellingham about the role of the Commission. There also have been questions about the way the Commission was formed, using joint ordinances in both the County and City that mirrored each other – which meant that each ordinance needed to be updated with any changes to the Commission. Senior leadership in both government agencies noted that when an entity like the DV Commission is formed by local governments to accomplish a shared mission and purpose, and jointly funded by those governments, generally there is an Interlocal Agreement put in place. Commission members agreed that it would be best to develop an Interlocal Agreement and update the ordinances to refer to that Agreement – and that it made the most sense to enact these changes at the same time we recommended an expansion to our mission.

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Therefore, this Interlocal Agreement is presented both to expand the role of the DV Commission, and to have a founding document that better reflects the nature of the DV Commission as a joint venture between Whatcom County and the City of Bellingham.

BWCCADV

**Bellingham-Whatcom County
Commission Against Domestic Violence**



WHATCOM COUNTY CONTRACT INFORMATION SHEET

Whatcom County Contract No. _____

Originating Department:		Prosecutor																			
Division/Program: <i>(i.e. Dept. Division and Program)</i>		Click here to enter text.																			
Contract or Grant Administrator:																					
Contractor's / Agency Name:		City of Bellingham																			
<p>Is this a New Contract? If not, is this an Amendment or Renewal to an Existing Contract? Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If Amendment or Renewal, (per WCC 3.08.100 (a)) Original Contract #: _____</p>																					
<p>Does contract require Council Approval? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If No, include WCC: _____</p> <p>Already approved? Council Approved Date: _____ (Exclusions see: Whatcom County Codes 3.06.010, 3.08.090 and 3.08.100)</p>																					
<p>Is this a grant agreement?</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, grantor agency contract number(s): _____ CFDA#: _____</p>																					
<p>Is this contract grant funded?</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, Whatcom County grant contract number(s): _____</p>																					
<p>Is this contract the result of a RFP or Bid process? Contract _____</p> <p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, RFP and Bid number(s): _____ Cost Center: _____</p>																					
<p>Is this agreement excluded from E-Verify? No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> If no, include Attachment D Contractor Declaration form.</p>																					
<p>If YES, indicate exclusion(s) below:</p> <p><input type="checkbox"/> Professional services agreement for certified/licensed professional.</p> <p><input type="checkbox"/> Contract work is for less than \$100,000. <input type="checkbox"/> Contract for Commercial off the shelf items (COTS).</p> <p><input type="checkbox"/> Contract work is for less than 120 days. <input type="checkbox"/> Work related subcontract less than \$25,000.</p> <p><input checked="" type="checkbox"/> Interlocal Agreement (between Governments). <input type="checkbox"/> Public Works - Local Agency/Federally Funded FHWA.</p>																					
<p>Contract Amount:(sum of original contract amount and any prior amendments):</p> <p>\$ 0</p>		<p>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:</p> <ol style="list-style-type: none"> 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. 																			
<p>This Amendment Amount:</p> <p>\$ _____</p>																					
<p>Total Amended Amount:</p> <p>\$ _____</p>																					
<p>Summary of Scope:</p>																					
Term of Contract: One year		Expiration Date: One year from execution of agreement																			
<p>Contract Routing:</p> <table style="width:100%;"> <tr> <td style="width:50%;">1. Prepared by: KNF</td> <td style="width:50%;">Date: 1/16/19</td> </tr> <tr> <td>2. Attorney signoff: KNF</td> <td>Date: 1/16/19</td> </tr> <tr> <td>3. AS Finance reviewed: _____</td> <td>Date: _____</td> </tr> <tr> <td>4. IT reviewed (if IT related): _____</td> <td>Date: _____</td> </tr> <tr> <td>5. Contractor signed: _____</td> <td>Date: _____</td> </tr> <tr> <td>6. Submitted to Exec.: _____</td> <td>Date: _____</td> </tr> <tr> <td>7. Council approved (if necessary): _____</td> <td>Date: _____</td> </tr> <tr> <td>8. Executive signed: _____</td> <td>Date: _____</td> </tr> <tr> <td>9. Original to Council: _____</td> <td>Date: _____</td> </tr> </table>				1. Prepared by: KNF	Date: 1/16/19	2. Attorney signoff: KNF	Date: 1/16/19	3. AS Finance reviewed: _____	Date: _____	4. IT reviewed (if IT related): _____	Date: _____	5. Contractor signed: _____	Date: _____	6. Submitted to Exec.: _____	Date: _____	7. Council approved (if necessary): _____	Date: _____	8. Executive signed: _____	Date: _____	9. Original to Council: _____	Date: _____
1. Prepared by: KNF	Date: 1/16/19																				
2. Attorney signoff: KNF	Date: 1/16/19																				
3. AS Finance reviewed: _____	Date: _____																				
4. IT reviewed (if IT related): _____	Date: _____																				
5. Contractor signed: _____	Date: _____																				
6. Submitted to Exec.: _____	Date: _____																				
7. Council approved (if necessary): _____	Date: _____																				
8. Executive signed: _____	Date: _____																				
9. Original to Council: _____	Date: _____																				

INTERLOCAL AGREEMENT REGARDING CITY OF BELLINGHAM- WHATCOM COUNTY COMMISSION ON DOMESTIC & SEXUAL VIOLENCE

THIS INTERLOCAL AGREEMENT (the "Agreement") is made and entered into by and between Whatcom County, Washington, a political subdivision of the State of Washington (the "County") and the City of Bellingham, Washington, a municipal corporation of the State of Washington (the "City") (collectively the "Parties") to affirm and agree jointly to the terms of the ongoing governance and operation of the Bellingham-Whatcom County Commission on Domestic & Sexual Violence (the "Commission").

I. RECITALS

WHEREAS, the City and the County created the Commission Against Domestic Violence in 1998 to address the problem of domestic violence in a comprehensive, county-wide manner; and

WHEREAS, the ordinances passed by the City and the County in 1998 stated that the functions of the Commission shall be to:

Develop and implement a coordinated comprehensive domestic violence plan that is monitored, evaluated, and updated on a regular basis;

Promote coordination and increase collaboration of institutions, systems, and services as they respond to offenders, victims, children, and others who have been impacted by domestic violence;

Increase community awareness and understanding about domestic violence;

Serve as an advisory board to local government agencies and the community with respect to domestic violence issues;

Develop community benchmarks for monitoring domestic violence and prepare an annual report; and

Serve as a community forum on domestic violence and create a mechanism for identifying issues, concerns, needs and resources; and

WHEREAS, the Commission, which is currently comprised of twenty-eight community leaders, has actively and effectively performed these functions for the past 20 years; and

WHEREAS, under its 2015 – 2018 strategic plan the Commission explored the value of expanding the mission of the Commission to include sexual violence that occurs outside of an intimate partner relationship; and

WHEREAS, the Commission voted to recommend expansion of its mission to include addressing sexual violence; and

WHEREAS, the Parties intend to memorialize the expanded scope of the Commission and update the ongoing functions, composition, anticipated funding sources, and staffing of the Commission in this interlocal agreement which is authorized by RCW 39.34.030;

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the Parties hereby agree as follows:

II. PURPOSE OF INTERLOCAL AGREEMENT AND COMMISSION

A. Ongoing Support of Commission. The Parties agree to the provisions herein for the purpose of supporting the ongoing work of the Commission.

B. Name and Purpose of Commission. The Commission is hereby renamed the Bellingham-Whatcom County Commission on Domestic & Sexual Violence ("Commission"). The Commission will perform the following functions to achieve its mission "to inspire and coordinate our community's efforts to address domestic and sexual violence:"

- Collect and disseminate data, including input from survivors, assessing strengths and gaps of institutional responses;
- Research and promote best practices and policies to increase safety, justice, healing, and accountability;
- Develop and provide tools and training for professionals and institutions;
- Leverage the unique role of the Commission to obtain funding and other resources;
- Increase dialogue and problem-solving among institutions, systems, and services; and
- Advise local governments and agencies.

III. COMPOSITION, ORGANIZATION, AND STAFFING

A. Composition and Terms of Members. The Commission shall consist of up to 31 members. The following officials shall be designated government or organizational representatives on the Commission:

1. Whatcom County Prosecutor;
2. Whatcom County Sheriff;
3. Bellingham Police Chief;
4. Bellingham City Attorney
5. Bellingham Municipal Court Administrator;
6. Whatcom County Superior Court Administrator;
7. Whatcom County Public Health Director;
8. Whatcom County Public Defender;
9. Whatcom County District Court Probation Administrator;
10. Designated Representative-DSHS/Community Service Office;
11. Designated Representative-Department of Children, Youth, and Families;
12. One chief executive officer from the cities in Whatcom County other than Bellingham, selected by a majority vote of the eligible chief executive officers;

13. One Police Chief from the cities in Whatcom County other than Bellingham, selected by a majority vote of the eligible police chiefs;
14. One Superintendent from the school districts in Whatcom County, selected by a majority vote of the eligible superintendents;
15. Designated Representative, Lummi Nation;
16. Designated Representative, Nooksack Tribe; and
17. Executive Director, Community-based sexual assault and/or domestic violence victim service agency.

Additional members shall be selected by the Mayor and County Executive from among members of the community who have an interest in, or are impacted by, domestic violence and/or sexual assault. Such additional members must be registered voters, and residents of Whatcom County if appointed by the County Executive, or the City of Bellingham if appointed by the Mayor. The Mayor and County Executive shall each appoint seven members ("Additional Members") to include the following:

1. One sexual assault or domestic violence victim service provider;
2. Two human service providers, including, but not limited to, educators, victim or offender services, clergy or religious leaders, and early childhood education providers;
3. One representative of an institution of higher education;
4. One health care provider; and
5. Two representatives from the community at large.

The County Executive appointment shall be subject to confirmation by a majority of the County Council as per Whatcom County Charter 3.23. The City Mayoral appointment shall be subject to confirmation by a majority of the City Council.

In seeking and selecting Additional Members for the Commission, the Mayor and County Executive shall attempt to reflect the racial, ethnic, economic, and geographical diversity of the community. The executive officers of the Parties may, by written agreement and addendum to this Agreement, increase or decrease the number or members or the community interests represented by such members following a recommendation by the Commission.

Terms of the non-government members and those government members selected by majority vote of designated groups shall be four years. Non-government members shall be limited to serving two full consecutive terms; members who have previously served two full consecutive terms may be reappointed after one full year of non-membership. Members may be removed by the appointing authority. Each member shall continue to serve until a successor has been appointed. None of the limitations on terms set forth in this paragraph shall apply to the executive director of the sexual assault and/or domestic violence victim service agency.

B. Organization - Meetings. Meetings of the Commission shall be open and accessible to the public. Specific sessions within a meeting may involve small group discussions of less than a quorum of the Commission and may include discussions of a sensitive nature. Public participation in such small group sessions may be limited, at the discretion of the chairperson, to protect confidentiality, to the extent allowed by law. Written records of meetings, resolutions, findings, and recommendations shall be kept and such records shall be available to the public. The Commission shall adopt and maintain its own bylaws, rules, and procedures. The

Commission shall elect a chairperson from among its members who shall preside at its meetings and other officers as the Commission determines.

C. DV Commission Operations. The City and County shall jointly provide funding for the staffing and administrative support needed to carry out the functions of the Commission. The Whatcom County Council and the Bellingham City Council each maintain full discretion and authority regarding their respective budgets and the level of funding that will be allocated to the Commission. To the extent practicable, the City and County shall share equally in the cost of the funding the Commission. The City and County, through their respective executives, may contract with a third party to provide for Commission functions, operations, projects, and administrative support. Such contract or contracts shall set forth an annual scope of work for the Commission.

a. Operations.

Commission staff shall carry out the daily operations of the Commission. The Commission's Executive Committee shall be responsible for engaging a Director for the DV Commission, including recruitment, hiring, terminating, supervising, setting salary, and conducting annual reviews. The Director, in consultation with the Executive Committee, shall be responsible for performing these same functions for additional Commission staff, to the extent funding allows for additional staff.

The Commission Director, in consultation with the Commission Executive Committee, shall lead, administer, and oversee development and implementation of the Commission's mission, strategic plan, and projects. The Commission Director shall fulfill the role of the administrator set forth in RCW 39.34.030(4).

The Director and Executive Committee shall also be responsible for planning and hosting Commission meetings; recruiting, orienting, and engaging members; and ensuring adherence to the provisions in this Agreement as well as in Commission bylaws, policies, and procedures.

b. Administrative Support

Administrative support and overhead for the Commission shall include accounting and payroll services; reception services; office space, equipment, and supplies; information technology services; management of personnel files; and liability insurance for Commission staff and members.

D. DV Commission Finances and Budget. On an annual basis, the Commission Director shall convene a joint meeting of the Mayor and County Executive to provide a joint presentation to the Mayor and County Executive on the Commission's accomplishments and funding needs and for the purpose of a discussion of the likely budget proposals to be made to the legislative bodies of the City and County for the purpose of supporting the Commission.

The Commission Director, in consultation with the Treasurer and other Executive Committee members, shall create an annual operating budget for the Commission. This budget shall be presented to the Commission membership and voted on at a membership meeting.

The Commission is authorized to seek grants and other funds to support Commission work.

IV. Miscellaneous Provisions.

A. Duration of Agreement. This Agreement is effective upon the date of execution by the Parties and approval by the legislative bodies of the Parties and shall continue for the duration of one year. This agreement shall automatically renew for successive one (1) year terms, unless either party provides notice to the other of its intent to terminate this agreement not less than six (6) months prior to the end of the then current term.

B. Notices. Any notices or actions required under this contract shall be directed to the following:

WHATCOM COUNTY EXECUTIVE'S OFFICE
311 GRAND AVENUE, SUITE 108
BELLINGHAM, WA 98225

CITY OF BELLINGHAM MAYOR'S OFFICE
210 LOTTIE STREET
BELLINGHAM, WA 98225

C. Severability. In case any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision hereof, and this Agreement shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

D. Counterparts. This Agreement may be executed in any number of counterparts, and each such counterpart hereof shall be deemed to be an original instrument, but all such counterparts together shall constitute but one agreement.

E. Additional Acts. Except as otherwise provided herein, in addition to the acts and deeds recited herein and contemplated to be performed, executed and/or delivered by any Party hereto, the Parties hereto agree to perform, execute and/or deliver, or cause to be performed, executed and/or delivered, any and all such further acts and assurances, which may reasonably be required to affect the purposes of this Agreement.

F. Governing Law. This Agreement, and the rights of the Members hereto, shall be governed by and construed in accordance with the laws of the State of Washington and the Parties agree that in any such action venue shall lie exclusively in Skagit County, Washington.

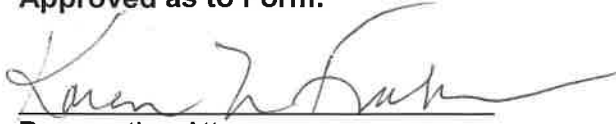
G. Entire Agreement. The entire agreement between the Parties hereto is contained in this Agreement, and this Agreement supersedes all of their previous understandings and agreements, written and oral, with respect to the subject matter of this Agreement. This

Agreement may be amended only by written instrument executed by the Parties subsequent to the date hereof.

IN WITNESS WHEREOF, the Parties have signed and executed this Interlocal Cooperation Agreement, after approval by their legislative bodies, on the dates listed on the signatory blocks below.

DATED this ____ day of _____, 20__, for the **WHATCOM COUNTY:**

Approved as to Form:



Prosecuting Attorney

Approved:

Accepted for Whatcom County:

By: _____
Jack Louws, Whatcom County Executive

DATED this ____ day of _____, 20__, for the **CITY OF BELLINGHAM:**

Mayor

Attest:

Finance Director

Approved as to Form:

Office of the City Attorney



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2019-049

File ID:	AB2019-049	Version:	1	Status:	Agenda Ready
File Created:	01/08/2019	Entered by:	JWilson@co.whatcom.wa.us		
Department:		File Type:	Resolution		

First Assigned to: Council Finance and Administrative Services Committee

Agenda Date:	Next Mtg. Date:	Hearing Date:
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TITLE FOR AGENDA ITEM:

Resolution cancelling uncollectible personal property taxes

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

The County Treasurer is required by law (RCW 84.56.240) to present a list of uncollectible personal property to the Council for cancellation.

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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Attachments: Business Uncollectables 2019.pdf, Mobile Home Uncollectables 2019.pdf, Council Resolution January 2019.pdf

Final Action:
Enactment Date:
Enactment #:

	Exhibit A				
	Parcel Numbers				
	(Business) Equipment and Machinery				
PARCEL/PID	NAME AND ADDRESS	REASON	YR	AMOUNT	TOTAL
2028	ST JOHN GLASS & GLAZING	Out of business	2017	136.09	
	LLC	No assets	2018	217.64	
	Newton Bouma	Bldg sold			
	804 DUPONT ST				
	BELLINGHAM WA 98225-3103				
					353.73
7396	DENNY'S RESTAURANT	Out of business	2017	325.73	
	DEFINITELY DELICIOUS DINERS	No assets	2018	260.01	
	5720 BARRETT RD	Bldg demolished			
	FERNDAL, WA 98248				
					585.74
2064	RADIOSHACK #3350	Out of business	2017	218.89	
	GENERAL WIRELESS	in 2017	2018	197.59	
	1050 LAKEWAY DR				
	BELLINGHAM, WA 98226				416.48
3617	RADIOSHACK #3366	Out of business	2017	79.5	
	GENERAL WIRELESS				
	712 BELLIS FAIR PKWY				
	BELLINGHAM, WA 98226				
					79.5
12175	BLACK BEAR LAWN &	Out of business	2013	66.58	
	LANDSCAPE	Sole Proprietor	2014	69.95	
	6755 SOUTH PASS RD	& would not have			
	MAPLE FALLS, WA	had a tax obligation			
					136.53
13283	CONVIVUM LLC	Out of business	2015	108.93	
	TERRANCE MEYER	Unable to locate	2016	35.69	
	314 E HOLLY ST #202	No assets	2017	33.11	
	BELLINGHAM, WA 98225				
					177.73

177643	DAPHNE'S FAIRHAVEN	Out of business	2015	523.64	
	1200 TENTH ST #102	left town with all	2016	605.68	
	BELLINGHAM, WA 98225	equip & fixtures	2017	619.46	
					1,748.78
178981	DICKEYS BARBEQUE PIT	Out of Business	2016	1,426.99	
	DUSTIN BENSON	No assets	2017	1,646.19	
	2054 MAIN ST				
	FERNDAL, WA 98248				3,073.18
173279	ADVANCED AUDIOLOGY &	Out of business	2016	77.34	
	HEARING AID SVC	No assets			
	12 BELLWETHER WAY #108				
	BELLINGHAM, WA 98226				
					77.34
174617	TWC AVAIAATION	Airways	2016	2131.99	
	16700 C ROSCOE BLVD	Gone			
	VAN NUYS, CA 91406				
					2131.99
2920	HAWLEY'S AUTO SUPPLY	Out of business	2016	81.70	
	LANCE BALLARD	No assets	2017	85.29	
	1990 MAIN ST				
	FERNDAL, WA 98248				
					166.99
177120	FAIRHAVEN ANTIQUE MALL		2017	23.8	
	1201 11TH STREET #100				
	BELLINGHAM, WA 98225				
					23.8
178933	IAJ MULTIMEDIA	Out of business	2016	143.05	
	CLARITO & KRISTINA ZAPANTA	No assets	2017	163.46	
	4114 DEEMER RD #201				
	BELLINGHAM, WA 98226				
					306.51
9702	THE WET SEAL LLC	Out of business	2017	749.62	
	1 BELLIS FAIR PKWY #404	No assets			
	BELLINGHAM, WA 98226				
					749.62

177130	ADAPITIVE COGNITIVE	Out of business	2017	104.94	
	SYSTEMS LLC	No assets			
	DR BRADLEY J BEST				
	229 MARINE DR				
	BLAINE, WA 98230				
					104.94
177720	GLOW NIGHTCLUB	Out of business	2016	1162.28	
	202 E HOLLY ST #301	No assets	2017	1005.16	
	BELLINGHAM, WA 98225				
					2167.44
13139	LAW OFFICE OF	Out of business	2016	28.98	
	SHANNON E MONTOURE PLLC	No assets	2017	40.05	
	2410 F ST				
	BELLINGHAM, WA 98225				
					69.03
		TOTAL			12,369.33

		Exhibit B			
		Mobile Home Parcel Numbers			
		Improvements Only			
<u>PARCEL/PID</u>	<u>NAME</u>	<u>REASON</u>	<u>YR</u>	<u>AMOUNT</u>	<u>TOTAL</u>
119519	Susan M Holcomb	Abandoned	16	12.03	
	4751 Birch Bay Lynden Rd #234	Torn down by park	17	77.00	
	Blaine, WA 98230-6850	1963	18	86.1	
					175.13
118476	Gordon D Gilbert	Abandoned	15	30.68	
	PO Box 24	0 value	16	59.78	
	Custer, WA 98240-0024		17	60.04	
			18	35.19	
					185.69
113018	Larry W Merrifield	Demolished	17	376.41	
	9472 Valley View Rd	M/H gone	18	72.58	
	Blaine, WA 98230	owner moved out			
		of state			
					448.99
		TOTAL			\$ 809.81

PROPOSED BY: Treasurer
INTRODUCTION DATE: 01/29/2019

RESOLUTION NO. _____
CANCELLING UNCOLLECTIBLE PERSONAL PROPERTY TAXES

WHEREAS, RCW 84.56.240 requires that the treasurer shall file with the county legislative authority (county council) a list of uncollectible personal property taxes; and

WHEREAS, Council action is required to formally cancel the uncollectible personal property tax;

NOW, THEREFORE, BE IT RESOLVED by the Whatcom County Council that the uncollectible personal property tax, attached hereto as Exhibit A & B, is hereby cancelled.

APPROVED this ____ day of January, 2019.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

Rud Browne, Council Chair

APPROVED AS TO FORM:

Civil Deputy Pros. Atty.



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2019-034

File ID:	AB2019-034	Version:	1	Status:	Introduced
File Created:	01/04/2019	Entered by:	MCaldwel@co.whatcom.wa.us		
Department:		File Type:	Resolution of the WCFCZDBS or Other Special District		

First Assigned to: Council Finance and Administrative Services Committee

Agenda Date:	Next Mtg. Date:	Hearing Date:
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TITLE FOR AGENDA ITEM:

Resolution amending the 2019 Flood Control Zone District and Subzones Budget, request no. 1, in the amount of \$35,000 (Council acting as the Whatcom County Flood Control Zone District Board of Supervisors)

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Supplemental #1 requests from the Flood Control Zone District Fund:

1. To appropriate \$35,000 to fund transfer to Stormwater for Lake Whatcom funding process completion.

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
01/15/2019	Council	INTRODUCED	Council Finance and Administrative Services Committee

Attachments: FCZD 2019 Budget Supplemental No 1.pdf

Final Action:
Enactment Date:
Enactment #:

RESOLUTION NO. _____

(A resolution of the Whatcom County Flood Control Zone District Board of Supervisors)

AMENDMENT NO. 1 OF THE 2019 BUDGET

WHEREAS, the 2019 budget for the Whatcom County Flood Control Zone District and Subzones was adopted November 20, 2018; and,

WHEREAS, changing circumstances require modifications to the approved 2019 budget; and,

WHEREAS, the modifications to the budget have been assembled here for deliberation by the Board of Supervisors,

NOW, THEREFORE, BE IT RESOLVED by the Whatcom County Flood Control Zone District Board of Supervisors that the 2019 budget as approved in Resolution 2018-044 is hereby amended by adding the following additional amounts to the budgets included therein:

	Expenditures	Revenues	Net Effect
Flood Control Zone District	<u>35,000</u>	<u>-</u>	<u>35,000</u>
Total Supplemental	<u>35,000</u>	<u>-</u>	<u>35,000</u>

ADOPTED this ____ day of _____, 2019

ATTEST:

WHATCOM COUNTY FCZD
BOARD OF SUPERVISORS
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

Chair of Board of Supervisors

APPROVED AS TO FORM:

Civil Deputy Prosecutor

2019 Flood Control Zone District and Subzones Budgets Amendment #1				
		<u>Expenditures</u>	<u>Revenues</u>	<u>Fund Balance</u>
Flood Control Zone District Fund	To fund transfer to Stormwater for Lake Whatcom funding process completion.	<u>35,000</u>	<u>-</u>	<u>35,000</u>
Total Supplemental		<u>35,000</u>	<u>-</u>	<u>35,000</u>

Supplemental Budget Request

Status: Pending

Public Works

Flood Control Zone District

Suppl ID # 2686

Fund 169

Cost Center 169100

Originator: Randy Rydel

Year 1 2019

Add'l FTE ☐

Priority 1

Name of Request: Lk Whatcom Funding Process Companion to SBR-2677

X



1/3/19

Department Head Signature (Required on Hard Copy Submission)

Date

Costs:	Object	Object Description	Amount Requested
	8351.123	Operating Transfer Out	\$35,000
	Request Total		\$35,000

1a. Description of request:

This SBR will provide funding for the Stormwater supplemental budget request - SBR-2677 - 2019 Completing Lk Whatcom Funding Process.

SBR-2677 will continue efforts to set up a Lake Whatcom Stormwater taxing District.

1b. Primary customers:

Residents of the Lake Whatcom watershed and the Whatcom County Public Works Stormwater Division

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:

Fund Balance



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2019-024

File ID:	AB2019-024	Version:	1	Status:	Agenda Ready
File Created:	01/02/2019	Entered by:	THelms@co.whatcom.wa.us		
Department:		File Type:	Contract		

First Assigned to: Council Finance and Administrative Services Committee

Agenda Date:	Next Mtg. Date:	Hearing Date:
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TITLE FOR AGENDA ITEM:

Request authorization for the County Executive to enter into a contract between Whatcom County and Marvin Wayne, M.D., P.S. in the amount of \$160,000

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

See attached

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
--------------	---------------------	----------------	-----------------

Attachments: Medical Program Director contract 01/01/2019.pdf, Memo for MPD contract .pdf

Final Action:
Enactment Date:
Enactment #:

WHATCOM COUNTY CONTRACT INFORMATION SHEET

Whatcom County Contract No. _____

Originating Department:	Executive Office
Division/Program: (i.e. Dept. Division and Program)	Non Departmental – EMS
Contract or Grant Administrator:	Mike Hilley/Tawni Helms
Contractor's / Agency Name:	Dr. Marvin Wayne

Is this a New Contract? If not, is this an Amendment or Renewal to an Existing Contract? Yes ☐ No ☐
 Yes ☒ No ☐ If Amendment or Renewal, (per WCC 3.08.100 (a)) Original Contract #: _____

Does contract require Council Approval? Yes ☒ No ☐ If No, include WCC: _____
 (see Whatcom County Codes 3.06.010, 3.08.090 and 3.08.100)

Is this a grant agreement?
 Yes ☐ No ☒ If yes, grantor agency contract number(s): _____ CFDA#: _____

Is this contract grant funded?
 Yes ☐ No ☒ If yes, Whatcom County grant contract number(s): _____

Is this contract the result of a RFP or Bid process?
 Yes ☐ No ☒ If yes, RFP and Bid number(s): _____ Contract Cost Center: 130100

Is this agreement excluded from E-Verify? No ☐ Yes ☒ 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 for Commercial off the shelf items (COTS). |
| <input type="checkbox"/> Contract work is for less than \$100,000. | <input type="checkbox"/> Work related subcontract less than \$25,000. |
| <input type="checkbox"/> Contract work is for less than 120 days. | <input type="checkbox"/> Public Works - Local Agency/Federally Funded FHWA. |
| <input type="checkbox"/> Interlocal Agreement (between Governments). | |


Contract Amount:(sum of original contract amount and any prior amendments):
 \$ 160,000.
 This Amendment Amount:
 \$ _____
 Total Amended Amount:
 \$ _____

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, professional services, or other capital costs approved by council in a capital budget appropriation ordinance.
3. Bid or award is for supplies or equipment included approved in the budget.
4. 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: Contractor shall serve as the County's EMS Medical Program Director and shall have the responsibilities set forth in WAC 246-976-920 during the term of this Agreement.

Term of Contract: 2 years	Expiration Date: 12/31/2020
--------------------------------	----------------------------------

Contract Routing:	1. Prepared by: Twh	Date: 10/31/18
	2. Attorney signoff: 	Date: 12/6/18
	3. AS Finance reviewed: bbennett	Date: 12/06/18
	4. IT reviewed (if IT related):	Date: _____
	5. Contractor signed:	Date: _____
	6. Submitted to Exec.:	Date: _____
	7. Council approved (if necessary):	Date: _____
	8. Executive signed:	Date: _____
	9. Original to Council:	Date: _____

CONTRACT FOR SERVICES**Between Marvin Wayne, M.D., P.S., and Whatcom County for Services as Countywide EMS Medical Program Director**

Marvin Wayne, M.D., P.S., hereinafter called **Contractor**, and Whatcom County, hereinafter referred to as **County**, agree and contract as set forth in this Agreement, including:

General Conditions, pp. 3 to 7,
 Exhibit A (Scope of Work), pp. 8 to 9,
 Exhibit B (Compensation), pp. 10 to 10,
 Exhibit C (Certificate of Insurance), 11 to 11.
 Exhibit D (MPD Report), pp. 12 to 12.

Copies of these items are attached hereto and incorporated herein by this reference as if fully set forth herein.

The term of this Agreement shall commence on the 1st day of January, 2019 regardless the date of signature and shall, unless terminated or renewed as elsewhere provided in the Agreement, terminate on the 31st day of December, 2020. This contract has the option to renew for one year.

The general purpose or objective of this Agreement is to: provide countywide EMS Medical Program Director services in compliance with WAC 246-976-920, as more fully and definitively described in Exhibit A hereto. The language of Exhibit A controls in case of any conflict between it and that provided here.

The maximum consideration for the initial term of this agreement or for any renewal term shall not exceed \$ 160,000. The Contract Number, set forth above, shall be included on all billings or correspondence in connection therewith.

Contractor acknowledges and by signing this contract agrees that the Indemnification provisions set forth in Paragraphs 11.1, 21.1, 30.1, 31.2, 32.1, 34.2, and 34.3, if included, are totally and fully part of this contract and have been mutually negotiated by the parties.

IN WITNESS WHEREOF, the parties have executed this Agreement this ____ day of _____, 20 ____.

CONTRACTOR:

Marvin Wayne, M.D., P.S.

Marvin Wayne, M.D., for Marvin Wayne, M.D., P.S.

STATE OF WASHINGTON)
) ss.
 COUNTY OF _____)



On this 2 day of Jan., 2019 before me personally appeared Marvin Wayne, M.D. _____ to me known to be the County Whatcom County EMS Medical Program Director and who executed the above instrument and who acknowledged to me the act of signing and sealing thereof.

Tawni J. Helms
 NOTARY PUBLIC in and for the State of Washington, residing at
Shaght. My commission expires 5/25/19.

Approved as to form:

Clee 12/6/18
Prosecuting Attorney 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 _____.

CONTRACTOR INFORMATION:

Marvin Wayne, M.D., P.S.

Address:

456 14th Street

Bellingham, WA 98225

Name: Marvin Wayne, M.D., P.S.

Mailing Address:

same

Contact Name: Marvin Wayne, M.D., P.S.

Contact Phone: 360-303-2715

Contact FAX: _____

Contact Email: mwayne@co.whatcom.wa.us

GENERAL CONDITIONS

Series 00-09: Provisions Related to Scope and Nature of Services

0.1 Scope of Services:

The Contractor agrees to provide to the County services and any materials as set forth in the project narrative identified as Exhibit "A", during the agreement period. No material, labor, or facilities will be furnished by the County, unless otherwise provided for in the Agreement.

Series 10-19: Provisions Related to Term and Termination

10.1 Term:

Services provided by Contractor prior to or after the term of this contract shall be performed at the expense of Contractor and are not compensable under this contract unless both parties hereto agree to such provision in writing. The term of this Agreement may be extended by mutual agreement of the parties; provided, however, that the Agreement is in writing and signed by both parties.

10.2 Extension:

The duration of this Agreement may be extended by mutual written consent of the parties, for a period of up to one year, and for a total of no longer than three years.

11.1 Termination for Default:

If the Contractor defaults by failing to perform any of the obligations of the contract or becomes insolvent or is declared bankrupt or commits any act of bankruptcy or insolvency or makes an assignment for the benefit of creditors, the County may, by depositing written notice to the Contractor in the U.S. mail, first class postage prepaid, terminate the contract, and at the County's option, obtain performance of the work elsewhere. Termination shall be effective upon Contractor's receipt of the written notice, or within three (3) days of the mailing of the notice, whichever occurs first. If the contract is terminated for default, the Contractor shall not be entitled to receive any further payments under the contract until all work called for has been fully performed. Any extra cost or damage to the County resulting from such default(s) shall be deducted from any money due or coming due to the Contractor. The Contractor shall bear any extra expenses incurred by the County in completing the work, including all increased costs for completing the work, and all damage sustained, or which may be sustained by the County by reason of such default.

11.2 Termination for Reduction in Funding:

In the event that funding from State, Federal or other sources is withdrawn, reduced, or limited in any way after the effective date of this Agreement, and prior to its normal completion, the County may summarily terminate this Agreement as to the funds withdrawn, reduced, or limited, notwithstanding any other termination provisions of this Agreement. If the level of funding withdrawn, reduced or limited is so great that the County deems that the continuation of the programs covered by this Agreement is no longer in the best interest of the County, the County may summarily terminate this Agreement in whole, notwithstanding any other termination provisions of this Agreement. Termination under this section shall be effective upon receipt of written notice as specified herein, or within three days of the mailing of the notice, whichever occurs first.

11.3 Termination for Public Convenience: Not Applicable

Series 20-29: Provisions Related to Consideration and Payments

20.1 Accounting and Payment for Contractor Services:

Payment to the Contractor for services rendered under this Agreement shall be as set forth in Exhibit "B." Where Exhibit "B" requires payments by the County, payment shall be based upon written claims supported, unless otherwise provided in Exhibit "B," by documentation of units of work actually performed and amounts earned, including, where appropriate, the actual number of days worked each month, total number of hours for the month, and the total dollar payment requested, so as to comply with municipal auditing requirements.

Unless specifically stated in Exhibit "B" or approved in writing in advance by the official executing this Agreement for the County or his designee (hereinafter referred to as the "Administrative Officer") the County will not reimburse the Contractor for any costs or expenses incurred by the Contractor in the performance of this contract. Where required, the County shall, upon receipt of appropriate documentation, compensate the Contractor, no more often than monthly, in accordance with the County's customary procedures, pursuant to the fee schedule set forth in Exhibit "B."

21.1 Taxes:

Professional Services
Countywide EMS Medical Program Director

The Contractor understands and acknowledges that the County will not withhold Federal or State income taxes. Where required by State or Federal law, the Contractor authorizes the County to withhold for any taxes other than income taxes (i.e., Medicare). All compensation received by the Contractor will be reported to the Internal Revenue Service at the end of the calendar year in accordance with the applicable IRS regulations. It is the responsibility of the Contractor to make the necessary estimated tax payments throughout the year, if any, and the Contractor is solely liable for any tax obligation arising from the Contractor's performance of this Agreement. The Contractor hereby agrees to indemnify the County against any demand to pay taxes arising from the Contractor's failure to pay taxes on compensation earned pursuant to this Agreement.

The County will pay sales and use taxes imposed on goods or services acquired hereunder as required by law. The Contractor must pay all other taxes, including, but not limited to, Business and Occupation Tax, taxes based on the Contractor's gross or net income, or personal property to which the County does not hold title. The County is exempt from Federal Excise Tax.

22.1 Withholding Payment: Not Applicable

23.1 Labor Standards: Not Applicable

Series 30-39: Provisions Related to Administration of Agreement

30.1 Independent Contractor:

The Contractor's services shall be furnished by the Contractor as an independent contractor, and nothing herein contained shall be construed to create a relationship of employer-employee or master-servant, but all payments made hereunder and all services performed shall be made and performed pursuant to this Agreement by the Contractor as an independent contractor.

The Contractor acknowledges that the entire compensation for this Agreement is specified in Exhibit "B" and the Contractor is not entitled to any benefits including, but not limited to: vacation pay, holiday pay, sick leave pay, medical, dental, or other insurance benefits, or any other rights or privileges afforded to employees of the County. The Contractor represents that he/she/it maintains a separate place of business, serves clients other than the County, will report all income and expense accrued under this contract to the Internal Revenue Service, and has a tax account with the State of Washington Department of Revenue for payment of all sales and use and Business and Occupation taxes collected by the State of Washington.

Contractor will defend, indemnify and hold harmless the County, its officers, agents or employees from any loss or expense, including, but not limited to, settlements, judgments, setoffs, attorneys' fees or costs incurred by reason of claims or demands because of breach of the provisions of this paragraph.

30.2 Assignment and Subcontracting:

The performance of all activities contemplated by this agreement shall be accomplished by the Contractor. No portion of this contract may be assigned or subcontracted to any other individual, firm or entity without the express and prior written approval of the County.

30.3 No Guarantee of Employment:

The performance of all or part of this contract by the Contractor shall not operate to vest any employment rights whatsoever and shall not be deemed to guarantee any employment of the Contractor or any employee of the Contractor or any subcontractor or any employee of any subcontractor by the County at the present time or in the future.

31.1 Ownership of Items Produced:

All writings, programs, data, public records or other materials prepared by the Contractor and/or its consultants or subcontractors, in connection with performance of this Agreement, shall be the sole and absolute property of the County.

32.1 Confidentiality:

The Contractor, its employees, subcontractors, and their employees shall maintain the confidentiality of all information provided by the County or acquired by the Contractor in performance of this Agreement, except upon the prior written consent of the County or an order entered by a court after having acquired jurisdiction over the County. Contractor shall immediately give to the County notice of any judicial proceeding seeking disclosure of such information. Contractor shall indemnify and hold harmless the County, its officials, agents or employees from all loss or expense, including, but not limited to, settlements, judgments, setoffs, attorneys' fees and costs resulting from Contractor's breach of this provision.

34.1 Proof of Insurance:

Professional Liability - \$1,000,000 per occurrence, \$3,000,000 aggregate.

If the professional liability insurance is a claims made policy, and if the contractor discontinues coverage either during the term of this contract or within three years of completion, the contractor agrees to provide notice to the County thirty days in advance of cancellation of insurance and maintain or obtain tail coverage for a minimum of three years from the completion date of this contract or any amendment to or cancellation of this contract.

34.2 Industrial Insurance Waiver:

With respect to the performance of this agreement and as to claims against the County, its officers, agents and employees, the Contractor expressly waives its immunity under Title 51 of the Revised Code of Washington, the Industrial Insurance Act, for injuries to its employees and agrees that the obligations to indemnify, defend and hold harmless provided in this agreement extend to any claim brought by or on behalf of any employee of the Contractor. This waiver is mutually negotiated by the parties to this agreement.

34.3 Defense & Indemnity Agreement:

The Contractor agrees to defend, indemnify and save harmless the County, its appointed and elective officers and employees, from and against all loss or expense, including, but not limited to, judgments, settlements, attorneys' fees and costs by reason of any and all claims and demands upon the County, its elected or appointed officials or employees for damages because of personal or bodily injury, including death at any time resulting therefrom, sustained by any person or persons and on account of damage to property, including loss of use thereof, whether such injury to persons or damage to property is due to the negligence of the Contractor, its subcontractors, its successor or assigns, or its agents, servants, or employees, the County, its appointed or elected officers, employees or their agents, except only such injury or damage as shall have been occasioned by the sole negligence of the County or its appointed or elected officials or employees. In case of damages caused by the concurrent negligence of Contractor, its subcontractors, its successors or assigns, or its agents, servants, or employees, and the County, its appointed or elected officers, employees or their agents, then this indemnification provision is enforceable only to the extent of the negligence of the Contractor, its agents, or its employees.

It is further provided that no liability shall attach to the County by reason of entering into this contract, except as expressly provided herein. The parties specifically agree that this agreement is for the benefit of the parties only and this agreement shall create no rights in any third party.

35.1 Non-Discrimination in Employment:

The County's policy is to provide equal opportunity in all terms, conditions and privileges of employment for all qualified applicants and employees without regard to race, color, creed, religion, national origin, sex, sexual orientation, age, marital status, disability, or veteran status. The Contractor shall comply with all laws prohibiting discrimination against any employee or applicant for employment on the grounds of race, color, creed, religion, national origin, sex, sexual orientation, age, marital status, disability, or veteran status, except where such constitutes a bona fide occupational qualification.

Furthermore, in those cases in which the Contractor is governed by such laws, the Contractor shall take affirmative action to insure that applicants are employed, and treated during employment, without regard to their race, color, creed, religion, national origin, sex, age, marital status, sexual orientation, disability, or veteran status, except where such constitutes a bona fide occupational qualification. Such action shall include, but not be limited to: advertising, hiring, promotions, layoffs or terminations, rate of pay or other forms of compensation benefits, selection for training including apprenticeship, and participation in recreational and educational activities. In all solicitations or advertisements for employees placed by them or on their behalf, the Contractor shall state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex or national origin.

The foregoing provisions shall also be binding upon any subcontractor, provided that the foregoing provision shall not apply to contracts or subcontractors for standard commercial supplies or raw materials, or to sole proprietorships with no employees.

35.2 Non-Discrimination in Client Services:

The Contractor shall not discriminate on the grounds of race, color, creed, religion, national origin, sex, age, marital status, sexual orientation, disability, or veteran status; or deny an individual or business any service or benefits under this Agreement; or subject an individual or business to segregation or separate treatment in any manner related to his/her/its receipt any service or services or other benefits provided under this Agreement; or deny an individual or business an opportunity to participate in any program provided by this Agreement.

36.1 Waiver of Noncompetition: Not Applicable

36.2 Conflict of Interest:

If at any time prior to commencement of, or during the term of this Agreement, Contractor or any of its employees involved in the performance of this Agreement shall have or develop an interest in the subject matter of this Agreement that is potentially in conflict with the County's interest, then Contractor shall immediately notify the County of the same. The notification of the County shall be made with sufficient specificity to enable the County to make an informed judgment as to whether or not the County's interest may be compromised in any manner by the existence of the conflict, actual or potential. Thereafter, the County may require the Contractor to take reasonable steps to remove the conflict of interest. The County may also terminate this contract according to the provisions herein for termination.

37.1 Administration of Contract:

This Agreement shall be subject to all laws, rules, and regulations of the United States of America, the State of Washington, and political subdivisions of the State of Washington. The Contractor also agrees to comply with applicable federal, state, county or municipal standards for licensing, certification and operation of facilities and programs, and accreditation and licensing of individuals.

The County hereby appoints, and the Contractor hereby accepts, the Whatcom County Executive, and his or her designee, as the County's representative, hereinafter referred to as the Administrative Officer, for the purposes of administering the provisions of this Agreement, including the County's right to receive and act on all reports and documents, and any auditing performed by the County related to this Agreement. The Administrative Officer for purposes of this agreement is:

Mike Hilley, EMS Manager
Whatcom County Executive Office
311 Grand Avenue, Suite 108
Bellingham, WA 98225

Series 40-49: Provisions Related to Interpretation of Agreement and Resolution of Disputes

40.1 Modifications:

Either party may request changes in the Agreement. Any and all agreed modifications, to be valid and binding upon either party, shall be in writing and signed by both of the parties.

40.2 Contractor Commitments, Warranties and Representations: Not Applicable

41.1 Severability:

If any term or condition of this contract or the application thereof to any person(s) or circumstances is held invalid, such invalidity shall not affect other terms, conditions or applications which can be given effect without the invalid term, condition or application. To this end, the terms and conditions of this contract are declared severable.

41.2 Waiver:

Waiver of any breach or condition of this contract shall not be deemed a waiver of any prior or subsequent breach. No term or condition of this contract shall be held to be waived, modified or deleted except by an instrument, in writing, signed by the parties hereto. The failure of the County to insist upon strict performance of any of the covenants and agreements of this Agreement, or to exercise any option herein conferred in any one or more instances, shall not be construed to be a waiver or relinquishment of any such, or any other covenants or agreements, but the same shall be and remain in full force and effect.

42.1 Disputes:

a. General:

Differences between the Contractor and the County, arising under and by virtue of the Contract Documents, shall be brought to the attention of the County at the earliest possible time in order that such matters may be settled or other appropriate action promptly taken. Except for such objections as are made of record in the manner hereinafter specified and within the time limits stated, the records, orders, rulings, instructions, and decisions of the Administrative Officer shall be final and conclusive.

b. Notice of Potential Claims:

The Contractor shall not be entitled to additional compensation which otherwise may be payable, or to extension of time for (1) any act or failure to act by the Administrative Officer or the County, or (2) the happening of any event or occurrence, unless the Contractor has given the County a written Notice of Potential Claim within ten (10) days of the commencement of the act, failure, or event giving rise to the claim, and before final payment by the County. The written Notice of Potential Claim shall set forth the reasons for which the Contractor believes additional compensation or extension of time is due, the nature of the cost involved, and insofar as possible, the

amount of the potential claim. Contractor shall keep full and complete daily records of the work performed, labor and material used, and all costs and additional time claimed to be additional.

c. Detailed Claim:

The Contractor shall not be entitled to claim any such additional compensation, or extension of time, unless within thirty (30) days of the accomplishment of the portion of the work from which the claim arose, and before final payment by the County, the Contractor has given the County a detailed written statement of each element of cost or other compensation requested and of all elements of additional time required, and copies of any supporting documents evidencing the amount or the extension of time claimed to be due.

d. Arbitration: Not Applicable

43.1 Venue and Choice of Law:

In the event that any litigation should arise concerning the construction or interpretation of any of the terms of this Agreement, the venue of such action of litigation shall be in the courts of the State of Washington in and for the County of Whatcom. This Agreement shall be governed by the laws of the State of Washington.

44.1 Survival:

The provisions of paragraphs 11.1, 11.2, 11.3 , 21.1, 22.1, 30.1, 31.1, 31.2, 32.1, 33.1, 34.2, 34.3, 36.1, 40.2, 41.2, 42.1, and 43.1, if utilized, shall survive, notwithstanding the termination or invalidity of this Agreement for any reason.

45.1 Entire Agreement:

This written Agreement, comprised of the writings signed or otherwise identified and attached hereto, represents the entire Agreement between the parties and supersedes any prior oral statements, discussions or understandings between the parties.

EXHIBIT "A"
(SCOPE OF WORK)

The Contractor shall serve as the County's EMS Medical Program Director and shall have the responsibilities as set forth in WAC 246-976-920 during the term of this Agreement. The Contractor is retained to provide services to Whatcom County consisting of such supervision and control over Emergency Medical Services (EMS) Agencies and Individuals as is required to maintain operations of EMTs, EMT II and Paramedics. This shall be as provided under RCW for Medical Program Director operations.

CONTRACTOR SHALL:

1. Maintain Washington State Department of Health Medical Program Director appointment status throughout the term of this agreement.
2. Have the responsibility for completion of all duties and responsibilities as outlined in the Washington State Department of Health OEMSTS – MPD Handbook, Revised November, 2006, or as subsequently amended.
3. Establish standing State approved medical protocols, practices, and guidelines for Whatcom County EMS at both the BLS and ALS level
4. Recommend standards of equipment for Whatcom County EMS
5. Assure ongoing training and education for EMS personnel. This may be accomplished through one or more supervising physicians.
6. Either directly, or via Supervising Physicians, review medical incident reports submitted by the departments to ensure standard medical procedures, documentation and appropriate patient care is provided. Obtain patient follow up as appropriate and permitted by Washington State Law.
7. Further assist all ALS agencies either directly, or through supervising physicians in providing quality assurance of care being provided.
8. Meet with the appropriate emergency medical and ambulance advisory bodies to facilitate EMS system operation.
9. Support Whatcom County EMS operations during mass casualty and disaster situations.
10. Act as the medical operations director for EMS 9-1-1 dispatch center to also include auditing dispatch assisted instructions (i.e. CPR, critical incidents, etc.) for quality improvement, and coordinating with the Communications Division Chief for implementing and modifying Priority Dispatch cards.
11. Provide medical liaison with the medical and nonmedical community.
12. Be responsible for supervision and assignment of duties to the Delegate EMS Supervising Physician.
13. Meet a minimum of once per month with the Whatcom County EMS Manager.
14. Acknowledge they are a covered entity under Federal HIPPA regulations and will comply with all applicable rules and regulations. Contractor agrees to adhere to any specific HIPPA protocols, including any required training, requested by County related to transmitting, storing, and using HIPPA information pursuant to this Agreement. Any violations of HIPPA rules and regulations, including a breach of PHI, shall be reported immediately to the County along with Contractor's actions to mitigate the effect of such violations.
15. No later than the tenth day of each calendar month Contractor will provide County with;
A monthly Medical Program Director Report (as found in the Washington State Department of Health – OEMSTS – MPD Handbook – Revised November 2006, or as subsequently amended; and an invoice for services provided previous month.
16. Drive his own vehicle, or with mutual agreement, County vehicles, in the performance of his duties under this agreement.

Further in performance of his duties under this agreement, the Contractor may operate emergency vehicles, including his own vehicle, if the Contractor:

1. Maintains the required Emergency Vehicle Incident Prevention (EVIP) certification.
2. Notified Prospect Dispatch Center before operating the vehicle as an emergency vehicle.

3. Maintains emergency lighting, sirens, and communications equipment per the standards of the Washington State Patrol.

The EMS Manager or Whatcom County Sheriff shall have the authority to unilaterally rescind the Contractor's emergency driving privileges upon written notice with or without good cause. If the Contractor complies with all of the requirements contained in this paragraph, the County shall indemnify, defend, and hold harmless the Contractor for any liability arising from the operation of his vehicle in the performance of his duties under this agreement.

The Contractor will be provided with protective equipment sufficient to achieve the stated goals and requirements of this Agreement including office space and administrative support.

EXHIBIT "B"
(COMPENSATION)

The Contractor shall be paid a Maximum consideration for this contract of \$160,000. The amount of the contract has been increased to the amount stated above to include an amount sufficient for the contractor to purchase the medical professional liability insurance required under this contract. The Contract Number shall be included on all billings or correspondence.

The Contractor will submit an invoice at the end of each month for 1/12 of the annual EMS Medical Program Director fee of \$80,000 each year for services rendered. Annually, upon receipt of invoice, the County will reimburse the Contractor for the cost of required professional liability insurance.

An invoice for services provided shall be submitted to Whatcom County for services rendered along with the completed monthly Medical Program Director Report as outlined in Exhibit D, for the associated billed monthly services.

The Medical Program Director Report can be found in the Washington State Department of Health's Medical Program Director Handbook, <https://www.doh.wa.gov/Portals/1/Documents/2900/mpdmanual.pdf>, or as subsequently updated.

Invoices may be submitted on a monthly or quarterly basis. Payment will be made no more than one time per month.



Retail Producer:
Tom James
NFP Property and Casualty Services, Inc. - Scottsda
8201 N Hayden Road
Scottsdale, AZ 85258-2453
Phone: (505) 362-0428
Fax: (866) 577-7833
Email: tjames@nfp.com

INSURANCE BINDER

Binder Information

Insured Name: Marvin A. Wayne, MD
Policy Number: EMD-1634231-P2
Policy Period: 1/1/2019 to 1/1/2020
Insurance Carrier: Nautilus Insurance Company NAIC #: 17370
Admitted / Non-Admitted: Non-Admitted
A. M. Best Rating: A+ XV

Retroactive Date (if Claims Made coverage): 01/01/2018

Physical Location

456 14th Street,
Bellingham, WA 98225

Limits of Insurance

Coverage: Professional Liability

\$1,000,000	Per Claim
\$1,000,000	Per Occurrence
\$3,000,000	Aggregate

PL RETRO DATE	01/01/2018
GL RETRO DATE	01/01/2018

Premium Summary

Premium **\$3,600.00**

<u>Coverage</u>	<u>Premium</u>	<u>MEP % -If varies from policy MEP</u>
Professional Liability	\$3,600.00	25%

Minimum Earned Premium: 25%

TRIA Premium: INCLUDED

(All applicable taxes and fees are Fully Earned unless otherwise specified.)

Fees:

Nov 28, 2018

RPS Submission #: 2393956A

EXHIBIT "D"
MONTHLY MEDICAL PROGRAM DIRECTOR REPORT

MONTHLY MEDICAL PROGRAM DIRECTOR REPORT

MEDICAL CONTROL ACTIVITY FOR THE MONTH OF _____
COUNTY _____

MEDICAL CONTROL ACTIVITY	# OF HOURS	WORK PERFORMED BY		
		DELEGATE	ADMIN STAFF	SELF
Patient Care Protocol				
* Certification & Recertification				
Corrective Action				
• Counseling				
• * Decert., etc.				
Training				
QI				
Patient Care Procedures				

*** ACTIVITY CAN NOT BE DELEGATED AND MUST BE DONE BY MPD**

Comments: _____

 Medical Program Director Signature

 Date

Professional Services Agreement
 Countywide EMS Medical Program Director

Page 10

V2.0

Professional Services
 Countywide EMS Medical Program Director


Page 12

V2.0



MEMORANDUM

TO: Jack Louws, County Executive

FROM: Tawni Helms, Administrative Coordinator 
Through: Tyler Schroeder, Deputy Executive

RE: Medical Program Director Services

DATE: October 31, 2018

Enclosed are two (2) originals of a Professional Services Agreement between Whatcom County and Marvin Wayne, MD, PS, a professional services corporation, for your review and signature.

▪ **Background and Purpose**

In November 2016, a countywide Emergency Medical Services (EMS) levy passed which approved the EMS funding plan. The EMS Funding Plan included in the EMS Funding Work Group (FWG) Recommendations approved by the EMS Oversight Board details budgeting for a countywide EMS system. The budget includes compensation for a Medical Program Director who shall have the responsibilities as set forth in WAC 246-976-920.

This personal services agreement allows for countywide Medical Program Director services as outlined in the Washington State Department of Health's Medical Program Director Handbook.

▪ **Funding Amount and Source**

The funding source is the EMS Levy Tax Collection.

▪ **Differences from Previous Contract**

The increased compensation reflects comparable rates for Medical Program Director services in similar sized jurisdictions.

Please contact Mike Hilley, EMS Manager at extension 5209, if you have any questions or concerns regarding the terms of this agreement.

Encl.



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2019-025

File ID:	AB2019-025	Version:	1	Status:	Agenda Ready
File Created:	01/02/2019	Entered by:	THelms@co.whatcom.wa.us		
Department:		File Type:	Contract		

First Assigned to: Council Finance and Administrative Services Committee

Agenda Date:	Next Mtg. Date:	Hearing Date:
---------------------	------------------------	----------------------

TITLE FOR AGENDA ITEM:

Request authorization for the County Executive to enter into a contract amendment between Whatcom County and Whatcom Humane Society to extend the term of the Agreement to April 30, 2019

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

See Attached

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
--------------	---------------------	----------------	-----------------

Attachments: WHS Amendment Cover Memo 010219.pdf, WHS Contract Amendment.pdf

Final Action:
Enactment Date:
Enactment #:



MEMORANDUM

TO: Jack Louws, County Executive

FROM: Tawni Helms, Administrative Services Coordinator

RE: Whatcom Humane Society amendment to extend agreement

DATE: December 6, 2018

Enclosed are two (2) originals of a contract amendment between Whatcom County and the Whatcom Humane Society for your review and signature.

▪ **Background and Purpose**

Whatcom Humane Society will provide animal control and shelter services to Whatcom County. Services include but are not exclusive to: housing, administering regulations, enforcement and penalties pursuant to County ordinances, states and local code as described in Exhibit A of the agreement.

▪ **Funding Amount and Source**

General Fund. The amount reflects the cost to extend the contract for four months.

▪ **Differences from Previous Contract**

Current agreement expires December 31, 2018. This amendment serves to extend the agreement by four months to April, 30, 2019.

Please contact Tawni Helms at extension 5208, if you have any questions or concerns regarding the terms of this agreement.

Encl.

WHATCOM COUNTY CONTRACT INFORMATION SHEET

Whatcom County Contract No.

201611032-2

Originating Department:	Executive Office
Division/Program: (i.e. Dept. Division and Program)	Non-Departmental – Animal Control
Contract or Grant Administrator:	T. Helms, Administrative Coordinator
Contractor's / Agency Name:	Whatcom Humane Society
Is this a New Contract? If not, is this an Amendment or Renewal to an Existing Contract? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If Amendment or Renewal, (per WCC 3.08.100 (a)) Original Contract #: <u>201611032</u>	
Does contract require Council Approval? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If No, include WCC: <u>3.08.090</u> (see Whatcom County Codes 3.06.010, 3.08.090 and 3.08.100)	
Is this a grant agreement? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, grantor agency contract number(s): _____ CFDA#: _____	
Is this contract grant funded? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, Whatcom County grant contract number(s): _____	
Is this contract the result of a RFP or Bid process? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, RFP and Bid number(s): <u>RFP 16-44</u> Contract Cost Center: <u>4300</u>	
Is this agreement excluded from E-Verify? No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> If no, include Attachment D Contractor Declaration form.	
If YES, indicate exclusion(s) below: <input 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>773,057.44</u> This Amendment Amount: \$ <u>128,842.88</u> Total Amended Amount: \$ <u>901,900.32</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: Whatcom Humane Society will provide animal control and shelter services to Whatcom County. Services include but are not exclusive to: housing, administering regulations, enforcement and penalties pursuant to County ordinances, states and local code as described in Exhibit A.	
Term of Contract:	2 years and 4 months
Expiration Date:	April 30, 2019

Contract Routing:	1. Prepared by: <u>Twh</u>	Date: <u>12/6/18</u>
	2. Attorney signoff: <u>[Signature]</u>	Date: <u>1/2/19</u>
	3. AS Finance reviewed: <u>[Signature]</u>	Date: <u>1/2/19</u>
	4. IT reviewed (if IT related): _____	Date: _____
	5. Contractor signed: _____	Date: _____
	6. Submitted to Exec.: _____	Date: _____
	7. Council approved (if necessary): _____	Date: _____
	8. Executive signed: _____	Date: _____
	9. Original to Council: _____	Date: _____

Amendment No. 2
Whatcom County Contract No. 201611032
CONTRACT BETWEEN WHATCOM COUNTY AND
WHATCOM HUMANE SOCIETY

THIS AMENDMENT is to the Contract between Whatcom County and Whatcom Humane Society, dated _____ and designated "Whatcom County Contract No. 201611032. In consideration of the mutual benefits to be derived, the parties agree to the following:

This Amendment extends the term of this Agreement to April 30, 2019, and increases the maximum consideration by \$128,842.88 to a total consideration of \$901,900.32.

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: January 1, 2019, regardless of the date of signature.

IN WITNESS WHEREOF, Whatcom County and Whatcom Humane Society have executed this Amendment on the date and year below written.

DATED this _____ day of January, 2019.

CONTRACTOR:

Whatcom Humane Society

[Signature]
Laura Clark, Director

STATE OF WASHINGTON)

) ss.

COUNTY OF WHATCOM)

On this 28 day of Dec, 2018, before me personally appeared Laura Clark to me known to be the Director of the Whatcom Humane Society 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,
Sandy Korthuis printed name,
residing at Bellingham
My commission expires 7/7/2019

Approved as to form:

Approved:

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,
_____, printed name.
residing at _____. My commission
expires _____.

Whatcom Humane Society

**2172 Division Street
Bellingham, WA 98226**

Contact Name: Laura Clark
Contact Phone: 360-733-2080 ext: 3026
Contact FAX: 360-733-4746
Contact Email: director@whatcomhumane.org



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2019-081

File ID:	AB2019-081	Version:	1	Status:	Agenda Ready
File Created:	01/15/2019	Entered by:	SLewis@co.whatcom.wa.us		
Department:		File Type:	Contract		

First Assigned to: Council Finance and Administrative Services Committee

Agenda Date:	Next Mtg. Date:	Hearing Date:
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TITLE FOR AGENDA ITEM:

Request authorization for the County Executive to enter into an interlocal agreement between Whatcom County and Office of Crime Victims Advocacy to increase advocacy for child victims of abuse or neglect in dependency Court Appointed Special Advocates program, in the amount of \$95,173.00

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

The State of Washington Office of Crime Victims Advocacy shall reimburse Whatcom County \$95,173.00 and Whatcom County will match \$32,063.00 to increase advocacy for child victims of abuse or neglect in dependency proceedings in Whatcom County by increasing the number of volunteer Court Appointed Special Advocates (CASA). This will be achieved through the hiring of an additional CASA Coordinator to focus on the recruitment and retention of CASA volunteers for the duration of the grant.

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
-------	--------------	---------	----------

Attachments: Staff Memo, Contract Agreement VOCA 1-16-2019, CASA Volunteer Coordinator Job Description, CASA Volunteer Job Description, Proof of Insurance

Final Action:
Enactment Date:
Enactment #:



MEMORANDUM

TO: Jack Louws, County Executive

FROM: Dave Reynolds, Director

RE: **Awarded grant from the Office of Crime Victims Advocacy**

DATE: January 14, 2019

Enclosed are two (2) originals of the Interagency Agreement between Whatcom County Superior Court and the State of Washington Office of Crime Victims Advocacy for your review and signature.

- **Background and Purpose**

The purpose of this agreement is to reimburse Whatcom County for expenses associated with the expansion of advocacy services for child victims of abuse or neglect in dependency proceedings by increasing the number of volunteer Court Appointed Special Advocates (CASA).

- **Funding Amount and Source**

The State of Washington Office of Crime Victims Advocacy has awarded Whatcom County Juvenile Court a grant up to \$95,173.00 and Whatcom County agrees to match \$32,063.00 to fund the hiring of an additional CASA Coordinator to help grow the CASA program.

- **Differences from Previous Contract**

This is a new grant and contract. The term of the grant is 18 months. It will begin Jan 1, 2019 and expire on June 30, 2020.

Please return both copies to **Dave Reynolds** after the Executive has signed so they can be forwarded to VOCA for full execution. Please contact him, at extension **5495**, if you have any questions or concerns regarding the terms of this agreement.

Encl.

WHATCOM COUNTY CONTRACT INFORMATION SHEET

Whatcom County Contract No. _____

Originating Department:	Juvenile Court Administration
Division/Program: (i.e. Dept. Division and Program)	Court Appointed Special Advocate (CASA)
Contract or Grant Administrator:	David L. Reynolds, Director
Contractor's / Agency Name:	Whatcom County as the contractor for the Office of Crime Victims Advocacy
Is this a New Contract? If not, is this an Amendment or Renewal to an Existing Contract? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If Amendment or Renewal, (per WCC 3.08.100 (a)) Original Contract #: _____	
Does contract require Council Approval? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If No, include WCC: _____ (see Whatcom County Codes 3.06.010, 3.08.090 and 3.08.100)	
Is this a grant agreement? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, grantor agency contract number(s): <u>F17-31219-55</u> CFDA#: <u>16.575</u>	
Is this contract grant funded? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, Whatcom County grant contract number(s): <u>New Grant and Contract</u>	
Is this contract the result of a RFP or Bid process? Contract _____ Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> If yes, RFP and Bid number(s): _____ Cost Center: <u>1935</u>	
Is this agreement excluded from E-Verify? No <input type="checkbox"/> Yes <input checked="" type="checkbox"/> If no, include Attachment D Contractor Declaration form.	
If YES, indicate exclusion(s) below: <input 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 checked="" 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>95,173.00</u> This Amendment Amount: \$ _____ Total Amended Amount: \$ <u>95,173.00</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, professional services, or other capital costs approved by council in a capital budget appropriation ordinance. 3. Bid or award is for supplies or equipment included approved in the budget. 4. 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 State of Washington Office of Crime Victims Advocacy shall reimburse Whatcom County \$95,173.00 and Whatcom County will match \$32,063.00 to increase advocacy for child victims of abuse or neglect in dependency proceedings in Whatcom County by increasing the number of volunteer Court Appointed Special Advocates (CASA). This will be achieved through the hiring of an additional CASA Coordinator to focus on the recruitment and retention of CASA volunteers for the duration of the grant.	
Term of Contract:	18 Months
Expiration Date:	06/30/2020

Contract Routing:	1. Prepared by: <u>Kelly Dahl and Stephanie Lewis</u>	Date: <u>1/14/2019</u>
	2. Attorney signoff: <u>KNE</u>	Date: <u>1/15/2019</u>
	3. AS Finance reviewed: <u>Bennett</u>	Date: <u>1/15/2019</u>
	4. IT reviewed (if IT related): _____	Date: _____
	5. Contractor signed: _____	Date: _____
	6. Submitted to Exec.: _____	Date: _____
	7. Council approved (if necessary): _____	Date: _____
	8. Executive signed: _____	Date: _____
	9. Original to Council: _____	Date: _____



Department of Commerce

Grant Agreement with

Whatcom County Juvenile

through

Office of Crime Victims Advocacy

Community Services and Housing Division

For

Services for Victims and Survivors: Addressing Unmet Victim

Service Needs 2019

Start date: 01/01/2019

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TABLE OF CONTENTS

Face Sheet.....	1
Special Terms and Conditions	2
1. Acknowledgement of Federal Funding	2
2. Applicability of Part 200 Uniform Requirements	2
3. Billing Procedures and Payment.....	2
4. Compensation	3
5. Compliance with DOJ Grants Financial Guide	3
6. Computer Networks	4
7. Conferences, Meetings, and Trainings	4
8. Equal Employment Opportunity Program (EEOP).....	4
9. Equal Opportunity Treatment For Faith Based Organizations.....	4
10. Examination of Records	4
11. Federal Non-Discrimination Requirements	4
12. Fraud, Waste, Abuse, Or Misconduct	5
13. General Appropriations-Law Restrictions on the Use of Federal funds.....	5
14. Grant Management	5
15. Grant Modification	6
16. Insurance	6
17. Noncompetitive Procurement Contracts Over \$150,000	6
18. Non-Supplanting Certification	7
19. OJP Training Guiding Principles	7
20. Reducing Text Messaging While Driving	7
21. Reporting.....	7
22. Requirement Pertaining to Prohibited Conduct Related to Trafficking in Persons (Including Reporting Requirements and OJP Authority to Terminate Award)	8
23. Restrictions and Certifications Regarding Non-Disclosure Agreements and Related Matters.....	8
24. Restrictions on Lobbying	9
25. Services To Limited English Proficient (LEP) Persons	9
26. Subcontractor Data Collection	9
27. Order of Precedence.....	9
General Terms and Conditions	11
1. Definitions	11
2. Access to Data	11
3. Advance Payments Prohibited	12
4. All Writings Contained Herein	12
5. Amendments	12
6. Americans With Disabilities Act (ADA).....	12
7. Assignment	12
8. Attorney's Fees	12
9. Audit	12
10. Certification Regarding Debarment, Suspension or Ineligibility and Voluntary Exclusion.....	13
11. Confidentiality/Safeguarding of Information	13
12. Conflict of Interest	14
13. Copyright Provision	15
14. Disputes	15
15. Duplicate Payment	16
16. Governing Law and Venue	16
17. Indemnification	16

18.	Independent Capacity of the Grantee	16
19.	Indirect Costs	17
20.	Industrial Insurance Coverage	17
21.	Laws	17
22.	Licensing, Accreditation and Registration	17
23.	Limitation of Authority	17
24.	Noncompliance With Nondiscrimination Laws	17
25.	Pay Equity	17
26.	Political Activities	18
27.	Procurement Standards for Federally Funded Programs	18
28.	Publicity	19
29.	Recapture	19
30.	Records Maintenance	20
31.	Registration With Department of Revenue	20
32.	Right of Inspection	20
33.	Savings	20
34.	Severability	20
35.	Site Security	20
36.	Subgranting/Subcontracting	20
37.	Survival	21
38.	Taxes	21
39.	Termination for Cause	21
40.	Termination for Convenience	22
41.	Termination Procedures	22
42.	Treatment of Assets	23
43.	Waiver	23

Attachment A - Scope of Work

Attachment B - Budget

Attachment C - Equal Employment Opportunity Plan Certification

Attachment D - Victims of Crime Act (VOCA) Program Rule

FACE SHEET

Grant Number: F17-31219-555

**Washington State Department of Commerce
Community Services and Housing Division
Office of Crime Victims Advocacy
Services for Victims and Survivors: Addressing Unmet Victim Service Needs 2019**

1. Grantee Whatcom County Juvenile Court - Probation 311 Grand Avenue, Suite 501 BELLINGHAM WA 98225		2. Grantee Doing Business As (optional) N/A	
3. Grantee Representative David Reynolds Director of Superior Court dreynold@co.whatcom.wa.us (360) 778-5565		4. COMMERCE Representative Susanne Guinn Program Coordinator Phone: (360) 725-2894 Fax: (360) 586-7176 susanne.guinn@commerce.wa.gov	
5. Grant Amount \$127,236.00		6. Funding Source Federal: <input checked="" type="checkbox"/> State: <input type="checkbox"/> Other: <input type="checkbox"/> N/A: <input type="checkbox"/>	
		7. Start Date 01/01/2019	8. End Date 06/30/2020
9. Federal Funds (as applicable) \$127,236.00	Federal Agency: Department of Justice, Office for Victims of Crime	CFDA Number: 16.575	Indirect Rate (if applicable):
10. SWV # SWV0002425-24	11. UBI # 371010246	12. DUNS # 060044641	
13. Grant Purpose To fund victim services that address a current unmet need			
COMMERCE, defined as the Department of Commerce, and the Grantee, as defined above, acknowledge and accept the terms of this Grant and attachments and have executed this Grant on the date below to start as of the date and year referenced above. The rights and obligations of both parties to this Grant are governed by this Grant and the following other documents incorporated by reference: Grant Terms and Conditions including Attachment A – Scope of Work; Attachment B – Budget; Attachment C –Equal Employment Opportunity Plan Certification; Attachment D - Victims of Crime Act (VOCA) Program Rule; and Grantee's Application for funding.			
FOR GRANTEE _____ Signature _____ Name _____ Title _____ Date		FOR COMMERCE _____ Diane Klontz, Assistant Director _____ Date APPROVED AS TO FORM ONLY BY ASSISTANT ATTORNEY GENERAL APPROVAL ON FILE	

**SPECIAL TERMS AND CONDITIONS
GENERAL GRANT
FEDERAL FUNDS**

1. ACKNOWLEDGEMENT OF FEDERAL FUNDING

Federal Award Date: 10/1/2016 – 9/30/2020
Federal Award Identification Number (FAIN):
2017-VA-GX-0061

Total Amount of the Federal Award:
\$41,060,865
Awarding Official: Department of Justice,
Office of Justice Programs, Office for Victims of Crime

Amount obligated by this action: \$127,236.00

The Grantee agrees that any publications (written, visual, or sound) but excluding press releases, newsletters, and issue analyses, issued by the Grantee describing programs or projects funded in whole or in part with federal funds under this Grant, shall contain the following statements:

"This project was supported by Grant No. 2017-VA-GX-0061 awarded by Office for Victims of Crime, US Department of Justice. Points of view in this document are those of the author and do not necessarily represent the official position or policies of the Office for Victims of Crime, US Department of Justice. Grant funds are administered by the Office of Crime Victims Advocacy, Washington State Department of COMMERCE."

In the event a correction is required to the Acknowledgement of Federal Funding, an administrative change will be processed. A change to the Acknowledgement of Federal Funding will not affect your budget or scope of work and notice will be provided.

2. APPLICABILITY OF PART 200 UNIFORM REQUIREMENTS

The Uniform Administrative Requirements, Cost Principles, and Audit Requirements in 2 C.F.R. Part 200, as adopted and supplemented by DOJ in 2 C.F.R. Part 2800 (together, the "Part 200 Uniform Requirements") apply to this grant. For more information and resources on the Part 200 Uniform Requirements as they relate to this award, see the OJP website at <https://ojp.gov/funding/Part200UniformRequirements.htm>.

3. BILLING PROCEDURES AND PAYMENT

The Grantee shall submit all requests for reimbursement on the Invoice Voucher (A-19) form provided by OCVA program staff.

Invoices shall be submitted at least quarterly, but not more often than monthly, on the Invoice Voucher (A-19) Forms. The Invoice Voucher shall be submitted to Susanne Guinn, Program Coordinator, Office of Crime Victims Advocacy, Post Office Box 42525, Olympia, Washington 98504-2525. Invoices can also be submitted electronically by email to susanne.guinn@commerce.wa.gov.

COMMERCE will pay Grantee upon acceptance of program activities provided and receipt of properly completed invoices.

Payment shall be considered timely if made by COMMERCE within thirty (30) calendar days after receipt of properly completed invoices. Payment shall be sent to the address designated by the Grantee.

COMMERCE may, in its sole discretion, terminate the Grant or withhold payments claimed by the Grantee for services rendered if the Grantee fails to satisfactorily comply with any term or condition of this Grant.

**SPECIAL TERMS AND CONDITIONS
GENERAL GRANT
FEDERAL FUNDS**

No payments in advance or in anticipation of services or supplies to be provided under this Grant shall be made by COMMERCE.

Duplication of Billed Costs

The Grantee shall not bill COMMERCE for services performed under this Grant, and COMMERCE shall not pay the Grantee, if the Grantee is entitled to payment or has been or will be paid by any other source, including grants, for that service.

Disallowed Costs

The Grantee is responsible for any audit exceptions or disallowed costs incurred by its own organization or that of its Subcontractors.

4. COMPENSATION

COMMERCE shall pay an amount not to exceed (\$127,236.00) for the performance of all things necessary for or incidental to the performance of work as set forth in Attachment A - Scope of Work. Grantee's compensation for services rendered shall be based on the following rates or in accordance with Attachment B – Budget.

The Grantee shall provide a non-federal match for the Victims of Crime Act portion of this Grant. The total match to be provided shall be at least \$32,063.00. All funds designated as match are restricted to the same uses as VOCA federal funds. Match funds may be expended in a greater proportion to grant funds, however, all match funds must be expended prior to the close of this Grant. Expenditures of match funds must be identified on the invoice voucher form.

Transfer of funds between line item budget categories must be approved by the Office of Crime Victims Advocacy (OCVA) program staff. A cumulative amount of these transfers exceeding ten (10) percent of the total program budget shall be subject to justification and negotiation between the Grantee and OCVA, including approval from the Grantee's signature authority and the relevant OCVA Section Manager.

Payment will be on a reimbursement basis only.

Consultant fees may not exceed \$650 per day or \$81.25 per hour for the Victims of Crime Act portion of this Grant (excluding travel and subsistence costs).

Travel expenses incurred or paid by Grantee shall be reimbursed at a rate not to exceed the current state rate and in accordance with the State of Washington Office of Financial Management Travel Regulations. Any out-of-state travel must be approved in advance by the COMMERCE program coordinator for this Grant. Current travel rates may be accessed at <https://ofm.wa.gov/sites/default/files/public/resources/travel/colormap.pdf>

The Grantee agrees to comply with the financial and administrative requirements set forth in the current edition of the Office of Justice Programs Financial Guide, which can be found at https://ojp.gov/financialguide/doj/pdfs/DOJ_FinancialGuide.pdf.

Funds payable under this Grant include federal Victims of Crime Act (VOCA) victim assistance grant funds (CFDA Number 16.575).

In performance of the services, requirements, and activities set forth herein, the Grantee shall comply with all applicable federal requirements of the Victims of Crime Act Rule <https://www.federalregister.gov/documents/2016/07/08/2016-16085/victims-of-crime-act-victim-assistance-program>.

5. COMPLIANCE WITH DOJ GRANTS FINANCIAL GUIDE

**SPECIAL TERMS AND CONDITIONS
GENERAL GRANT
FEDERAL FUNDS**

The recipient agrees to comply with the DOJ Grants Financial Guide as posted on the OJP website (currently, the "2015 DOJ Grants Financial Guide" available at <https://ojp.gov/financialguide/DOJ/index.htm>), including any updated version that may be posted during the period of performance.

6. COMPUTER NETWORKS

Grantee understands and agrees that it cannot use any federal funds to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

7. CONFERENCES, MEETINGS, AND TRAININGS

The recipient agrees to comply with all applicable laws, regulations, policies, and guidance (including specific cost limits, prior approval and reporting requirements, where applicable) governing the use of federal funds for expenses related to conferences, meetings, trainings, and other events, including the provision of food and/or beverages at such events, and costs of attendance at such events. Information on pertinent laws, regulations, policies, and guidance is available at <http://ojp.gov/financialguide/DOJ/PostawardRequirements/chapter3.10a.htm>.

8. EQUAL EMPLOYMENT OPPORTUNITY PROGRAM (EEOP)

The Grantee certifies that you have verified with the appropriate person in your agency that, as a recipient of VOCA Grant funds, your agency will complete an EEOP Certification to claim either a complete exemption or limited exemption from the submission requirement.

A complete exemption means that your agency is not required to prepare an EEOP because it meets one or more of the following:

- Recipient has less than 50 employees
- Recipient is an education institution
- Recipient is an Indian Tribe
- Recipient is a medical institution
- Recipient is a non-profit organization
- Recipient's award is less than \$25,000

A limited exemption of the submission requirement means that your agency has formulated an EEOP that has been signed and is available for review because the agency has 50 or more employees and is receiving a single award or subaward of \$25,000 or more, but less than \$500,000.

9. EQUAL OPPORTUNITY TREATMENT FOR FAITH BASED ORGANIZATIONS

The Grantee agrees to comply with the applicable requirements of 28 CFR Part 38, the Department of Justice regulation.

10. EXAMINATION OF RECORDS

The Grantee authorizes Office for Victims of Crime (OVC) and/or the Office of the Chief Financial Officer (OCFO), and its representatives, access to and the right to examine all records, books, paper or documents related to the VOCA grant. The State will further ensure that all VOCA subgrantees will authorize representatives of OVC and OCFO access to and the right to examine all records, books, paper or documents related to the VOCA grant.

11. FEDERAL NON-DISCRIMINATION REQUIREMENTS

It will comply with any applicable federal non-discrimination requirements, which may include:

**SPECIAL TERMS AND CONDITIONS
GENERAL GRANT
FEDERAL FUNDS**

- the Omnibus Crime Control Act and Safe Streets Act of 1968 (42 U.S.C. § 3789d);
- the Victims of Crime Act (VOCA) of 1984 (34 U.S.C. § 20101);
- the Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672(b));
- the Civil Rights Act of 1964 (42 U.S.C. § 2000(d));
- the Rehabilitation Act of 1973 (29 U.S.C. § 794);
- the Americans with Disabilities Act of 1990 (42 U.S.C. §§ 12131-34);
- the Education Amendments of 1972 (20 U.S.C. §§ 1681,1683,1685-86);
- the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-07);
- 28 C.F.R. Part 42 (U.S. Department of Justice Regulations – Nondiscrimination, Equal Employment Opportunity, Policies and Procedures);
- Executive Order 13279 (equal protection of the law for-faith based and community organizations); and 28 C.F.R. Part 37 ((U.S. Department of Justice Regulations – Equal Treatment for Faith Based Organizations).

Applicant also ensures compliance with Federal law prohibiting grant recipients from retaliating against individuals taking action or participating in action to secure rights protected by federal law. Information about civil rights obligations of Grantees can be found at <http://www.ojp.usdoj.gov/ocr/>.

12. FRAUD, WASTE, ABUSE, OR MISCONDUCT

The Grantee, and any Subgrantee at any tier, must promptly refer to the DOJ OIG any credible evidence that a principal, employee, agent, Grantee, Subgrantee, Subcontractor, or other person has either 1) submitted a false claim for grant funds under the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds. Potential fraud, waste, abuse, or misconduct should be reported to the OIG by:

Mail:

Office of the Inspector General
U.S. Department of Justice
Investigations Division

Email: oig.hotline@usdoj.gov
Hotline: (800) 869-4499
Hotline fax: (202) 616-9881

950 Pennsylvania Avenue, NW
Room 4706
Washington, DC 20530

13. GENERAL APPROPRIATIONS-LAW RESTRICTIONS ON THE USE OF FEDERAL FUNDS

The Grantee, and any Subgrantee at any tier, must comply with all applicable restrictions on the use of federal funds set out in federal appropriations statutes. Pertinent restrictions, including from various "general provisions" in the Consolidated Appropriations Act, 2017, are set out at <https://ojp.gov/funding/Explore/FY17AppropriationsRestrictions.htm> and are incorporated by reference here.

14. GRANT MANAGEMENT

The Representative for each of the parties shall be responsible for and shall be the contact person for all communications and billings regarding the performance of this Grant.

The Representative for COMMERCE and their grant information are identified on the Face Sheet of this Grant.

The Representative for the Grantee and their contact information are identified on the Face Sheet of this Grant.

**SPECIAL TERMS AND CONDITIONS
GENERAL GRANT
FEDERAL FUNDS**

15. GRANT MODIFICATION

Notwithstanding any provision of this grant to the contrary, at any time during the grant period, COMMERCE may, by written notification to the Grantee and without notice to any known guarantor or surety, make changes within the general scope of the program activities to be performed under this Grant. All other modifications shall not be valid unless made in writing and signed by the parties. Any oral understandings and agreements not incorporated herein, unless made in writing and signed by the parties hereto, shall not be binding.

Notwithstanding any provision of this grant to the contrary, at any time during the grant period, COMMERCE may analyze grant expenditures as a proportion of the grant budget. If COMMERCE determines, in its sole discretion, that the grant funding is underutilized, COMMERCE, in its sole discretion, may unilaterally modify the grant to reduce the balance of the grant budget. Funds de-obligated by COMMERCE as a result of a budget reduction may be made available to other grantees for the provision of eligible program activities.

16. INSURANCE

The Grantee shall provide insurance coverage as set out in this section. The intent of the required insurance is to protect the state should there be any claims, suits, actions, costs, damages or expenses arising from any loss, or negligent or intentional act or omission of the Grantee or Subgrantee/subcontractor, or agents of either, while performing under the terms of this Grant.

The insurance required shall be issued by an insurance company authorized to do business within the state of Washington. Except for Professional Liability or Errors and Omissions Insurance, the insurance shall name the state of Washington, its agents, officers, and employees as additional insureds under the insurance policy. All policies shall be primary to any other valid and collectable insurance. The Grantee shall instruct the insurers to give COMMERCE thirty (30) calendar days advance notice of any insurance cancellation, non-renewal or modification.

The Grantee shall submit to COMMERCE within fifteen (15) calendar days of the Grant start date, a certificate of insurance which outlines the coverage and limits defined in this insurance section. During the term of the Grant, the Grantee shall submit renewal certificates not less than thirty (30) calendar days prior to expiration of each policy required under this section.

The Grantee shall provide insurance coverage that shall be maintained in full force and effect during the term of this Grant, as follows:

Commercial General Liability Insurance Policy. Provide a Commercial General Liability Insurance Policy, including contractual liability, written on an occurrence basis, in adequate quantity to protect against legal liability arising out of Grant activity but no less than \$1,000,000 per occurrence. Additionally, the Grantee is responsible for ensuring that any Subgrantee/subcontractor provide adequate insurance coverage for the activities arising out of subgrants/subcontracts.

Automobile Liability. In the event that performance pursuant to this Grant involves the use of vehicles, owned or operated by the Grantee or its Subgrantee/subcontractor, automobile liability insurance shall be required. The minimum limit for automobile liability is \$1,000,000 per occurrence, using a Combined Single Limit for bodily injury and property damage.

Professional Liability, Errors and Omissions Insurance. The Grantee shall maintain Professional Liability or Errors and Omissions Insurance. The Grantee shall maintain minimum limits of no less than \$1,000,000 per occurrence to cover all activities by the Grantee and licensed staff employed or under contract to the Grantee. The state of Washington, its agents, officers, and employees need *not* be named as additional insureds under this policy.

17. NONCOMPETITIVE PROCUREMENT CONTRACTS OVER \$150,000

**SPECIAL TERMS AND CONDITIONS
GENERAL GRANT
FEDERAL FUNDS**

No VOCA Grant funds will be used to use a noncompetitive approach in any procurement contract that would exceed the Simplified Acquisition Threshold (currently, \$150,000). This condition applies to agreements that, for the purposes of federal grants administration, OJP considers a procurement "contract" (and therefore does not consider a subaward).

18. NON-SUPPLANTING CERTIFICATION

No VOCA Grant funds will be used to supplant existing state, local, or other non-federal funding already in place to support current services. VOCA Grant funds will be used to increase the total amount of funds used for crime victim assistance. Violation of the non-supplanting requirement can result in a range of penalties, including suspension of future funds under this grant, recoupment of monies provided under this grant, and civil and/or criminal penalties.

19. OJP TRAINING GUIDING PRINCIPLES

Any training or training materials that the Grantee, or any Subgrantee at any tier, develops or delivers with OJP award funds must adhere to the OJP Training Guiding Principles for Grantees and Subgrantees, available at <https://ojp.gov/funding/ojptrainingguidingprinciples.htm>.

20. REDUCING TEXT MESSAGING WHILE DRIVING

Pursuant to executive order 13513, "Federal Leadership on Reducing Text Messaging While Driving," 74 Fed. Reg. 51225 (October 1, 2009), the Department of Justice encourages recipients and sub-recipients to adopt and enforce policies banning employees from text messaging while driving any vehicle during the course of performing work funded by this grant, and to establish workplace safety policies and conduct education, awareness, and other outreach to decrease crashes caused by distracted drivers.

21. REPORTING

If providing direct services or outreach, the Grantee shall submit data quarterly in the InfoNet data collection system, relative to the provision of Services for Victims and Survivors: Addressing Unmet Victim Service Needs 2019 services. If providing direct services or outreach, the Grantee shall submit data quarterly in the InfoNet data collection system, relative to the provision of Services for Victims and Survivors: Addressing Unmet Victim Service Needs 2019 services. Report data will be due in InfoNet no later than April 15, 2019; July 15, 2019; October 15, 2019; January 15, 2020, April 15, 2020, and with final invoice.

The Grantee shall submit non-personally identifying demographic, service and compliance data required by state funding sources in the InfoNet data collection system. The Grantee shall maintain documentation and records that support the data reported in InfoNet.

The Grantee shall establish and maintain written procedures for the security of InfoNet use at its site. Procedures shall include:

- Only authorized staff are provided access to the InfoNet data and files;
- Staff are informed of the need for security and confidentiality of data and files maintained in or available through the InfoNet system; and
- That the Grantee shall notify the Department Program Coordinator for this grant when an employee is no longer authorized to access the InfoNet system.

Grantees will also submit semi-annual narrative reports on Services for Victims and Survivors: Addressing Unmet Victim Service Needs 2019 activities.

This information on the activities supported by the grant funding will assist in assessing the effects that the VOCA Victim Assistance funds have had on services to crime victims within the jurisdiction.

**SPECIAL TERMS AND CONDITIONS
GENERAL GRANT
FEDERAL FUNDS**

22. REQUIREMENT PERTAINING TO PROHIBITED CONDUCT RELATED TO TRAFFICKING IN PERSONS (INCLUDING REPORTING REQUIREMENTS AND OJP AUTHORITY TO TERMINATE GRANT)

The Grantee and any Subgrantee at any tier, must comply with all applicable requirements (including requirements to report allegations) pertaining to prohibited conduct related to the trafficking of persons, whether on the part of recipients, subrecipients, Subgrantees, or individuals defined (for purposes of this condition) as "employees" of the Grantee or of any Subgrantee.

The details of the Grantee's obligations related to prohibited conduct related to trafficking in persons are posted on the OJP web site at <http://ojp.gov/funding/Explore/ProhibitedConduct-Trafficking.htm> (grant condition: prohibited conduct by Grantees and Subgrantees related to trafficking in persons (including reporting requirements and OJP authority to terminate award)), and are incorporated by reference here.

23. RESTRICTIONS AND CERTIFICATIONS REGARDING NON-DISCLOSURE AGREEMENTS AND RELATED MATTERS

No Grantee or Subgrantee under this Grant, or entity that receives a procurement contract or subcontract with any funds under this Grant, may require any employee or contractor to sign an internal confidentiality agreement or statement that prohibits or otherwise restricts, or purports to prohibit or restrict, the reporting (in accordance with law) of waste, fraud, or abuse to an investigative or law enforcement representative of a federal department or agency authorized to receive such information.

The forgoing is not intended, and shall not be understood by the agency making this Grant, to contravene requirements applicable to Standard Form 312 (which relates to classified information), Form 4414 (which relates to sensitive compartment information), or any other form issued by a federal department or agency governing the nondisclosure of classified information.

A. In accepting this award, the recipient:

1. represents that it neither requires nor has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict), employees or contractors from reporting waste, fraud, or abuse as described above; and
2. certifies that, if it learns or is notified that it is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligations only if expressly authorized to do so by that agency.

B. If the Grantee does or is authorized under this Grant to make Subgrantee, procurement contracts, or both:

1. It represents that:

- a. it has determined that no other entity that the Grantee's application proposes may or will receive grant funds (whether through a Subgrant, procurement contract, or subcontract under a procurement contract) either requires or has required internal confidentiality agreements or statements from employees or contractors that currently prohibit or otherwise currently restrict (or purport to prohibit or restrict) employees or contractors from reporting waste, fraud, or abuse as described above; and

**SPECIAL TERMS AND CONDITIONS
GENERAL GRANT
FEDERAL FUNDS**

- b. it has made appropriate inquiry, or otherwise has an adequate factual basis, to support this representation; and
- 2. it certifies that, if it learns or is notified that any Subgrantee, contractor, or subcontractor entity that receives funds under this Grant is or has been requiring its employees or contractors to execute agreements or statements that prohibit or otherwise restrict (or purport to prohibit or restrict), reporting of waste, fraud, or abuse as described above, it will immediately stop any further obligations of award funds to or by that entity, will provide prompt written notification to the federal agency making this award, and will resume (or permit resumption of) such obligation only if expressly authorized to do so by that agency.

24. RESTRICTIONS ON LOBBYING

In general, as a matter of federal law, federal funds awarded by OJP may not be used by the Grantee, or any subgrantee at any tier, either directly or indirectly, to support or oppose the enactment, repeal, modification, or adoption of any law, regulation, or policy at any level of government. See 18 U.S.C. 1913. (There may be exceptions if an applicable federal statute specifically authorizes certain activities that otherwise would be barred by law.)

Another federal law generally prohibits federal funds awarded by OJP from being used by the Grantee, or any Subgrantee at any tier, to pay any person to influence (or attempt to influence) a federal agency, a Member of Congress, or Congress (or an official or employee of any of them) with respect to the awarding of a federal grant or cooperative agreement, Subgrant, contract, subcontract, or loan, or with respect to actions such as renewing, extending, or modifying any such award. See 31 U.S.C. 1352. Certain exceptions to this law apply, including an exception that applies to Indian tribes and tribal organizations.

Should any question arise as to whether a particular use of federal funds by a Grantee (or Subgrantee) would or might fall within the scope of these prohibitions, the Grantee is to contact COMMERCE for guidance, and may not proceed without the express prior written approval of COMMERCE.

25. SERVICES TO LIMITED-ENGLISH-PROFICIENT (LEP) PERSONS

To ensure compliance with Title VI and the Safe Streets Act, the Grantee is required to take reasonable steps to ensure that LEP persons have meaningful access to their programs. Meaningful access may entail providing language assistance services, including interpretation and translation services, where necessary. Grantees are encouraged to consider the need for language services for LEP persons served or encountered both in developing their programs and budgets and in conducting their programs and activities. Reasonable costs associated with providing meaningful access for LEP individuals are considered allowable program costs.

26. SUBCONTRACTOR DATA COLLECTION

Grantee will submit reports, in a form and format to be provided by COMMERCE and at intervals as agreed by the parties, regarding work under this Grant performed by subcontractors and the portion of Grant funds expended for work performed by subcontractors, including but not necessarily limited to minority-owned, woman-owned, and veteran-owned business subcontractors. "Subcontractors" shall mean subcontractors of any tier.

27. ORDER OF PRECEDENCE

In the event of an inconsistency in this Grant, the inconsistency shall be resolved by giving precedence in the following order:

**SPECIAL TERMS AND CONDITIONS
GENERAL GRANT
FEDERAL FUNDS**

- Applicable federal and state of Washington statutes and regulations
- Special Terms and Conditions
- General Terms and Conditions
- Attachment A – Scope of Work
- Attachment B – Budget
- Attachment C – Equal Employment Opportunity Plan Certification
- Attachment D - Victims of Crime Act (VOCA) Program Rule
- Services for Victims and Survivors: Addressing Unmet Victim Service Needs 2019 Application for Funding as submitted and approved by COMMERCE

GENERAL TERMS AND CONDITIONS

GENERAL GRANT

FEDERAL FUNDS

1. DEFINITIONS

As used throughout this Grant, the following terms shall have the meaning set forth below:

- A. "Authorized Representative" shall mean the Director and/or the designee authorized in writing to act on the Director's behalf.
- B. "COMMERCE" shall mean the Department of Commerce.
- C. "Grant" or "Agreement" means the entire written agreement between COMMERCE and the Grantee, including any Exhibits, documents, or materials incorporated by reference. E-mail or Facsimile transmission of a signed copy of this grant shall be the same as delivery of an original.
- D. "Grantee" shall mean the entity identified on the face sheet performing service(s) under this Grant, and shall include all employees and agents of the Grantee.
- E. "Modified Total Direct Costs (MTDC)" shall mean all direct salaries and wages, applicable fringe benefits, materials and supplies, services, travel, and up to the first \$25,000 of each subaward (regardless of the period of performance of the subawards under the award). MTDC excludes equipment, capital expenditures, charges for patient care, rental costs, tuition remission, scholarships and fellowships, participant support costs and the portion of each subaward in excess of \$25,000.
- F. "Personal Information" shall mean information identifiable to any person, including, but not limited to, information that relates to a person's name, health, finances, education, business, use or receipt of governmental services or other activities, addresses, telephone numbers, social security numbers, driver license numbers, other identifying numbers, and any financial identifiers.
- G. "State" shall mean the state of Washington.
- H. "Subgrantee/subcontractor" shall mean one not in the employment of the Grantee, who is performing all or part of those services under this Grant under a separate Grant with the Grantee. The terms "Subgrantee/subcontractor" refers to any tier.
- I. "Subrecipient" shall mean a non-federal entity that expends federal awards received from a pass-through entity to carry out a federal program, but does not include an individual that is a beneficiary of such a program. It also excludes vendors that receive federal funds in exchange for goods and/or services in the course of normal trade or commerce.
- J. "Vendor" is an entity that agrees to provide the amount and kind of services requested by COMMERCE; provides services under the grant only to those beneficiaries individually determined to be eligible by COMMERCE and, provides services on a fee-for-service or per-unit basis with contractual penalties if the entity fails to meet program performance standards.

2. ACCESS TO DATA

In compliance with RCW 39.26.180, the Grantee shall provide access to data generated under this Grant to COMMERCE, the Joint Legislative Audit and Review Committee, and the Office of the State

GENERAL TERMS AND CONDITIONS

GENERAL GRANT

FEDERAL FUNDS

Auditor at no additional cost. This includes access to all information that supports the findings, conclusions, and recommendations of the Grantee's reports, including computer models and the methodology for those models.

3. ADVANCE PAYMENTS PROHIBITED

No payments in advance of or in anticipation of goods or services to be provided under this Grant shall be made by COMMERCE.

4. ALL WRITINGS CONTAINED HEREIN

This Grant contains all the terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this Grant shall be deemed to exist or to bind any of the parties hereto.

5. AMENDMENTS

This Grant may be amended by mutual agreement of the parties. Such amendments shall not be binding unless they are in writing and signed by personnel authorized to bind each of the parties.

6. AMERICANS WITH DISABILITIES ACT (ADA) OF 1990, PUBLIC LAW 101-336, also referred to as the "ADA" 28 CFR Part 35

The Grantee must comply with the ADA, which provides comprehensive civil rights protection to individuals with disabilities in the areas of employment, public accommodations, state and local government services, and telecommunications.

7. ASSIGNMENT

Neither this Grant, nor any claim arising under this Grant, shall be transferred or assigned by the Grantee without prior written consent of COMMERCE.

8. ATTORNEYS' FEES

Unless expressly permitted under another provision of the Grant, in the event of litigation or other action brought to enforce Grant terms, each party agrees to bear its own attorney's fees and costs.

9. AUDIT

If the Grantee is a subrecipient and expends \$750,000 or more in federal awards from any and/or all sources in any fiscal year, the Grantee shall procure and pay for a single audit or a program-specific audit for that fiscal year. Upon completion of each audit, the Grantee shall:

- A. Submit to COMMERCE the reporting package specified in OMB Super Circular 2 CFR 200.501, reports required by the program-specific audit guide (if applicable), and a copy of any management letters issued by the auditor.
- B. Submit to COMMERCE follow-up and developed corrective action plans for all audit findings.

GENERAL TERMS AND CONDITIONS

GENERAL GRANT

FEDERAL FUNDS

If the Grantee is a subrecipient and expends less than \$750,000 in federal awards from any and/or all sources in any fiscal year, the Grantee shall notify COMMERCE they did not meet the single audit requirement.

The Grantee shall send all single audit documentation to auditreview@commerce.wa.gov.

10. CERTIFICATION REGARDING DEBARMENT, SUSPENSION OR INELIGIBILITY AND VOLUNTARY EXCLUSION—PRIMARY AND LOWER TIER COVERED TRANSACTIONS

- A. Grantee, defined as the primary participant and its principals, certifies by signing these General Terms and Conditions that to the best of its knowledge and belief that they:
1. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency.
 2. Have not within a three-year period preceding this Grant, been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public or private agreement or transaction, violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, receiving stolen property, making false claims, or obstruction of justice;
 3. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of federal Executive Order 12549; and
 4. Have not within a three-year period preceding the signing of this Grant had one or more public transactions (Federal, State, or local) terminated for cause of default.
- B. Where the Grantee is unable to certify to any of the statements in this Grant, the Grantee shall attach an explanation to this Grant.
- C. The Grantee agrees by signing this Grant that it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by COMMERCE.
- D. The Grantee further agrees by signing this Grant that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," as follows, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions:

LOWER TIER COVERED TRANSACTIONS

- a) The lower tier Grantee certifies, by signing this Grant that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

GENERAL TERMS AND CONDITIONS

GENERAL GRANT

FEDERAL FUNDS

b) Where the lower tier Grantee is unable to certify to any of the statements in this Grant, such contractor shall attach an explanation to this Grant.

- E. The terms **covered transaction, debarred, suspended, ineligible, lower tier covered transaction, person, primary covered transaction, principal, and voluntarily excluded**, as used in this section, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact COMMERCE for assistance in obtaining a copy of these regulations.

11. CONFIDENTIALITY/SAFEGUARDING OF INFORMATION

A. "Confidential Information" as used in this section includes:

1. All material provided to the Grantee by COMMERCE that is designated as "confidential" by COMMERCE;
2. All material produced by the Grantee that is designated as "confidential" by COMMERCE; and
3. All personal information in the possession of the Grantee that may not be disclosed under state or federal law. "Personal information" includes but is not limited to information related to a person's name, health, finances, education, business, use of government services, addresses, telephone numbers, social security number, driver's license number and other identifying numbers, and "Protected Health Information" under the federal Health Insurance Portability and Accountability Act of 1996 (HIPAA).

B. The Grantee shall comply with all state and federal laws related to the use, sharing, transfer, sale, or disclosure of Confidential Information. The Grantee shall use Confidential Information solely for the purposes of this Grant and shall not use, share, transfer, sell or disclose any Confidential Information to any third party except with the prior written consent of COMMERCE or as may be required by law. The Grantee shall take all necessary steps to assure that Confidential Information is safeguarded to prevent unauthorized use, sharing, transfer, sale or disclosure of Confidential Information or violation of any state or federal laws related thereto. Upon request, the Grantee shall provide COMMERCE with its policies and procedures on confidentiality. COMMERCE may require changes to such policies and procedures as they apply to this Grant whenever COMMERCE reasonably determines that changes are necessary to prevent unauthorized disclosures. The Grantee shall make the changes within the time period specified by COMMERCE. Upon request, the Grantee shall immediately return to COMMERCE any Confidential Information that COMMERCE reasonably determines has not been adequately protected by the Grantee against unauthorized disclosure.

C. Unauthorized Use or Disclosure. The Grantee shall notify COMMERCE within five (5) working days of any unauthorized use or disclosure of any confidential information, and shall take necessary steps to mitigate the harmful effects of such use or disclosure.

12. CONFLICT OF INTEREST

Notwithstanding any determination by the Executive Ethics Board or other tribunal, COMMERCE may, in its sole discretion, by written notice to the Grantee terminate this Grant if it is found after due notice

GENERAL TERMS AND CONDITIONS

GENERAL GRANT

FEDERAL FUNDS

and examination by COMMERCE that there is a violation of the Ethics in Public Service Act, Chapters 42.52 RCW and 42.23 RCW; or any similar statute involving the GRANTEE in the procurement of, or performance under this Grant.

Specific restrictions apply to contracting with current or former state employees pursuant to chapter 42.52 of the Revised Code of Washington. The Grantee and their subcontractor(s) must identify any person employed in any capacity by the state of Washington that worked on the Office of Crime Victims Advocacy program including but not limited to formulating or drafting the legislation, participating in grant procurement planning and execution, awarding grants, and monitoring grants, during the 24 month period preceding the start date of this Grant. Identify the individual by name, the agency previously or currently employed by, job title or position held, and separation date. If it is determined by COMMERCE that a conflict of interest exists, the Grantee may be disqualified from further consideration for the award of a Grant.

In the event this Grant is terminated as provided above, COMMERCE shall be entitled to pursue the same remedies against the Grantee as it could pursue in the event of a breach of the Grant by the Grantee. The rights and remedies of COMMERCE provided for in this clause shall not be exclusive and are in addition to any other rights and remedies provided by law. The existence of facts upon which COMMERCE makes any determination under this clause shall be an issue and may be reviewed as provided in the "Disputes" clause of this Grant.

13. COPYRIGHT PROVISIONS

Unless otherwise provided, all Materials produced under this Grant shall be considered "works for hire" as defined by the U.S. Copyright Act and shall be owned by COMMERCE. COMMERCE shall be considered the author of such Materials. In the event the Materials are not considered "works for hire" under the U.S. Copyright laws, the Grantee hereby irrevocably assigns all right, title, and interest in all Materials, including all intellectual property rights, moral rights, and rights of publicity to COMMERCE effective from the moment of creation of such Materials.

"Materials" means all items in any format and includes, but is not limited to, data, reports, documents, pamphlets, advertisements, books, magazines, surveys, studies, computer programs, films, tapes, and/or sound reproductions. "Ownership" includes the right to copyright, patent, register and the ability to transfer these rights.

For Materials that are delivered under the Grant, but that incorporate pre-existing materials not produced under the Grant, the Grantee hereby grants to COMMERCE a nonexclusive, royalty-free, irrevocable license (with rights to sublicense to others) in such Materials to translate, reproduce, distribute, prepare derivative works, publicly perform, and publicly display. The Grantee warrants and represents that the Grantee has all rights and permissions, including intellectual property rights, moral rights and rights of publicity, necessary to grant such a license to COMMERCE.

The Grantee shall exert all reasonable effort to advise COMMERCE, at the time of delivery of Materials furnished under this Grant, of all known or potential invasions of privacy contained therein and of any portion of such document which was not produced in the performance of this Grant. The Grantee shall provide COMMERCE with prompt written notice of each notice or claim of infringement received by the Grantee with respect to any Materials delivered under this Grant. COMMERCE shall have the right to modify or remove any restrictive markings placed upon the Materials by the Grantee.

GENERAL TERMS AND CONDITIONS

GENERAL GRANT

FEDERAL FUNDS

14. DISPUTES

Except as otherwise provided in this Grant, when a dispute arises between the parties and it cannot be resolved by direct negotiation, either party may request a dispute hearing with the Director of COMMERCE, who may designate a neutral person to decide the dispute.

The request for a dispute hearing must:

- be in writing;
- state the disputed issues;
- state the relative positions of the parties;
- state the Grantee's name, address, and Grant number; and
- be mailed to the Director and the other party's (respondent's) Grant Representative within three (3) working days after the parties agree that they cannot resolve the dispute.

The respondent shall send a written answer to the requestor's statement to both the Director or the Director's designee and the requestor within five (5) working days.

The Director or designee shall review the written statements and reply in writing to both parties within ten (10) working days. The Director or designee may extend this period if necessary by notifying the parties.

The decision shall not be admissible in any succeeding judicial or quasi-judicial proceeding.

The parties agree that this dispute process shall precede any action in a judicial or quasi-judicial tribunal.

Nothing in this Grant shall be construed to limit the parties' choice of a mutually acceptable alternate dispute resolution (ADR) method in addition to the dispute hearing procedure outlined above.

15. DUPLICATE PAYMENT

COMMERCE shall not pay the Grantee, if the Grantee has charged or will charge the State of Washington or any other party under any other Grant, subgrant/subcontract, or agreement, for the same services or expenses.

16. GOVERNING LAW AND VENUE

This Grant shall be construed and interpreted in accordance with the laws of the state of Washington, and the venue of any action brought hereunder shall be in the Superior Court for Thurston County.

17. INDEMNIFICATION

GENERAL TERMS AND CONDITIONS

GENERAL GRANT

FEDERAL FUNDS

To the fullest extent permitted by law, the Grantee shall indemnify, defend, and hold harmless the state of Washington, COMMERCE, agencies of the state and all officials, agents and employees of the state, from and against all claims for injuries or death arising out of or resulting from the performance of the Grant. "Claim" as used in this Grant, means any financial loss, claim, suit, action, damage, or expense, including but not limited to attorney's fees, attributable for bodily injury, sickness, disease, or death, or injury to or the destruction of tangible property including loss of use resulting therefrom.

The Grantee's obligation to indemnify, defend, and hold harmless includes any claim by Grantee's agents, employees, representatives, or any subgrantee/subcontractor or its employees.

Grantee expressly agrees to indemnify, defend, and hold harmless the State for any claim arising out of or incident to Grantee's or any subgrantee's/subcontractor's performance or failure to perform the Grant. Grantee's obligation to indemnify, defend, and hold harmless the State shall not be eliminated or reduced by any actual or alleged concurrent negligence of State or its agents, agencies, employees and officials.

The Grantee waives its immunity under Title 51 RCW to the extent it is required to indemnify, defend and hold harmless the state and its agencies, officers, agents or employees.

18. INDEPENDENT CAPACITY OF THE GRANTEE

The parties intend that an independent contractor relationship will be created by this Grant. The Grantee and its employees or agents performing under this Grant are not employees or agents of the state of Washington or COMMERCE. The Grantee will not hold itself out as or claim to be an officer or employee of COMMERCE or of the state of Washington by reason hereof, nor will the Grantee make any claim of right, privilege or benefit which would accrue to such officer or employee under law. Conduct and control of the work will be solely with the Grantee.

19. INDIRECT COSTS

The Grantee shall provide their indirect cost rate that has been negotiated between their entity and the Federal Government. If no such rate exists a de minimis indirect cost rate of 10% of modified total direct costs (MTDC) will be used.

20. INDUSTRIAL INSURANCE COVERAGE

The Grantee shall comply with all applicable provisions of Title 51 RCW, Industrial Insurance. If the Grantee fails to provide industrial insurance coverage or fails to pay premiums or penalties on behalf of its employees as may be required by law, COMMERCE may collect from the Grantee the full amount payable to the Industrial Insurance Accident Fund. COMMERCE may deduct the amount owed by the Grantee to the accident fund from the amount payable to the Grantee by COMMERCE under this Grant, and transmit the deducted amount to the Department of Labor and Industries, (L&I) Division of Insurance Services. This provision does not waive any of L&I's rights to collect from the Grantee.

21. LAWS

The Grantee shall comply with all applicable laws, ordinances, codes, regulations, and policies of local, state, and federal governments, as now or hereafter amended.

GENERAL TERMS AND CONDITIONS

GENERAL GRANT

FEDERAL FUNDS

22. LICENSING, ACCREDITATION AND REGISTRATION

The Grantee shall comply with all applicable local, state, and federal licensing, accreditation and registration requirements or standards necessary for the performance of this Grant.

23. LIMITATION OF AUTHORITY

Only the Authorized Representative or the Authorized Representative's delegate by writing (delegation to be made prior to action) shall have the express, implied, or apparent authority to alter, amend, modify, or waive any clause or condition of this Grant. Furthermore, any alteration, amendment, modification, or waiver or any clause or condition of this Grant is not effective or binding unless made in writing and signed by the Agent.

24. NONCOMPLIANCE WITH NONDISCRIMINATION LAWS

During the performance of this Grant, the Grantee shall comply with all federal, state, and local nondiscrimination laws, regulations and policies. In the event of the Grantee's non-compliance or refusal to comply with any nondiscrimination law, regulation or policy, this Grant may be rescinded, canceled or terminated in whole or in part, and the Grantee may be declared ineligible for further Grants with COMMERCE. The Grantee shall, however, be given a reasonable time in which to cure this noncompliance. Any dispute may be resolved in accordance with the "Disputes" procedure set forth herein.

25. PAY EQUITY

The Grantee agrees to ensure that "similarly employed" individuals in its workforce are compensated as equals, consistent with the following:

- a. Employees are "similarly employed" if the individuals work for the same employer, the performance of the job requires comparable skill, effort, and responsibility, and the jobs are performed under similar working conditions. Job titles alone are not determinative of whether employees are similarly employed;
- b. Grantee may allow differentials in compensation for its workers if the differentials are based in good faith and on any of the following:
 - (i) A seniority system; a merit system; a system that measures earnings by quantity or quality of production; a bona fide job-related factor or factors; or a bona fide regional difference in compensation levels.
 - (ii) A bona fide job-related factor or factors may include, but not be limited to, education, training, or experience that is: Consistent with business necessity; not based on or derived from a gender-based differential; and accounts for the entire differential.
 - (iii) A bona fide regional difference in compensation level must be: Consistent with business necessity; not based on or derived from a gender-based differential; and account for the entire differential.

GENERAL TERMS AND CONDITIONS

GENERAL GRANT

FEDERAL FUNDS

This Grant may be terminated by the Department, if the Department or the Department of Enterprise services determines that the Grantee is not in compliance with this provision.

26. POLITICAL ACTIVITIES

Political activity of Grantee's employees and officers are limited by the State Campaign Finances and Lobbying provisions of Chapter 42.17A RCW and the Federal Hatch Act, 5 USC 1501 - 1508.

No funds may be used for working for or against ballot measures or for or against the candidacy of any person for public office.

27. PROCUREMENT STANDARDS FOR FEDERALLY FUNDED PROGRAMS

A Grantee which is a local government or Indian Tribal government must establish procurement policies and procedures in accordance with 2 CFR Part 200, for all purchases funded by this Grant.

A Grantee which is a nonprofit organization shall establish procurement policies in accordance with 2 CFR Part 200, for all purchases funded by this Grant.

The Grantee's procurement system should include at least the following:

- A. A code or standard of conduct that shall govern the performance of its officers, employees, or agents engaged in the awarding of contracts using federal funds.
- B. Procedures that ensure all procurement transactions shall be conducted in a manner to provide, to the maximum extent practical, open and free competition.
- C. Minimum procedural requirements, as follows:
 - 1. Follow a procedure to assure the avoidance of purchasing unnecessary or duplicative items.
 - 2. Solicitations shall be based upon a clear and accurate description of the technical requirements of the procured items.
 - 3. Positive efforts shall be made to use small and minority-owned businesses.
 - 4. The type of procuring instrument (fixed price, cost reimbursement) shall be determined by the Grantee, but must be appropriate for the particular procurement and for promoting the best interest of the program involved.
 - 5. Contracts shall be made only with reasonable subgrantees/subcontractors who possess the potential ability to perform successfully under the terms and conditions of the proposed procurement.
 - 6. Some form of price or cost analysis should be performed in connection with every procurement action.

GENERAL TERMS AND CONDITIONS

GENERAL GRANT

FEDERAL FUNDS

7. Procurement records and files for purchases shall include all of the following:

- D. Contractor selection or rejection.
- E. The basis for the cost or price.
- F. Justification for lack of competitive bids if offers are not obtained.
- G. A system for contract administration to ensure Grantee conformance with terms, conditions and specifications of this Grant, and to ensure adequate and timely follow-up of all purchases.

Grantee and Subgrantee/subcontractor must receive prior approval from COMMERCE for using funds from this Grant to enter into a sole source contract or a contract where only one bid or proposal is received when value of this Grant is expected to exceed \$5,000.

Prior approval requests shall include a copy of proposed contracts and any related procurement documents and justification for non-competitive procurement, if applicable.

28. PUBLICITY

The Grantee agrees not to publish or use any advertising or publicity materials in which the state of Washington or COMMERCE's name is mentioned, or language used from which the connection with the state of Washington's or COMMERCE's name may reasonably be inferred or implied, without the prior written consent of COMMERCE.

29. RECAPTURE

In the event that the Grantee fails to perform this Grant in accordance with state laws, federal laws, and/or the provisions of this Grant, COMMERCE reserves the right to recapture funds in an amount to compensate COMMERCE for the noncompliance in addition to any other remedies available at law or in equity.

Repayment by the Grantee of funds under this recapture provision shall occur within the time period specified by COMMERCE. In the alternative, COMMERCE may recapture such funds from payments due under this Grant.

30. RECORDS MAINTENANCE

The Grantee shall maintain books, records, documents, data and other evidence relating to this Grant and performance of the services described herein, including but not limited to accounting procedures and practices that sufficiently and properly reflect all direct and indirect costs of any nature expended in the performance of this Grant.

The Grantee shall retain such records for a period of six years following the date of final payment. At no additional cost, these records, including materials generated under the Grant, shall be subject at all reasonable times to inspection, review or audit by COMMERCE, personnel duly authorized by COMMERCE, the Office of the State Auditor, and federal and state officials so authorized by law, regulation or agreement.

GENERAL TERMS AND CONDITIONS

GENERAL GRANT

FEDERAL FUNDS

If any litigation, claim or audit is started before the expiration of the six (6) year period, the records shall be retained until all litigation, claims, or audit findings involving the records have been resolved.

31. REGISTRATION WITH DEPARTMENT OF REVENUE

If required by law, the Grantee shall complete registration with the Washington State Department of Revenue.

32. RIGHT OF INSPECTION

The Grantee shall provide right of access to its facilities to COMMERCE, or any of its officers, or to any other authorized agent or official of the state of Washington or the federal government, at all reasonable times, in order to monitor and evaluate performance, compliance, and/or quality assurance under this Grant.

33. SAVINGS

In the event funding from state, federal, or other sources is withdrawn, reduced, or limited in any way after the effective date of this Grant and prior to normal completion, COMMERCE may terminate the Grant under the "Termination for Convenience" clause, without the ten calendar day notice requirement. In lieu of termination, the Grant may be amended to reflect the new funding limitations and conditions.

34. SEVERABILITY

The provisions of this Grant are intended to be severable. If any term or provision is illegal or invalid for any reason whatsoever, such illegality or invalidity shall not affect the validity of the remainder of the Grant.

35. SITE SECURITY

While on COMMERCE premises, Grantee, its agents, employees, or subcontractors shall conform in all respects with physical, fire or other security policies or regulations.

36. SUBGRANTING/SUBCONTRACTING

The Grantee may only subcontract work contemplated under this Grant if it obtains the prior written approval of COMMERCE.

If COMMERCE approves subcontracting, the Grantee shall maintain written procedures related to subcontracting, as well as copies of all subcontracts and records related to subcontracts. For cause, COMMERCE in writing may: (a) require the Grantee to amend its subcontracting procedures as they relate to this Grant; (b) prohibit the Grantee from subcontracting with a particular person or entity; or (c) require the Grantee to rescind or amend a subcontract.

Every subcontract shall bind the Subcontractor to follow all applicable terms of this Grant. The Grantee is responsible to COMMERCE if the Subcontractor fails to comply with any applicable term or condition of this Grant. The Grantee shall appropriately monitor the activities of the Subcontractor to assure fiscal

GENERAL TERMS AND CONDITIONS

GENERAL GRANT

FEDERAL FUNDS

conditions of this Grant. In no event shall the existence of a subcontract operate to release or reduce the liability of the Grantee to COMMERCE for any breach in the performance of the Grantee's duties.

Every subcontract shall include a term that COMMERCE and the State of Washington are not liable for claims or damages arising from a Subcontractor's performance of the subcontract.

37. SURVIVAL

The terms, conditions, and warranties contained in this Grant that by their sense and context are intended to survive the completion of the performance, cancellation or termination of this Grant shall so survive.

38. TAXES

All payments accrued on account of payroll taxes, unemployment contributions, the Grantee's income or gross receipts, any other taxes, insurance or expenses for the Grantee or its staff shall be the sole responsibility of the Grantee.

39. TERMINATION FOR CAUSE

In the event COMMERCE determines the Grantee has failed to comply with the conditions of this Grant in a timely manner, COMMERCE has the right to suspend or terminate this Grant. Before suspending or terminating the Grant, COMMERCE shall notify the Grantee in writing of the need to take corrective action. If corrective action is not taken within 30 calendar days, the Grant may be terminated or suspended.

In the event of termination or suspension, the Grantee shall be liable for damages as authorized by law including, but not limited to, any cost difference between the original Grant and the replacement or cover Grant and all administrative costs directly related to the replacement Grant, e.g., cost of the competitive bidding, mailing, advertising and staff time.

COMMERCE reserves the right to suspend all or part of the Grant, withhold further payments, or prohibit the Grantee from incurring additional obligations of funds during investigation of the alleged compliance breach and pending corrective action by the GRANTEE or a decision by COMMERCE to terminate the Grant. A termination shall be deemed a "Termination for Convenience" if it is determined that the Grantee: (1) was not in default; or (2) failure to perform was outside of his or her control, fault or negligence.

The rights and remedies of COMMERCE provided in this Grant are not exclusive and are, in addition to any other rights and remedies, provided by law.

40. TERMINATION FOR CONVENIENCE

Except as otherwise provided in this Grant, COMMERCE may, by ten (10) business days written notice, beginning on the second day after the mailing, terminate this Grant, in whole or in part. If this Grant is so terminated, COMMERCE shall be liable only for payment required under the terms of this Grant for services rendered or goods delivered prior to the effective date of termination.

GENERAL TERMS AND CONDITIONS

GENERAL GRANT

FEDERAL FUNDS

41. TERMINATION PROCEDURES

Upon termination of this Grant, COMMERCE, in addition to any other rights provided in this Grant, may require the Grantee to deliver to COMMERCE any property specifically produced or acquired for the performance of such part of this Grant as has been terminated. The provisions of the "Treatment of Assets" clause shall apply in such property transfer.

COMMERCE shall pay to the Grantee the agreed upon price, if separately stated, for completed work and services accepted by COMMERCE, and the amount agreed upon by the Grantee and COMMERCE for (i) completed work and services for which no separate price is stated, (ii) partially completed work and services, (iii) other property or services that are accepted by COMMERCE, and (iv) the protection and preservation of property, unless the termination is for default, in which case the Authorized Representative shall determine the extent of the liability of COMMERCE. Failure to agree with such determination shall be a dispute within the meaning of the "Disputes" clause of this Grant. COMMERCE may withhold from any amounts due the Grantee such sum as the Authorized Representative determines to be necessary to protect COMMERCE against potential loss or liability.

The rights and remedies of COMMERCE provided in this section shall not be exclusive and are in addition to any other rights and remedies provided by law or under this Grant.

After receipt of a notice of termination, and except as otherwise directed by the Authorized Representative, the Grantee shall:

1. Stop work under the Grant on the date, and to the extent specified, in the notice;
2. Place no further orders or subgrants/subcontracts for materials, services, or facilities except as may be necessary for completion of such portion of the work under the Grant that is not terminated;
3. Assign to COMMERCE, in the manner, at the times, and to the extent directed by the Authorized Representative, all of the rights, title, and interest of the Grantee under the orders and subgrants/subcontracts so terminated, in which case COMMERCE has the right, at its discretion, to settle or pay any or all claims arising out of the termination of such orders and subgrants/subcontracts;
4. Settle all outstanding liabilities and all claims arising out of such termination of orders and subcontracts, with the approval or ratification of the Authorized Representative to the extent the Authorized Representative may require, which approval or ratification shall be final for all the purposes of this clause;
5. Transfer title to COMMERCE and deliver in the manner, at the times, and to the extent directed by the Authorized Representative any property which, if the Grant had been completed, would have been required to be furnished to COMMERCE;
6. Complete performance of such part of the work as shall not have been terminated by the Authorized Representative; and
7. Take such action as may be necessary, or as the Authorized Representative may direct, for the protection and preservation of the property related to this Grant, which is in the possession of the Grantee and in which COMMERCE has or may acquire an interest.

42. TREATMENT OF ASSETS

GENERAL TERMS AND CONDITIONS

GENERAL GRANT

FEDERAL FUNDS

Title to all property furnished by COMMERCE shall remain in COMMERCE. Title to all property furnished by the Grantee, for the cost of which the Grantee is entitled to be reimbursed as a direct item of cost under this Grant, shall pass to and vest in COMMERCE upon delivery of such property by the Grantee. Title to other property, the cost of which is reimbursable to the Grantee under this Grant, shall pass to and vest in COMMERCE upon (i) issuance for use of such property in the performance of this Grant, or (ii) commencement of use of such property in the performance of this Grant, or (iii) reimbursement of the cost thereof by COMMERCE in whole or in part, whichever first occurs.

- A. Any property of COMMERCE furnished to the Grantee shall, unless otherwise provided herein or approved by COMMERCE, be used only for the performance of this Grant.
- B. The Grantee shall be responsible for any loss or damage to property of COMMERCE that results from the negligence of the Grantee or which results from the failure on the part of the Grantee to maintain and administer that property in accordance with sound management practices.
- C. If any COMMERCE property is lost, destroyed or damaged, the Grantee shall immediately notify COMMERCE and shall take all reasonable steps to protect the property from further damage.
- D. The Grantee shall surrender to COMMERCE all property of COMMERCE prior to settlement upon completion, termination or cancellation of this Grant.

All reference to the Grantee under this clause shall also include Grantee's employees, agents or Subgrantees/Subcontractors.

43. WAIVER

Waiver of any default or breach shall not be deemed to be a waiver of any subsequent default or breach. Any waiver shall not be construed to be a modification of the terms of this Grant unless stated to be such in writing and signed by Authorized Representative of COMMERCE.

SCOPE OF WORK

Services for Victims and Survivors: Addressing Unmet Victim Service Needs 2019

01/01/2019 through 06/30/2020

Whatcom County Juvenile shall furnish goods and services necessary to accomplish the activities under the Services for Victims and Survivors: Addressing Unmet Victim Service Needs 2019 grant funding during the grant period.

This Grant is not a benefit or entitlement to the Grantee. It is not to be used to acquire property or services for the federal government's direct benefit. The principle purpose of this Grant is to provide funding for Whatcom County Juvenile to accomplish a public purpose.

Funding from this Grant must be used to support the services outlined and approved in the Services for Victims and Survivors: Addressing Unmet Victim Service Needs 2019 funding application.

DATA REQUIREMENTS

If providing direct services or outreach, the Grantee shall submit data quarterly in the InfoNet data collection system, relative to the provision of Services for Victims and Survivors: Addressing Unmet Victim Service Needs 2019 services. Report data will be due in InfoNet no later than **April 15, 2019; July 15, 2019; October 15, 2019; January 15, 2020, April 15, 2020, and with final invoice.**

Grantees will also submit semi-annual narrative reports on Services for Victims and Survivors: Addressing Unmet Victim Service Needs 2019 activities.

DELIVERABLES

1. Reports – As described in Section 17 of Special Terms and Conditions
2. Audit – If required, audit must be received no later than nine (9) months after the end of the Grantee's fiscal year
3. Vouchers – Must be submitted at least quarterly

PERFORMANCE MEASURES

Provision of the deliverables listed above will be measured using the following performance measures:

1. 90% of required reports will be submitted on time
2. 100% of required audits will be completed on time

BUDGET

Budget	Unmet Needs - VOC	Total
Salaries	\$79,165.00	\$79,165.00
Benefits	\$41,171.00	\$41,171.00
Contracted Services	\$0.00	\$0.00
Goods and Ser- vices	\$6,900.00	\$6,900.00
Administrative OR Indirect	\$0.00	\$0.00
Match	\$32,063.00	\$32,063.00
Total	\$127,236.00	\$127,236.00

Transfer of funds between line item budget categories must be approved by the Office of Crime Victims Advocacy (OCVA) program staff. A cumulative amount of these transfers exceeding ten (10) percent of the total program budget shall be subject to justification and negotiation between the Grantee and OCVA, including approval from the Grantee's signature authority and the relevant OCVA Section Manager.

Travel expenses incurred or paid by Grantee shall be reimbursed at a rate not to exceed the current state rate and in accordance with the State of Washington Office of Financial Management Travel Regulations. Current rates for travel may be accessed at <http://www.ofm.wa.gov/resources/travel/colormap1017.pdf>.

Any purchase over \$5,000 must be pre-approved by COMMERCE.

CERTIFICATION FORM**Compliance with the Equal Employment Opportunity Plan (EEOP) Requirements**

Please read carefully the Instructions (see below) and then complete Section A or Section B or Section C, not all three.

Recipient's Name: Whatcom County Juvenile		
Address: PROBATION 311 GRAND AVE STE 501 BELLINGHAM, WA 98225		
Is agency a <input type="checkbox"/> Direct or <input checked="" type="checkbox"/> Sub recipient of OJP, OVW or COPS funding?		Law Enforcement Agency? <input type="checkbox"/> Yes <input type="checkbox"/> No
DUNS Number:	Vendor Number (only if direct recipient): N/A	
Name and Title of Contact Person: David Reynolds, Director of Superior Court		
Telephone Number: (360) 778-5565	E-Mail Address: dreynold@co.whatcom.wa.us	

Section A—Declaration Claiming Complete Exemption from the EEOP Requirement

Please check all the following boxes that apply:

<input type="checkbox"/> Less than fifty employees.	<input type="checkbox"/> Indian tribe.	<input type="checkbox"/> Medical Institution.
<input type="checkbox"/> Nonprofit Organization.	<input type="checkbox"/> Educational Institution.	<input type="checkbox"/> Receiving an award less than \$25,000

I, _____ [responsible official], certify that [recipient] is not required to prepare an EEOP for the reason(s) checked above, pursuant to 28 C.F.R. § 42.302.

I further certify that _____ [recipient] will comply with all applicable federal civil rights laws that prohibit discrimination in employment and in the delivery of services.

_____ Print or Type Name and Title	_____ Signature	_____ Date
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Section B—Declaration Claiming Exemption from EEOP Submission Requirement and Certifying That an EEOP Is on File for Review

If a recipient has fifty or more employees and is receiving a single award or, subaward of \$25,000 or more, but less than \$500,000, then the recipient agency does not have to submit an EEOP to the OCR for review as long as it certifies the following (42 C.F.R. § 42.305):

[responsible official],

Karen S. Goens, Human Resources Manager


certify that WHATCOM COUNTY [recipient]

Which has fifty or more employees and is receiving a single award for \$25,000 or more, but less than \$500,000, has formulated an EEOP in accordance with 28 CFR pt. 42, subpt E. I further certify that within the last twenty-four months, the proper authority has formulated and signed into effect the EEOP and, as required by applicable federal law, it is available for review by the public, employees, the appropriate state planning agency, and the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice. The EEOP is on file at the following office:

<http://wa-whatcomcounty.civicplus.com/DocumentCenter/View/38789/EEOP-Utilization-Report-2017>

[organization], 311 Grand Avenue - Suite 107 Bellingham, WA 98225

[address].

Karen S. Goens, Human Resources Manager		January 7, 2019
Print or Type Name and Title	Signature	Date

Section C—Declaration Stating that an EEOP Short Form Has Been Submitted to the Office for Civil Rights for Review

If a recipient agency has fifty or more employees and is receiving a single award or subaward of \$500,000 or more, then the recipient agency must send an EEOP Short Form to the OCR for review.

[responsible official],

certify that _____ [recipient],

which has fifty or more employees and is receiving a single award of \$500,000 or more, has formulated an EEOP in accordance with 28 CFR pt. 42, subpt. E, and sent it for review on _____ [date] to the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice.

_____ Print or Type Name and Title	_____ Signature	_____ Date
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WHATCOM COUNTY JOB DESCRIPTION

POSITION:	CASA Volunteer Coordinator	RANGE:	160.0
DEPARTMENT:	Juvenile Court	FLSA:	NE
REPORTS TO:	Director of Superior Court Administration	EEO:	2

SUMMARY

Organizes, coordinates and facilitates the Court Appointed Special Advocate (CASA) volunteer program. Implements and analyzes the effectiveness of the CASA program in Whatcom County. Recruits, trains, and supports Guardian Ad Litem volunteers for the CASA program. Coordinates the collection, development and analysis of data and other information. Exercises independent judgment in analyzing problems, issues and situations; develops and implements recommendations. Plans, conducts and presents at public meetings. Assists management and other staff, as directed. Ensures compliance with all legal standards and requirements applicable to the CASA program and other assigned areas.

Depending upon assignment, the incumbent may perform some or all of the following duties, which are a representative sample of the level of work appropriate to this position.

ESSENTIAL JOB DUTIES

Organizes, coordinates and facilitates the Court Appointed Special Advocate (CASA) volunteer program. Recruits, provides initial and ongoing training as well as professional staff support for Guardian Ad Litem volunteers in the CASA program.

Reviews new cases and assigns appropriate volunteers. Assists, consults, and coaches CASA volunteers as needed or requested. Regularly contacts volunteers to develop initial case plans and on-going strategies for advocacy. Assists volunteers with the resolution of problems, issues, and situations. Attends court hearings and trials to assist and support volunteers.

Collects and reports data on volunteer hours, contacts, and other information required to efficiently administer the CASA program. Reviews and distributes court reports. Maintains case and volunteer files.

Schedules, coordinates, and presents all initial and ongoing Whatcom County CASA volunteer training in association with national and state CASA training programs. Designs, writes, maintains, and updates program training materials, using resources from national and state CASA organizations.

Develops and maintains relationships with community organizations, presents to civic groups, and advertises in the media to facilitate the recruitment of volunteers and to promote community awareness of the CASA program.

Prioritizes and plans work activities using resources effectively. Plans for additional resources and integrates changes smoothly and in a timely manner.

Plans, conducts and presents at various types of meetings, including public meetings. Develops project plans and coordinates or acts as a member of team or group activities facilitating problem

resolution. Communicates changes and progress and completes projects on time and within budget.

Assesses and assures compliance, interprets and applies regulations equitably, explains services, identifies customer needs and maintains effective relationships.

Prepares complete reports on time with supporting conclusions and recommendations.

Records information and data accurately following procedures. Tracks activity, develops individualized plans and submits documentation on time. Researches, retrieves, updates and analyzes complex information and data. Formulates recommendations anticipating possible ramifications and appropriately communicates significance of findings.

Drafts, submits, and monitors the budget for the CASA volunteer program. Completes associated paperwork and processes to procure contract services. Locates, completes and utilizes grants in meeting program objectives. Monitors and ensures all requirements of grants and contracts are met.

ADDITIONAL JOB DUTIES

May be required to act as a Guardian Ad Litem and carry a partial caseload of dependent youth.

Creates or updates procedures, tasks, workflows and systems, as assigned.

Performs work on special projects that may be outside normal area of assignment, as directed.

Performs all duties of lower-and similarly classified positions and other duties, as assigned.

QUALIFICATIONS

Requires a Bachelor's degree in Social Work or a related field, **AND** three years of progressively responsible experience in the juvenile justice system, social services, or coordinating volunteers.

Experience as a Court Appointed Special Advocate is preferred.

A Masters degree in Social Work is desired.

Requires knowledge of:

The field of assignment sufficient to perform thoroughly and accurately the full scope of responsibility as illustrated by example in this job description.

The role, purpose, laws and regulations governing the Court Appointed Special Advocate (CASA) program. Foster-care and child welfare law; State and Federal laws concerning neglected and abused children.

The fundamentals of juvenile development and adolescent behavior.

Principles of planning, time management, project coordination, group dynamics, and program and process evaluation.

Principles, practices and procedures of effective work direction, training, caseload management, and community and interagency relationship building.

Computer operation and a variety of office software including word processing, spreadsheet and database applications.

Safety precautions, practices and procedures applicable to the area of assignment.

Requires the ability to:

Plan, coordinate, organize and schedule programs, processes and services. Prepare, research, analyze, administer and change plans, policies and work programs as necessary.

Use tact, discretion, persuasion, diplomacy, respect and courtesy to gain the cooperation and commitment of others and establish and maintain effective working relationships and rapport with public officials, department heads, co-workers, volunteers, employees, representatives of other agencies or entities and diverse members of the public.

Listen attentively and communicate effectively, both orally and in writing, with individuals and groups in clear, concise language appropriate for the purpose and parties addressed, including facilitating groups and preparing and making technical and/or public presentations which can be understood by non-technical listeners, and preparing and/or directing the preparation of comprehensive written reports, materials and correspondence.

Fulfill the commitment of the County to provide outstanding public, intra- and inter-departmental customer service.

Read, understand, interpret, analyze and apply appropriately the terminology, instructions, policies, procedures, legal requirements and regulations pertinent to the area of assignment.

Organize, prioritize and coordinate work projects, plans and assignments. Be attentive to detail, maintain a high degree of accuracy and recognize, resolve and correct discrepancies in data or information. Work effectively in a multi-task environment. Take appropriate initiative. Apply good judgement, creativity and logical thinking to obtain potential solutions to problems within the scope of knowledge and authority or refer to the appropriate source. Develop ways to improve and promote efficient work methods.

Initiate, compile, compose and/or edit correspondence, records, narrative, statistical and financial reports and other applicable documents and assure all pertinent information from appropriate sources is included and accurate.

Proficiently operate office equipment standard to the area of assignment.

Maintain current knowledge for assigned areas and adapt to new technologies, keeping technical skills up-to-date and using technology to increase productivity.

Work independently and cooperatively as a member of a team.

Maintain appropriate level of confidentiality on all matters.

SPECIAL REQUIREMENTS

Must have a driving record that meets County standards and possess a valid driver's license at time of hire and throughout employment.

Must pass job-related tests.

Criminal justice level background check must meet County criteria including disclosure of serious crimes and sex crimes per RCW 43.43.

Must pass a psychological examination and polygraph test.

WORKING CONDITIONS

Work is primarily performed in an office, courtroom, home or meeting room setting. May sit or stand for long periods of time. May occasionally carry items weighing up to 20 pounds. Moves throughout the County facilities. Periodically drives a motor vehicle to perform duties at other sites or travel out of the County. May be required to attend meetings or perform duties outside of normal office hours. Possibility of exposure to hostile and offensive language from juveniles or the public. Uses appropriate safety equipment and follows established work safety policies, practices and procedures.

The statements contained herein, as of the date signed, reflect general details as necessary to describe the principal functions of this job, the level of knowledge and skill typically required and the scope of responsibility, but should not be considered an all-inclusive listing of work requirements. Individuals may perform other duties as assigned, including work in other functional areas, to cover absences or relief, to equalize peak work periods or otherwise to balance the workload. At its sole discretion, Whatcom County may consider combinations of education, experience, certifications, and training in lieu of specifically required qualifications contained herein.

Whatcom County provides equal employment opportunities (EEO) to all employees and applicants for employment without regard to race, color, religion, national origin, sex, age, marital status, sexual orientation, disability, military service, genetics, and any other legally protected class. Whatcom County also complies with applicable state and local laws governing nondiscrimination in employment.

Employee Status: This is an FLSA non-exempt position and, as such, is paid hourly and is entitled to overtime.


Signature

8-5-11
Date

Administrative Use			
JDE Job Entry		JDE Special Requirements	
Job Code: C185	Reason for Change:	Security: Level 3	Medical Privacy: Y
Job Group:	Standard Language	Driving: Periodically	Physical Capacity: N
W/C Code: 5306		CDL: N	Physical: N
Group: 1000		BBP: N	Polygraph: Y
		Cash Handling: N	Psychological: Y
CASA Volunteer Coordinator BA.08/04/16			



CASA Volunteer Job Description

BASIC FUNCTION: The CASA is a trained community volunteer appointed by a Judge or Court Commissioner to advocate for the best interests of an abused and/or neglected child. The CASA works as an official part of the judicial proceedings, alongside attorneys and social workers. The CASA thoroughly explores the history and circumstances of each assigned case and provides recommendations and observations to the Court.

SUPERVISION: Direct supervision and guidance is provided by the CASA Volunteer Coordinator.

MAJOR DUTIES & RESPONSIBILITIES:

- ☐ **Complete an extensive and independent review of each case:**
 - Meet face-to-face with child at least once a month.
 - Speak with the child and relevant adults (parents, family members, school officials, doctors and others involved in the child's life who might have facts about the case);
 - Review appropriate records and reports;
 - Observe the child and other significant persons involved in the case and child's life.
- ☐ **Provide both written and oral reports to the Court:**
 - Provide a written report containing factual information to the CASA office 10 business days prior to every hearing;
 - Attend court hearings concerning the child.
- ☐ **Represent the child's best interest at all times:**
 - Attend all court hearings to see that all relevant facts are presented;
 - Attend appropriate interagency meetings and case conferences regarding the child.
- ☐ **Monitor case following a court hearing or decision as designated by the court:**
 - Ensure that the judicial and child welfare systems are moving ahead to secure a safe, permanent home for the child as soon as possible;
 - Ensure that court-ordered services are provided to the child and family.
- ☐ **Consult regularly with the Volunteer Coordinator concerning assigned case:**
 - Provide updates to Coordinator and collaborate to develop a CASA case plan and review progress.

TRAINING/SUPPORT/NECESSARY KNOWLEDGE & SKILLS:

- ☐ Complete the 30 hour Core Volunteer Training and 12 hours of in-service training annually.
- ☐ Receive direct supervision and guidance from program staff.
- ☐ Ability to keep all client and court information confidential.
- ☐ Ability to communicate effectively both orally and in writing.
- ☐ Ability to respect and relate to people from various backgrounds.
- ☐ Ability to transport self.
- ☐ Ability to maintain objectivity.

TIME COMMITMENT:

- ☐ Volunteers are required to make an eighteen-month commitment to the program.
- ☐ Volunteers are required to attend all court hearings on their cases.
- ☐ CASA volunteers spend an average of 8-12 hours a month on each case.
- ☐ Provide written notice to CASA Coordinator 30 days prior to resigning from the Program.



CERTIFICATE OF MEMBERSHIP IN THE WASHINGTON COUNTIES RISK POOL

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE JOINT SELF-INSURANCE LIABILITY COVERAGE AFFORDED BY THE WASHINGTON COUNTIES RISK POOL

MEMBER COUNTY:

Whatcom County, Washington

Attn: George Roche, DPA, County Claims Administrator

Karen Goens, HR Manager

311 Grand Ave

Bellingham, WA 98225

Liability Coverage Afforded by the:

Washington Counties Risk Pool

2558 R W Johnson Rd SW, Suite 106

Tumwater, WA 98512-6103

Whatcom County (the "County") is a member of the Washington Counties Risk Pool (the "Pool"), as authorized by RCW 48.62.031, and the County is covered by the Pool's Joint Self-Insurance Liability Program. The Pool's Joint Self-Insurance Liability Program was created by interlocal cooperative agreement amongst the Pool's member counties to share risks by "jointly, self-insuring" certain third-party liabilities. The Pool is **NOT** an insurance company. Claims that are covered under a Memorandum of Liability Coverage ("MLC") from the Pool and were submitted under Chapter 4.96 RCW ("*Actions against political subdivisions, municipal and quasi-municipal corporations*") against the County, its employees, officers, volunteers and agents and/or actions in connection with or incidental to the performance of an agreement/contract which the County and/or its officers, employees or volunteers are found to be liable for will be paid by the Pool and/or the County.

MLC NUMBER:

20182019RISKPOOL-WCCO

MLC EFFECTIVE DATE:

October 1, 2018

MLC EXPIRATION DATE:

October 1, 2019

LIMITS OF LIABILITY EACH OCCURRENCE

BI AND PD COMBINED:

\$10,000,000

TYPES OF LIABILITY

COVERAGE AFFORDED:

General Liability

Including:

Bodily Injury

Personal Injury

Property Damage

Errors and Omissions/Professional

Advertising Injury

Automobile Liability

DESCRIPTION OF OPERATIONS/LOCATION/VEHICLE

Juvenile Court

Grant-Community Services & Housing Division
Services for Victims and Survivors (expires 9-30-20)

During the MLC Period 10/1/18 - 10/1/19

CANCELLATION

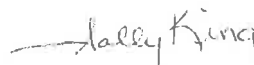
SHOULD THE ABOVE DESCRIBED MLC BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUER WILL ENDEAVOR TO PROVIDE THIRTY (30) DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION NOR LIABILITY OF ANY KIND UPON THE ISSUER OR ITS AGENTS OR REPRESENTATIVES.

CERTIFICATE HOLDER:

State of Washington
Department of Commerce

ISSUE DATE:

January 8, 2019



Claims Assistant



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2019-068

File ID:	AB2019-068	Version:	1	Status:	Agenda Ready
File Created:	01/09/2019	Entered by:	CRaymond@co.whatcom.wa.us		
Department:		File Type:	Resolution		

First Assigned to: Council Finance and Administrative Services Committee

Agenda Date:	Next Mtg. Date:	Hearing Date:
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TITLE FOR AGENDA ITEM:

Resolution to approve annual petition for refunds paid list consistent with RCW 84.69.020

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

See attached

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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Attachments: Resolution.pdf, Petition for Refunds Paid Report 2018

Final Action:
Enactment Date:
Enactment #:

SPONSORED BY: consent

PROPOSED BY: Treasurer

INTRODUCTION DATE: _____

RESOLUTION NO. _____

**A RESOLUTION ACCEPTING THE TREASURER'S
LIST OF PETITIONS FOR PROPERTY TAX REFUNDS**

WHEREAS, RCW 84.69.020 requires that the County Treasurer present a list of all petitions for property tax refunds made during the previous year to the County Council, and;

WHEREAS, a list of the Whatcom County Treasurer's Property Tax Refunds for 2018 is attached to this resolution, and;

WHEREAS, the Whatcom County Council has received and reviewed the Treasurer's list of property tax refunds consisting of the names of the persons receiving the refunds, the amounts of the refunds, and reasons for the refunds for the year 2018 in accordance with RCW 84.69.020.

NOW, THEREFORE BE IT RESOLVED, that the Whatcom County Council accepts the property tax refund list for 2018, hereto attached as "Exhibit A".

APPROVED this _____ day of _____, 2019.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Council Clerk

Council Chair

APPROVED AS TO FORM:

Civil Deputy Prosecutor

**PETITION FOR REFUNDS
PAID REPORT**

January 1, 2018

THROUGH

December 31, 2018

PROPERTY TAX REFUNDS

ADOLPH L & MARJORIE J BJORKSTAM	MTX	TAXABLE TO EXEMPT-NEC	3/29/2018	\$1,789.74
ALAN P & LISA M HICKEY	DPD	DESTROYED DEMOLISHED	6/6/2018	\$139.86
ALAN R JEWELL	ST	SENIOR TRANSFER	6/1/2018	\$481.06
ALEXEY & VALENTINA SAFONOV	SN	SENIOR NEW ON	4/4/2018	\$645.93
ALLEN R ANTHONY	MTX	TAXABLE TO EXEMPT-NEC	7/12/2018	\$24.21
ANDREW & ELIZABETH BALOG	SN	SENIOR NEW ON	9/6/2018	\$384.93
ANDREW R & RUTH E GREEN	DPD	DESTROYED DEMOLISHED	6/1/2018	\$118.85
ANN PREHN	SN	SENIOR NEW ON	7/12/2018	\$347.27
ANTHONY F AU & SELENA S LEE	SN	SENIOR NEW ON	9/11/2018	\$626.78
ANTHONY N DEPAULO	SN	SENIOR NEW ON	10/5/2018	\$538.82
ARLINE L GOMES	SL	SENIOR LEVEL CHANGE	7/16/2018	\$293.31
ARNOLD BURKE	SN	SENIOR NEW ON	8/15/2018	\$624.47
ARTHUR A FURMAN 1/4 &	SN	SENIOR NEW ON	3/6/2018	\$2,079.74
ARTHUR H & ALVENA C BARNES TRUST/TR	SL	SENIOR LEVEL CHANGE	7/12/2018	\$48.53
B & L PROPERTIES TRUST	MTX	TAXABLE TO EXEMPT-NEC	8/15/2018	\$100.24
BARBARA J HENDERSON	SN	SENIOR NEW ON	8/8/2018	\$368.70
BELLINGHAM SCHOOL DISTRICT NO 501	MTX	TAXABLE TO EXEMPT-NEC	3/8/2018	\$2,940.48
BEN CRAFT & GRETCHEN HOYT	PLF	PP LATEFILE/REWORK	6/1/2018	\$83.70
BERNARD L & MARY A BROWER	SN	SENIOR NEW ON	8/29/2018	\$373.54
BERT R & THONNIE L WAILES	SN	SENIOR NEW ON	3/13/2018	\$1,316.65
BEVERLEE J LEEPER	SL	SENIOR LEVEL CHANGE	7/9/2018	\$1,462.03
BOGAARD ENTERPRISES LLC	MTX	TAXABLE TO EXEMPT-NEC	6/1/2018	\$956.46
BONNIE J DAVIS	SN	SENIOR NEW ON	7/16/2018	\$165.53
BONNIE M SKILLING	SN	SENIOR NEW ON	9/28/2018	\$380.34
BONNIE M STEWART	SL	SENIOR LEVEL CHANGE	7/12/2018	\$98.71
BONNIE ROGERS	SN	SENIOR NEW ON	4/4/2018	\$2,295.67
BONNITA LYNNE	SN	SENIOR NEW ON	10/5/2018	\$105.83
BOUDREAU FAMILY TRUST	SL	SENIOR LEVEL CHANGE	8/23/2018	\$765.67
BRAIDON & HOLLY OLSON	MSQ	MEASUREMENT CORRECTION	4/4/2018	\$442.63
BRIAN D STONE	SN	SENIOR NEW ON	9/28/2018	\$2,549.92
BRIAN E SIMMONS	SN	SENIOR NEW ON	8/2/2018	\$2,746.32
BRIAN J WYNGAERT	SN	SENIOR NEW ON	8/8/2018	\$2,816.24
BRUCE & TRISH TADEYESKE	SN	SENIOR NEW ON	3/13/2018	\$4,441.77
BRUCE E & MARGARET M COOK	SN	SENIOR NEW ON	4/4/2018	\$4,450.61
BRYAN C GIVENS	DPA	DESTROYED ABATED	3/14/2018	\$174.11
BYRON & MARY OLSON	ST	SENIOR TRANSFER	3/6/2018	\$535.32
CAHTERINE C CAREY	SN	SENIOR NEW ON	9/6/2018	\$929.57
CALVIN VANDEN HOEK	SN	SENIOR NEW ON	9/11/2018	\$702.13
CARLA J LANGE	ST	SENIOR TRANSFER	3/13/2018	\$211.56
CAROL A DONOVAN	SN	SENIOR NEW ON	8/29/2018	\$146.29
CAROL A HAMILTON	SN	SENIOR NEW ON	10/9/2018	\$456.03
CAROL A MCKINNEY	SN	SENIOR NEW ON	9/11/2018	\$214.85
CAROL A REMSEN	SN	SENIOR NEW ON	7/9/2018	\$1,687.80
CAROL L MONTEITH	SN	SENIOR NEW ON	10/3/2018	\$541.03
CAROLYN L COOPER	SN	SENIOR NEW ON	8/21/2018	\$1,670.78
CATHERINE I BARTH	SN	SENIOR NEW ON	12/13/2018	\$3,307.74

PROPERTY TAX REFUNDS

CATHERINE J GAMMON	SN	SENIOR NEW ON	8/15/2018	\$233.19
CATHERINE M WEBB	SN	SENIOR NEW ON	2/16/2018	\$968.02
CHARLES E & ANNA ORTEGO JT	SN	SENIOR NEW ON	9/6/2018	\$399.05
CHARLES P COLLINS	SN	SENIOR NEW ON	9/11/2018	\$1,159.41
CHARLES V EVANS	MTX	TAXABLE TO EXEMPT-NEC	3/14/2018	\$268.00
CHARLOTTE GAZAK	SN	SENIOR NEW ON	9/11/2018	\$290.57
CHARLOTTE MURRAY	SN	SENIOR NEW ON	3/6/2018	\$77.43
CHEN CHING & GLORIA HOU	SN	SENIOR NEW ON	6/1/2018	\$1,765.71
CHERYL A THOMPSON	SN	SENIOR NEW ON	8/8/2018	\$2,790.43
CHERYL REITSMA	SN	SENIOR NEW ON	8/8/2018	\$285.78
CHITRA DESAI	SN	SENIOR NEW ON	4/4/2018	\$54.08
CHRIS H GELEYNSE	SN	SENIOR NEW ON	6/1/2018	\$1,756.75
CHRISTINA T BRISSEY	SB	SENIOR BACK ON	2/16/2018	\$2,575.07
CHRISTOPHER D ROSSMILLER &	SN	SENIOR NEW ON	8/8/2018	\$1,958.12
CHRISTOPHER L REED	SN	SENIOR NEW ON	10/9/2018	\$2,273.83
CHUCK & GRETA LULKOVICH	SN	SENIOR NEW ON	8/23/2018	\$104.14
CHUN CHEN CHAO	SL	SENIOR LEVEL CHANGE	7/12/2018	\$534.67
CLAIRE DE ARMOND	SN	SENIOR NEW ON	3/13/2018	\$8,099.07
CLARENCE L & JOANN GEBHART	SN	SENIOR NEW ON	3/13/2018	\$1,523.13
CLARKWOOD PROPERTIES LLC	DPA	DESTROYED ABATED	3/29/2018	\$565.50
CLAUDETTE ROBERTSON	SL	SENIOR LEVEL CHANGE	7/12/2018	\$148.37
COLLEEN R & TOMI OZORA	SN	SENIOR NEW ON	8/29/2018	\$944.77
CORLISS SIEBERT	SN	SENIOR NEW ON	8/8/2018	\$839.83
CRAIG T & CATHERINE C MIRON	SN	SENIOR NEW ON	10/9/2018	\$574.73
CRAZY MIKE'S VIDEO	PCC	PP MISC CORRECTION	7/16/2018	\$6,210.47
CURTIS B & KATHIE A NELSON	SN	SENIOR NEW ON	3/14/2018	\$2,216.49
CURTIS W STENVERS	SN	SENIOR NEW ON	8/29/2018	\$270.15
DALBIR SINGH SANDHU &	SN	SENIOR NEW ON	3/13/2018	\$4,699.45
DALE VANMERSBERGEN	SN	SENIOR NEW ON	3/14/2018	\$543.23
DANA M CLIFFORD-GILBERT	DPA	DESTROYED ABATED	3/8/2018	\$124.54
DANIEL & JANET KLOPP	SN	SENIOR NEW ON	3/13/2018	\$1,151.29
DANIEL E & JUDITH A JONES	SN	SENIOR NEW ON	3/13/2018	\$11,844.81
DANIEL L GIDEON	SN	SENIOR NEW ON	8/15/2018	\$93.75
DANIELLE & W DANIEL MOORE	MSQ	MEASUREMENT CORRECTION	10/11/2018	\$511.83
DARREL J HANSEN	SL	SENIOR LEVEL CHANGE	8/29/2018	\$500.23
DARSHAN SINGH & AMARJIT KAUR	SN	SENIOR NEW ON	7/16/2018	\$677.05
DAVID ENGLERT	SN	SENIOR NEW ON	9/5/2018	\$1,018.71
DAVID I & BEVERLY B FELDBERG	SL	SENIOR LEVEL CHANGE	8/23/2018	\$257.84
DAVID J FAIRCHILD	SN	SENIOR NEW ON	7/16/2018	\$154.19
DAVID L DAVIDSON &	SN	SENIOR NEW ON	6/6/2018	\$1,352.59
DAVID L NELSON	ST	SENIOR TRANSFER	7/9/2018	\$749.93
DAVID N HANSEN	DPA	DESTROYED ABATED	3/13/2018	\$256.85
DAVID N HURD	SL	SENIOR LEVEL CHANGE	6/1/2018	\$236.58
DAVID R PARKS	SN	SENIOR NEW ON	3/6/2018	\$1,397.37
DAVID R WALKER & TONI L KNIGHT	SN	SENIOR NEW ON	8/29/2018	\$2,192.09
DBW SPIT PROPERTIES LLC	BEOR	BOE ORDERED CHANGE	3/29/2018	\$8,123.13
DEAN L RADDER	SL	SENIOR LEVEL CHANGE	9/5/2018	\$343.70

PROPERTY TAX REFUNDS

DEBBIE HADDAD	SN	SENIOR NEW ON	7/9/2018	\$465.80
DEBORAH K BURTON	SN	SENIOR NEW ON	6/1/2018	\$6,665.73
DEBRA CAMMACK	SN	SENIOR NEW ON	9/5/2018	\$812.83
DENIS L JAMES	SN	SENIOR NEW ON	3/14/2018	\$1,750.50
DENIS L KLEIN	SN	SENIOR NEW ON	4/4/2018	\$475.00
DENISE K DUPRAW	SN	SENIOR NEW ON	9/6/2018	\$308.69
DENNIS & BETTY SCOTT	SN	SENIOR NEW ON	10/3/2018	\$3,341.96
DENNIS C GUDBRANSON	SN	SENIOR NEW ON	6/1/2018	\$2,612.01
DENNIS C GUDBRANSON	SN	SENIOR NEW ON	9/6/2018	\$949.77
DENNIS H STOUT	SN	SENIOR NEW ON	4/4/2018	\$2,985.17
DENNIS L HALL & JAN E KOOGLE	SN	SENIOR NEW ON	10/9/2018	\$6,004.11
DENNIS Z BALCOM	SN	SENIOR NEW ON	8/15/2018	\$4,174.27
DIANE E NEUROTH	SN	SENIOR NEW ON	10/3/2018	\$896.95
DIANE WAKEMAN	SN	SENIOR NEW ON	10/9/2018	\$389.41
DIANNE M WYNGAERT	SN	SENIOR NEW ON	8/15/2018	\$237.76
DICK A & LINDA P SNIDER JT	SN	SENIOR NEW ON	9/11/2018	\$339.72
DIGAETANO TRUST	SN	SENIOR NEW ON	7/9/2018	\$337.83
DIXIE HAGEN	SN	SENIOR NEW ON	8/16/2018	\$2,325.27
DOEDE & MARGIE H POSTMA	SN	SENIOR NEW ON	8/15/2018	\$608.38
DOLORES I LAUGHLIN	SL	SENIOR LEVEL CHANGE	7/16/2018	\$707.68
DON & BEV THOMPSON TRUST/TR	SN	SENIOR NEW ON	7/9/2018	\$326.03
DONALD & KIM RHEA	ST	SENIOR TRANSFER	12/13/2018	\$1,949.05
DONALD C WHITNEY	SL	SENIOR LEVEL CHANGE	7/12/2018	\$106.73
DONALD D SHRUM	SN	SENIOR NEW ON	9/11/2018	\$344.34
DONALD K & IRMA C GUTKNECHT	SL	SENIOR LEVEL CHANGE	3/14/2018	\$2,062.95
DONALD L WARNER &	SN	SENIOR NEW ON	10/9/2018	\$6,133.08
DONALD R & ANNA M WARD FAMILY TRUST/TR	SN	SENIOR NEW ON	6/1/2018	\$1,554.66
DONNA J TAYLOR	SN	SENIOR NEW ON	6/1/2018	\$36.72
DORA M HENRY	SN	SENIOR NEW ON	7/12/2018	\$647.40
DORIS BOUWMAN	SL	SENIOR LEVEL CHANGE	7/12/2018	\$128.79
DORIS M WILLIAMS	SN	SENIOR NEW ON	10/5/2018	\$572.20
DORIS V MAXWELL	SN	SENIOR NEW ON	10/9/2018	\$1,326.47
DOUG & LAURA A OGG	SN	SENIOR NEW ON	6/1/2018	\$3,574.07
DOUGLAS C HAGER	MTX	TAXABLE TO EXEMPT-NEC	4/4/2018	\$112.76
DOUGLAS RENKERT	SN	SENIOR NEW ON	3/14/2018	\$3,517.07
DOUGLAS SUTTON	SN	SENIOR NEW ON	9/11/2018	\$630.25
DUANE E & BETH S GATES	SN	SENIOR NEW ON	9/6/2018	\$688.47
E BRUCE WORDEN	SN	SENIOR NEW ON	7/16/2018	\$392.34
EARL E CLUTTS	DPA	DESTROYED ABATED	2/16/2018	\$14.27
EDUARDO & MARGARITA AGUIRRE	SN	SENIOR NEW ON	8/8/2018	\$230.62
ELISEO S MARTINEZ	SL	SENIOR LEVEL CHANGE	7/16/2018	\$84.40
ELITE SALON AND VITAMINS	MTD	TAXABLE TO EXEMPT-DOR	9/5/2018	\$1,099.64
ELIZABETH FLUIT	SN	SENIOR NEW ON	4/4/2018	\$1,594.09
ELIZABETH J C FREEMAN	SN	SENIOR NEW ON	4/4/2018	\$1,621.66
ELIZABETH TORRES	ST	SENIOR TRANSFER	12/13/2018	\$339.98
ELLEN JACOBS	SN	SENIOR NEW ON	9/11/2018	\$378.82
ELLEN L MATTER	SN	SENIOR NEW ON	7/16/2018	\$448.23

PROPERTY TAX REFUNDS

ELLEN M & DAVID R ANDERSON	ST	SENIOR TRANSFER	4/4/2018	\$520.04
ELOISE HASKINS	SN	SENIOR NEW ON	6/1/2018	\$3,396.14
ELSA CARON	SN	SENIOR NEW ON	10/9/2018	\$337.59
EMILIANO & MARIA R ARROYO	SB	SENIOR BACK ON	8/2/2018	\$940.52
ENA A PADOVAN	SL	SENIOR LEVEL CHANGE	8/23/2018	\$152.92
ENOK P LIAN TRUST/TR	SN	SENIOR NEW ON	8/8/2018	\$767.22
ERNEST A HEINRICH	SN	SENIOR NEW ON	9/28/2018	\$333.43
ERNEST L BROCK	SN	SENIOR NEW ON	8/29/2018	\$1,278.63
FELIX A BASABE III	SN	SENIOR NEW ON	12/13/2018	\$1,831.92
FIREHOUSE PERFORMING ARTS CENTER LLC	PLF	PP LATEFILE/REWORK	4/4/2018	\$101.56
FOREST CAT &	SN	SENIOR NEW ON	9/28/2018	\$3,469.81
FRANK & SHERI HATHAWAY	SN	SENIOR NEW ON	9/11/2018	\$873.20
FRANK E & BARBARA H DEFREYAS	COR	NO VALUE CHANGE CORRECT	12/13/2018	\$57.21
FRANK M DWIGHT	SN	SENIOR NEW ON	9/11/2018	\$409.38
FRANK R & GENEVA MUNN	SN	SENIOR NEW ON	8/15/2018	\$286.49
GABRIEL KINNARA	SN	SENIOR NEW ON	7/9/2018	\$1,508.70
Gail Baragar	MCC	MISC CLERICAL CORRECTION	7/16/2018	\$1,663.34
GAIL PIKE	SN	SENIOR NEW ON	8/29/2018	\$4,283.19
GAIL V MACDONALD	SN	SENIOR NEW ON	7/9/2018	\$1,406.17
GARDEN STREET METHODIST CHURCH	MTD	TAXABLE TO EXEMPT-DOR	4/4/2018	\$2,499.78
GARRY A HARRIS	BEOR	BOE ORDERED CHANGE	8/2/2018	\$54.81
GARY D MACDONALD TRUST I	SN	SENIOR NEW ON	9/28/2018	\$4,678.73
GARY H ESHUIS	SN	SENIOR NEW ON	8/8/2018	\$340.43
GARY HALL & DINA SODA	SN	SENIOR NEW ON	4/4/2018	\$5,725.41
GARY L & LINDA C JOHNSON	SL	SENIOR LEVEL CHANGE	7/9/2018	\$681.24
GARY N & SHARON KALANJ	SL	SENIOR LEVEL CHANGE	8/15/2018	\$142.42
GAYLE M NELSON	SN	SENIOR NEW ON	7/9/2018	\$906.47
GEORGE & SALLY JONES TRUST/TR	BECE	BOE CORRECT EVAL	3/29/2018	\$640.49
GEORGE A JR & KELLIE L BURLINGAME	SL	SENIOR LEVEL CHANGE	7/9/2018	\$80.93
GERALD PHILLIPS	SN	SENIOR NEW ON	6/6/2018	\$221.28
GERALDINE GREEN	SN	SENIOR NEW ON	8/8/2018	\$373.27
GERRIT & CLAUDETTE STERK	SN	SENIOR NEW ON	8/15/2018	\$2,149.89
GERTRUDE NORQUIST	SN	SENIOR NEW ON	10/5/2018	\$1,510.80
GILBERTO A R HERRERA &	SL	SENIOR LEVEL CHANGE	6/6/2018	\$1,093.24
GINGER L DECKER	SN	SENIOR NEW ON	7/9/2018	\$1,297.79
GLEN WINCHESTER	SL	SENIOR LEVEL CHANGE	7/12/2018	\$1,755.44
GLENDON G MOODY	SN	SENIOR NEW ON	8/23/2018	\$3,152.54
GLENN & MARILYN TERPSTRA	ST	SENIOR TRANSFER	7/16/2018	\$1,802.84
GLORIA D PRUGO	SN	SENIOR NEW ON	8/29/2018	\$474.58
GLORIA V HARVEY	SN	SENIOR NEW ON	2/16/2018	\$3,037.77
GORDON D & DOLORES HUBBARD	SN	SENIOR NEW ON	10/3/2018	\$939.34
GREGG S & MARVEL K COLLINGS	SL	SENIOR LEVEL CHANGE	7/12/2018	\$114.16
GREGORY J & DEBRA D DAVIS	SN	SENIOR NEW ON	9/28/2018	\$3,382.60
HARLEY & DALJIT CHEEMA	SN	SENIOR NEW ON	8/15/2018	\$655.70
HEIDI G UNICK	SN	SENIOR NEW ON	7/16/2018	\$659.46
HEIDI OHANA	SN	SENIOR NEW ON	3/6/2018	\$3,245.72
HENRY A & MARY J GUNTERMAN	MTX	TAXABLE TO EXEMPT-NEC	7/12/2018	\$16.06

PROPERTY TAX REFUNDS

HERMAN L HAMM	SN	SENIOR NEW ON	7/16/2018	\$348.28
HILLTOP BERRY FARMS LLC	MMI	MOVE IMPROVEMENT	9/28/2018	\$302.35
HUMBERTO & HERLINDA C ELIZONDO	SN	SENIOR NEW ON	2/16/2018	\$3,210.54
INGRID C LAIR	SN	SENIOR NEW ON	9/11/2018	\$193.37
IRA C HODGES	SN	SENIOR NEW ON	7/12/2018	\$9,214.84
IRENE E MULLAN	SN	SENIOR NEW ON	4/4/2018	\$2,297.51
IRMA GARCIA-MORALES	SN	SENIOR NEW ON	8/23/2018	\$1,444.61
IRONGATE STORAGE LLC	MCC	MISC CLERICAL CORRECTION	9/6/2018	\$1,563.60
ISOBELLA MATTHEWS	SN	SENIOR NEW ON	9/5/2018	\$2,321.46
J MONTY STARKOVICH &	SB	SENIOR BACK ON	6/1/2018	\$2,442.15
J S HOMAN	SN	SENIOR NEW ON	8/15/2018	\$558.38
JACK A ATTARD	SN	SENIOR NEW ON	6/6/2018	\$871.05
JACK BERNSTEIN	SN	SENIOR NEW ON	9/11/2018	\$1,176.08
JACQUE L SWANSON	SN	SENIOR NEW ON	8/29/2018	\$3,665.10
JACQUELINE F LEHMANN	SN	SENIOR NEW ON	12/13/2018	\$1,772.13
JACQUELINE G PERRIGOUE	ST	SENIOR TRANSFER	6/1/2018	\$943.56
JACQUIE S WHITING	SN	SENIOR NEW ON	8/29/2018	\$717.16
JAMES A & DIANA K BANKSTON	SN	SENIOR NEW ON	9/5/2018	\$285.47
JAMES A JR & PATRICIA K SHEA	MCC	MISC CLERICAL CORRECTION	3/29/2018	\$377.80
JAMES E & JUNE D RUSSELL	SN	SENIOR NEW ON	10/9/2018	\$1,237.53
JAMES E ASSINK	SN	SENIOR NEW ON	6/1/2018	\$1,053.34
JAMES L PARIS	SN	SENIOR NEW ON	3/14/2018	\$700.23
JAMES M & VANESSA C ROSE	SN	SENIOR NEW ON	8/15/2018	\$708.11
JAMES M MEZO	DPD	DESTROYED DEMOLISHED	3/13/2018	\$21.57
JAMES S SMITH	SN	SENIOR NEW ON	6/1/2018	\$5,239.61
JAMES STREET ESTATES	SN	SENIOR NEW ON	10/3/2018	\$363.87
JAMES STREET ESTATES	SS	SENIOR SOLD	7/12/2018	\$542.46
JAMES W CLARK JR	SN	SENIOR NEW ON	7/9/2018	\$1,019.23
JAMES W JOHNSON	SN	SENIOR NEW ON	9/6/2018	\$3,445.59
JANET A WILSON	SN	SENIOR NEW ON	10/9/2018	\$5,567.16
JANET E CHRISTIE	SN	SENIOR NEW ON	10/9/2018	\$250.02
JANET SENOUR	ST	SENIOR TRANSFER	7/9/2018	\$302.69
JANETTE HATCH	SN	SENIOR NEW ON	10/11/2018	\$392.52
JANICE A POPPENSIEK	SN	SENIOR NEW ON	8/2/2018	\$1,211.85
JANICE BETHMAN	SN	SENIOR NEW ON	8/8/2018	\$6,116.46
JANICE ROBERTS	SN	SENIOR NEW ON	8/21/2018	\$2,194.90
JANICE WILLIAMS	SN	SENIOR NEW ON	9/28/2018	\$318.19
JANINE L HAMILTON	SN	SENIOR NEW ON	3/14/2018	\$4,202.38
JASON & LAURA FRIEND JT	MCC	MISC CLERICAL CORRECTION	4/4/2018	\$186.88
JAY R & ELIZABETH W REIMER	MVY	ACREAGE CHANGE	8/23/2018	\$316.23
JEAN G WILKINSON FAMILY TRUST/TR	SB	SENIOR BACK ON	8/16/2018	\$275.32
JEAN M GUERIN	DPD	DESTROYED DEMOLISHED	8/2/2018	\$125.05
JEAN MICHAEL GUERIN	ST	SENIOR TRANSFER	8/21/2018	\$971.23
JEANMARIE MUELLER	MSQ	MEASUREMENT CORRECTION	3/29/2018	\$636.08
JEANNINE ADAMS	SN	SENIOR NEW ON	8/15/2018	\$178.36
JEANNINE TATER	SN	SENIOR NEW ON	3/13/2018	\$2,348.25
JEFF & LINDA VAUGHN	MSQ	MEASUREMENT CORRECTION	3/14/2018	\$875.27

PROPERTY TAX REFUNDS

JEFFREY & LINDA PONT	SN	SENIOR NEW ON	8/8/2018	\$1,132.39
JEFFREY & SUSAN LITTLEJOHN	SN	SENIOR NEW ON	3/14/2018	\$612.25
JEFFREY A & JACQUELINE M CRANDALL	COR	NO VALUE CHANGE CORRECTION	6/1/2018	\$57.12
JEFFREY A & SUSAN M SEIDEN	SN	SENIOR NEW ON	8/8/2018	\$1,123.09
JEFFREY L FRERE	DPA	DESTROYED ABATED	6/1/2018	\$1,689.06
JEFFREY L FRERE	DPA	DESTROYED ABATED	8/8/2018	\$508.70
JENIFER E GREEN	SN	SENIOR NEW ON	7/16/2018	\$347.45
JENIFER WILSON	SN	SENIOR NEW ON	10/5/2018	\$365.70
JENNY J DAVIDOW	SN	SENIOR NEW ON	9/11/2018	\$3,175.58
JERRY F & SHARON F COBB	SN	SENIOR NEW ON	8/8/2018	\$515.84
JERRY L POTTER	SN	SENIOR NEW ON	9/5/2018	\$2,223.77
JERRY W ROBERTS	SN	SENIOR NEW ON	8/15/2018	\$3,357.82
JIM MCCLINTOCK	SN	SENIOR NEW ON	10/3/2018	\$285.02
JOAN E KOSANKE	SN	SENIOR NEW ON	3/13/2018	\$367.97
JOAN I LAMARSH	SN	SENIOR NEW ON	8/8/2018	\$352.36
JOANNE A KESTERMONT	SL	SENIOR LEVEL CHANGE	6/1/2018	\$127.56
JODI M WAGNER	SN	SENIOR NEW ON	8/15/2018	\$941.22
JOEL B ALLISON	SN	SENIOR NEW ON	3/14/2018	\$929.34
JOEL W CHUNG REV TRUST/TR	SN	SENIOR NEW ON	8/29/2018	\$1,792.31
JOHANNA D MORRIS	SN	SENIOR NEW ON	7/16/2018	\$759.04
JOHANNA M GERVOL	MTX	TAXABLE TO EXEMPT-NEC	7/12/2018	\$112.23
JOHN C & CAROLE J LIEBERT	COR	NO VALUE CHANGE CORRECTION	6/1/2018	\$19.03
JOHN E PETERSON, ESTATE	DPD	DESTROYED DEMOLISHED	12/13/2018	\$503.43
JOHN HOLSTEIN	SN	SENIOR NEW ON	8/16/2018	\$253.33
JOHN J FASSLER	SN	SENIOR NEW ON	9/5/2018	\$621.87
JOHN R & CHRISTY M BELL	SN	SENIOR NEW ON	4/4/2018	\$2,868.81
JOHN R & LENA C BURKE	SN	SENIOR NEW ON	9/28/2018	\$959.04
JOHN R ENDICOTT	SN	SENIOR NEW ON	8/15/2018	\$3,113.66
JOHN V & INGRID J MCGARRY	SL	SENIOR LEVEL CHANGE	9/11/2018	\$1,920.37
JOHN W & SHARON M HYATT	SN	SENIOR NEW ON	7/9/2018	\$412.01
JON & RIANNE KRUYSWIJK	MCC	MISC CLERICAL CORRECTION	10/5/2018	\$2,198.42
JOSEPH B & ANNA J DEENY JT	SL	SENIOR LEVEL CHANGE	8/15/2018	\$159.69
JOSIE L M MATTON	SL	SENIOR LEVEL CHANGE	7/12/2018	\$142.19
JOY KENWORTHY	SN	SENIOR NEW ON	9/28/2018	\$577.39
JUDI L NICON-ORCUTT	SN	SENIOR NEW ON	9/28/2018	\$48.63
JUDITH L MAJDIC	SN	SENIOR NEW ON	8/29/2018	\$355.38
JUDY HANSON	SB	SENIOR BACK ON	4/4/2018	\$1,706.96
JUDY HEIDT	SN	SENIOR NEW ON	8/29/2018	\$853.87
JUDY L TEETER	SN	SENIOR NEW ON	9/6/2018	\$903.91
JULIE STURGEON	SN	SENIOR NEW ON	8/21/2018	\$956.04
JULIETTE T ZENTELIS	DPD	DESTROYED DEMOLISHED	10/5/2018	\$116.97
JUNE L GRINSTEAD	SN	SENIOR NEW ON	8/23/2018	\$319.15
KAARENA LARAE	DPA	DESTROYED ABATED	10/5/2018	\$167.18
Karen Dragutin	SN	SENIOR NEW ON	8/8/2018	\$359.58
KAREN J KOVACS	SN	SENIOR NEW ON	8/29/2018	\$1,513.53
KAREN MCMAINS	SN	SENIOR NEW ON	10/9/2018	\$114.98
KATHERINE LEBIODA	MCC	MISC CLERICAL CORRECTION	3/29/2018	\$227.68

PROPERTY TAX REFUNDS

KATHLEEN A SHANNON	SN	SENIOR NEW ON	10/9/2018	\$3,300.05
KATHLEEN IVERSEN	SL	SENIOR LEVEL CHANGE	7/12/2018	\$144.46
KATHLEEN J PAGE	SN	SENIOR NEW ON	8/29/2018	\$1,157.12
KATHLEEN P KING	SN	SENIOR NEW ON	8/8/2018	\$730.52
KEITH A LEE	SN	SENIOR NEW ON	8/2/2018	\$803.29
KENNETH I SWANSON	SN	SENIOR NEW ON	8/29/2018	\$376.77
KENNETH J & MARGRET S MILICI	SN	SENIOR NEW ON	7/16/2018	\$369.80
KENNETH R & SALLY A DICKINSON	SN	SENIOR NEW ON	9/28/2018	\$891.47
KENNETH R NUCKOLLS	SN	SENIOR NEW ON	8/8/2018	\$5,144.57
KENT E FRANSENE	SN	SENIOR NEW ON	9/6/2018	\$244.42
KENT WOODBURY	SN	SENIOR NEW ON	9/11/2018	\$796.40
KIM A PEPPERWORTH	SN	SENIOR NEW ON	3/13/2018	\$5,355.34
KIM P OSBORNE TRUST/TR	SN	SENIOR NEW ON	8/8/2018	\$1,508.41
KIMBERLY M BOZICH	SN	SENIOR NEW ON	9/11/2018	\$237.20
KIMBERLY SANABRIA	SN	SENIOR NEW ON	7/12/2018	\$4,306.51
KRISTI A KENNEDY-BROOKS	SN	SENIOR NEW ON	4/4/2018	\$2,929.40
LARRY H & SHARON J DODD	DPA	DESTROYED ABATED	3/14/2018	\$225.71
LARRY HILDES & KAREN WEILL	DPA	DESTROYED ABATED	10/9/2018	\$90.68
LARRY K ELLSWORTH	SN	SENIOR NEW ON	9/5/2018	\$918.51
LARRY R & JANET M BILES	SL	SENIOR LEVEL CHANGE	9/11/2018	\$43.01
LARRY S & JUDY K GOOD	SN	SENIOR NEW ON	7/9/2018	\$2,775.92
LAURA D COMISKEY	SN	SENIOR NEW ON	8/8/2018	\$825.07
LAWRENCE & PAULA CRAMBLETT	SN	SENIOR NEW ON	4/4/2018	\$1,424.42
LEAH TARLETON REV TRUST	SN	SENIOR NEW ON	9/6/2018	\$333.98
LESLEY STUIFBERGEN	SN	SENIOR NEW ON	9/28/2018	\$229.98
LESLIE J & ANN M NELSON	SN	SENIOR NEW ON	9/11/2018	\$2,139.73
LEV & SVETLANA MARMER	SN	SENIOR NEW ON	8/29/2018	\$592.93
LINDA & JEREMIAH J SWEITZER	SN	SENIOR NEW ON	10/5/2018	\$177.15
LINDA JO WINSLOW	SN	SENIOR NEW ON	8/8/2018	\$1,207.63
LINDA L & GREGORY T HAY	SN	SENIOR NEW ON	7/16/2018	\$1,021.76
LINDA M HARDENBROOK	SN	SENIOR NEW ON	9/28/2018	\$253.63
LINDA S MYRDAL	SL	SENIOR LEVEL CHANGE	8/2/2018	\$192.45
LISA E CROY	SN	SENIOR NEW ON	8/8/2018	\$542.84
LITCHO DATZOV	SN	SENIOR NEW ON	7/16/2018	\$730.88
LLOYD & CATHERINE BROERSMA LIVING TRUST	SN	SENIOR NEW ON	9/28/2018	\$1,379.44
LOAN T SAILORS	SN	SENIOR NEW ON	9/6/2018	\$365.32
LOIS I WEME	SN	SENIOR NEW ON	8/16/2018	\$3,048.04
LOIS M BALDETTA	SN	SENIOR NEW ON	3/6/2018	\$911.42
LOIS N INGEBRIGTSON	SN	SENIOR NEW ON	8/8/2018	\$416.40
LORRAINE D WINGFIELD	SB	SENIOR BACK ON	4/4/2018	\$3,302.21
LORRISA COLLINS	DPA	DESTROYED ABATED	3/13/2018	\$1,051.93
LOU ANNE DENNISON	SN	SENIOR NEW ON	8/21/2018	\$4,155.97
LOYD & ROXYANN WESCHE	MSQ	MEASUREMENT CORRECTION	3/29/2018	\$667.58
LYDIA PLACE	MTD	TAXABLE TO EXEMPT-DOR	10/5/2018	\$3,032.48
LYDIA PLACE & DOMESTIC VIOLENCE &	MTD	TAXABLE TO EXEMPT-DOR	9/5/2018	\$12,826.26
LYNDA & JAMES OLSEN	MSQ	MEASUREMENT CORRECTION	3/29/2018	\$856.75
LYNDA J RICHARDS	SN	SENIOR NEW ON	10/9/2018	\$374.26

PROPERTY TAX REFUNDS

LYNN FOLEY	SN	SENIOR NEW ON	10/9/2018	\$2,725.22
MAGDALENE PIANTES	SN	SENIOR NEW ON	3/13/2018	\$2,489.87
MAGNATECH HOLDINGS INC	DPA	DESTROYED ABATED	4/4/2018	\$2,972.20
MANJIT K DEOL	SN	SENIOR NEW ON	9/11/2018	\$816.72
MARCIA K WILCOX	SN	SENIOR NEW ON	8/21/2018	\$677.70
MARCIA L ELWOOD	SL	SENIOR LEVEL CHANGE	7/16/2018	\$1,040.50
MARGARET A JORDAN	SN	SENIOR NEW ON	10/5/2018	\$1,541.00
MARGARET D COLLINS	SN	SENIOR NEW ON	10/9/2018	\$501.35
MARGARET SONCARTY	SN	SENIOR NEW ON	7/9/2018	\$1,529.72
MARGARET W KIM	SN	SENIOR NEW ON	9/28/2018	\$1,787.86
MARGEN B RILEY	SN	SENIOR NEW ON	10/5/2018	\$1,077.89
MARIA & ANTONIO PADILLA SR	SN	SENIOR NEW ON	8/8/2018	\$6,114.47
MARIE E LEU TR	SN	SENIOR NEW ON	9/11/2018	\$669.84
MARIO & GUADALUPE MATA	DPA	DESTROYED ABATED	3/29/2018	\$841.47
MARJORIE H LIGHTNESS	SN	SENIOR NEW ON	8/29/2018	\$545.46
MARJORIE JAMES	DPA	DESTROYED ABATED	9/6/2018	\$47.03
MARJORIE R GILLMERE	SN	SENIOR NEW ON	9/11/2018	\$162.90
MARK & GRACIE THORNTON JT	SN	SENIOR NEW ON	3/14/2018	\$143.78
MARK A & ISABEL D MEAKER	BEOR	BOE ORDERED CHANGE	3/29/2018	\$5,652.56
MARK HATCH	SN	SENIOR NEW ON	8/29/2018	\$1,554.25
MARK M SCHLICHTING	MTX	TAXABLE TO EXEMPT-NEC	3/14/2018	\$105.71
MARK T & SHIRLEY A BENNETT	SN	SENIOR NEW ON	9/5/2018	\$6,753.08
MARLWOOD A & TERESA M SOMERS	SN	SENIOR NEW ON	6/1/2018	\$2,213.77
MARTA L STEINER	SN	SENIOR NEW ON	8/15/2018	\$514.20
MARY A AMSBERRY	SL	SENIOR LEVEL CHANGE	7/12/2018	\$283.57
MARY A HAMILTON	SN	SENIOR NEW ON	10/9/2018	\$671.67
MARY C BAKER	SL	SENIOR LEVEL CHANGE	7/12/2018	\$7.25
MARY E GRANGER	SN	SENIOR NEW ON	9/11/2018	\$692.39
MARY EVITT	SN	SENIOR NEW ON	9/11/2018	\$209.82
MARY G JOHNSON	SN	SENIOR NEW ON	9/5/2018	\$360.77
MARY GOURE	SN	SENIOR NEW ON	12/13/2018	\$3,598.27
MARY H CORNISH	SN	SENIOR NEW ON	8/16/2018	\$2,211.48
MARYLINE G PARKER	SN	SENIOR NEW ON	8/8/2018	\$2,111.14
MATTHEW B AUDETTE	SN	SENIOR NEW ON	8/8/2018	\$354.76
MATTHEW LITTLE	BEOR	BOE ORDERED CHANGE	10/11/2018	\$67.38
MAURINE MAZARUK	SN	SENIOR NEW ON	12/13/2018	\$942.42
MICHAEL & KRISTINA HEINTZ	SN	SENIOR NEW ON	8/16/2018	\$2,055.01
MICHAEL A O'NEAL &	SN	SENIOR NEW ON	8/16/2018	\$3,241.10
MICHAEL B MORGAN	SN	SENIOR NEW ON	7/9/2018	\$394.85
MICHAEL B ZENDER	BEOR	BOE ORDERED CHANGE	8/21/2018	\$471.76
MICHAEL C & SANDRA M MOORE	SN	SENIOR NEW ON	4/4/2018	\$514.32
MICHAEL D & ELIZABETH GUTMAN	SN	SENIOR NEW ON	8/16/2018	\$820.14
MICHAEL J & MAGGIE BELISLE	DPD	DESTROYED DEMOLISHED	3/29/2018	\$651.97
MICHAEL STRIP	SN	SENIOR NEW ON	10/5/2018	\$3,753.41
MOLLY A DUBA	SN	SENIOR NEW ON	9/28/2018	\$602.46
MUSTAFA ZORLU	SN	SENIOR NEW ON	9/6/2018	\$373.50
MYKONOS GREEK RESTAURANT INC	PDA	PP DOUBLE ASSESSMENT	6/6/2018	\$703.66

PROPERTY TAX REFUNDS

MYRON Q & JACQUELINE A RICHARDSON	SN	SENIOR NEW ON	4/4/2018	\$290.76
NADESHDA KONDRATYUK	SL	SENIOR LEVEL CHANGE	9/11/2018	\$456.77
NANCI MILLSON	SN	SENIOR NEW ON	10/9/2018	\$690.51
NANCY FUNK	SN	SENIOR NEW ON	7/16/2018	\$123.75
NANCY I JACOBSEN	PHF	PP HOF EXEMPT	3/6/2018	\$118.48
NANCY L WHITENER	SN	SENIOR NEW ON	8/8/2018	\$944.80
NANCY THOMPSON	SN	SENIOR NEW ON	10/5/2018	\$1,508.88
NANCY WISE	SN	SENIOR NEW ON	3/13/2018	\$469.94
NASSER ARAM-PANAHI	SN	SENIOR NEW ON	9/28/2018	\$434.00
NATHALIE VOGT	SN	SENIOR NEW ON	7/9/2018	\$355.68
NICHOLAS A PAYNE	MTX	TAXABLE TO EXEMPT-NEC	10/5/2018	\$1,175.63
NICHOLAS M MCCLAIN	DPA	DESTROYED ABATED	8/2/2018	\$517.25
NICOLE-HELENE JONES	SN	SENIOR NEW ON	10/9/2018	\$3,218.88
NOEL & BARBARA L BROWN	SL	SENIOR LEVEL CHANGE	8/2/2018	\$344.59
NORTHWOODS PROPERTIES LLC	MTX	TAXABLE TO EXEMPT-NEC	10/11/2018	\$3,766.40
O KIMBERLEY MAGNUSSON	SN	SENIOR NEW ON	9/28/2018	\$608.02
ORLUSKE FAMILY TRUST	SN	SENIOR NEW ON	9/11/2018	\$1,257.36
ORMOND WALLACE	DPD	DESTROYED DEMOLISHED	4/4/2018	\$549.72
OSTROM COMPANY	DPA	DESTROYED ABATED	12/13/2018	\$2,556.48
OWEN N & NEVA E WIEDERSPOHN	SN	SENIOR NEW ON	9/28/2018	\$1,856.33
P VERN & JANETTE YADON	SN	SENIOR NEW ON	3/13/2018	\$992.65
PAIGE F SHARRER	SN	SENIOR NEW ON	8/8/2018	\$336.97
PAMELA J COCHRAN	SN	SENIOR NEW ON	9/11/2018	\$3,009.77
PAMELA S KIDD	SN	SENIOR NEW ON	8/29/2018	\$523.29
PAMELA SMALL	SN	SENIOR NEW ON	7/16/2018	\$1,251.27
PARBERRY INC	MCA	CALCULATION CORRECTION	3/13/2018	\$4,637.14
PATRICE A HOLODNICK	ST	SENIOR TRANSFER	8/2/2018	\$150.40
PATRICIA CAMPBELL	SN	SENIOR NEW ON	8/8/2018	\$154.46
PATRICIA G RUSHER	SN	SENIOR NEW ON	9/11/2018	\$575.70
PATRICIA K GREGORY	SN	SENIOR NEW ON	6/1/2018	\$867.36
PATRICIA K PAUS	SN	SENIOR NEW ON	10/9/2018	\$901.59
PATRICIA M LINK	SN	SENIOR NEW ON	9/6/2018	\$4,919.43
PATRICIA M PACE	SN	SENIOR NEW ON	8/8/2018	\$901.60
PATRICIA M TOBEY	SN	SENIOR NEW ON	8/29/2018	\$119.66
PATRICIA SCHEREMETA	ST	SENIOR TRANSFER	3/13/2018	\$515.54
PATRICK W & VICKI L MACKEY	SN	SENIOR NEW ON	9/11/2018	\$306.17
PAUL M WORKMAN &	SN	SENIOR NEW ON	8/15/2018	\$667.35
PETER C & LINDA W ARNOLD	SN	SENIOR NEW ON	3/14/2018	\$3,660.06
PETER N & HELEN A SIMMONS	SL	SENIOR LEVEL CHANGE	12/13/2018	\$2,950.22
PETER ON KEUNG LO	SL	SENIOR LEVEL CHANGE	7/16/2018	\$68.08
PETSMART INC #395	PCC	PP MISC CORRECTION	4/4/2018	\$124.71
PHIL A & DIANNE L SMITH	SN	SENIOR NEW ON	8/29/2018	\$16.34
PHILLIP CYR	SN	SENIOR NEW ON	9/11/2018	\$810.04
PHILLIP K KORNELIS	DPD	DESTROYED DEMOLISHED	4/4/2018	\$271.03
PIA CLARK	SN	SENIOR NEW ON	7/12/2018	\$836.90
PIZZA'ZZA LLC	PLF	PP LATEFILE/REWORK	7/12/2018	\$407.86
PROCOPENKO TRUST	SN	SENIOR NEW ON	10/5/2018	\$3,682.45

PROPERTY TAX REFUNDS

QIAN ZHANG & LING HAN	BEOR	BOE ORDERED CHANGE	4/4/2018	\$221.87
R LEE RIDDLE	SN	SENIOR NEW ON	2/16/2018	\$2,073.78
RAJAB A SAFAEI	SB	SENIOR BACK ON	8/2/2018	\$317.89
RALPH WENNING & LISA MOSS	SN	SENIOR NEW ON	8/8/2018	\$358.49
RANDALL F & PATTI L ASSINK	DPA	DESTROYED ABATED	6/1/2018	\$1,069.14
RAYMOND CONNE & FERN ADAM	ST	SENIOR TRANSFER	10/9/2018	\$311.97
REBECCA A TAYLOR SPECIAL NEEDS TRUST	SN	SENIOR NEW ON	8/29/2018	\$311.72
RENEE JOHNSON	SN	SENIOR NEW ON	10/5/2018	\$273.63
RICHARD & CANDACE GRAY	DPD	DESTROYED DEMOLISHED	8/8/2018	\$21.01
RICHARD & ELIZABETH LONGO	SL	SENIOR LEVEL CHANGE	8/16/2018	\$205.12
RICHARD A & WENDY L METZGER	SN	SENIOR NEW ON	2/16/2018	\$1,305.72
RICHARD B & DIANA L PRICE	SN	SENIOR NEW ON	8/21/2018	\$85.82
RICHARD D HOYER	SN	SENIOR NEW ON	7/16/2018	\$912.56
RICHARD EKSTEDT	SN	SENIOR NEW ON	10/5/2018	\$875.49
RICHARD J & DAVIDA A BROMLEY	MTX	TAXABLE TO EXEMPT-NEC	9/28/2018	\$145.33
RICHARD KENYON	SN	SENIOR NEW ON	4/4/2018	\$3,745.85
RICHARD L COURCHANE	SN	SENIOR NEW ON	3/14/2018	\$960.46
RICHARD L DYKSTRA	SN	SENIOR NEW ON	7/12/2018	\$4,551.64
RICHARD L LAWRENCE SR	SN	SENIOR NEW ON	9/5/2018	\$700.19
RILEY D STARKS	SN	SENIOR NEW ON	8/15/2018	\$4,059.83
ROBERT & DANA HARKINS	SN	SENIOR NEW ON	8/29/2018	\$243.60
ROBERT & EMILY REGNIER	SN	SENIOR NEW ON	8/8/2018	\$3,087.72
ROBERT & GLENDA PALMER	SL	SENIOR LEVEL CHANGE	8/15/2018	\$173.54
ROBERT & KAREN PETTIS	SN	SENIOR NEW ON	9/11/2018	\$1,077.37
ROBERT C & CHARLOTTE WREN	SN	SENIOR NEW ON	10/9/2018	\$3,832.25
ROBERT C COSBEY	SN	SENIOR NEW ON	8/8/2018	\$104.51
ROBERT D & JANICE R BORNSTEIN	SN	SENIOR NEW ON	3/13/2018	\$3,268.40
ROBERT K RUSSELL	SN	SENIOR NEW ON	3/14/2018	\$92.97
ROBERT L BURGER	SL	SENIOR LEVEL CHANGE	8/23/2018	\$170.04
ROBERT P & NOVANI VINYARD	SN	SENIOR NEW ON	8/23/2018	\$1,453.90
ROBERT W & SHERYL G GEORGE	SN	SENIOR NEW ON	4/4/2018	\$770.66
ROBERT W SMALL	SN	SENIOR NEW ON	4/4/2018	\$2,155.57
RODGER ELLIOTT	ST	SENIOR TRANSFER	6/1/2018	\$472.67
RONALD & BARBARA J GALLEY	SN	SENIOR NEW ON	8/8/2018	\$80.45
RONALD & CINDY L ZWYNS	SN	SENIOR NEW ON	8/8/2018	\$1,487.58
RONALD D & DEBBIA A RUSSELL	SN	SENIOR NEW ON	8/8/2018	\$604.39
RONALD E WILLIAMS	SN	SENIOR NEW ON	9/11/2018	\$1,613.88
RONALD G WILSON	SN	SENIOR NEW ON	7/12/2018	\$3,343.66
RONALD K MCCAULEY	ST	SENIOR TRANSFER	6/1/2018	\$175.29
RONALD L & JO A HEAY	SN	SENIOR NEW ON	9/28/2018	\$1,768.76
RONALD M RONDELLO	SL	SENIOR LEVEL CHANGE	7/9/2018	\$280.59
ROSE M MCCALIB	SN	SENIOR NEW ON	9/6/2018	\$203.58
ROSE TORSET	DPA	DESTROYED ABATED	3/29/2018	\$627.26
ROWENA S THOMPSON	ST	SENIOR TRANSFER	8/21/2018	\$841.78
ROY PFLUGER	SN	SENIOR NEW ON	8/15/2018	\$2,878.56
ROY S & DOLORES J BOGETTO	SN	SENIOR NEW ON	10/5/2018	\$105.88
ROZANNE KELLEHER	SN	SENIOR NEW ON	8/29/2018	\$857.63

PROPERTY TAX REFUNDS

RUBY A HANER	SL	SENIOR LEVEL CHANGE	7/12/2018	\$165.28
RUSSEL A & WENDY S CHAPMAN	SN	SENIOR NEW ON	3/13/2018	\$1,492.31
RUTH E MILLER TRUST/TR	SL	SENIOR LEVEL CHANGE	7/16/2018	\$1,302.96
RUTH F CANTELON	SN	SENIOR NEW ON	8/29/2018	\$1,130.93
SALLY YEAGER	SN	SENIOR NEW ON	10/9/2018	\$4,908.70
SANDRA GOTTSCHALK	DPA	DESTROYED ABATED	4/4/2018	\$396.79
SANDRA REES-BOWEN	SN	SENIOR NEW ON	6/1/2018	\$2,621.97
SANDY J ANDERSEN	SN	SENIOR NEW ON	10/5/2018	\$995.32
SANITARY SERVICE CO	PLF	PP LATEFILE/REWORK	9/6/2018	\$7,755.71
SANTIAGO P & MARTHA LOPEZ	SN	SENIOR NEW ON	10/5/2018	\$697.41
SARA A SHERMAN	SN	SENIOR NEW ON	9/11/2018	\$1,414.03
SARA PURVIANCE	SN	SENIOR NEW ON	9/11/2018	\$541.64
SARAH K FLORENCE	SN	SENIOR NEW ON	10/11/2018	\$4,673.42
SCOTT W & LAURA W DONNER	MSQ	MEASUREMENT CORRECTION	3/29/2018	\$853.58
SELINA ASHBY	SN	SENIOR NEW ON	3/13/2018	\$1,956.21
SERGEY & IRINA STRELTSOVA	SN	SENIOR NEW ON	4/4/2018	\$1,573.77
SHARON S SCOTT	SN	SENIOR NEW ON	9/28/2018	\$982.69
SHERRY A THOMAS	SN	SENIOR NEW ON	8/16/2018	\$80.70
SOBIA M JOSEPH & TAY M LAVEY	SN	SENIOR NEW ON	10/5/2018	\$382.88
SONJA WALLBERG-GIDLUND	SL	SENIOR LEVEL CHANGE	7/12/2018	\$18.84
STEPHEN E ENSMINGER	SN	SENIOR NEW ON	10/9/2018	\$1,403.01
STEPHEN T MANTER	SN	SENIOR NEW ON	9/6/2018	\$108.86
STEPHEN W BROWN	SN	SENIOR NEW ON	8/23/2018	\$1,244.22
STEPHEN WILSON	SN	SENIOR NEW ON	9/11/2018	\$374.33
STERLING REAL ESTATE GROUP INC	MVY	ACREAGE CHANGE	8/23/2018	\$1,509.18
STEVEN & MARY BUTENSCHOEN LIVING TRUST/TR	SN	SENIOR NEW ON	9/6/2018	\$871.76
STEVEN B LLC	DPD	DESTROYED DEMOLISHED	9/6/2018	\$262.01
STEVEN C & EVELYN M DOYLE	SN	SENIOR NEW ON	8/16/2018	\$350.70
STEVEN G & WANDA J PEARSON	MTR	TAXABLE TO EXEMPT-ROADS	7/12/2018	\$11.92
STEVEN J & ERICA GLATTFELDER	DPA	DESTROYED ABATED	3/14/2018	\$3,298.17
STEVEN L BARDWELL	SN	SENIOR NEW ON	7/9/2018	\$568.21
STEVEN L OTTEN	SN	SENIOR NEW ON	8/15/2018	\$2,233.22
STUART E GELDHOF	SN	SENIOR NEW ON	12/13/2018	\$3,740.92
STUART Y MAGNES &	SN	SENIOR NEW ON	4/4/2018	\$4,890.70
STUDIOHATCH	PLF	PP LATEFILE/REWORK	4/4/2018	\$14.44
SUDDEN VALLEY COMMUNITY ASSOCIATION	MDA	RP DOUBLE ASSESSMENT	7/9/2018	\$60.40
SUKHWINDER KAUR	SN	SENIOR NEW ON	9/11/2018	\$2,059.11
SUMAS TANK N' TOTE LLC	DPA	DESTROYED ABATED	4/4/2018	\$1,565.13
SUSAN D TODD	SN	SENIOR NEW ON	9/5/2018	\$957.20
SUSAN P CUSHMAN	SN	SENIOR NEW ON	9/28/2018	\$370.08
SUZANNE G YORKS	SN	SENIOR NEW ON	10/5/2018	\$1,087.75
SUZANNE L GREENLEAF	SN	SENIOR NEW ON	7/16/2018	\$524.69
TAMMERLY D COE	SN	SENIOR NEW ON	4/4/2018	\$1,394.98
TANISHA VALADEZ	BECE	BOE CORRECT EVAL	6/1/2018	\$105.95
TANYA M DODGE	SN	SENIOR NEW ON	4/4/2018	\$455.40
TAYLOR L SAMMONS	SN	SENIOR NEW ON	10/9/2018	\$318.75
TERRI JO WHITE	SN	SENIOR NEW ON	9/11/2018	\$301.48

PROPERTY TAX REFUNDS

TERRIE DE LAYNE CRANDELL	SN	SENIOR NEW ON	12/13/2018	\$102.62
TERRY L & LIZETTE M CUSTER	SN	SENIOR NEW ON	6/1/2018	\$4,604.49
TERRY W NELSON	SN	SENIOR NEW ON	9/6/2018	\$317.65
THE CORPORATION OF CATHOLIC	MTD	TAXABLE TO EXEMPT-DOR	8/15/2018	\$2,117.12
THOMAS D O'CONNELL TRUST	SN	SENIOR NEW ON	3/14/2018	\$1,891.92
THOMAS J & VALERIE S MAYER	SN	SENIOR NEW ON	8/8/2018	\$116.51
THOMAS M CHAMBERS	SL	SENIOR LEVEL CHANGE	8/2/2018	\$354.12
THOMAS R & SANDRA L WENZL	SN	SENIOR NEW ON	8/21/2018	\$1,001.62
TIMOTHY A & TIFFENY C BLECHA	MSQ	MEASUREMENT CORRECTION	7/12/2018	\$40.47
TINA M HOYER	SN	SENIOR NEW ON	8/23/2018	\$228.26
TINA SCHMIDT REVOCABLE TRUST	SN	SENIOR NEW ON	10/9/2018	\$655.56
TOBIAS CAMPEAUX	SN	SENIOR NEW ON	7/9/2018	\$2,207.14
TREADWAY FAMILY TRUST	SN	SENIOR NEW ON	4/4/2018	\$827.17
TWILA A RITTENBERG	ST	SENIOR TRANSFER	3/13/2018	\$35.15
URVE L MESIKEpp	SN	SENIOR NEW ON	9/11/2018	\$695.82
USANEE KLIMO	PDA	PP DOUBLE ASSESSMENT	3/8/2018	\$570.73
V ELLEN PACKER	SN	SENIOR NEW ON	12/13/2018	\$2,316.13
VALARIE M & ROBERT M MATINJUSSI	SN	SENIOR NEW ON	10/9/2018	\$1,703.96
VALERIE HARDING	SN	SENIOR NEW ON	8/2/2018	\$1,521.66
VANETA L SCHMIDT	BEOR	BOE ORDERED CHANGE	8/21/2018	\$698.30
VELLEMA FAMILY LLC	MTX	TAXABLE TO EXEMPT-NEC	9/11/2018	\$927.28
VELMA L FRALEY	SN	SENIOR NEW ON	9/11/2018	\$981.88
VERLA J MILLER	SN	SENIOR NEW ON	10/9/2018	\$2,283.47
VERNON R & JANET R HARTLE	SN	SENIOR NEW ON	10/5/2018	\$5,147.26
VICTORIA W GOODHOPE	SN	SENIOR NEW ON	8/29/2018	\$712.62
WALTER & JUDY HAYNES JT	SN	SENIOR NEW ON	2/16/2018	\$4,635.05
WAYNE D & DARLENE M GODARD	SN	SENIOR NEW ON	10/9/2018	\$741.50
WENDY WYNNE	SN	SENIOR NEW ON	8/29/2018	\$1,763.61
WHATCOM EDUCATIONAL CREDIT UNION	DPA	DESTROYED ABATED	6/6/2018	\$66.91
WHATCOM SKAGIT HOUSING	MTD	TAXABLE TO EXEMPT-DOR	2/16/2018	\$6,875.37
WILLARD L WILDER JR & SHARIE KERNAN-WILDER	SN	SENIOR NEW ON	8/29/2018	\$2,637.74
WILLIAM D & URSULA LEGBRANDT	SN	SENIOR NEW ON	6/1/2018	\$5,585.44
WILLIAM D GROESBECK	SN	SENIOR NEW ON	7/12/2018	\$361.00
WILLIAM E & LOIS I SHAGREN	SN	SENIOR NEW ON	8/29/2018	\$1,925.58
WILLIAM E WYRICK	SN	SENIOR NEW ON	8/15/2018	\$507.07
WILLIAM HOGG & LAURIE HILL	MSQ	MEASUREMENT CORRECTION	3/29/2018	\$237.50
WILLIAM J & DEBRA M BROOKS	SN	SENIOR NEW ON	9/6/2018	\$3,115.91
WILLIAM J CONVERSE	SN	SENIOR NEW ON	8/15/2018	\$2,871.48
WILLIAM L & MICHELE BENNETT	BECE	BOE CORRECT EVAL	6/1/2018	\$316.14
WILLIAM M JR & MARTA L GUEVARA	MSQ	MEASUREMENT CORRECTION	8/2/2018	\$221.27
WILLIAM M KOBISKIE	SL	SENIOR LEVEL CHANGE	7/9/2018	\$71.92
WILLIAM R DEGROOT	SL	SENIOR LEVEL CHANGE	7/9/2018	\$458.24
WILLIAM R DEGROOT	SN	SENIOR NEW ON	4/4/2018	\$835.08
WILMA I ROWLEY	SN	SENIOR NEW ON	8/8/2018	\$2,363.87
WILMA J RASMUSSEN	SN	SENIOR NEW ON	8/29/2018	\$2,324.76
WINONAH M GLENNEY	SN	SENIOR NEW ON	8/29/2018	\$415.85
WOON PING LAM	SN	SENIOR NEW ON	10/11/2018	\$9,285.92

PROPERTY TAX REFUNDS

XIANG D CHEN & OIMING NGAI	SN	SENIOR NEW ON	8/29/2018	\$354.65
YOSHIO TERANISHI	SL	SENIOR LEVEL CHANGE	7/12/2018	\$287.22
ZELMA L BERND	SL	SENIOR LEVEL CHANGE	6/1/2018	\$106.11
				\$766,542.79

GROUPED REFUND TYPES

TOTALS

MSQ/MMI/MDA/MCC/MCA/COR	\$16,693.93
BEOR/BECE	\$16,352.39
DESTROYED/ABATED PROPERTY	\$21,607.83
PERSONAL PROPERTY	\$16,091.32
MTD/MTR/MVY/MTX TAXABLE TO EXEMPT	\$42,728.51
SENIOR/DISABLED	\$653,068.81
	\$766,542.79

BEOR = Board of Equalization Ordered Change (Hearing order)

BECE = Board of Equalization Corrective Evaluation (Assessor Stipulation)

Personal Property Latefile Rework/Double Assessment and Misc. Corrections/HOF Exemptions

DPA & DPD = Destroyed/Abated Property = Value removed from tax rolls Property Claim Filed

MSQ/COR = Measurement and Calculation Corrections

MTD = Taxable to Exempt per DOR Determination/Order

MTR = Taxable to Exempt per Transfer for Road Right-of-Way

MTX = Taxable to Exempt for other than MTD or MTR (gov't. purchase, etc.)

MVY=Change of Acreage-Survey

SL & SN & ST & SB & SS = Senior/Disabled = Changes to existing senior/disabled exemptions
(qualifying for greater exemption) or new qualifying application processed



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2019-095

File ID:	AB2019-095	Version:	1	Status:	Agenda Ready
File Created:	01/23/2019	Entered by:	DBrown@co.whatcom.wa.us		
Department:		File Type:	Discussion		

First Assigned to: Council Committee of the Whole-Executive Session

Agenda Date:	Next Mtg. Date:	Hearing Date:
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TITLE FOR AGENDA ITEM:

Discussion with Chief Civil Deputy Prosecutor Karen Frakes regarding a proposed ordinance amending Whatcom County Code 24.11, Drinking Water (AB2018-018)

[Discussion of this item may take place in executive session (closed to the public) pursuant to RCW 42.30.110 (1) (i)]

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Discussion with Chief Civil Deputy Prosecutor Karen Frakes regarding a proposed ordinance amending Whatcom County Code 24.11, Drinking Water (AB2018-018)

[Discussion of this item may take place in executive session (closed to the public) pursuant to RCW 42.30.110 (1) (i)]

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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Attachments:

Final Action:
Enactment Date:
Enactment #:



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2019-099

File ID:	AB2019-099	Version:	1	Status:	Agenda Ready
File Created:	01/23/2019	Entered by:	KFelbing@co.whatcom.wa.us		
Department:		File Type:	Special Order of Business		

First Assigned to: Council Public Works & Health Committee

Agenda Date:	Next Mtg. Date:	Hearing Date:
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TITLE FOR AGENDA ITEM:

2019 Selection of Committee Chair

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

None

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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Attachments: Committee Assignments With Contacts As of Jan 15

Final Action:
Enactment Date:
Enactment #:

2019 WHATCOM COUNTY COUNCIL ASSIGNMENTS

As of Jan 15, 2019

“(√)” Indicates Chair of Committee (Still TBD)

County Council Committee Assignments	Barbara Brenner	Rud Browne	Barry Buchanan	Tyler Byrd	Todd Donovan	Carol Frazey	Satpal Sidhu
Council Chairperson (<i>Acts as Chair of the FCZD Board of Supervisors, as Council Rep. to Whatcom County Economic Development Investment Board, and Legislative Rep to the Law Library Board of Trustees</i>)		√					
Council Vice-Chairperson					√		
Executive Pro-Tempore (<i>Can not be on COG</i>)			√				
Standing Committees							
Criminal Justice and Public Safety			√	√		√	
Finance & Administrative Services - <i>Chair of Finance Committee will automatically act as Council Rep. to What-Comm Administrative Board</i>				√		√	√
Planning & Development	√			√	√		
Public Works and Health	√		√			√	
Natural Resources			√		√		√
<i>Select 2 Natural Res. Committee members as Representatives to Lake Whatcom Policy Group</i>			√		√		
Other Committee Assignments							
Behavioral Health Advisory Committee (replaced BHAB & Beh. Health Revenue Adv. Committee)	√						
Bellingham International Airport Advisory					√		
Bellingham Regional Chamber of Commerce				√			
Business and Commerce Advisory Committee (non-voting)						√	
Council of Governments (COG) <i>Appoint TWO members to serve on the Full Council (can not be Exec Pro-Tem)</i>						√	√
Council of Governments (COG) <i>Appoint ONE of the above two members to also serve on the Exec Board and Transportation Policy Board (cannot be Exec Pro-Tem)</i>							√
Developmental Disabilities Board					√		
Drayton Harbor & Portage Bay Shellfish Protection Districts					√		
EMS Oversight Board <i>Representative</i>			√				
EMS Oversight Board <i>Alternate Representative</i>				√			
Flood Control Zone Committee (Ex Officio)		√					
Incarceration Prevention and Reduction Task Force (<i>And Appoint one alternate</i>)			√		√ alt.		
Intergovernmental Tribal Relations Committee (<i>Appt. TWO</i>)	√					√	
LEOFF Board			√				
Local Emergency Planning Committee (LEPC)				√			
Lummi Island Ferry Advisory Committee - <i>Appoint ONE non-voting attendee</i>					√		
OPTIONAL: Lummi Island Ferry Advisory Committee Alt. - Appoint TWO alternates if Council wishes							
Marine Resources Committee		√					
North Sound Behavioral Health Exec. Committee		√					
Northwest Clean Air Agency							√
Northwest Regional Council (NWRRC)						√	
Opportunity Council			√				
Public Defense Advisory	√						
Public Health Advisory Board			√				
Reserve Officers Board of Trustees - (<i>Appoint TWO</i>)	√						√
Solid Waste Advisory	√						
WSAC Alternate Board Member (The Executive is the active representative, Councilmember is alternate)		√					
WSAC Legislative Steering Committee		√					
Whatcom Transportation Authority							√

WHATCOM COUNTY COUNCIL MEMBERS

2019

Rud Browne Term expires January 2022	(360) 820-9494 RBrowne@co.whatcom.wa.us
Todd Donovan Term expires January 2022	(360) 483-8474 TDonovan@co.whatcom.wa.us
Tyler Byrd Term expires January 2022	(360) 778-5021 TByrd@whatcomcounty.us
Barry Buchanan Term expires January 2022	(360) 224-4330 BBuchana@co.whatcom.wa.us
Carol Frazey Temporary Term expires January 2020	(360) 778-5024 CFrazey@whatcomcounty.us
Satpal Sidhu Term expires January 2020	(360) 305-4948 SSidhu@co.whatcom.wa.us
Barbara Brenner Term expires January 2020	(360) 384-2762 bbrenner@co.whatcom.wa.us

MAIL TO ALL COUNCIL MEMBERS SHOULD BE SENT TO THE FOLLOWING ADDRESS:

WHATCOM COUNTY COUNCIL
311 GRAND AVENUE, SUITE 105
BELLINGHAM, WA 98225

(360) 778-5010 council@co.whatcom.wa.us



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2019-094

File ID:	AB2019-094	Version:	1	Status:	Agenda Ready
File Created:	01/23/2019	Entered by:	DBrown@co.whatcom.wa.us		
Department:		File Type:	Discussion		

First Assigned to: Council Public Works & Health Committee

Agenda Date:	Next Mtg. Date:	Hearing Date:
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TITLE FOR AGENDA ITEM:

Discussion regarding the need for additional street lights in the Kendall area of Whatcom County

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Discussion regarding the need for additional street lights in the Kendall area of Whatcom County

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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Attachments:

Final Action:
Enactment Date:
Enactment #:



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2019-098

File ID:	AB2019-098	Version:	1	Status:	Agenda Ready
File Created:	01/23/2019	Entered by:	KFelbing@co.whatcom.wa.us		
Department:		File Type:	Special Order of Business		

First Assigned to: Council Criminal Justice and Public Safety Committee

Agenda Date:	Next Mtg. Date:	Hearing Date:
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TITLE FOR AGENDA ITEM:

2019 Selection of Committee Chair

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

None

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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Attachments: Committee Assignments With Contacts As of Jan 15

Final Action:
Enactment Date:
Enactment #:

2019 WHATCOM COUNTY COUNCIL ASSIGNMENTS
"(✓)" Indicates Chair of Committee (Still TBD)

As of Jan 15, 2019

	Barbara Brenner	Rud Browne	Barry Buchanan	Tyler Byrd	Todd Donovan	Carol Frazey	Satpal Sidhu
County Council Committee Assignments							
Council Chairperson (<i>Acts as Chair of the FCZD Board of Supervisors, as Council Rep. to Whatcom County Economic Development Investment Board, and Legislative Rep to the Law Library Board of Trustees</i>)		✓					
Council Vice-Chairperson					✓		
Executive Pro-Tempore (<i>Can not be on COG</i>)			✓				
Standing Committees							
Criminal Justice and Public Safety			✓	✓		✓	
Finance & Administrative Services - <i>Chair of Finance Committee will automatically act as Council Rep. to What-Comm Administrative Board</i>				✓		✓	✓
Planning & Development	✓			✓	✓		
Public Works and Health	✓		✓			✓	
Natural Resources			✓		✓		✓
<i>Select 2 Natural Res. Committee members as Representatives to Lake Whatcom Policy Group</i>			✓		✓		
Other Committee Assignments							
Behavioral Health Advisory Committee (replaced BHAB & Beh. Health Revenue Adv. Committee)	✓						
Bellingham International Airport Advisory					✓		
Bellingham Regional Chamber of Commerce				✓			
Business and Commerce Advisory Committee (non-voting)						✓	
Council of Governments (COG) <i>Appoint TWO members to serve on the Full Council (can not be Exec Pro-Tem)</i>						✓	✓
Council of Governments (COG) <i>Appoint ONE of the above two members to also serve on the Exec Board and Transportation Policy Board (cannot be Exec Pro-Tem)</i>							✓
Developmental Disabilities Board					✓		
Drayton Harbor & Portage Bay Shellfish Protection Districts					✓		
EMS Oversight Board <i>Representative</i>			✓				
EMS Oversight Board <i>Alternate Representative</i>				✓			
Flood Control Zone Committee (Ex Officio)		✓					
Incarceration Prevention and Reduction Task Force (<i>And Appoint one alternate</i>)			✓		✓ alt.		
Intergovernmental Tribal Relations Committee (<i>Appt. TWO</i>)	✓					✓	
LEOFF Board			✓				
Local Emergency Planning Committee (LEPC)				✓			
Lummi Island Ferry Advisory Committee - <i>Appoint ONE non-voting attendee</i>					✓		
OPTIONAL: Lummi Island Ferry Advisory Committee Alt. - Appoint TWO alternates if Council wishes							
Marine Resources Committee		✓					
North Sound Behavioral Health Exec. Committee		✓					
Northwest Clean Air Agency							✓
Northwest Regional Council (NWRRC)						✓	
Opportunity Council			✓				
Public Defense Advisory	✓						
Public Health Advisory Board			✓				
Reserve Officers Board of Trustees - (<i>Appoint TWO</i>)	✓						✓
Solid Waste Advisory	✓						
WSAC Alternate Board Member (The Executive is the active representative, Councilmember is alternate)		✓					
WSAC Legislative Steering Committee		✓					
Whatcom Transportation Authority							✓

WHATCOM COUNTY COUNCIL MEMBERS

2019

Rud Browne Term expires January 2022	(360) 820-9494 RBrowne@co.whatcom.wa.us
Todd Donovan Term expires January 2022	(360) 483-8474 TDonovan@co.whatcom.wa.us
Tyler Byrd Term expires January 2022	(360) 778-5021 TByrd@whatcomcounty.us
Barry Buchanan Term expires January 2022	(360) 224-4330 BBuchana@co.whatcom.wa.us
Carol Frazey Temporary Term expires January 2020	(360) 778-5024 CFrazey@whatcomcounty.us
Satpal Sidhu Term expires January 2020	(360) 305-4948 SSidhu@co.whatcom.wa.us
Barbara Brenner Term expires January 2020	(360) 384-2762 bbrenner@co.whatcom.wa.us

MAIL TO ALL COUNCIL MEMBERS SHOULD BE SENT TO THE FOLLOWING ADDRESS:

WHATCOM COUNTY COUNCIL
311 GRAND AVENUE, SUITE 105
BELLINGHAM, WA 98225

(360) 778-5010 council@co.whatcom.wa.us



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2019-100

File ID:	AB2019-100	Version:	1	Status:	Agenda Ready
File Created:	01/23/2019	Entered by:	KFelbing@co.whatcom.wa.us		
Department:		File Type:	Special Order of Business		

First Assigned to: Council Planning and Development Committee

Agenda Date:	Next Mtg. Date:	Hearing Date:
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TITLE FOR AGENDA ITEM:

2019 Selection of Committee Chair

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

None

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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Attachments: Committee Assignments With Contacts As of Jan 15

Final Action:
Enactment Date:
Enactment #:

2019 WHATCOM COUNTY COUNCIL ASSIGNMENTS
"(✓)" Indicates Chair of Committee (Still TBD)

As of Jan 15, 2019

	Barbara Brenner	Rud Browne	Barry Buchanan	Tyler Byrd	Todd Donovan	Carol Frazey	Satpal Sidhu
County Council Committee Assignments							
Council Chairperson (<i>Acts as Chair of the FCZD Board of Supervisors, as Council Rep. to Whatcom County Economic Development Investment Board, and Legislative Rep to the Law Library Board of Trustees</i>)		✓					
Council Vice-Chairperson					✓		
Executive Pro-Tempore (<i>Can not be on COG</i>)			✓				
Standing Committees							
Criminal Justice and Public Safety			✓	✓		✓	
Finance & Administrative Services - <i>Chair of Finance Committee will automatically act as Council Rep. to What-Comm Administrative Board</i>				✓		✓	✓
Planning & Development	✓			✓	✓		
Public Works and Health	✓		✓			✓	
Natural Resources			✓		✓		✓
<i>Select 2 Natural Res. Committee members as Representatives to Lake Whatcom Policy Group</i>			✓		✓		
Other Committee Assignments							
Behavioral Health Advisory Committee (replaced BHAB & Beh. Health Revenue Adv. Committee)	✓						
Bellingham International Airport Advisory					✓		
Bellingham Regional Chamber of Commerce				✓			
Business and Commerce Advisory Committee (non-voting)						✓	
Council of Governments (COG) <i>Appoint TWO members to serve on the Full Council (can not be Exec Pro-Tem)</i>						✓	✓
Council of Governments (COG) <i>Appoint ONE of the above two members to also serve on the Exec Board and Transportation Policy Board (cannot be Exec Pro-Tem)</i>							✓
Developmental Disabilities Board					✓		
Drayton Harbor & Portage Bay Shellfish Protection Districts					✓		
EMS Oversight Board <i>Representative</i>			✓				
EMS Oversight Board <i>Alternate Representative</i>				✓			
Flood Control Zone Committee (Ex Officio)		✓					
Incarceration Prevention and Reduction Task Force (<i>And Appoint one alternate</i>)			✓		✓ alt.		
Intergovernmental Tribal Relations Committee (<i>Appt. TWO</i>)	✓					✓	
LEOFF Board			✓				
Local Emergency Planning Committee (LEPC)				✓			
Lummi Island Ferry Advisory Committee - <i>Appoint ONE non-voting attendee</i>					✓		
OPTIONAL: Lummi Island Ferry Advisory Committee Alt. - Appoint TWO alternates if Council wishes							
Marine Resources Committee		✓					
North Sound Behavioral Health Exec. Committee		✓					
Northwest Clean Air Agency							✓
Northwest Regional Council (NWRRC)						✓	
Opportunity Council			✓				
Public Defense Advisory	✓						
Public Health Advisory Board			✓				
Reserve Officers Board of Trustees - (<i>Appoint TWO</i>)	✓						✓
Solid Waste Advisory	✓						
WSAC Alternate Board Member (The Executive is the active representative, Councilmember is alternate)		✓					
WSAC Legislative Steering Committee		✓					
Whatcom Transportation Authority							✓

WHATCOM COUNTY COUNCIL MEMBERS

2019

Rud Browne Term expires January 2022	(360) 820-9494 RBrowne@co.whatcom.wa.us
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Tyler Byrd Term expires January 2022	(360) 778-5021 TByrd@whatcomcounty.us
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Carol Frazey Temporary Term expires January 2020	(360) 778-5024 CFrazey@whatcomcounty.us
Satpal Sidhu Term expires January 2020	(360) 305-4948 SSidhu@co.whatcom.wa.us
Barbara Brenner Term expires January 2020	(360) 384-2762 bbrenner@co.whatcom.wa.us

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311 GRAND AVENUE, SUITE 105
BELLINGHAM, WA 98225

(360) 778-5010 council@co.whatcom.wa.us



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2019-077

File ID:	AB2019-077	Version:	1	Status:	Agenda Ready
File Created:	01/14/2019	Entered by:	MAamot@co.whatcom.wa.us		
Department:		File Type:	Discussion		

First Assigned to: Council Planning and Development Committee

Agenda Date:	Next Mtg. Date:	Hearing Date:
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TITLE FOR AGENDA ITEM:

Discussion with Planning and Development Services about potential zoning code amendments relating to the density credit program; discussion to include which amendments should be docketed for further review

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

The County Council adopted a policy in the 2016 Comprehensive Plan update that included convening a work group to examine a variety of transfer of development right (TDR) and purchase of development right (PDR) issues. In accordance with this policy, the County Executive appointed the Whatcom County TDR/PDR Multi-Stakeholder Work Group in February 2017. The Work Group's Final Report was issued on October 3, 2018. The Work Group's primary recommendation is to transition from a traditional TDR program to a density credit program. Staff would like to discuss potential zoning code amendments relating to density credits, including which amendments should be docketed for further review.

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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Attachments: Memo to Council (Jan 14, 2019), Attachment to Memo (Jan 14, 2019)

Final Action:
Enactment Date:
Enactment #:

WHATCOM COUNTY

Planning & Development Services
5280 Northwest Drive
Bellingham, WA 98226-9097
360-778-5900, TTY 800-833-6384
360-778-5901 Fax



Mark Personius
Director

Memorandum

January 14, 2019

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

FROM: Matt Aamot, Senior Planner *MA*

THROUGH: Mark Personius, Director *MP*

RE: Density Credit Program – Potential Zoning Code Amendments

The Whatcom County Council adopted a policy in the 2016 Comprehensive Plan update that included convening a multi-stakeholder work group to examine a variety of transfer of development right (TDR) and purchase of development right (PDR) issues.

In accordance with this policy, the County Executive appointed the Whatcom County TDR/PDR Multi-Stakeholder Work Group in February 2017. The Work Group met a total of 15 times between March 2017 and October 2018. The *Whatcom County TDR/PDR Multi-Stakeholder Work Group Final Report* (October 3, 2018) was e-mailed to the Executive and County Council on October 10, 2018.

The primary recommendation of the TDR/PDR Work Group is to transition from a traditional TDR program, which has not worked well in the past, to a density credit program. In a density credit program, a developer voluntarily makes a cash payment (instead of purchasing TDRs) to access development incentives such as density bonuses. Any cash raised through this program would provide supplemental funding to the County's PDR program to help protect agricultural and rural areas. The density credit model is a simple and efficient tool that could allow increased development in cities, UGAs, and other designated areas while providing additional funding for purchasing development rights in agricultural and rural areas and, potentially, for city amenities.

The County Council forwarded Comprehensive Plan amendments relating to density credits, recommended by the Work Group, to concurrent review on November 7, 2018. We would now like to discuss potential zoning code amendments relating to density credits.

Preliminarily, it should be noted that the County Council adopted a density credit program for the Resort Commercial zone in the Birch Bay UGA in November 2017 (Ordinance 2017-062). This program allows higher density single family residential development in the Resort Commercial zone in the Birch Bay UGA, through the planned unit development permit process, if density credits are purchased. The County Council adopted a \$4,000 density credit fee for each additional dwelling unit in December 2017 (Ordinance 2017-072).

The TDR/PDR Multi-Stakeholder Work Group's Final report includes several recommendations for consideration:

- Expand the density credit program to the Urban Residential zoning district in the Birch Bay Urban Growth Area (p. 33).
- Expand the density credit program to allow an increase in the size of accessory dwelling units (p. 34).
- Expand the density credit program to, in certain areas, allow elimination of the requirement that the land owner must live on the site when an accessory dwelling is constructed (pp. 34-36).
- Expand the density credit program to allow higher density in certain areas within the Rural one dwelling/five acre (R5A) zone (p. 36).

Additionally, the Work Group's Final Report includes a concept of transferring density between R5A parcels, although the Work Group did not formally recommend this concept (p. 48).

Staff would like to discuss these items with Council Committee on January 29 so it can be determined which zoning amendments should be docketed for further review. Thank you for your consideration of this matter. We look forward to discussing it with you.

Whatcom County TDR/PDR Multi-Stakeholder Work Group

Final Report

October 3, 2018

- Portion of TDR Sale Money – King County provides Sammamish with a percentage of the revenue from TDR sales by the TDR bank.
- Tax Revenue Sharing – King County shares property tax money with Seattle through the Landscape Conservation and Local Infrastructure Program (LCLIP), which is applicable to King, Pierce, and Snohomish Counties.

Identifying a benefit to city residents (or providing amenity funds) would be an important component of partnering with cities to develop a density credit program. In a density credit program, revenue generated from purchases of development incentives could be shared by the County and city, providing a simple method for cities to also benefit from the program.

If the cities were to participate in the density credit program, they would have to formulate incentives to make it attractive for developers to utilize the program. Cities have indicated that residential development is generally occurring at or below current zoned densities, so other incentives may be needed to entice developers to use a density credit program. City zoning code changes would be needed to implement such a program.

Opportunity # 4 - Density Credit Program: Density Bonus Areas in UGAs

As previously discussed, Whatcom County has designated TDR receiving areas in the Bellingham UGA and the Birch Bay UGA. The Bellingham UGA essentially does not function as a TDR receiving area because the City generally does not extend public water and sewer to the UGA anymore. Therefore, urban development does not occur until annexation. The Birch Bay UGA has one TDR receiving area, but no development rights have been transferred to this area yet.

The TDR/PDR Work Group recommends focusing on a density credit program, rather than on a traditional TDR program. This simplified approach would provide additional developer incentives for areas in the UGA when density credits are purchased. In November 2017, the County Council adopted a density credit program for the Resort Commercial zone in the Birch Bay UGA and should consider expanding this program to other areas in the UGA. Specifically, the lower density Urban Residential four dwellings/acre (and possibly Urban Residential Medium Density six dwellings/acre) zones in the Birch Bay UGA should be considered for increased density through the proposed density credit program.

The Columbia Valley UGA, in the eastern part of the County, could also be designated as a receiving area. In fact, the Foothills Subarea Plan contains an implementation task to:

Revise the Official Whatcom County Zoning Ordinance to designate Rural and Rural Forestry areas in the Foothills Subarea as transfer of development rights (TDR) sending areas and the Columbia Valley UGA or other urban growth areas as TDR receiving areas in order to preserve open space in rural and forestry areas (p. 15-7).

However, increasing densities in the Columbia Valley UGA should be carefully considered in light of the long drive to major employment centers, medical facilities, social services, and shopping areas.

Opportunity # 5 – Density Credit Program: Accessory Dwelling Units (ADU)

King County allows TDRs from sending areas to rural receiving areas to increase the size of accessory dwelling units from 1,000 to 1,500 square feet (King County Code 21A.08.030).

The King County TDR Program Manager indicated that they have had some TDR transfers to rural areas, but that the majority of transfers have been into urban areas such as Seattle.

The Whatcom County Zoning Code currently allows accessory dwelling units, subject to a variety of conditions, in the following zones:

- Urban Residential (WCC 20.20.132);
- Urban Residential Medium Density (WCC 20.22.132);
- Urban Residential Mixed (WCC 20.24.133);
- Residential Rural (WCC 20.32.132);
- Rural Residential – Island, which is applicable to Lummi Island (WCC 20.34.132);
- Rural (WCC 20.36.132);
- Point Roberts Transitional District (WCC 20.37.132);
- Small Town Commercial (WCC 20.61.153); and
- Resort Commercial (WCC 20.64.132).

ADU Incentive 1 - Accessory dwelling units are currently limited to 1,248 square feet in these zoning districts. The TDR/PDR Work Group recommends increasing the size limit by 500 square feet to a maximum of 1,748 square feet if density credits are purchased. It is recommended that the price should be \$8/square foot up to the 500 square foot maximum. The Work Group recommends that this rural incentive should be available anywhere that accessory dwelling units are allowed in the County.

ADU Incentive 2 - Additionally, the TDR/PDR Work Group recommends allowing an investor to pay to retire one full development right in a rural or agricultural area in exchange for eliminating the following requirement, which is normally imposed on accessory dwelling units:

The owner(s) of the single-family lot upon which the accessory apartment or detached accessory dwelling unit is located shall occupy as their primary domicile at least one of the dwelling units on that lot.

This would allow an investor (who retires one full development right) to rent out both the main house and the accessory dwelling unit on the property, as the owner would not have to live on the site.

ADU Incentive 2 can be utilized, anywhere accessory dwelling units are allowed, in the areas shown below:

Rural Areas - In rural areas (outside UGAs) the parcel would have to be:

- a. Outside of Rural Study Areas (areas zoned R5A and R10A that are valuable for agriculture);
- b. Covered by less than 50% Agriculture Protection Overlay Soils;
- c. Outside the Lake Whatcom, Lake Padden, and Lake Samish watersheds;
- d. Outside the 100 year floodplain;
- e. Outside shoreline jurisdiction;
- f. Outside an alluvial fan;
- g. Outside of and more than 1,000' from a Mineral Resource Lands designation;
- h. More than 1 mile from the runway of the Bellingham International Airport;
- i. Outside UGA Reserves;
- j. More than 1 mile from the boundary of a city;
- k. More than 1 mile from the boundary of a UGA;
- l. Within a Group A or Group B Public Water System Service Area, excluding:
 - o Group A Systems currently exceeding Water Right Limits;
 - o Group A Systems projected to exceed water right limits at full build-out; and
 - o Group A Systems with no data on system water rights or use.

UGA - In UGAs, the parcel would have to be:

- a. Outside the Lake Whatcom, Lake Padden, and Lake Samish watersheds;
- b. Outside the 100 year floodplain;
- c. Outside shoreline jurisdiction;

- d. Outside an alluvial fan;
- e. Outside of and more than 1,000' from a Mineral Resource Lands designation;
- f. More than 1 mile from the runway of the Bellingham International Airport;
- g. Within a Group A or Group B Public Water System Service Area, excluding:
 - o Group A Systems currently exceeding Water Right Limits;
 - o Group A Systems projected to exceed water right limits at full build-out; and
 - o Group A Systems with no data on system water rights or use.

The Work Group recommends that more than one incentive may be used per parcel.

Opportunity # 6 - Density Credit Program: Rural Areas

King County allows TDRs from sending areas to rural receiving areas to increase the density in the "RA-2.5" zone from 0.2 dwellings/acre to 0.4 dwellings/acre (King County Code 21A.12.030). This is equivalent to going from one dwelling/five acres to one dwelling/2.5 acres.

Rural Incentive 1 - The TDR/PDR Work Group recommends allowing a density of one dwelling/2.5 acres in the Rural one dwelling/five acre (R5A) zone if the proposed density credit program is used. This proposal targets density bonus areas, which could be developed at a density of one dwelling/2.5 acres, that have access to an existing public water system. In return for the extra density, cash would be contributed to the County's PDR program through the purchase of density credits. One development right would have to be retired in a rural or agriculture area for every new lot allowed so that there would be no net increase in development potential. Additionally, this concept should be considered with a degree of caution, as it may come as a surprise to rural land owners who purchased property in the R5A zone expecting surrounding land uses to develop at a maximum density of one dwelling/five acres. Critical area regulations could also make development at a density of one dwelling/2.5 acres more challenging in some areas. To utilize Rural Incentive 1, the parcel would have to be in the R5A zone and meet the same criteria as ADU Incentive 2 for Rural areas (be outside of Rural Study Areas, covered by less than 50% Agriculture Protection Overlay Soils, etc.).

Opportunity # 7 - Simplifying the TDR Program

The existing TDR program is cumbersome and not used very often. Additionally, the density credit model provides an attractive alternative to a traditional TDR program. Therefore, the existing TDR program should be refined, but the County should not put major effort into reforming the program.

Whatcom County has direct control over land use regulation, including densities, in unincorporated areas such as the Birch Bay UGA and rural lands. The County should consider expanding the density credit program in the Birch Bay UGA and, in limited circumstances, utilizing the density credit program in rural areas (See *Section 6 Opportunities/Alternatives to a Workable TDR Program*).

TDR Program: Sending and Receiving Areas

As mentioned, the Work Group recommends focusing on the density credit model, rather than traditional TDR sending and receiving areas. However, using the traditional TDR program, an opportunity may exist to allow the owners of separate non-contiguous parcels to transfer density from one parcel to the other. This would encourage protection of higher quality agricultural soils and critical areas without an overall increase in the number of dwellings allowed in the rural area.

For example, if a land owner has two separate 20 acre parcels both zoned R5A, the owners would typically be allowed to divide the land and build four homes on each parcel under standard zoning rules. Under this approach, the density could be transferred from one of the parcels (e.g. that has development constraints or high quality agricultural soils) to the other parcel (which does not have as many constraints). The end result would be zero development capacity on one of the 20 acre parcels and eight dwellings on the other 20 acre parcel.

This concept could be utilized to transfer density from one part of the rural area to another part of the rural area. The receiving parcel would be developed as a cluster subdivision.

This concept should not be allowed to increase density in any of the following:

- Lake Whatcom Watershed;
- UGAs and UGA Reserves;
- Lummi Island;
- Agriculture zone;
- Rural Forestry zone;
- Commercial Forestry zone;
- Mineral Resource Lands Overlay.

The Work Group is not formally recommending that this concept be implemented, but has included it in the report to allow the concept to receive further consideration prior to a formal proposal. Any such proposal in rural areas would have to be carefully reviewed under the Growth Management Act and Whatcom County Comprehensive Plan to ensure that rural character is preserved in these areas.



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2019-020

File ID:	AB2019-020	Version:	1	Status:	Held In Committee
File Created:	12/21/2018	Entered by:	CStrong@co.whatcom.wa.us		
Department:		File Type:	Discussion		

First Assigned to: Council Planning and Development Committee

Agenda Date:	Next Mtg. Date:	Hearing Date:
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Discussion of proposed ordinance adopting various minor amendments to Whatcom County Code Titles 20 (Zoning), 21 (Land Division Regulations), and 22 (Land Use and Development Procedures), making corrections, updates, and clarifications (ordinance scheduled for introduction this evening under AB2019-018).

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
01/15/2019	Council Planning and Development Committee	HELD IN COMMITTEE	Council Planning and Development Committee

Attachments: Memo (2) to CoC P&D Comm, 2019-01-22, For January 29 Agenda, PLN2018-00014 Staff Report to CoC.docx, Ordinance, PC approved 2018-12-13, Exhibit A (PC approved, staff revised, CoC edits, 2018-01-22) for January 29 Agenda, Exhibit A (PC approved, staff revised, 2018-12-21) for January 15 Agenda, Memo (1) to CoC P&D Comm, 2018-12-17, For January 15 Agenda

Final Action:
Enactment Date:
Enactment #:



Memorandum

TO: The Honorable County Council
Jack Louws, County Executive

FROM: Cliff Strong, Senior Planner

THROUGH: Mark Personius, Director

DATE: January 18, 2019

SUBJECT: Code Scrub 2018

This is a continuation of the discussion started on January 15, 2019, of some minor amendments to WCC Titles 20 (Zoning), 21 (Land Division Regulations), and 22 (Land Use and Development Procedures). This is our annual "code scrub," wherein staff proposes various amendments to clarify code and fix inconsistencies and grammar they have found over the year. No major policy changes are proposed.

Mea Culpa

I would first like to apologize for some confusion at that meeting. Evidently, there's a glitch in the new agenda bill system. If a Word document (such as Exhibit A) is attached, the program converts it to PDF, but in doing so removes all the strikeout text as well as the underline showing new text, and in so doing changes the page numbers. Thus, Council could not see what was existing vs. new text and what was being proposed for deletion. It also made it difficult for us to quickly find any one issue Council was referring to, because our page numbers were different than yours. This issue has been discussed with Council staff and a protocol now put into place so hopefully that doesn't happen again. A new Exhibit A is also being provided, this time showing the strikeout/underline.

Councilmember Issues Raised

Though time was short and we didn't get to discuss most of the proposed amendments, some Councilmembers did raise issues they had with a few of the proposed amendments.

Councilmember Brenner said that there were typos and grammatical errors in some of the text. However, these were in fact due to the glitch raised above and should be rectified with the replacement Exhibit A we've provided.

She also expressed concerns about the proposed amendments to the hazard tree rules (Item 5 of Exhibit A), essentially saying that she would prefer simpler rules regarding their removal. However, in speaking with her this week, she was under the impression that the sections proposed for amendment applied countywide. They do not¹. The sections proposed for amendment apply only in the Lake Whatcom Watershed Overlay District (Chapter 20.51) and the Water Resource Protection Overlay District (Lake Padden and Lake Samish watersheds, Chapter 20.71). These rules have been in place since those districts were first adopted in 2002 to protect the watersheds, and further amended when Council revised the stormwater/low impact development (LID) regulations in 2016, again to protect the

¹ WCC 16.16, the Critical Areas Ordinance, does contain other rules about hazard trees which do apply countywide, but then only in critical areas. Other than standardizing the definitions, the Critical Areas Ordinance hazard tree regulations themselves are not subject to any proposed changes in this code scrub.

watersheds. Through this code scrub, staff is only trying to eliminate inconsistencies², not change policy. If Council still has issues with the proposed amendments, staff suggests just pulling from consideration Item 5 (the amendments to the Overlay Districts). However, we still recommend acting on Item 4, amending the definition of hazard tree, so that we don't have multiple definitions of the same thing.

CM Brenner also had an issue with the permissible height of fences in front yards (4 and 6 feet, depending on where located; Item 9 of Exhibit A). However, after speaking with her, her primary issue was with how staff characterized the reason for a height limit of front yard appurtenances. Staff is not proposing to change these existing height limits, only reorganizing the language to make it clearer. We have, however, removed the explanatory language to which she objected.

CM Browne asked whether electric vehicle charging stations could be a permitted use rather than an accessory use. Staff would suggest not, for two reasons:

- First, these stations are basically parking lots with charging equipment at each of the 5-10 stalls they typically occupy. We only allow parking lots as primary permitted uses only in the Airport Operations District, and these are all for long-term airport parking.
- Second, Tesla (with whom we've met, but potentially other companies as well) prefers to lease underused parking stalls from existing commercial uses so that they don't have to install the parking lot, and so their customers can shop or eat while waiting for their car to charge (typically 45 – 60 minutes), a very symbiotic relationship.

Staff Recommendation

Staff recommends that the Council's Planning & Development Committee review and discuss the attached staff report and Exhibit A showing the proposed amendments, introduce the ordinance on January 29th, and hold a public hearing on February 12th to adopt these provisions.

² Though they both say the removal of hazard trees is exempt from obtaining a tree removal permit, they also say you have to meet the requirements of (5), which require obtaining a tree removal permit.

Whatcom County Planning & Development Services Staff Report

Code Scrub 2018

I. Background Information

File # PLN2018-00014

File Name: Code Scrub 2018

Applicants: Whatcom County Planning and Development Services (PDS)

Summary of Request: Proposed minor amendments to WCC Titles 20, 21, and 22. This is an annual "code scrub," wherein staff proposes numerous amendments to clarify code and fix inconsistencies and grammar. No policy changes are proposed.

Location: Countywide.

Staff Recommendation: Approve. The amendments are necessary to add clarity to development regulations and procedures and to keep the code up to date.

Background: From time to time, the County adopts a series of minor code amendments to improve unclear wording or procedures, or to correct errors or outdated text. This collection of 27 code amendments includes such items.

II. Code Amendments

The proposed code amendments are found in Exhibit A. Please refer to that attachment; explanations are provided.

III. Comprehensive Plan Evaluation

The proposed amendments are consistent with Comprehensive Plan's Goal 2D to "Refine the regulatory system to ensure accomplishment of desired land use goals in a fair and equitable manner."

IV. Proposed Findings of Fact and Reasons for Action

Staff recommends the Planning Commission adopt the following findings of fact and reasons for action:

1. Whatcom County Planning and Development Services has submitted an application to make various amendments to Whatcom County Code (WCC) Title 20 Zoning to make corrections, updates, and clarifications.
2. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on October 19, 2018, 2018.
3. Notice of the subject amendment was submitted to the Washington State Department of Commerce on October 15, 2018.

4. The Planning Commission held a public hearing on the proposed amendments on December 13, 2018, notice of which was published in the Bellingham Herald on October 26 and November 30, 2018. November 8, 2018, notice of which was published in the Bellingham Herald on October 26, 2018.
5. Comprehensive Plan Policy Goal 2D is to "refine the regulatory system to ensure accomplishment of desired land use goals in a fair and equitable manner."
6. WCC 0.38.060(7) provides increased setbacks for cluster subdivisions when adjacent to agricultural properties so as to minimize nuisance complaints. However, it is confusing in its current state. The amendment would clarify its intent.
7. WCC 20.40.254(5)(a) & (b) is inconsistent with the minimum parcel sizes listed in Table 20.40.251. Table 20.40.251 lists the minimum parcel sizes as 40 and 10 acres, whereas the text of 20.40.254(5)(a) & (b) says "larger/greater than" 40 and 10 acres. The amendments would rectify this inconsistency.
8. WCC Chapter 20.40 is the only zone chapter that doesn't explicitly specify what the maximum density is in that zone. Though a maximum density of a dwelling unit/acre is implied by the 40 ac minimum parcel size, it's not explicitly stated. The amendment would rectify this.
9. Both WCC 20.51.430 (Lake Whatcom Watershed Overlay District) and 20.71.354 (Water Resource Protection Overlay District) exempt hazard tree removal from having to obtain a tree removal permit provided they meet the requirements of subsection (5) of their respective sections. However, each of the subsection (5)s specifically state that a tree removal permit is required. The amendments would rectify this inconsistency.
10. The text of WCC 20.62.300 describes a maximum density, not a minimum as the heading implies. The amendment would rectify this inconsistency.
11. WCC 20.66.550 (Light Impact Industrial (LII) District) includes increased setbacks from certain adjacent zones, as well as from "principal arterials." However, Whatcom County has no such roadway classification. The amendment would rectify this inconsistency.
12. WCC 20.68.552(5) contains increased setbacks and buffers in the LII District under certain circumstances. It also conformance to Policy 1.05 of the Cherry Point/Ferndale Subarea Plan. However, the intent and specifics of this policy are already included in the regulations. Furthermore, the Cherry Point/Ferndale Subarea Plan is slated for repeal. Therefore this reference isn't required. The amendment would rectify this.
13. WCC 20.80.220, subsection (a) specifies what appurtenances are allowed in setback areas. However, decks and utilities, which are common uses in front and side yard setbacks, are not specified allowances, and neighbors have been trying to use this section to protest development. The amendments would also update an old reference to the Uniform Fire Code to the International Fire Code, which Whatcom County has adopted. Additionally, the amendment would delete the repetitious language regarding vision clearance, already found in the referenced section.
14. WCC 20.83.050 allows someone to rebuild a damaged or destroyed nonconforming structure exactly where it was. However, as it stands, owners have argued that they can rebuild over property lines. The amendment would rectify this.
15. WCC 20.80.230(2) allows property owners on constrained lots in the shoreline jurisdiction to consider their front yard (that next to road) their rear yard, and their rear yard (that next to the

water) their front yard, effectively reducing their setback next to the road to down to 20 feet. The amendments would effectively do the same; though also allow the same consideration for other critical areas.

16. WCC 20.80.545 contains rules for parking areas. However, the rule in the first sentence is already covered by WCC 20.80.350 (Parking Areas). And the second sentence requires that a driveway be at least 30 feet long (20' for the parking spot, plus the 10' setback), which is greater than the typical front yard setback (20-25'). Driveways on typical suburban development are 20 feet long. The existing language basically makes it illegal to park in a typical driveway and is not enforced. The deletion of this section would rectify this.
17. WCC 20.80.650 refers to the Northwest Air Pollution Control Agency, which was renamed the Northwest Clean Air Agency many years ago. The amendment would rectify this.
18. WCC 20.80.670 contains dock requirements. However, these are also addressed in the Shoreline Management Program (Title 23) and the Critical Areas Ordinance (Chapter 16.16), so these are duplicative. The deletion of this section would rectify this.
19. WCC 20.85.101 contains an old reference to the Uniform Building Code, whereas Whatcom County has adopted the International Building Code. The amendment would rectify this.
20. The Critical Areas Ordinance (WCC 16.16.260(E)) allows someone doing a Planned Unit Development to develop alternative mitigation plans. The amendment would add a section to Chapter 20.85 (Planned Unit Developments) pointing readers to that possibility.
21. WCC 20.88.275 exempt applicants for a Planned Unit Development from having to obtain a Master Project Permit, as it goes before Council for a decision anyways. The amendment would provide the same exemption for development agreement applicants, as they, too, go before Council.
22. WCC 20.97.293 contains an outdated definition of "party of record," and WCC 20.97 contains no definition of "standing." The amendments would rectify this by amending the definition of "party of record" and adding a definition of "standing" consistent with RCW 36.70C.060 (Judicial Review of Land Use Decisions). Additionally, various sections of the code pertaining to appeals are amended to specify that in order to appeal, one must have standing.
23. WCC 20.86.051 defines receiving areas for Whatcom County's Transfer of Development Rights program. However, the County's Prosecuting Attorney has advised against requiring TDRs for UGA expansions or rezones under RCW 82.02.020. The amendments would delete these two requirements.
24. WCC Chapter 20 (Zoning) contains no definition of "Director." The amendment would add such a definition to WCC 20.97.
25. WCC Chapter 22 (Project Permit Procedures) does not have a definitions section. The amendment would rectify this, by referring to the definitions found in WCC 20.97.
26. WCC 22.05.160 contains rules for processing appeals. The amendments would clarify that appeals need to be filed on a department-provided form and the application would need to meet the rules contain in subsection (a) to be valid. The amendments would also clarify that the Hearing Examiner would hold an open record public hearing on administrative appeals and that one has to have standing to appeal.
27. When charging stations for electric cars were relatively new and no one knew what they would look like or how they would operate, Whatcom County adopted regulations for where they can be

located, making them accessory to conditionally approved automobile service stations, and differentiating between rapid and standard charging stations. However, given how they are actually used (users typically charge their cars for 45-60 minutes while shopping or eating), and what they actually look like, it makes more sense to allow them accessory to any permitted use in commercial or industrial zones. Nor do rapid and standard charging stations look different. The amendments would merge the two existing definitions into one, and allow charging stations accessory to any permitted use in certain commercial and industrial zones.

28. The language of the various "Drainage" sections varies between zones, even though it's intended to mean the same thing. The amendments would standardize the language in all the zoning district chapters.
29. Various sections allow a temporary second dwelling unit in various zones in the form of a manufactured home, a fully serviced travel trailer, or motor home. The amendments would allow park model trailers, which aren't much different from those allowed, to be used as such as well.
30. WCC 20.80.210(b) lists the various setbacks from roads or other properties. However, it lists some setbacks from some roadway classifications that Whatcom County Public Works no longer use in their transportation planning. Additionally, the table contains 67 footnotes that repeat sections of the code that modify the standard setbacks. Not only is the language of the footnotes different from the actual code, but the inclusion of the inaccurate language makes the table 14 pages long. The amendment rectifies this by removing the non-used road classifications and reformatting the table, with notes only referring to the modifying sections, also allowing the table to fit on two pages.
31. WCC 20.68.554 contains additional setback requirements in the Heavy Industrial District. However, it contains a faulty cross-reference (subsection (b)), a policy contained in the Cherry Point/Ferndale Subarea Plan which is slated for repeal and the intent of which is already addressed by another section of the code (subsection (c)), and another faulty reference to a process that does not exist. The amendment rectifies this.
32. WCC 20.97.436.2 is a definition for "Tree, hazard." However, there is a different definition for "Hazard tree" in 20.97.171, which itself reads the same as that in 16.16.900 (Critical Areas Ordinance) and 23.110.080 (Shoreline Management Program). The amendment would eliminate this discrepancy.
33. WCC 22.25.040 contains the policy for refunds of fees for permit and docket applications. However, the deadline thresholds for docket application refunds are set at 14 and 90 days, where in reality the docket applications may take a year or more to process, during which varying amounts of work may or may not have commenced. The amendment would set the thresholds for docket application refunds to coincide more closely to how much staff time has been expended.

V. Proposed Conclusions

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

VI. Recommendation

Planning and Development Services recommends the Planning Commission forward the proposed amendments to the County Council with a recommendation of approval.

Attachments

1. Draft Ordinance
2. Exhibit A – Proposed Code Amendments

PROPOSED BY: _____
INTRODUCTION DATE: _____

ORDINANCE NO. _____

ADOPTING VARIOUS MINOR AMENDMENTS TO WHATCOM COUNTY CODE TITLES 20 (ZONING), 21 (LAND DIVISION REGULATIONS), AND 22 (LAND USE AND DEVELOPMENT PROCEDURES) MAKING CORRECTIONS, UPDATES, AND CLARIFICATIONS

WHEREAS, Whatcom County Planning and Development Services has proposed amendments to Whatcom County Code Titles 20, 21, and 22; and,

WHEREAS, The Whatcom County Council reviewed and considered Planning Commission recommendations, 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. Whatcom County Planning and Development Services has submitted an application to make various amendments to Whatcom County Code (WCC) Title 20 Zoning to make corrections, updates, and clarifications.
2. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on October 19, 2018, 2018.
3. Notice of the subject amendment was submitted to the Washington State Department of Commerce on October 15, 2018.
4. The Planning Commission held a public hearing on the proposed amendments on December 13, 2018, notice of which was published in the Bellingham Herald on October 26 and November 30, 2018.
5. Comprehensive Plan Policy Goal 2D is to "refine the regulatory system to ensure accomplishment of desired land use goals in a fair and equitable manner."
6. WCC 0.38.060(7) provides increased setbacks for cluster subdivisions when adjacent to agricultural properties so as to minimize nuisance complaints. However, it is confusing in its current state. The amendment would clarify its intent.
7. WCC 20.40.254(5)(a) & (b) is inconsistent with the minimum parcel sizes listed in Table 20.40.251. Table 20.40.251 lists the minimum parcel sizes as 40 and 10 acres, whereas the text of 20.40.254(5)(a) & (b) says "larger/greater than" 40 and 10 acres. The amendments would rectify this inconsistency.
8. WCC Chapter 20.40 is the only zone chapter that doesn't explicitly specify what the maximum density is in that zone. Though a maximum density of a dwelling unit/acre is implied by the 40 ac minimum parcel size, it's not explicitly stated. The amendment would rectify this.
9. Both WCC 20.51.430 (Lake Whatcom Watershed Overlay District) and 20.71.354 (Water Resource Protection Overlay District) exempt hazard tree removal from having to obtain a tree removal permit provided they meet the requirements of subsection (5) of their

respective sections. However, each of the subsection (5)s specifically state that a tree removal permit is required. The amendments would rectify this inconsistency.

10. The text of WCC 20.62.300 describes a maximum density, not a minimum as the heading implies. The amendment would rectify this inconsistency.
11. WCC 20.66.550 (Light Impact Industrial (LII) District) includes increased setbacks from certain adjacent zones, as well as from "principal arterials." However, Whatcom County has no such roadway classification. The amendment would rectify this inconsistency.
12. WCC 20.68.552(5) contains increased setbacks and buffers in the LII District under certain circumstances. It also conformance to Policy 1.05 of the Cherry Point/Ferndale Subarea Plan. However, the intent and specifics of this policy are already included in the regulations. Furthermore, the Cherry Point/Ferndale Subarea Plan is slated for repeal. Therefore this reference isn't required. The amendment would rectify this.
13. WCC 20.80.220, subsection (a) specifies what appurtenances are allowed in setback areas. However, decks and utilities, which are common uses in front and side yard setbacks, are not specified allowances, and neighbors have been trying to use this section to protest development. The amendments would also update an old reference to the Uniform Fire Code to the International Fire Code, which Whatcom County has adopted. Additionally, the amendment would delete the repetitious language regarding vision clearance, already found in the referenced section.
14. WCC 20.83.050 allows someone to rebuild a damaged or destroyed nonconforming structure exactly where it was. However, as it stands, owners have argued that they can rebuild over property lines. The amendment would rectify this.
15. WCC 20.80.230(2) allows property owners on constrained lots in the shoreline jurisdiction to consider their front yard (that next to road) their rear yard, and their rear yard (that next to the water) their front yard, effectively reducing their setback next to the road to down to 20 feet. The amendments would effectively do the same; though also allow the same consideration for other critical areas.
16. WCC 20.80.545 contains rules for parking areas. However, the rule in the first sentence is already covered by WCC 20.80.350 (Parking Areas). And the second sentence requires that a driveway be at least 30 feet long (20' for the parking spot, plus the 10' setback), which is greater than the typical front yard setback (20-25'). Driveways on typical suburban development are 20 feet long. The existing language basically makes it illegal to park in a typical driveway and is not enforced. The deletion of this section would rectify this.
17. WCC 20.80.650 refers to the Northwest Air Pollution Control Agency, which was renamed the Northwest Clean Air Agency many years ago. The amendment would rectify this.
18. WCC 20.80.670 contains dock requirements. However, these are also addressed in the Shoreline Management Program (Title 23) and the Critical Areas Ordinance (Chapter 16.16), so these are duplicative. The deletion of this section would rectify this.
19. WCC 20.85.101 contains an old reference to the Uniform Building Code, whereas Whatcom County has adopted the International Building Code. The amendment would rectify this.

20. The Critical Areas Ordinance (WCC 16.16.260(E)) allows someone doing a Planned Unit Development to develop alternative mitigation plans. The amendment would add a section to Chapter 20.85 (Planned Unit Developments) pointing readers to that possibility.
21. WCC 20.88.275 exempt applicants for a Planned Unit Development from having to obtain a Master Project Permit, as it goes before Council for a decision anyways. The amendment would provide the same exemption for development agreement applicants, as they, too, go before Council.
22. WCC 20.97.293 contains an outdated definition of "party of record," and WCC 20.97 contains no definition of "standing." The amendments would rectify this by amending the definition of "party of record" and adding a definition of "standing" consistent with RCW 36.70C.060 (Judicial Review of Land Use Decisions). Additionally, various sections of the code pertaining to appeals are amended to specify that in order to appeal, one must have standing.
23. WCC 20.86.051 defines receiving areas for Whatcom County's Transfer of Development Rights program. However, the County's Prosecuting Attorney has advised against requiring TDRs for UGA expansions or rezones under RCW 82.02.020. The amendments would delete these two requirements.
24. WCC Chapter 20 (Zoning) contains no definition of "Director." The amendment would add such a definition to WCC 20.97.
25. WCC Chapter 22 (Project Permit Procedures) does not have a definitions section. The amendment would rectify this, by referring to the definitions found in WCC 20.97.
26. WCC 22.05.160 contains rules for processing appeals. The amendments would clarify that appeals need to be filed on a department-provided form and the application would need to meet the rules contain in subsection (a) to be valid. The amendments would also clarify that the Hearing Examiner would hold an open record public hearing on administrative appeals and that one has to have standing to appeal.
27. When charging stations for electric cars were relatively new and no one knew what they would look like or how they would operate, Whatcom County adopted regulations for where they can be located, making them accessory to conditionally approved automobile service stations, and differentiating between rapid and standard charging stations. However, given how they are actually used (users typically charge their cars for 45-60 minutes while shopping or eating), and what they actually look like, it makes more sense to allow them accessory to any permitted use in commercial or industrial zones. Nor do rapid and standard charging stations look different. The amendments would merge the two existing definitions into one, and allow charging stations accessory to any permitted use in certain commercial and industrial zones.
28. The language of the various "Drainage" sections varies between zones, even though it's intended to mean the same thing. The amendments would standardize the language in all the zoning district chapters.
29. Various sections allow a temporary second dwelling unit in various zones in the form of a manufactured home, a fully serviced travel trailer, or motor home. The amendments would allow park model trailers, which aren't much different from those allowed, to be used as such as well.

30. WCC 20.80.210(b) lists the various setbacks from roads or other properties. However, it lists some setbacks from some roadway classifications that Whatcom County Public Works no longer use in their transportation planning. Additionally, the table contains 67 footnotes that repeat sections of the code that modify the standard setbacks. Not only is the language of the footnotes different from the actual code, but the inclusion of the inaccurate language makes the table 14 pages long. The amendment rectifies this by removing the non-used road classifications and reformatting the table, with notes only referring to the modifying sections, also allowing the table to fit on two pages.
31. WCC 20.68.554 contains additional setback requirements in the Heavy Industrial District. However, it contains a faulty cross-reference (subsection (b)), a policy contained in the Cherry Point/Ferndale Subarea Plan which is slated for repeal and the intent of which is already addressed by another section of the code (subsection (c)), and another faulty reference to a process that does not exist. The amendment rectifies this.
32. WCC 20.97.436.2 is a definition for "Tree, hazard." However, there is a different definition for "Hazard tree" in 20.97.171, which itself reads the same as that in 16.16.900 (Critical Areas Ordinance) and 23.110.080 (Shoreline Management Program). The amendment would eliminate this discrepancy.
33. WCC 22.25.040 contains the policy for refunds of fees for permit and docket applications. However, the deadline thresholds for docket application refunds are set at 14 and 90 days, where in reality the docket applications may take a year or more to process, during which varying amounts of work may or may not have commenced. The amendment would set the thresholds for docket application refunds to coincide more closely to how much staff time has been expended.

CONCLUSIONS

1. The amendments to the development regulations 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 are hereby adopted as shown in Exhibit A.

ADOPTED this _____ day of _____, 2019.

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

ATTEST:

Dana Brown-Davis, Council Clerk

Rud Browne, Council Chair

APPROVED as to form:

() Approved () Denied

Civil Deputy Prosecutor

Jack Louws, Executive

Date: _____

Exhibit A: Proposed Code Amendments

Code Scrub 2018

(Editor's note: **Yellow highlight** indicates Planning Commission amendments. Ellipses (...) indicate that sections of the code that are not being amended are not shown.)

Chapter 20.38 Agriculture Protection Overlay

1. Clarify 20.38.060(7), as the language is confusing. The intent is to have greater setbacks for cluster subdivisions when adjacent to agricultural land so as to minimize nuisance complaints.

20.38.060 Development and use standards-checklist.

- (7) Any inhabitable structure within the cluster subdivision ~~which will be used for human habitation~~ shall be set back a minimum of 100 feet, and any accessory or other non-inhabitable structures shall be set back at least 30 feet, from the property line of any parcel ~~or portion thereof which that is an~~ APO reserve tract or designated or used taxed for agricultural purposes. ~~No structures shall be constructed within 30 feet of exterior, side and rear property lines, and no structure shall be constructed within 30 feet of an agricultural use; and~~

Chapter 20.40 Agriculture (AG) District

2. Revise 20.40.254(5)(a) & (b) to correspond to the minimum parcel sizes listed in Table 20.40.251. Pursuant to the table, one has to maintain a minimum lot size of "X acres," but the text inconsistently says "greater than X acres."

20.40.250 Division or modification of parcels.

.254 Separation of the Farmstead Parcel Criteria.

...

- (5) Division or Boundary Line Adjustment for Agricultural Purposes Only. Lots smaller than the minimum lot size of WCC 20.40.251 may be created through land division or rearranged through a boundary line adjustment provided the following:

- (a) The parent parcel does not contain an existing residence, or said existing residence will remain on a parcel ~~larger than 40 acres~~ or larger in size; and
- (b) The parcel created is ~~greater than 10 acres~~ or larger or is appended to another parcel; and

...

3. Add maximum density language to Chapter 20.40 similar to other zones. All other zoning chapters specify what the maximum density for that zone is. Though a maximum density of a dwelling unit/acre is implied by the 40 ac minimum parcel size, it's not explicitly stated.

20.40.550 Maximum Density.

The maximum density in the Agricultural District shall be 1 dwelling unit per 40 acres.

Chapter 20.97 Definitions

4. Currently there are four definitions of hazard trees in various sections of the code. Staff had proposed to replace the definition of "Hazard Tree" with one recommended by our Prosecuting Attorney and delete the others so that they are all consistent.

The Planning Commission, though, found that definition was wanting in terms of grammar and clarity and amended it to try to fix it (see below).

However, upon further reflection, staff still found it ambiguous, especially in conjunction with the amendments proposed in Issue 5, below. Staff now proposes a new definition.

16.16.900 Definitions.

~~"Hazard tree" means any tree that is susceptible to immediate fall due to its condition (damaged, diseased, or dead) or other factors, and which because of its location is at risk of damaging permanent physical improvements to property or causing personal injury.~~

20.97.436.2 Tree, hazard.

~~"Hazard tree" means a tree, either live or dead, having an incurable disease, infestation, defects or stress, singly or combined, in the roots, trunk or primary limbs, which predispose the tree to mechanical failure in whole or in part, and which is located in such a manner that failure may result in property damage or personal injury.~~

20.97.171.2 Hazard tree.

~~"Hazard tree" means any tree that is susceptible to immediate fall due to its condition (damaged, diseased, or dead) or other factors, and which because of its location is at risk of damaging permanent physical improvements to property or causing personal injury.~~

23.110.080 H definitions.

~~2. "Hazard tree" means any tree that is susceptible to immediate fall due to its condition (damaged, diseased, or dead) or other factors, and which because of its location is at risk of damaging permanent physical improvements to property or causing personal injury.~~

20.97.171.2 and 16.16.900 Hazard Tree

Original staff proposal: "Hazard Tree" means a tree which poses an imminent failure, poses a likelihood of striking the target, and has a significant consequence of tree failure as determined through a tree risk evaluation form provided by Whatcom. A tree which constitutes an airport hazard is considered a

hazard tree.” “Imminent” in this case means failure has started or is most likely to occur in the near future, even if there is not significant wind or increased load. This is a rare occurrence to encounter, and it may require immediate action to protect people from harm.

Planning Commission rewrite: “Hazard Tree” means a tree that poses an imminent failure and poses a likelihood of causing damage to persons or property, has a significant consequence of tree failure (as determined through a tree risk assessment form provided by Whatcom County). A tree that constitutes an airport hazard is considered a hazard tree.” “Imminent” in this case means failure has started or is most likely to occur in the near future, even if there is no significant wind or increased load.

Final staff proposal: “Hazard Tree” means a tree whose risk evaluation, as determined through a Whatcom County approved tree risk assessment method, is high. Risk evaluation is the combined measurement of: tree failure identification, probability of failure, potential damage to permanent physical improvements to property causing personal injury, and consequences. A tree that constitutes an airport hazard is considered a hazard tree. A hazard tree whose failure is imminent and consequences of damage to permanent physical improvements to property causing personal injury is significant is considered an emergency. “Imminent” in this instance means failure has started or is most likely to occur in the near future, even if there is no significant wind or increased load. Imminent may be determined by a qualified consultant (defined in WCC 16.16.900) or when mutually agreed upon by a land owner and Whatcom County.

5. Amend the hazard tree exemption in 20.51.430(1)(a) and 20.71.354(1)(a). Though they both say the removal of hazard trees is exempt from obtaining a tree removal permit, they also say you have to meet the requirements of (5), which require obtaining a tree removal permit.

Staff had originally proposed, and the Planning Commission recommended approval of (with a few amendments for clarity’s sake), the first versions in the following sections. However, upon further reflection, staff still found it ambiguous, especially in conjunction with the amendments proposed in Issue 4, above. Staff now proposed additional amendments, show in the second versions in the following sections.

Chapter 20.51 Lake Whatcom Watershed Overlay District

Original staff proposal, as amended and approved by the Planning Commission:

20.51.430 Tree removal not associated with development activity.

- (1) Permit Required for Removal of Trees. No person, directly or indirectly, shall remove any significant tree(s) on any property within the Lake Whatcom watershed, or any tree(s) in the public right-of-way, without first obtaining a tree removal permit as provided in this section, unless the activity is exempted below:

- (a) When Whatcom County has approved an ISA Basic Tree Risk Assessment Form, Removal of any hazard trees or as necessary to remedy an immediate threat to person or property, pursuant to the requirements in subsection (5) of this section;
- (b) Pruning and maintenance of trees of up to 25 percent of the foliage.

...

(5) ~~Removal of Hazard Trees~~ Removal. Any property owner seeking to remove any number of significant trees that are a hazard shall first obtain approval of an ISA Basic Tree Risk Assessment Form or a tree removal permit and meet the requirements of this subsection.

- (a) Tree Risk Assessment ~~Evaluation Form~~. When the hazard is obvious, submit only the ISA Basic Tree Risk Assessment Form.
- (b) Tree Risk Assessment. If the hazard condition is not obvious, a tree risk assessment prepared by a qualified professional explaining how the tree(s) meet the definition of a hazard tree is required. ~~Removal of hazard trees does not count toward the tree removal limit if the hazard is supported by such a report and approved by the county.~~
- (b) Trees in Critical Areas or Critical Area Buffers. For hazard trees in critical areas or their buffers, tree removal shall be in accordance with the requirements of Chapter 16.16 WCC.

Final staff proposal:

20.51.430 Tree removal not associated with development activity.

(1) Permit Required for Removal of Trees. No person, directly or indirectly, shall remove any significant tree(s) on any property within the Lake Whatcom watershed, or any tree(s) in the public right-of-way, without first obtaining a tree removal permit as provided in this section, unless the activity is exempted below; provided the tree is not located within the shoreline jurisdiction or within a critical area or a critical area buffer:

- (a) ~~Removal of any hazard trees or as necessary to remedy an immediate threat to person or property, pursuant to the requirements in subsection (5) of this section;~~ considered an emergency within the definition of hazard tree in WCC 20.97. Within 30 days after the emergency is abated the land owner shall submit photo documentation with a form provided by Whatcom County.
- (b) Pruning and maintenance of trees of up to 25 percent of the foliage.

...

(5) Removal of Hazard Trees. Any property owner seeking to remove any number of significant trees not considered an emergency pursuant to subsection (1) must submit a tree risk assessment using an approved Whatcom County method prepared by a qualified professional; provided, that removal of hazard trees in critical areas or their buffers shall be in accordance with the requirements of Chapter 16.16 WCC. ~~that are a hazard shall first obtain approval of a tree removal permit and meet the requirements of this subsection.~~

(a) ~~Tree Risk Assessment. If the hazard condition is not obvious, a tree risk assessment prepared by a qualified professional explaining how the tree(s) meet the definition of a hazard tree is required.~~

~~Removal of hazard trees does not count toward the tree removal limit if the hazard is supported by such a report and approved by the county.~~

- ~~(b) Trees in Critical Areas or Critical Area Buffers. For hazard trees in critical areas or their buffers, tree removal shall be in accordance with the requirements of Chapter 16.16 WCC.~~

Chapter 20.71 Water Resource Protection Overlay District

Original staff proposal, as amended by the Planning Commission:

20.71.354 Tree removal not associated with development activity.

- (1) Permit Required for Removal of Trees. No person, directly or indirectly, shall remove any significant tree(s) on any property within the Lake Padden and Lake Samish watersheds, or any tree(s) in the public right-of-way, without first obtaining a tree removal permit as provided in this section, unless the activity is exempted below:

- (a) When Whatcom County has approved an ISA Basic Tree Risk Assessment Form, Removal of any hazard tree(s) or as necessary to remedy an immediate threat to person or property as necessary to remedy an imminent threat to person or property, pursuant to the requirements in subsection (5) of this section;
- (b) Pruning and maintenance of trees of up to 25 percent of the foliage.

...

- (5) ~~Removal of Hazard Trees Removal.~~ Any property owner seeking to remove any number of significant trees that are a hazard shall first obtain approval of an ISA Basic Tree Risk Assessment Form or a tree removal permit and meet the requirements of this subsection.

- (a) Tree Risk Assessment Evaluation Form. When the hazard is obvious, submit only the ISA Basic Tree Risk Assessment Form.

- ~~(a) Tree Risk Assessment. If the hazard condition is not obvious, a tree risk assessment prepared by a qualified professional explaining how the tree(s) meet the definition of a hazard tree is required. Removal of hazard trees does not count toward the tree removal limit if the hazard is supported by such a report and approved by the county.~~

- ~~(b) Trees in Critical Areas or Critical Area Buffers. For hazard trees in critical areas or their buffers, tree removal shall be in accordance with the requirements of Chapter 16.16 WCC.~~

- ~~(b)(c) Trees in Critical Areas or Critical Area Buffers. For hazard trees in critical areas or their buffers, tree removal shall be in accordance with the requirements of Chapter 16.16 WCC.~~

Final staff proposal:

20.71.354 Tree removal not associated with development activity.

- (1) Permit Required for Removal of Trees. No person, directly or indirectly, shall remove any significant tree(s) on any property within the Lake Padden and Lake Samish watersheds, or any tree(s) in the public right-of-way, without first obtaining a tree removal permit as provided in this section, unless

the activity is exempted below; provided the tree is not located within the shoreline jurisdiction or within a critical area or a critical area buffer:

(a) Removal of any hazard trees considered an emergency within the definition of hazard tree in WCC 20.97. Within 30 days after the emergency is abated the land owner shall submit photo documentation with a form provided by Whatcom County.~~or as necessary to remedy an immediate threat to person or property, pursuant to the requirements in subsection (5) of this section;~~

(b) Pruning and maintenance of trees of up to 25 percent of the foliage.

...

(5) Removal of Hazard Trees. Any property owner seeking to remove any number of significant trees not considered an emergency pursuant to subsection (1) above must submit a tree risk assessment using an approved Whatcom County method prepared by a qualified professional; provided that removal of hazard trees in critical areas or their buffers shall be in accordance with the requirements of Chapter 16.16 WCC.~~that are a hazard shall first obtain approval of a tree removal permit and meet the requirements of this subsection.~~

~~(a) Tree Risk Assessment. If the hazard condition is not obvious, a tree risk assessment prepared by a qualified professional explaining how the tree(s) meet the definition of a hazard tree is required. Removal of hazard trees does not count toward the tree removal limit if the hazard is supported by such a report and approved by the county.~~

~~(b) Trees in Critical Areas or Critical Area Buffers. For hazard trees in critical areas or their buffers, tree removal shall be in accordance with the requirements of Chapter 16.16 WCC.~~

Chapter 20.62 General Commercial (GC) District

6. Amend the heading of 20.62.300, as the text describes a maximum, not a minimum, density.

20.62.300 Maximum ~~Minimum~~ density.

.301 Hotels and motels shall not exceed a floor area ratio of .60.

Chapter 20.66 Light Impact Industrial (LII) District

7. Amend 20.66.550 to remove the increased setback from “principal arterials.” Whatcom County doesn’t have a “principal arterial” classification.

20.66.550 Buffer area.

.551 When a parcel situated within this district adjoins an Urban Residential, Urban Residential Medium Density, Urban Residential-Mixed, Rural, or Residential Rural District,~~or county or state roads designated as or proposed for improvements to principal arterial status,~~ setbacks shall be increased to 50 feet. A minimum of 25 feet shall be landscaped consistent with the requirements of WCC 20.80.345.

-
8. In 20.68.552(5), delete the reference to the Cherry Point/Ferndale Subarea Plan, as it is slated for repeal. The intent of this policy is already included within the regulation of .552.

“Policy 1.05: To attain compatibility with surrounding nonindustrial land use designations and to minimize heavy industrial off-site impacts, it is the policy of Whatcom County to require industrial users to provide a buffer which is located within the designated HEAVY IMPACT INDUSTRIAL area and which adjoins said nonindustrial land use designations.

As a means of protecting the existing and planned residential uses in the Point Whitehorn area from detrimental environmental and visual impacts generated from the Heavy Impact Industrial area, a 660-foot buffer strip shall be established. Said buffer shall be situated adjacent to and south of Grandview Road between Jackson Road and Koehn Road; adjacent to and east of Koehn Road between Grandview Road and Brown Road; and adjacent to the east of the eastern property line of tax lots 2.27 and 2.28 between Brown Road and the shoreline. This buffer strip may be utilized for security or protective uses, parking, or the open space requirements of the Heavy Impact Industrial zone district. Land within the buffer strip which is not required for the above uses and is currently covered with natural vegetative species shall not be cleared, logged, or altered in any manner which would reduce the natural screening characteristics of said buffer.”

Chapter 20.68 Heavy Impact Industrial (HII) District

20.68.550 Buffer area.

.552 To implement the buffer requirements of this district, minimum setbacks for heavy industrial buildings and accessory structures shall be established consistent with the following options:

- (1) If a planting screen is not provided by the industrial user and no natural vegetative screening exists, the minimum setback(s) shall be 660 feet, as measured from the edge of the district boundary. The setback area may be used for security roads, parking, or open space.
- (2) If natural sight-obscuring and dense vegetation exists, the minimum setback(s) shall be 250 feet, as measured from the district boundary; provided, that a minimum width of 50 feet of natural vegetation is retained. The remainder of the setback(s) may be used for security roads, parking, or open space.
- (3) If a 50-foot buffer planting screen is established, pursuant to WCC 20.80.345, the minimum setback(s) shall conform to the setback requirements of WCC 20.80.200, as measured from the district boundary. In addition, security roads may be situated within the minimum buffer setback; provided, that the 50-foot-wide buffer planting is established.
- (4) When a parcel situated within this district is located within the Bellingham Urban Growth Area and adjoins an Urban Residential District or residential district within the city limits, setbacks for heavy industrial buildings and/or uses shall be increased to 100 feet and landscaped in accordance with the requirements of WCC 20.80.345.
- (5) In no case shall the setback from the northern and western boundaries of the Cherry Point Heavy Industrial area not contiguous to another industrial zone be less than 660 feet, nor the

natural vegetation removed except for parking and security or protective uses in accordance with Heavy Impact Industrial Policy 1.05 of the Cherry Point Ferndale Subarea Comprehensive Plan.

Chapter 20.80 Supplementary Requirements

9. In 20.80.220(1)(a), clarify the “use of setback areas” language and add “uncovered decks” and “utilities,” as these are typically allowed in a front yard setback.

In 20.80.220(1)(a)(i)(A), updated the name of the adopted fire code.

In 20.80.220(1)(c), clarify that higher appurtenances (up to 6 feet) are allowed in rural areas. We distinguish that these are allowed in rural areas, but not urban areas, since in urban areas lots are smaller and typically built as suburban neighborhoods where 6-foot fences and hedges in front yards lessen safety (both sight distance and policing).

Additionally in 20.80.220(1)(c), delete the vision clearance requirements, as this is just a repeat of what’s found in WCC 20.80.210(3).

20.80.220 Use of setback areas

All setback measurements are minimum requirements. All front yard and rear yard setback areas shall be open from side-to-side of the lot except as otherwise provided by the following:

(1) Front Yards.

- (a) Appurtenances, including but not limited to: Uncovered patios, and decks less than 30 inches in height; driveways, and walkways; vegetation, pools, and other recreation equipment; utilities, septic systems, and propane tanks with fuel capacities up to 500 gallons; and fences, and walls, and vegetative hedges up to four feet in height, and propane tanks with fuel capacities up to 500 gallons may be placed in this front yard setback area subject to the limitations of WCC 20.80.210(3) regarding (v) Vision eClearance); and provided, that the following applies:

- (i) The location of propane tanks with fuel capacities up to 500 gallons is restricted to the rear 50 percent of front yard setbacks. All such propane tanks shall be:

- (A) Inspected and approved by the Whatcom County fire marshal for compliance with Article 82 of the most currently adopted Uniform International Fire Code and, when required by the Fire Marshal, isolated from other uses by a noncombustible wall or fence; and
- (B) Encourage sScreening by a fence or with shrub vegetation planted to a minimum height of six inches above the top surface of the propane tank is encouraged; and.
- (C) Located so as not to interfere or obstruct sight distances for vehicular traffic.

...

- (c) Outside of Urban Growth Areas fFences, walls, or and vegetative hedges greater than four feet in height up to a maximum of six feet in height may be located within the front yard setback

area subject to the limitations of WCC 20.80.210(3) (Vision Clearance), ~~regarding vision clearance and provided both of the following apply:~~

- ~~ii. The additional height does not obstruct or impair visual corridors of surrounding properties and sight distances of vehicular traffic;~~
- ~~iii. The additional height is determined by the administrator to be necessary in order to provide security and/or privacy to the particular use activity by reason of one or more of the following:~~
 - ~~A. The property's immediate location next to public access areas; or~~
 - ~~B. A determination by the administrator that the property and/or its facilities and amenities are both attractive to the general public, and intended for the exclusive use of its residents and/or patrons; or~~
 - ~~C. A determination by the administrator that the additional height is needed to protect the public health, safety and general welfare.~~

- (3) Side yards must be kept open; provided, that uncovered patios, and decks less than 30 inches in height; driveways, walkways, and parking areas; ~~vegetation,~~ pools and other recreational ~~equipment;~~ parking areas, recreational equipment, and fences, walls, and vegetative hedges up to seven feet in height may be placed in the side yard.

10. In 20.83.050, clarify that nonconforming structures, while they can be rebuilt, must be rebuilt on one's own property and cannot cross onto someone else's property (even if it's been there awhile).

20.83.050 Damage or destruction – Rebuilding permitted.

If a nonconforming use or structure ~~physical feature of a building or group of buildings on one site is~~ damaged or destroyed by any means, that use or structure shall may be permitted to be rebuilt ~~equal to~~ the same square footage of damaged or destroyed ~~building~~ structure(s), and for the same use and location on the site; except, no portions of said rebuilt structure may extend onto property not belonging to the owner.

11. Amend 20.80.230(2) so that reduced front yard setbacks can be applied wherever necessary to protect critical areas, not just shorelines.

20.80.230 Measurement of setbacks.

- ~~(2) Shoreline Areas. In situations where the shoreline setback(s) imposed by the Shoreline Management Program exceed the standard rear and/or side yard setbacks imposed by this chapter, the front yard setback(s) shall apply to the waterfront side(s) of the lot or tract and the rear yard setback shall apply to the street side of the lot or tract; provided, however, the zoning administrator may waive the setback reversal requirement of this section upon request of the property owner if he finds that the public interest will not be harmed; provided further, that the minimum setback on the street side of parcels abutting collector and arterial roadways shall be 20 feet.~~

(2) Reduction of setbacks. In situations where a property is so encumbered by shoreline setbacks, critical areas, and/or their buffers that a typical structure for that zone cannot be built due to dimensional requirements, the Zoning Administrator or Hearing Examiner, whichever is the decision maker on the permit, may reduce the standard front yard setback to 20 feet.

12. Delete 20.80.545. The limitations of the first sentence are already covered by WCC 20.80.350 (Parking Areas). The second sentence requires that a driveway be at least 30 feet long (20' for the parking spot, plus the 10' setback), which is greater than the typical front yard setback (20-25'). Driveways on typical suburban development are 20 feet long. The existing language basically makes it illegal to park in a typical driveway.

~~20.80.545 Minimum distance and setbacks.~~

~~No part of any parking area for more than 10 vehicles shall be closer than 20 feet to any dwelling unit, school, hospital, or other institution for human care located on an adjoining lot, unless separated by an acceptably designed screen. Parking areas for one-family and two-family dwellings if located within the required front yard setback areas shall have a setback of at least 10 feet from the road right-of-way. In no case shall any part of a parking area be closer than four feet to any established street or alley right-of-way.~~

13. In 20.80.650, update the name of agency responsible for establishing minimum permissible emission levels (it was renamed many years ago).

20.80.650 Air quality.

No development, including traffic generated directly by it, should generate air pollution exceeding the minimum permissible emission levels established by the Northwest Clean Air Pollution Control Agency (NWCAPA) or the Environmental Protection Agency.

14. Delete WCC 20.80.670, as it is covered in the Shoreline Management Program (WCC 23.100.090). This is already covered by WCC 16.16.720.

~~20.80.670 Docks.~~

~~All dock development shall conform to the following requirements:~~

- ~~(1) The dock development shall conform to all applicable local, state and federal requirements including the Whatcom County Shoreline Management Program. In particular, dock design and construction shall comply with the requirements of WCC 23.100.090.~~
- ~~(2) For all fresh water areas, all new posts or pilings shall be untreated in order to avoid adverse impact on water quality.~~
- ~~(3) The dock shall be painted, marked with reflectors, or otherwise identified so as to prevent unnecessary hazardous conditions for water surface uses during day or night.~~

- ~~(4) Docks for noncommercial use or any watercraft moored thereto shall not be used for a residence.~~
- ~~(5) Storage on a dock is prohibited. However, the requirement does not apply where a specific design or structure has been approved by the zoning administrator after demonstrating that adequate preventions are utilized to maintain safety and water quality.~~
- ~~(6) Any exterior lighting shall be directed or shielded so as not to cause annoying glare to neighboring properties, or to road or water traffic.~~
- ~~(7) Docks shall only be constructed within the property owned by the applicant or where the applicant has obtained the appropriate lease arrangements for the state of Washington or where appropriate.~~

Chapter 20.85 Planned Unit Developments (PUD)

15. Amend 20.85.101 to reference the correct building and fire codes.

20.85.100 Design and development standards.

20.85.101 Conformance.

All uses and development shall conform to all relevant requirements and standards of:

- (2) The ~~Uniform~~ International Building and Fire Codes;

16. Add a new section 20.85.119 to Chapter 20.85. WCC 16.16.260(E) already has this allowance, but this insertion will help point readers to it.

20.85.119 Critical Areas – Alternative Mitigation Plans.

The Hearing Examiner may recommend and the County Council may approve alternative mitigation plans for planned unit developments in accordance with WCC 16.16.261, which may be used to satisfy the requirements of WCC Chapter 16.16 and relief from the specific standards and requirements thereof.

Chapter 20.88 Major Project Permits

17. Amend 20.88.275. If someone applies for a Planned Unit Development, we do not make them obtain a Master Project Permit. The same should be true of applying for a developer's agreement, as they, too, go before the Council.

20.88.200 Procedure

.275 Major project permits: Where an applicant has applied for a planned unit development or a development agreement, that project shall be exempt from the requirement to obtain a major project permit.

18. In 20.97, amend the definition of “party of record” and add a definition of “standing.” In other sections of the code, amend so that one must be a person with “standing” in order to file an appeal.

According to the Prosecuting Attorney, our current definition of “Party of Record” is a broad, somewhat confusing status for people who are in the record or contribute to the record. This status should only mean that you get notice of hearings. This does not mean that you automatically have standing. A person could be a Party of Record and have standing, but they don’t have standing just because they are a party of record. “Standing” should be the operative term that allows people to appeal. The proposed definition of “standing” is that found in RCW 36.70C.060 (Judicial Review of Land Use Decisions)

Chapter 20.97 Definitions

20.97.293 Party of record.

~~“Party of record” means any person, agency or entity entitled to receive notice of application or decision under this title, or any person, agency or entity providing written comments on any application received under this title or notified local government of their desire to receive a copy of the final decision on a permit and who have provided an address for delivery of such notice by mail or email of the following:~~

- ~~1. The applicant and any appellant;~~
- ~~2. The property owner as identified by Whatcom County Assessor’s records;~~
- ~~3. Any person, County department, and/or public agency who individually submitted written comments or testified at the open record hearing on the merits of the case (excluding persons who have only signed petitions or mechanically produced form letters); and;~~
- ~~4. Any person, County department, and/or public agency who specifically request notice of decision by entering their name and mailing address on a register provided for such purpose at the open record hearing.~~

~~A party of record does not include a person who has only signed a petition or mechanically produced form letters. A party of record to an application/appeal shall remain such through subsequent county proceedings involving the same application/appeal. The county may cease mailing material to any party of record whose mail is returned by the postal service as undeliverable.~~

~~A Party of Record does not have standing unless they meet the standing criteria. Persons who do not qualify as a party of record may still receive notice of a decision or recommendation by submitting their names and addresses to the Hearing Examiner with a request for such notice.~~

20.97.429.05 Standing.

~~“Standing” is the status required for a person, agency, or other entity to bring an action before the Hearing Examiner. A person has standing per RCW 36.70C.060 if they are:~~

- ~~1. The applicant and the owner of property to which the land use decision is directed; or~~
- ~~2. Another person, County department, and/or public agency aggrieved or adversely affected by the land use decision, or who would be aggrieved or adversely affected by a reversal or~~

modification of the land use decision. A person is aggrieved or adversely affected within the meaning of this section only when all of the following conditions are present:

- (a) The land use decision has prejudiced or is likely to prejudice that person;
- (b) That person's asserted interests are among those that the local jurisdiction was required to consider when it made the land use decision;
- (c) A judgment in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the land use decision; and
- (d) The petitioner has exhausted his or her administrative remedies to the extent required by law.

Chapter 21.02 Variances, Appeals and Amendments

21.02.030 Appeals.

- (1) Any person with standing¹ ~~party of record~~ may appeal any order, final permit decision, final administrative determination including pre-approval or preliminary approval in the administration or enforcement of this title. The hearing examiner shall have the authority to hear and decide appeals pursuant to WCC 22.05.160.

Chapter 22.05 Project Permit Procedures

22.05.110 Final decisions.

- (1) The director or designee's final decision on all Type I or II applications shall be in the form of a written determination or permit. The determination or permit may be granted subject to conditions, modifications, or restrictions that are necessary to comply with all applicable codes.
- (2) The hearing examiner's final decision on all Type III applications per WCC 22.05.020 or appeals per WCC 22.05.160(1) shall either grant or deny the application or appeal.
 - (a) The hearing examiner may grant Type III applications subject to conditions, modifications or restrictions that the hearing examiner finds are necessary to make the application compatible with its environment, carry out the objectives and goals of the comprehensive plan, statutes, ordinances and regulations as well as other official policies and objectives of Whatcom County.
 - (b) Performance bonds or other security, acceptable to the prosecuting attorney, may be required to ensure compliance with the conditions, modifications and restrictions.
 - (c) The hearing examiner shall render a final decision within 14 calendar days following the conclusion of all testimony and hearings. Each final decision of the hearing examiner shall be in writing and shall include findings and conclusions based on the record to support the decision.
 - (d) No final decision of the hearing examiner shall be subject to administrative or quasi-judicial review, except as provided herein.
 - (e) The applicant, any ~~party of record~~ person with standing, or any county department may appeal any final decision of the hearing examiner to superior court, except as otherwise specified in WCC 22.05.020.

¹ Editor's Note: See proposed definition of "standing," in the preceding section.

Chapter 22.20 Land Use and Development Code Interpretation Procedures

22.20.060 Appeals.

Any ~~person with standing party of record~~ may file an appeal of a formal code interpretation. The appeal shall follow all rules and procedures for appeals to the Hearing Examiner as set forth in WCC 22.05.160.

Chapter 20.89 Density Transfer Procedure

19. Delete 20.86.051(2) and (3), which require Transfer of Development Rights (TDRs) for certain rezones and UGA expansions. Similar provisions in WCC 2.160.080 and WCC 20.90.064 were repealed when Title 22 was adopted in June 2018 (Ordinance 2018-032). Additionally, the Whatcom County TDR/PDR Multi-Stakeholder Work Group Final Report (October 3, 2018) states:

“A Civil Deputy from the County Prosecuting Attorney’s Office stated that, in his opinion, the County cannot require TDRs for UGA expansions or rezones under RCW 82.02.020.

The TDR/PDR Work Group recommends that the County consider deleting WCC 20.89.051(2) and (3), which state that certain rezone requests and UGA expansions are required to transfer development rights from designated TDR sending areas” (pp. 55, see also pp. 50 and 51).

Therefore, deleting these code provisions should be considered.

20.89.050 Receiving areas.

.051 Designation of Receiving Areas. In addition to those areas which qualify as receiving areas according to the official Whatcom County zoning map, the county council may approve additional areas as receiving areas.

(1) Designated Receiving Areas. Such additional areas may be approved through the process established for amendments to the official Whatcom County zoning map and pursuant to the procedures and requirements in Chapter 22.10 WCC, Amendments.

~~(2) Rezones.~~

~~(a) Rezone requests for an area or parcel located within a designated urban growth area, that have been submitted pursuant to Chapter 22.10 WCC, shall be required to transfer development from a designated TDR sending area to obtain the requested density as a condition of approval. In order to obtain the requested density, one development right shall be transferred for every three additional dwelling units obtained through rezones within a designated urban growth area. The county council may modify this requirement if a development agreement has been entered into that specifies the elements of development within the rezone area. The development agreement should include, but not be limited to, affordable housing, density, allowed uses, bulk and setback standards, open space, parks, landscaping, buffers, critical areas, transportation and circulation, streetscapes, design standards and mitigation measures.~~

~~(b) Exceptions from requiring TDRs: rezones initiated by a government agency, rezone correction of map errors, establishing one zoning district on a property with two or more zoning districts,~~

zoning revisions that are intended to make a nonconforming use a conforming use or rezones where the public interest is served.

~~(c) Rezones initiated by the county, cities or other agencies shall be subject to review by county and city planning staff, and the appropriate administrative bodies, to determine whether the subject site is appropriate for designation as a TDR receiving area.~~

~~(3) Expansion of Urban Growth Areas and Associated Rezones. Comprehensive Plan amendment requests, submitted pursuant to Chapter 20.10 WCC (Comprehensive Plan Amendments), that propose the expansion of an urban growth area boundary shall be required to transfer development rights from a designated TDR sending area.~~

~~(a) In order to obtain the requested urban growth area expansion, one development right shall be transferred for every five acres included into UGA. The county council may modify this requirement if a development agreement has been entered into that specifies the elements of development in the expanded UGA. The development agreement should include, but not be limited to, affordable housing, density, allowed uses, bulk and setback standards, open space, parks, landscaping, buffers, critical areas, transportation and circulation, streetscapes, design standards and mitigation measures.~~

~~(b) Exceptions from requiring TDRs: urban growth area expansion initiated by a government agency, correction of map errors, properties that are urban in character, or expansions where the public interest is served.~~

~~(c) Urban growth area expansions initiated by the county, cities or other agencies shall be subject to review by county and city planning staff, and the appropriate administrative bodies, to determine whether the subject site is appropriate for designation as a TDR receiving area.~~

~~(4)(2)~~ Cities. In cooperation with Whatcom County, cities may designate additional TDR receiving areas within their jurisdictional boundaries for the purposes of receiving transferred densities pursuant to this chapter. Under the above provisions, the designation of additional TDR receiving areas shall be based upon findings that the area/site is appropriate for higher residential densities, is not limited by significant critical areas, and neighboring areas would not be significantly adversely impacted. If such areas are determined to be appropriate for designation as TDR receiving areas/sites, prior to development, parcel owners shall be required to purchase TDRs to attain the maximum gross density requested under the proposed zoning. The purchase of TDRs shall not be required until such time that the requirements of WCC 20.89.060 have been met.

~~(5)(3)~~ Water Resource Protection Overlay District. Development rights may be transferred within the Water Resource Protection Overlay District for an increase in impervious surface pursuant to Chapter 20.71 WCC.

Chapter 20.97 Definitions

20. In 20.97, add a definition of "director."

20.97.099.4 Director.

"Director" means the Director of Planning and Development Services or his/her designee.

Chapter 22.05 Project Permit Procedures

21. In 22.05.010, add a section that says all definitions are found in 20.97, as there is no definitions section of Title 22.

22.05.010 Purpose and applicability.

(3) The meaning of words used in this chapter shall be as defined in WCC 20.97.

22. In 22.05.160(1):

- Clarify that an appeal application is only valid if it meets the listed requirements and that it must be filed with an application form developed by PDS.
- Clarify that appeal hearings before the Hearing Examiner are “open record public hearings.”
- Change “party of record” to “person with standing” for the reasons provided in Issue 22, above.

22.05.160 Appeals.

- (1) Any person with standing ~~party of record~~ may appeal any order, final permit decision, or final administrative determination made by the director or designee in the administration or enforcement of any chapter to the hearing examiner, who has the authority to hear and decide such appeals per WCC 2.11.210.
- (a) To be valid, aAn appeal shall be filed, on a form provided by the Department, with the Department within 14 calendar days of the issuance of a final permit decision and shall be accompanied by a fee as specified in the Unified Fee Schedule. The written appeal shall include:
- i. The action or decision being appealed and the date it was issued;
 - ii. Facts demonstrating that the person is adversely affected by the decision;
 - iii. A statement identifying each alleged error and the manner in which the decision fails to satisfy the applicable decision criteria;
 - iv. The specific relief requested; and
 - v. Any other information reasonably necessary to make a decision on the appeal.
- (b) The hearing examiner shall schedule an open record public hearing on the appeal to be held within 60 calendar days following the department’s receipt of the application for appeal unless otherwise agreed upon by the county and the appellant.
- (c) A party who fails to appeal within 14 calendar days is barred from appeal, per Chapter 2.11 WCC.
- (d) The business rules of the hearing examiner shall govern appeal procedures. ~~(4)~~The hearing examiner shall have the authority granted in the business rules, and that authority is incorporated herein by reference. See also WCC 2.11.220.
- (2) The applicant, any person with standing ~~party of record~~, or any county department may appeal any final decision of the hearing examiner to superior court or other body as specified by WCC 22.05.020. The appellant shall file a written notice of appeal within 21 calendar days of the final decision of the hearing examiner, as provided in RCW 36.70C.040.

23. Amend the definitions (20.97) of “electric vehicle charging station” and “electric vehicle rapid charging station” merging the two into one definition. We can merge the two definitions since the code doesn’t even address “electric vehicle charging stations,” and there isn’t much difference between the two other than how fast it can charge.

Additionally, wherever “electric vehicle rapid charging stations” are allowed as accessory uses, delete the word “rapid” and “accessory to conditionally approved service stations” (or the variants on that clause).

These rules were adopted when electric vehicles were relatively new and no one knew what charging stations would look like or how they would operate. Today, electric vehicle charging stations generally occupy a small number of parking spaces already existing in strip malls or other commercial centers, where people can stop and eat, shop, or run other errands while their car is charging, typically for 30-60 minutes. The equipment is relatively small, about the size of a traditional U.S. Postal drop box.





Chapter 20.97 Definitions

20.97.113 Electric vehicle charging station.

“Electric vehicle charging station” means a ~~private~~ parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (~~no more than 220 volts, by conductive or inductive means~~) to a battery or other energy storage device in an electric vehicle and that meets or exceeds any standards, codes, and regulations set forth by RCW Chapter 19.28 and consistent with rules adopted under RCW 19.27.540. ~~An electric vehicle charging station is allowed accessory to any principal use and meets or exceeds any standards, codes, and regulations set forth by Chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.~~

~~20.97.115 Electric vehicle rapid charging station.~~

~~“Electric vehicle rapid charging station” means a type of electric vehicle charging station that allows for a faster recharging of electric vehicle batteries through higher power levels (typically 480 volts) and that meets or exceeds any standards, codes, and regulations set forth by Chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.~~

Chapter 20.59 Rural General Commercial (RGC) District

20.59.100 Accessory uses.

~~.107 Electric vehicle rapid charging stations and battery exchange facilities, accessory to conditionally approved service stations.~~

Chapter 20.60 Neighborhood Commercial Center (NC) District

20.60.100 Accessory uses.

~~.105 Electric vehicle rapid charging stations and battery exchange facilities, accessory to conditionally approved service stations.~~

Chapter 20.61 Small Town Commercial (STC) District

20.61.100 Accessory uses.

.109 Electric vehicle ~~rapid~~-charging stations and battery exchange facilities, ~~accessory to automobile service stations.~~

Chapter 20.62 General Commercial (GC) District

20.62.100 Accessory uses.

.105 Electric vehicle ~~rapid~~-charging stations and battery exchange facilities, ~~accessory to automobile service stations.~~

Chapter 20.63 Tourist Commercial (TC) District

20.63.100 Accessory uses.

.105 Electric vehicle ~~rapid~~-charging stations and battery exchange facilities, ~~accessory to service stations.~~

Chapter 20.65 Gateway Industrial (GI) District

20.65.100 Accessory uses.

.108 Electric vehicle ~~rapid~~-charging stations and battery exchange facilities, ~~accessory to service stations.~~

Chapter 20.67 General Manufacturing (GM) District

20.67.100 Accessory uses.

.109 Electric vehicle ~~rapid~~-charging stations and battery exchange facilities, ~~accessory to gas stations.~~

Chapter 20.69 Rural Industrial and Manufacturing (RIM) District

20.69.100 Accessory uses.

.111 Electric vehicle ~~rapid~~-charging stations and battery exchange facilities, ~~accessory to conditionally approved service stations.~~

Chapter 20.70 Airport Operations (AO) District

20.70.100 Accessory uses.

.107 Electric vehicle ~~rapid~~-charging stations and battery exchange facilities, ~~accessory to gas stations.~~

24. The language of the “Drainage” sections varies between zones and should be standardized. Staff proposes to have them all say:

“All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.”

The clause “within Whatcom County” can be deleted because our code only applies in Whatcom County, and the clause “unless specifically exempted” can be deleted because such exemptions are listed in WCC 20.80.631, one of the referenced sections.

In addition, delete 20.22.655(1) (URM District). This is old code inserted at a time when we thought Whatcom County was going to adopt the City of Bellingham’s code to apply within its UGA. However, the City of Bellingham never provided the County with the code to adopt, and since then both Bellingham and Whatcom County have adopted the Department of Ecology Stormwater Manual; therefore, this section isn’t needed.

Chapter 20.20 Urban Residential (UR) District

20.20.656 Drainage.

All development activities ~~are y within Whatcom County shall be~~ subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635~~the Whatcom County Development Standards unless specifically exempted.~~

No project permit shall be issued prior to meeting ~~submittal requirements relating to stormwater management in the appropriate chapters of the Whatcom County Development Standards~~those requirements.

Chapter 20.22 Urban Residential – Medium Density (URM) District

20.22.655 Drainage.

~~(1) In the Bellingham Urban Growth Area, the City of Bellingham’s design and development standards and guidelines shall apply (see WCC 20.22.665).~~

~~(2) All development activities y within Whatcom County shall be~~ subject to the stormwater management provisions of the WCC 20.80.630 through 20.80.635~~Whatcom County Development Standards unless specifically exempted.~~

No project permit shall be issued prior to meeting ~~those requirements~~submittal requirements relating to stormwater management in the appropriate chapters of the Whatcom County Development Standards.

Chapter 20.24 Urban Residential Mixed (UR-MX) District

20.24.656 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

Chapter 20.32 Residential Rural (RR) District

20.32.656 Drainage.

All development activities ~~y within Whatcom County shall be~~ subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635~~unless specifically exempted.~~

No project permit shall be issued prior to meeting ~~submittal requirements relating to stormwater management in the appropriate chapters of the Whatcom County Code~~those requirements.

Chapter 20.34 Rural Residential-Island (RR-I) District

20.34.659 Drainage.

All development activities ~~are y within Whatcom County~~ shall be subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635 ~~unless specifically exempted~~.

No project permit shall be issued prior to meeting ~~those requirements~~submittal requirements relating to stormwater management in the appropriate chapters of the Whatcom County Code.

Chapter 20.35 Eliza Island (EI) District

20.35.654 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

Chapter 20.36 Rural (R) District

20.36.656 Drainage.

All development activities ~~are y within Whatcom County~~ shall be subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635 ~~unless specifically exempted~~.

No project permit shall be issued prior to meeting ~~those requirements~~submittal requirements relating to stormwater management in the appropriate chapters of the Whatcom County Code.

Chapter 20.37 Point Roberts Transitional Zone (TZ) District

20.37.655 Drainage.

All development activities ~~are y within Whatcom County~~ shall be subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635 ~~unless specifically exempted~~.

No project permit shall be issued prior to meeting ~~those requirements~~submittal requirements relating to stormwater management in the appropriate chapters of the Whatcom County Code.

Chapter 20.40 Agriculture (AG) District

20.40.652 Drainage.

All development activities ~~are y within Whatcom County~~ shall be subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635~~the Whatcom County Development Standards unless specifically exempted~~.

No project permit shall be issued prior to meeting ~~those requirements~~submittal requirements relating to stormwater management in the appropriate chapters of the Whatcom County Development Standards.

Chapter 20.42 Rural Forestry (RF) District

20.42.657 Drainage.

All development activities are y within Whatcom County shall be subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635 ~~the Whatcom County Development Standards unless specifically exempted.~~

No project permit shall be issued prior to meeting those requirements ~~submittal requirements relating to stormwater management in the appropriate chapters of the Whatcom County Development Standards.~~

Chapter 20.43 Commercial Forestry (CF) District

20.43.653 Drainage.

All development activities are y within Whatcom County shall be subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635 ~~the Whatcom County Development Standards unless specifically exempted.~~

No project permit shall be issued prior to meeting those requirements ~~submittal requirements relating to stormwater management in the appropriate chapters of the Whatcom County Development Standards.~~

Chapter 20.44 Recreation and Open Space (ROS) District

20.44.652 Drainage.

All development activities are y within Whatcom County shall be subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635 ~~unless specifically exempted.~~

No project permit shall be issued prior to meeting those requirements ~~submittal requirements relating to stormwater management in the appropriate chapters of the Whatcom County Code.~~

Chapter 20.59 Rural General Commercial (RGC) District

20.59.704 Drainage.

All development activities are y within Whatcom County shall be subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635 ~~unless specifically exempted.~~

No project permit shall be issued prior to meeting those requirements ~~submittal requirements relating to stormwater management in the appropriate chapters of the Whatcom County Code.~~

Chapter 20.60 Neighborhood Commercial Center (NC) District

20.60.655 Drainage.

All development activities are y within Whatcom County shall be subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635 ~~unless specifically exempted.~~

No project permit shall be issued prior to meeting those requirements ~~submittal requirements relating to stormwater management in the appropriate chapters of the Whatcom County Code.~~

Chapter 20.61 Small Town Commercial (STC) District

20.61.704 Drainage.

All development activities are y within Whatcom County shall be subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635 ~~unless specifically exempted.~~

No project permit shall be issued prior to meeting those requirements ~~submittal requirements relating to stormwater management in the appropriate chapters of the Whatcom County Code.~~

Chapter 20.62 General Commercial (GC) District

20.62.653 Drainage.

All development activities are y within Whatcom County shall be subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635 ~~the Whatcom County Development Standards unless specifically exempted.~~

No project permit shall be issued prior to meeting those requirements ~~submittal requirements relating to stormwater management in the appropriate chapters of the Whatcom County Development Standards.~~

Chapter 20.63 Tourist Commercial (TC) District

20.63.654 Drainage.

All development activities are y within Whatcom County shall be subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635 ~~unless specifically exempted.~~

No project permit shall be issued prior to meeting those requirements ~~submittal requirements relating to stormwater management in the appropriate chapters of the Whatcom County Code.~~

Chapter 20.64 Resort Commercial (RC) District

20.64.655 Drainage.

All development activities are y within Whatcom County shall be subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635 ~~unless specifically exempted.~~

No project permit shall be issued prior to meeting those requirements ~~submittal requirements relating to stormwater management in the appropriate chapters of the Whatcom County Code.~~

Chapter 20.65 Gateway Industrial (GI) District

20.65.659 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

Chapter 20.66 Light Impact Industrial (LII) District

20.66.653 Drainage.

All development activities are y within Whatcom County shall be subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635~~the Whatcom County Development Standards unless specifically exempted.~~

No project permit shall be issued prior to meeting those requirements~~submittal requirements relating to stormwater management in the appropriate chapters of the Whatcom County Development Standards.~~

Chapter 20.67 General Manufacturing (GM) District

20.67.653 Drainage.

All development activities are y within Whatcom County shall be subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635 ~~unless specifically exempted.~~

No project permit shall be issued prior to meeting those requirements~~submittal requirements relating to stormwater management in the appropriate chapters of the Whatcom County Code.~~

Chapter 20.68 Heavy Impact Industrial (HII) District

20.68.653 Drainage.

All development activities are y within Whatcom County shall be subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635~~the Whatcom County Development Standards unless specifically exempted.~~

No project permit shall be issued prior to meeting those requirements~~submittal requirements relating to stormwater management in the appropriate chapters of the Whatcom County Development Standards.~~

Chapter 20.69 Rural Industrial and Manufacturing (RIM) District

20.69.655 Drainage.

All development activities are y within Whatcom County shall be subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635 ~~unless specifically exempted.~~

No project permit shall be issued prior to meeting those requirements~~submittal requirements relating to stormwater management in the appropriate chapters of the Whatcom County Code.~~

Chapter 20.70 Airport Operations (AO) District

20.70.653 Drainage.

All development activities are y within Whatcom County shall be subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635~~the Whatcom County Development Standards unless specifically exempted.~~

No project permit shall be issued prior to meeting those requirements~~submittal requirements relating to stormwater management in the appropriate chapters of the Whatcom County Development Standards.~~

Chapter 20.72 Point Roberts Special District

20.72.658 Drainage.

All development activities ~~are y within Whatcom County~~ shall be subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635 ~~WCC 20.80.630, Stormwater and drainage, unless specifically exempted.~~ No project permit shall be issued prior to meeting those requirements ~~the stormwater management requirements.~~

Chapter 20.74 Cherry Point Industrial (CP) District

20.74.100 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

25. Allow park model trailers as a temporary ADU, similar to manufactured homes, travel trailers, and motorhomes.

20.97.292 Park model trailer.

“Park model trailer” means a trailer designed to provide seasonal or temporary living quarters which may be used with temporary connections to utilities necessary for operation of installed fixtures and appliances. It has a gross trailer area not exceeding 400 square feet or is approved by the state as a park model trailer.

Chapter 20.40 Agriculture (AG) District

20.40.130 Administrative approval uses.

.131 A temporary second dwelling unit of no more than 1,248 square feet in floor area, in the form of a manufactured home, a fully serviced travel trailer, park model trailer, or motor home, to provide:

Chapter 20.34 Rural Residential-Island (RR-I) District

20.34.130 Administrative approval uses.

.131 A temporary second dwelling unit of no more than 1,248 square feet in floor area, in the form of a manufactured home, a fully serviced travel trailer, park model trailer, or motor home, to provide:

Chapter 20.36 Rural (R) District

20.36.130 Administrative approval uses.

.131 A temporary second dwelling unit of no more than 1,248 square feet in floor area, in the form of a manufactured home, a fully serviced travel trailer, park model trailer, or motor home, to provide:

Chapter 20.32 Residential Rural (RR) District

20.32.130 Administrative approval uses.

.131 A temporary second dwelling unit of no more than 1,248 square feet in floor area, in the form of a manufactured home, a fully serviced travel trailer, park model trailer, or motor home, to provide:

Chapter 20.42 Rural Forestry (RF) District

20.42.130 Administrative approval uses.

.131 A temporary second dwelling unit of no more than 1,248 square feet in floor area, in the form of a manufactured home, a fully serviced travel trailer, park model trailer, or motor home, to provide:

Chapter 20.37 Point Roberts Transitional Zone (TZ) District

20.37.130 Administrative approval uses.

.131 A temporary second dwelling unit of no more than 1,248 square feet in floor area, in the form of a manufactured home, a fully serviced travel trailer, park model trailer, or motor home, to provide:

Chapter 20.24 Urban Residential Mixed (UR-MX) District

20.24.130 Administrative approval uses.

.131 A temporary second dwelling unit of no more than 1,248 square feet in floor area, in the form of a manufactured home, a fully serviced travel trailer, park model trailer, or motor home, to provide:

Chapter 20.20 Urban Residential (UR) District

20.20.130 Administrative approval uses.

.131 A temporary second dwelling unit of no more than 1,248 square feet in floor area, in the form of a manufactured home, a fully serviced travel trailer, park model trailer, or motor home, to provide:

Chapter 20.22 Urban Residential – Medium Density (URM) District

20.22.130 Administrative approval uses.

.131 A temporary second dwelling unit of no more than 1,248 square feet in floor area, in the form of a manufactured home, a fully serviced travel trailer, park model trailer, or motor home, to provide:

26. In the setback tables, delete the repetitious table notes. These “rules” are already found in WCC 20.80.250 (Special Setback Provisions by District) or other places. They have been copied here, often with slightly different language, which just confuses things and makes the setback table overly long. Staff proposes to reformat the setback table to that shown below, and reduce the notes to just references to the sections that might modify the setbacks (thus reducing repetitious, inconsistent language).

Staff also proposes to delete the header references to “principal arterials,” “neighborhood collectors,” and “commercial” and “industrial” arterials as Public Works doesn’t have these roadway classifications.

Chapter 20.80 Supplementary Requirements

20.80.210 Minimum setbacks.

(5) Setbacks.

(b) Setbacks Table.

Commercial Setbacks							
General Commercial (GC)							
Road Type						Other	
Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
30' ¹	30'	25'	25'	25'	20'	0'	10'
1. Setbacks for those parcels situated adjacent to Urban Residential, Rural Cluster Development and Rural Zone Districts shall be administered pursuant to WCC 20.62.550 (Buffer area).							
Rural General Commercial (RGC)							
Road Type						Other	
Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
30' ¹	30'	25'	25'	25'	20'	0'	10'
1. Setbacks for those parcels situated adjacent to Agriculture, Urban Residential, Rural Cluster Development, and Rural Zone Districts shall be administered pursuant to WCC 20.59.600 (Buffer area).							
2. Side and rear yard setbacks shall be 10 feet from vacant, adjacent, commercially zoned properties.							
Tourist Commercial (TC)							
Road Type						Other	

Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
30' [±]	30'	25'	25'	25'	20'	0'	10'
Water Resource Protection Overlay							
30'	30'	20'	20'	20'	20'	0'	5'
<ol style="list-style-type: none"> Setbacks for those parcels situated adjacent to Agriculture, Urban Residential, Urban Residential Medium Density, Residential Rural and Rural Zone Districts shall be administered pursuant to WCC 20.63.550 (Buffer area). Setback requirements for recreational vehicle parks shall be 30 feet for side and rear yards. Front yard setback requirements for service islands of service stations shall be 25 feet to the center line of the driveway of the closest service island. 							
Small Town Commercial (STC)							
Road Type						Other	
Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
30' [±]	30'	25'	25'	25'	20'	0'	10'
<ol style="list-style-type: none"> Commercial uses shall be allowed to reduce front yard setback to 10 feet and the side yard setback to zero feet where the site and landscape plans promote pedestrian access to the building. Side and rear yard setbacks shall be 10 feet from vacant, adjacent, commercially zoned properties. Setbacks for those parcels situated adjacent to Agriculture, Urban Residential, Urban Residential Medium Density, Residential Rural, and Rural Zone Districts shall be administered pursuant to WCC 20.61.600 (Buffer area). 							
Resort Commercial (RC)							
Road Type						Other	
Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
30'	30'	25'	25'	25'	20'	5'	5'
<ol style="list-style-type: none"> Setbacks for those parcels situated adjacent to Urban Residential, Residential Rural and Rural Zone Districts shall be administered pursuant to WCC 20.64.550 (Buffer area). Setback requirements for multifamily housing, including all condominiums except time share condominiums and mobile home parks, shall be 20 feet for side and rear yards. Setback requirements for recreational vehicle parks, and resort-oriented hotels and motels including time share condominiums, shall be 45 feet for front yard and 20 feet for side and rear yards. Setback requirements for non-resort-oriented hotels and motels and non-habitation commercial 							

development shall be zero feet for side yards and 10 feet for rear yards.

5. A 10-foot setback from the international border between Canada and the United States shall be maintained as an open space vista. The 10-foot setback area may be used for landscaping, agriculture, and natural vegetation. Structures may only be built within the 10-foot setback area after approval from the International Boundary Commission.

Neighborhood Commercial (NC)

Road Type						Other	
Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
25'	25'	25'	25'	25'	20'	0'	10'

Water Resource Protection Overlay

30'	30'	20'	20'	20'	20'	0'	10'
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1. Neighborhood Commercial District. Setbacks for those parcels situated adjacent to Agriculture, Urban Residential, Residential Rural and Rural Zone Districts shall be administered pursuant to WCC 20.60.550 (Buffer area).

¹When located adjacent to I-5 these setbacks may be reduced to 25' subject to the screening requirements under WCC 20.80.300.

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Industrial Setbacks

Heavy Impact Industrial (HII)

Road Type						Other	
Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
100'	100'	100'	100'	100'	30'	30'	30'

1. All setbacks shall be increased by one foot for each foot of building height, excluding tanks and similar structures, which exceeds 50 feet.
2. The building setbacks of WCC 20.80.210 shall not apply to utility or security structures such as poles, meters, fences, guard structures and the like, nor to structures relating to shipment on railroad rights-of-way; provided, that no traffic hazards are created. For nonindustrial buildings, the zoning administrator may reduce or eliminate side and rear yard setbacks from side and rear property lines that are adjoining an industrial district; provided, that all of the following provisions are met:
 - (i) Screening will be provided to protect adjacent uses from unsightliness or visual distraction;
 - (ii) A site plan has been submitted that shows that all structures and improvements, including roof overhangs, will not cross property boundaries, and a stormwater management plan has been provided that shows that runoff will be diverted to on-site drainage facilities;

<p>(iii) A reduction in setbacks will not reduce solar access on adjacent properties or if a setback reduction will result in reduced solar access, all parties having an ownership interest in the property adjacent to the side or rear yards to be reduced stipulate in writing, on forms provided by the zoning administrator, to the reductions. The zoning administrator may require a title report to establish the ownership interests in the adjacent property;</p> <p>(iv) Adjoining properties will be shielded from light sources;</p> <p>(v) The use and storage of toxic or hazardous materials or processes will not be located within what would otherwise be the setback area unless adequate facilities to contain accidental spills on site consistent with state regulations are provided;</p> <p>(vi) The reduced setbacks will not interfere with existing sewer, water and other easements; and</p> <p>(vii) Reduced setbacks will not result in the creation of a traffic hazard nor will the reduced setback create a circumstance that does not comply with WCC 20.80.210(3), Vision Clearance.</p> <p>3. Setbacks for parcels adjoining a nonindustrial district(s) shall be administered pursuant to WCC 20.68.550 (Buffer area) and Policy 1.05 of the Heavy Impact Industrial designation of the Cherry Point-Ferndale Subarea Plan.</p> <p>4. The setback requirements of the Heavy Industrial District shall apply to the storing and handling of hazardous materials; provided, that if federal and/or state regulations require different setbacks, the greater setback (county, federal or state) shall be used.</p> <p>5. The zoning administrator may reduce setbacks for nonindustrial buildings to those of Light Impact Industrial if the reduced setbacks would not interfere with existing sewer, water and other easements. A greater reduction in setback requires approval under section (4) of the Heavy Impact Industrial Zone's setback requirements.</p>							
Light Impact Industrial (LII)							
Road Type						Other	
Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
30'	30'	30'	30'	30'	20'	10'	10'

1. All setbacks shall be increased by one foot for each foot of building height, excluding tanks and similar structures, which exceeds 35 feet.
2. The building setbacks of WCC 20.80.210 shall not apply to utility or security structures such as poles, meters, fences, guard structures, and the like. In addition, the zoning administrator may reduce side and rear yard setbacks for other structures as provided by section (4) of the Light Impact Industrial Zone's setback requirements.
3. Setbacks for parcels adjoining a nonindustrial district(s) shall be administered pursuant to WCC 20.66.550 (Buffer area).
4. The zoning administrator may reduce or eliminate side and rear yard setbacks from side and rear property lines that are adjoining an industrial district; provided, that the administrator finds that all of the following provisions are met:
 - (i) Screening will be provided to protect adjacent uses from unsightliness or visual distraction;
 - (ii) A site plan has been submitted that shows that all structures and improvements, including roof overhangs, will not cross property boundaries, and a stormwater management plan has been provided that shows that runoff will be diverted to on-site drainage facilities;
 - (iii) A reduction in setbacks will not reduce solar access on adjacent properties or if a setback reduction will result in reduced solar access, all parties having an ownership interest in the property adjacent to the side or rear yards to be reduced stipulate in writing, on forms provided by the zoning administrator, to the reductions. The zoning administrator may require a title report to establish the ownership interests in the adjacent property;
 - (iv) Adjoining properties will be shielded from light sources;
 - (v) The use and storage of toxic or hazardous materials or processes will not be located within what would otherwise be the setback area unless adequate facilities to contain accidental spills on site consistent with state regulations are provided;
 - (vi) The reduced setbacks will not interfere with existing sewer, water and other easements; and
 - (vii) Reduced setbacks will not result in the creation of a traffic hazard nor will the reduced setback create a circumstance that does not comply with WCC 20.80.210(3), Vision Clearance.

General Manufacturing (GM)

Road Type						Other	
Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
30'	30'	30'	30'	30'	20'	10'	10'

1. All setbacks shall be increased by one foot for each foot of building height which exceeds 35 feet.
2. The building setbacks of WCC 20.80.210 shall not apply to utility or security structures such as poles, meters, fences, guard structures and the like.
3. Setbacks for parcels adjoining a nonindustrial district(s) shall be administered pursuant to WCC 20.67.550 (Buffer area).
4. The zoning administrator may reduce or eliminate side and rear yard setbacks from side and rear property lines that are adjoining an industrial district; provided, that the administrator finds that all of the following provisions are met:
 - a. Screening will be provided to protect adjacent uses from unsightliness or visual distraction;
 - b. A site plan has been submitted that shows that all structures and improvements, including roof overhangs, will not cross property boundaries, and a stormwater management plan has been provided that shows that runoff will be diverted to on-site drainage facilities;
 - c. A reduction in setbacks will not reduce solar access on adjacent properties or if a setback reduction will result in reduced solar access, all parties having an ownership interest in the property adjacent to the side or rear yards to be reduced stipulate in writing, on forms provided by the zoning administrator, to the reductions. The zoning administrator may require a title report to establish the ownership interests in the adjacent property;
 - d. Adjoining properties will be shielded from light sources;
 - e. The use and storage of toxic or hazardous materials or processes will not be located within what would otherwise be the setback area unless adequate facilities to contain accidental spills on site consistent with state regulations are provided;
 - f. The reduced setbacks will not interfere with existing sewer, water and other easements; and
 - g. Reduced setbacks will not result in the creation of a traffic hazard nor will the reduced setback create a circumstance that does not comply with WCC 20.80.210(3), Vision Clearance.
5. The zoning administrator may reduce setbacks for nonindustrial buildings to those of Light Impact Industrial if the reduced setbacks would not interfere with existing sewer, water and other easements. A greater reduction in setback requires approval under section (4) of the General Manufacturing Zone's setback requirements.

Gateway Industrial (GI)

Road Type						Other	
Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
25'	25'	25'	25'	25'	25'	10'	10'

1. Maximum building height shall not exceed 35 feet; except, that an additional foot in height is allowed for each one foot increase in setback in the yard adjoining the interstate highway up to 45 feet in Map 3 of the Urban Fringe Subarea. Height of structures, where applicable, shall also conform to the general requirements of WCC 20.80.675.

Airport Operations (AO)

Road Type						Other	
Commercial, Industrial, I-5, State	Collector Arterials or	Minor Collectors	Local Access	Neighborhood Collector	Minor Access	Side Yard	Rear Yard

Hwys, Principal & Minor Arterials	Major Collectors		Streets		Streets		
30'	30'	30'	30'	30'	20'	10'	10'

- ~~1. Setbacks for parcels adjoining a nonindustrial district shall be administered pursuant to WCC 20.70.550 (Buffer area).~~
- ~~2. The zoning administrator may reduce or eliminate side and rear yard setbacks from side and rear property lines that are adjoining an industrial district; provided, that the administrator finds that all of the following provisions are met:~~
 - ~~(i) Screening will be provided to protect adjacent uses from unsightliness or visual distraction;~~
 - ~~(ii) A site plan has been submitted that shows that all structures and improvements, including roof overhangs, will not cross property boundaries, and a stormwater management plan has been provided that shows that runoff will be diverted to on-site drainage facilities;~~
 - ~~(iii) A reduction in setbacks will not reduce solar access on adjacent properties or if a setback reduction will result in reduced solar access, all parties having an ownership interest in the property adjacent to the side or rear yards to be reduced stipulate in writing, on forms provided by the zoning administrator, to the reductions. The zoning administrator may require a title report to establish the ownership interests in the adjacent property;~~
 - ~~(iv) Adjoining properties will be shielded from light sources;~~
 - ~~(v) The use and storage of toxic or hazardous materials or processes will not be located within what would otherwise be the setback area unless adequate facilities to contain accidental spills on site consistent with state regulations are provided;~~
 - ~~(vi) The reduced setbacks will not interfere with existing sewer, water and other easements; and~~
 - ~~(vii) Reduced setbacks will not result in the creation of a traffic hazard nor will the reduced setback create a circumstance that does not comply with WCC 20.80.210(3), Vision Clearance.~~

Rural Industrial – Manufacturing (RIM)

Road Type						Other	
Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
30'	30'	30'	30'	30'	20'	10'	10'

- ~~1. Setbacks for parcels adjoining a nonindustrial district(s) shall be administered pursuant to WCC 20.69.550 (Buffer area).~~

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Resource Lands Setbacks

Agricultural (AG)

Road Type						Other	
Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard

50'	50'	50'	50'	50'	50'	20'	20'
<p>1. The 50-foot front yard setback requirement for new buildings or additions may be waived if the zoning administrator finds the new building or addition is located along the same building line(s) of existing structures and will result in no additional encroachment and the public interest, safety and health are protected; provided, that for a new building the applicant shall also demonstrate that the proposed location is necessary for the economic viability and the continued operation of the agricultural use.</p> <p>2. The minimum separation between new residences not located on the same property and farm uses such as barns, pens, milking sheds, or areas used to contain, house or feed animals or store manure or feed shall be 300 feet. New farm uses such as barns, pens, milking sheds, or areas used to contain, house or feed animals or store manure or feed shall be situated at least 150 feet from existing residences not located on the same property. Expansion of existing facilities within the 150-foot buffer, providing such expansion is not closer to a neighbor's residence, and pastures are excluded from this section's requirements.</p> <p>3. Parcels of less than five nominal acres shall have the following minimum setbacks:</p> <ul style="list-style-type: none"> • <i>Front yards:</i> <ul style="list-style-type: none"> — Primary arterials and secondary arterials: 45 feet. — Collector arterials: 35 feet. — Neighborhood collectors, local access streets: 25 feet. — Minor access streets: 20 feet. <p>Minimum front yard requirements can be reduced by the zoning administrator for boundary line adjustments or farmstead parcels established through WCC 20.40.253 and 20.40.254 if the proposed placement of the structures will result in a better fit with critical areas or prime soils and goes through the approval process in Chapter 21.03 WCC. In no case shall front yard depth be less than 20 feet.</p> • <i>Side yards:</i> minimum side yard setbacks shall be five feet. For boundary line adjustments or farmstead parcels established through WCC 20.40.253 and 20.40.254, the exterior side yard and exterior rear yard requirements of habitable structures shall be 30 feet. • <i>Rear yards:</i> minimum rear yard setbacks shall be five feet. <p>4. A marijuana production or processing facility shall not be located within 1,000 feet of a community center. The distance shall be measured as the shortest straight line distance from the property line of the proposed building/business location to the property line of the community center. The zoning administrator may waive this spacing requirement from community centers if the authorized representatives of all existing community centers within 1,000 feet provide a notarized written agreement as provided by the department consenting to the facility and the waiver is approved through an administrative approval process per WCC 20.84.235.</p> <p>5. A marijuana production or processing facility shall not be located within 300 feet of any existing residential unit not located on the same parcel as the facility. The distance shall be measured as the shortest straight line distance from the closest point of a single-family dwelling (structure) to any structure or fence used for the production or processing of marijuana. The zoning administrator may waive this spacing requirement from residential units if the owners of all existing residential units within 300 feet provide a notarized written agreement as provided by the department consenting to the facility, and the waiver is approved through an administrative approval process per WCC 20.84.235.</p> <p>6. A 10-foot setback from the international border between Canada and the United States shall be maintained as an open space vista. The 10-foot setback area may be used for landscaping, agriculture, and natural vegetation. Structures may only be built within the 10-foot setback area after approval</p>							

from the International Boundary Commission.

Commercial Forestry (CF)

Road Type						Other	
Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
45'	35'	25'	25'	25'	20'	100'	100'

Water Resource Protection Overlay

30'	30'	20'	20'	20'	20'	100'	100'
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1. ~~Parcels utilized solely for community centers shall observe the following minimum setback requirements: front yard: 50 feet; side yard: 25 feet; rear yard: 25 feet.~~

Rural Forestry (RF)

Road Type						Other	
Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
45'	35'	25'	25'	25'	20'	20'	20'

Water Resource Protection Overlay

30'	30'	20'	20'	20'	20'	20'	20'
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1. ~~Setbacks shall be increased to 100 feet for those parcels in the Rural Forestry Zone situated adjacent to the Commercial Forestry Zone, except that such parcels whose owners have filed an agreement with the county auditor as specified in WCC 20.42.651 shall be subject to the standard setback of the Rural Forestry Zone. Forest industry buildings, stationary equipment or storage areas excluding scaling stations and watchman's stations shall not be located within 100 feet of any other zone district.~~
2. ~~Parcels utilized solely for community centers shall observe the following minimum setback requirements: front yard: 50 feet; side yard: 25 feet; rear yard: 25 feet.~~
3. ~~When a permitted residence (WCC 20.42.056) adjoins an existing parcel of 20 acres or more in size or a parcel that is being cultivated for commercial forestry production, a minimum building setback of 100 feet shall be established from the common property line.~~
4. ~~Lummi Island scenic estates setbacks shall be administered under the Rural Residential Island setback standards.~~
5. ~~A 10 foot setback from the international border between Canada and the United States shall be maintained as an open space vista. The 10 foot setback area may be used for landscaping, agriculture, and natural vegetation. Structures may only be built within the 10 foot setback area after approval from the International Boundary Commission.~~
6. ~~A marijuana production or processing facility shall not be located within 1,000 feet of a community center. The distance shall be measured as the shortest straight line distance from the property line of the proposed building/business location to the property line of the community center. The zoning~~

administrator may waive this spacing requirement from community centers if the authorized representatives of all existing community centers within 1,000 feet provide a notarized written agreement as provided by the department consenting to the facility and the waiver is approved through an administrative approval process per WCC 20.84.235.

7. A marijuana production or processing facility shall not be located within 300 feet of any existing residential unit not located on the same parcel as the facility. The distance shall be measured as the shortest straight line distance from the closest point of a single-family dwelling (structure) to any structure or fence used for the production or processing of marijuana. The zoning administrator may waive this spacing requirement from residential units if the owners of all existing residential units within 300 feet provide a notarized written agreement as provided by the department consenting to the facility, and the waiver is approved through an administrative approval process per WCC 20.84.235.

Rural Residential Setbacks

Residential Rural (RR)							
Road Type						Other	
Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
45'	35'	25'	25'	25'	20'	5' ^{1/2}	5'
Water Resource Protection Overlay							
30'	30'	20'	20'	20'	20'	5'	5'
<p>1. Setbacks shall be increased to 100 feet for those parcels situated adjacent to the Forestry Zone District, except that such parcels whose owners have filed an agreement with the county auditor as specified in WCC 20.32.651 shall be subject to the standard setback in WCC 20.80.210.</p> <p>2. A 10-foot setback from the international border between Canada and the United States shall be maintained as an open-space vista. The 10-foot setback area may be used for landscaping, agriculture, and natural vegetation. Structures may only be built within the 10-foot setback area after approval from the International Boundary Commission.</p>							
Rural Residential Island (RR-I)							
Road Type						Other	
Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
-	-	25'	25'	25'	20'	5'	5'
<p>1. Residential Rural Island District. Setbacks shall be increased to 100 feet for those parcels situated adjacent to the Forestry Zone Districts, except that such parcels whose owners have filed an agreement with the county auditor as specified in WCC 20.42.651 shall be subject to the standard</p>							

setback in WCC 20.80.210.

Point Roberts Transitional Zone (TZ)

Road Type						Other	
Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
45'	35'	25'	25'	25'	20'	5'	5'

No additional standards.

¹Zero lot line side yard setbacks may be approved by the zoning administrator for single family attached dwelling units along the common property line where the dwellings share a common wall.

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Rural Zoning Setbacks

Rural (R)

Road Type						Other	
Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
45'	45'	35'	25'	25'	20'	5'	5'

Water Resource Protection Overlay

30'	30'	20'	20'	20'	20'	5'	5'
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1. Setbacks shall be increased to 100 feet for those parcels situated adjacent to the Commercial Forestry Zone District, except that such parcels whose owners have filed an agreement with the county auditor as specified in WCC 20.36.651 shall be subject to the standard setback in WCC 20.80.210.
2. Lots created after 2001 through the cluster provisions, or lots created through the APO provisions which will be used for human habitation, shall be set back a minimum of 100 feet from the property line of any parcel or portion thereof which is designated or used for agricultural purposes. No structures shall be constructed within 30 feet of exterior, side and rear property lines, and no structure shall be constructed within 30 feet of an agricultural use. Subject to any further requirements within Chapter 20.38 WCC, Agriculture Protection Overlay.
3. A 10-foot setback from the international border between Canada and the United States shall be maintained as an open-space vista. The 10-foot setback area may be used for landscaping, agriculture, and natural vegetation. Structures may only be built within the 10-foot setback area after approval from the International Boundary Commission.
4. A marijuana production or processing facility shall not be located within 1,000 feet of a community center. The distance shall be measured as the shortest straight line distance from the property line of the proposed building/business location to the property line of the community center. The zoning administrator may waive this spacing requirement from community centers if the authorized representatives of all existing community centers within 1,000 feet provide a notarized written agreement as provided by the department consenting to the facility.
5. A marijuana production or processing facility shall not be located within 300 feet of any existing residential unit not located on the same parcel as the facility. The distance shall be measured as the shortest straight line distance from the closest point of a single-family dwelling (structure) to any structure or fence used for the production or processing of marijuana. The zoning administrator may waive this spacing requirement from residential units if the owners of all existing residential units within 300 feet provide a notarized written agreement as provided by the department consenting to the facility, and the waiver is approved through an administrative approval process per WCC 20.84.235.

Urban Residential Setbacks

Urban Residential Mixed Use (UR-MX)							
Road Type						Other	
Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
45'	35'	25'	10'	10'	10'	5'	5'
Water Resource Protection Overlay							
30'	30'	20'	20'	20'	20'	5'	5'
1. No specific setback requirements shall apply to a planned concept submitted for technical committee review. This provision could be used, for example, to allow zero-lot-line development.							

Urban Residential Medium (URM)							
Road Type						Other	
Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
45'	35'	25'	25'	25'	20'	5'	5'
Water Resource Protection Overlay							
30'	30'	20'	20'	20'	20'	5'	5'
1. Setback requirements for mobile home parks shall be 20 feet from the perimeter of the park for side and rear yards and shall be screened from neighboring uses in accordance with WCC 20.80.345.							
Urban Residential (UR)							
Road Type						Other	
Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
45'	35'	25'	25'	25'	20'	5' ¹	5'
Water Resource Protection Overlay							
30'	30'	20'	20'	20'	20'	5'	5'
<p>1. Setbacks shall be increased to 100 feet for those parcels situated adjacent to the Forestry Zone District, except that such parcels which are less than 20,000 square feet in a subdivision approved prior to January 1, 1987, and whose owners have filed an agreement with the county auditor as specified in WCC 20.20.651, shall be subject to the standard setback in WCC 20.80.210.</p> <p>2. A 10 foot setback from the international border between Canada and the United States shall be maintained as an open space vista. The 10 foot setback area may be used for landscaping, agriculture, and natural vegetation. Structures may only be built within the 10 foot setback area after approval from the International Boundary Commission.</p>							
¹ Zero lot line side yard setbacks may be approved by the zoning administrator for single-family attached dwelling units along the common property line where the dwellings share a common wall.							
-							

Other Zoning Setbacks

Recreation Open Space (ROS)							
Road Type						Other	
Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
100'	100'	50'	50'	50'	50'	50'	50'
<ol style="list-style-type: none"> 1. Parcels utilized solely for community centers shall observe the following minimum setback requirements: front yard: 50 feet; side yard: 25 feet; rear yard: 25 feet. 2. Shoreline setbacks shall be administered consistent with the Shoreline Management Program of Whatcom County; provided, that a 25-foot setback is maintained from the ordinary high water mark of all water bodies and a 50-foot setback is maintained from the ordinary high water mark of fish spawn streams. 3. A 10-foot setback from the international border between Canada and the United States shall be maintained as an open-space vista. The 10-foot setback area may be used for landscaping, agriculture, and natural vegetation. Structures may only be built within the 10-foot setback area after approval from the International Boundary Commission. 							
Water Resource Protection Overlay (WRPO)							
Road Type						Other	
Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
30'	30'	20'	20'	20'	20'	See underlying zoning ⁴	See underlying zoning ⁴
1. No additional standards.							
⁴ Refer to additional provisions of WCC 20.64.250 or 20.65.400.							

Zoning District	Setback (in feet) from:						
	Right-of-Way Classification						Other
	I-5, State Hwys, Urban Principal, & Urban Minor Arterials	Urban Collector Arterials & Rural Major Collectors	Minor Collectors	Local Access Streets	Minor Access Streets	Side Yard	Rear Yard
Residential Setbacks							
Rural Residential (RR)	45	35	25	25	20	5	5
- If in a WRPO ¹ or LWWO ²	30	30	20	20	20	5	5
Note: Depending on circumstances, some RR setbacks may differ pursuant to WCC 20.80.210(5)(a)(iv) and 20.80.251(2).							
Rural Residential-Island (RR-I)	=	=	25	25	20	5	5
Note: Depending on circumstances, some RR-I setbacks may differ pursuant to WCC 20.80.251(4).							
Point Roberts Transitional Zone (TZ)	45	35	25	25	20	5	5
Urban Residential Mixed Use (UR-MX)	45	35	25	10	10	5	5
- If in a WRPO ¹ or LWWO ²	30	30	20	20	20	5	5
Urban Residential Medium (URM)	45	35	25	25	20	5	5
- If in a WRPO ¹ or LWWO ²	30	30	20	20	20	5	5
Note: Depending on circumstances, some URM setbacks may differ pursuant to WCC 20.80.251(3).							
Urban Residential (UR)	45	35	25	25	20	5	5
- If in a WRPO ¹ or LWWO ²	30	30	20	20	20	5	5
Note: Depending on circumstances, some UR setbacks may differ pursuant to WCC 20.80.251(1).							
Rural Setbacks							
Rural (R)	45	45	35	25	20	5	5
- If in a WRPO ¹ or LWWO ²	30	30	20	20	20	5	5
Note: Depending on circumstances, some R setbacks may differ pursuant to WCC 20.38.060(7), 20.80.210(5)(a)(iv), and 20.80.252.							
Commercial Setbacks							
General Commercial (GC)	30	30	25	25	20	0	10
Note: Depending on circumstances, some GC setbacks may differ pursuant to WCC 20.62.550.							
Rural General Commercial (RGC)	30	30	25	25	20	0	10
Note: Depending on circumstances, some RGC setbacks may differ pursuant to WCC 20.59.600.							
Tourist Commercial (TC)	30	30	25	25	20	0	10
Note: Depending on circumstances, some TC setbacks may differ pursuant to WCC 20.63.550 and 20.80.253(3).							
Small Town Commercial (STC)	30	30	25	25	20	0	10
Note: Depending on circumstances, some STC setbacks may differ pursuant to WCC 20.59.600, 20.61.400(1), and 20.61.600.							
Resort Commercial (RC)	30	30	25	25	20	5	5
Note: Depending on circumstances, some RC setbacks may differ pursuant to WCC 20.64.350, 20.64.550, and 20.80.253(4).							
Neighborhood Commercial	25	25	25	25	20	0	10

Zoning District	Setback (in feet) from:							
	Right-of-Way Classification				Other			
	I-5, State Hwys, Urban Principal, & Urban Minor Arterials	Urban Collector Arterials & Rural Major Collectors	Minor Collectors	Local Access Streets	Minor Access Streets	Side Yard	Rear Yard	
(NC)								
- If in a WRPO ¹ or LWWO ²	30	30	20	20	20	0	10	
Note: Depending on circumstances, some NC setbacks may differ pursuant to WCC 20.80.253 and 20.60.550.								
Industrial Setbacks								
Heavy Impact Industrial (HII)	100	100	100	100	30	30	30	
Note: Depending on circumstances, some HII setbacks may differ pursuant to WCC 20.68.552 and 20.80.254(3).								
Light Impact Industrial (LII)	30	30	30	30	20	10	10	
Note: Depending on circumstances, some LII setbacks may differ pursuant to WCC 20.80.254(1).								
General Manufacturing (GM)	30	30	30	30	20	10	10	
Note: Depending on circumstances, some GM setbacks may differ pursuant to WCC 20.80.254(2).								
Gateway Industrial (GI)	25	25	25	25	25	10	10	
Note: Depending on circumstances, some GI setbacks may differ pursuant to WCC 20.65.400.								
Airport Operations (AO)	30	30	30	30	20	10	10	
Note: Depending on circumstances, some AO setbacks may differ pursuant to WCC 20.70.550 and 20.80.254(4).								
Rural Industrial – Manufacturing (RIM)	30	30	30	30	20	10	10	
Note: Depending on circumstances, some RIM setbacks may differ pursuant to WCC 20.69.350 and 20.69.550.								
Resource Lands Setbacks								
Agricultural (AG)								
- parcels ≥ 5 acres	50	50	50	50	50	20	20	
- parcels < 5 acres	45	35	25	25	20	5	5	
Note: Depending on circumstances, some AG setbacks may differ pursuant to WCC 20.38.060(7) and 20.80.255								
Rural Forestry (RF)	45	35	25	25	20	20	20	
- If in a WRPO ¹ or LWWO ²	30	30	20	20	20	20	20	
Note: Depending on circumstances, some RF setbacks may differ pursuant to WCC 20.80.210(5)(a)(iv) and 20.80.256.								
Commercial Forestry (CF)	45	35	25	25	20	100	100	
- If in a WRPO ¹ or LWWO ²	30	30	20	20	20	100	100	
Note: Depending on circumstances, some CF setbacks may differ pursuant to WCC 20.80.256(2).								
Other Setbacks								
Recreation Open Space (ROS)	100	100	50	50	50	50	50	
Note: Depending on circumstances, some ROS setbacks may differ pursuant to WCC 20.80.257.								

¹ Water Resources Protection Overlay district

² Lake Whatcom Watershed Overlay district

27. In 20.80.254:

- Delete the reference to the Cherry Point/Ferndale Subarea Plan in subsection (3)(c), as it is docketed for repeal. The intent of this policy is already included within the regulation of 20.68.552.
- Fix the faulty cross-reference in subsection (3)(b).
- Delete the last sentence of (3)(e), as it makes no sense (refers to a process in (3)(d), but there is no process in that section).

20.80.250 Special setback provisions by district.

20.80.254 Industrial districts.

(3) Heavy Impact Industrial District.

- (a) All setbacks shall be increased by one foot for each foot of building height, (excluding tanks and similar structures), ~~which that~~ exceeds 50 feet in height.
 - (b) The building setbacks of WCC 20.80.210 shall not apply to utility or security structures such as poles, meters, fences, guard structures and the like, nor to structures relating to shipment on railroad rights-of-way; provided, that no traffic hazards are created. For nonindustrial buildings, the provisions of subsection (23)(e) of this section shall apply.
 - (c) Setbacks for parcels adjoining a nonindustrial district(s) shall be administered pursuant to WCC 20.68.550 (Buffer Area) ~~and Policy 1.05 of the Heavy Impact Industrial designation of the Cherry Point-Ferndale Subarea Plan.~~
 - (d) The setback requirements of the Heavy Impact Industrial District shall apply to the storing and handling of hazardous materials; provided, that if federal and/or state regulations require different setbacks, the greater setback (county, federal, or state) shall be used.
 - (e) The zoning administrator may reduce setbacks for nonindustrial buildings to those of Light Impact Industrial if the reduced setbacks would not interfere with existing sewer, water and other easements. ~~A greater reduction in setback requires approval under subsection (3)(d) of this section.~~
-

Chapter 20. 25 Land Use and Development Fees

28. The current refund code language is oriented towards short-term permit time periods rather than the lengthier docketing of Comprehensive Plan or code amendments. Docket items can take a year or more (sometimes several years) to process due to PDS workloads, state mandates, Council priorities, and/or work program resource limitations. However, the existing refund deadlines of 14 or 90 days precludes an applicant from receiving a refund after those deadlines even if work has not yet commenced on the project. This proposed amendment would allow for partial to full application fee refunds for docketed items depending upon the amount of review and work undertaken by PDS.

22.25.040 Refund of application fees.

Refunds of application fees for project permits and for amendments to the Whatcom County comprehensive plan, development regulations and official maps shall be computed based on the following, unless otherwise indicated in the Whatcom County Code. All refund requests shall be submitted in writing to the department of planning and development services director. The date of application for a refund request shall be the date the written refund request is received by the department. For the purpose of computing elapsed calendar days, the day after the date of application or deadline date as appropriate shall be counted as day one.

(1) Fees for Project Permits.

- (a) Applications withdrawn on or before the fourteenth calendar day after the date of application shall be eligible for a refund of 90 percent of all application fees including any SEPA fees.
- (b) Applications withdrawn after the period set forth in subsection (1)(a) of this section but on or before the ninetieth calendar day after the date of application shall be eligible for a refund of 50 percent of all application fees except for any SEPA fees which shall not be eligible for a refund.
- (c) Applications withdrawn after the ninetieth calendar day after the date of application shall not be eligible for a refund.
- (d) Notwithstanding the above, no fees shall be refunded for any permit or approval that has been issued or granted by the county.
- (e) The director may authorize a full refund of any project permit application fee paid in error.

(2) Fees for Amendments to the Whatcom County Comprehensive Plan, Development Regulations, and Official Maps.

(a) The docketing fee shall be non-refundable.

(b) The amendment application fee may be refunded, if the application is withdrawn, as follows:

(i) If the application has been docketed, but review of the application has not commenced, 100% of the application fee may be refunded.

(ii) If the application has been docketed and review of the application has commenced, but the staff report has not been issued, 75% of the application fee may be refunded.

(iii) If the application has been docketed and a staff report has been issued, but a Planning Commission hearing has not been held, 50% of the application fee may be refunded.

(iv) If the application has been docketed and the Planning Commission has held a public hearing, then the application fee may not be refunded.

(c) The SEPA checklist fee may be refunded if the application is withdrawn and SEPA review has not commenced.

~~(a)~~(d) The legal notice fee may be refunded if the application is withdrawn and legal notice has not been published.

~~(a) Applications for amendments that are withdrawn on or before the fourteenth calendar day after the deadline for submitting the fee shall be eligible for a refund of 90 percent of all application fees including SEPA fees. If there is no deadline for submitting the fee, the 90 percent refund shall be given if the application is withdrawn on or before the fourteenth calendar day after the fee was submitted.~~

~~(b) Applications for amendments that are withdrawn after the period set forth in subsection (2)(a) of this section but on or before the ninetieth calendar day after the deadline for submitting the fee shall be eligible for a refund of 50 percent of all application fees except for SEPA fees which shall not be eligible for a refund. If there is no deadline for submitting the fee, the 50 percent refund shall be given if the application is withdrawn on or before the ninetieth calendar day after the fee was submitted.~~

~~(c) Applications for amendments that are withdrawn after the 90 calendar days shall not be eligible for a refund. (3) Withdrawal of an application shall constitute full surrender of any express or implied rights inherent in an application which has been perfected and accepted by the planning and development services department or its designees.~~

Code Scrub 2018

Exhibit A: Proposed Amendments

(Note: Yellow highlight indicates Planning Commission amendments.)

Chapter 20.38 Agriculture Protection Overlay

1. Clarify 20.38.060(7), as the language is confusing. The intent is to have greater setbacks for cluster subdivisions when adjacent to agricultural land so as to minimize nuisance complaints.

20.38.060 Development and use standards.

- (7) Any inhabitable structure within the cluster subdivision shall be set back a minimum of 100 feet, and any accessory or other non-inhabitable structures shall be set back at least 30 feet, from the property line of any parcel that is an APO reserve tract or designated or taxed for agricultural purposes.

Chapter 20.40 Agriculture (AG) District

2. Revise 20.40.254(5)(a) & (b) to correspond to the minimum parcel sizes listed in Table 20.40.251. Pursuant to the table, one has to maintain a minimum lot size of "X acres," but the text inconsistently says "greater than X acres."

20.40.250 Division or modification of parcels.

.254 Separation of the Farmstead Parcel Criteria.

...

- (5) Division or Boundary Line Adjustment for Agricultural Purposes Only. Lots smaller than the minimum lot size of WCC 20.40.251 may be created through land division or rearranged through a boundary line adjustment provided the following:
 - (a) The parent parcel does not contain an existing residence, or said existing residence will remain on a parcel 40 acres or larger in size; and
 - (b) The parcel created is 10 acres or larger or is appended to another parcel; and

...

3. Add maximum density language to Chapter 20.40 similar to other zones. All other zoning chapters specify what the maximum density for that zone is. Though a maximum density of a dwelling unit/acre is implied by the 40 ac minimum parcel size, it's not explicitly stated.

20.40.550 Maximum Density.

The maximum density in the Agricultural District shall be 1 dwelling unit per 40 acres.

Chapter 20.97 Definitions

4. Currently there are four definitions of hazard trees in various sections of the code. Staff had proposed to replace the definition of "Hazard Tree" with one recommended by our Prosecuting Attorney and delete the others so that they are all consistent.

The Planning Commission, though, found that definition was wanting in terms of grammar and clarity and amended it to try to fix it (see below).

However, upon further reflection, staff still found it ambiguous, especially in conjunction with the amendments proposed in Issue 5, below. Staff now proposes a new definition..

20.97.171.2 and 16.16.900 Hazard Tree

Original staff proposal: "Hazard Tree" means a tree which poses an imminent failure, poses a likelihood of striking the target, and has a significant consequence of tree failure as determined through a tree risk evaluation form provided by Whatcom. A tree which constitutes an airport hazard is considered a hazard tree." "Imminent" in this case means failure has started or is most likely to occur in the near future, even if there is not significant wind or increased load. This is a rare occurrence to encounter, and it may require immediate action to protect people from harm.

Planning Commission rewrite: "Hazard Tree" means a tree that poses an imminent failure and poses a likelihood of causing damage to persons or property, has a significant consequence of tree failure (as determined through a tree risk assessment form provided by Whatcom County). A tree that constitutes an airport hazard is considered a hazard tree." "Imminent" in this case means failure has started or is most likely to occur in the near future, even if there is no significant wind or increased load.

Final staff proposal: "Hazard Tree" means a tree whose risk evaluation, as determined through a Whatcom County approved tree risk assessment method, is high. Risk evaluation is the combined measurement of: tree failure identification, probability of failure, potential damage to permanent physical improvements to property causing personal injury, and consequences. A tree that constitutes an airport hazard is considered a hazard tree. A hazard tree whose failure is imminent and consequences of damage to permanent physical improvements to property causing personal injury is significant is considered an emergency. "Imminent" in this instance means failure has started or is most likely to occur in the near future, even if there is no significant wind or increased load. Imminent may be determined by a qualified consultant (defined in WCC 16.16.900) or when mutually agreed upon by a land owner and Whatcom County.

5. Amend the hazard tree exemption in 20.51.430(1)(a) and 20.71.354(1)(a). Though they both say the removal of hazard trees is exempt from obtaining a tree removal permit, they also say you have to meet the requirements of (5), which require obtaining a tree removal permit.

Staff had originally proposed, and the Planning Commission recommended approval of (with a few amendments for clarity's sake), the first versions in the following sections. However, upon further reflection, staff still found it ambiguous, especially in conjunction with the amendments proposed in Issue 4, above. Staff now proposed additional amendments, show in the second versions in the following sections.

Chapter 20.51 Lake Whatcom Watershed Overlay District

Original staff proposal, as amended and approved by the Planning Commission:

20.51.430 Tree removal not associated with development activity.

- (1) Permit Required for Removal of Trees. No person, directly or indirectly, shall remove any significant tree(s) on any property within the Lake Whatcom watershed, or any tree(s) in the public right-of-way, without first obtaining a tree removal permit as provided in this section, unless the activity is exempted below:

- (a) When Whatcom County has approved an ISA Basic Tree Risk Assessment Form, removal of any hazard trees or as necessary to remedy an immediate threat to person or property, pursuant to the requirements in subsection (5) of this section;
- (b) Pruning and maintenance of trees of up to 25 percent of the foliage.

...

- (5) Hazard Tree Removal. Any property owner seeking to remove any number of significant trees that are a hazard shall first obtain approval of an ISA Basic Tree Risk Assessment Form or a tree removal permit and meet the requirements of this subsection.

- (a) Tree Risk **Assessment**. When the hazard is obvious, submit only the ISA Basic Tree Risk Assessment Form.
- (b) Tree Risk Assessment. If the hazard condition is not obvious, a tree risk assessment prepared by a qualified professional explaining how the tree(s) meet the definition of a hazard tree is required.
- (c) Trees in Critical Areas or Critical Area Buffers. For hazard trees in critical areas or their buffers, tree removal shall be in accordance with the requirements of Chapter 16.16 WCC.

Final staff proposal:

20.51.430 Tree removal not associated with development activity.

- (1) Permit Required for Removal of Trees. No person, directly or indirectly, shall remove any significant tree(s) on any property within the Lake Whatcom watershed, or any tree(s) in the public right-of-way, without first obtaining a tree removal permit as provided in this section, unless the activity is exempted below; provided the tree is not located within the shoreline jurisdiction or within a critical area or a critical area buffer:

- (a) Removal of any hazard trees considered an emergency within the definition of hazard tree in WCC 20.97. Within 30 days after the emergency is abated the land owner shall submit photo documentation with a form provided by Whatcom County.
- (b) Pruning and maintenance of trees of up to 25 percent of the foliage.

...

- (5) Removal of Hazard Trees. Any property owner seeking to remove any number of significant trees not considered an emergency pursuant to subsection (1) must submit a tree risk assessment using an approved Whatcom County method prepared by a qualified professional; provided, that removal of hazard trees in critical areas or their buffers shall be in accordance with the requirements of Chapter 16.16 WCC.

Chapter 20.71 Water Resource Protection Overlay District

Original staff proposal, as amended by the Planning Commission:

20.71.354 Tree removal not associated with development activity.

- (1) Permit Required for Removal of Trees. No person, directly or indirectly, shall remove any significant tree(s) on any property within the Lake Padden and Lake Samish watersheds, or any tree(s) in the public right-of-way, without first obtaining a tree removal permit as provided in this section, unless the activity is exempted below:
 - (a) When Whatcom County has approved an ISA Basic Tree Risk Assessment Form, removal of any hazard tree(s) as necessary to remedy an imminent threat to person or property, pursuant to the requirements in subsection (5) of this section;
 - (b) Pruning and maintenance of trees of up to 25 percent of the foliage.fdsdf

...

- (5) Hazard Tree Removal. Any property owner seeking to remove any number of significant trees that are a hazard shall first obtain approval of an ISA Basic Tree Risk Assessment Form or a tree removal permit and meet the requirements of this subsection.
 - (a) Tree Risk Assessment. When the hazard is obvious, submit only the ISA Basic Tree Risk Assessment Form.
 - (b) Tree Risk Assessment. If the hazard condition is not obvious, a tree risk assessment prepared by a qualified professional explaining how the tree(s) meet the definition of a hazard tree is required. Trees in Critical Areas or Critical Area Buffers. For hazard trees in critical areas or their buffers, tree removal shall be in accordance with the requirements of Chapter 16.16 WCC.
 - (c) Trees in Critical Areas or Critical Area Buffers. For hazard trees in critical areas or their buffers, tree removal shall be in accordance with the requirements of Chapter 16.16 WCC.

Final staff proposal:

20.71.354 Tree removal not associated with development activity.

- (1) Permit Required for Removal of Trees. No person, directly or indirectly, shall remove any significant tree(s) on any property within the Lake Padden and Lake Samish watersheds, or any tree(s) in the

public right-of-way, without first obtaining a tree removal permit as provided in this section, unless the activity is exempted below; provided the tree is not located within the shoreline jurisdiction or within a critical area or a critical area buffer:

(a) Removal of any hazard trees considered an emergency within the definition of hazard tree in WCC 20.97. Within 30 days after the emergency is abated the land owner shall submit photo documentation with a form provided by Whatcom County.

(b) Pruning and maintenance of trees of up to 25 percent of the foliage.

...

(5) Removal of Hazard Trees. Any property owner seeking to remove any number of significant trees not considered an emergency pursuant to subsection (1) above must submit a tree risk assessment using an approved Whatcom County method prepared by a qualified professional; provided that removal of hazard trees in critical areas or their buffers shall be in accordance with the requirements of Chapter 16.16 WCC.

Chapter 20.62 General Commercial (GC) District

6. Amend the heading of 20.62.300, as the text describes a maximum, not a minimum, density.

20.62.300 Maximum density.

.301 Hotels and motels shall not exceed a floor area ratio of .60.

Chapter 20.66 Light Impact Industrial (LII) District

7. Amend 20.66.550 to remove the increased setback from "principal arterials." Whatcom County doesn't have a "principal arterial" classification.

20.66.550 Buffer area.

.551 When a parcel situated within this district adjoins an Urban Residential, Urban Residential Medium Density, Urban Residential-Mixed, Rural, or Residential Rural District, setbacks shall be increased to 50 feet. A minimum of 25 feet shall be landscaped consistent with the requirements of WCC 20.80.345.

8. In 20.68.552(5), delete the reference to the Cherry Point/Ferndale Subarea Plan, as it is slated for repeal. The intent of this policy is already included within the regulation of .552.

"Policy 1.05: To attain compatibility with surrounding nonindustrial land use designations and to minimize heavy industrial off-site impacts, it is the policy of Whatcom County to require industrial users to provide a buffer which is located within the designated HEAVY IMPACT INDUSTRIAL area and which adjoins said nonindustrial land use designations.

As a means of protecting the existing and planned residential uses in the Point Whitehorn area from detrimental environmental and visual impacts generated from the Heavy Impact Industrial area, a 660-foot buffer strip shall be established. Said buffer shall be situated adjacent to and south of Grandview Road between Jackson Road and Koehn Road; adjacent to and east of Koehn Road between Grandview Road and Brown Road; and adjacent to the east of the eastern property line of tax lots 2.27 and 2.28 between Brown Road and the shoreline. This buffer strip may be utilized for security or protective uses, parking, or the open space requirements of the Heavy Impact Industrial zone district. Land within the buffer strip which is not required for the above uses and is currently covered with natural vegetative species shall not be cleared, logged or altered in any manner which would reduce the natural screening characteristics of said buffer."

Chapter 20.68 Heavy Impact Industrial (HII) District

20.68.550 Buffer area.

.552 To implement the buffer requirements of this district, minimum setbacks for heavy industrial buildings and accessory structures shall be established consistent with the following options:

- (1) If a planting screen is not provided by the industrial user and no natural vegetative screening exists, the minimum setback(s) shall be 660 feet, as measured from the edge of the district boundary. The setback area may be used for security roads, parking, or open space.
- (2) If natural sight-obscuring and dense vegetation exists, the minimum setback(s) shall be 250 feet, as measured from the district boundary; provided, that a minimum width of 50 feet of natural vegetation is retained. The remainder of the setback(s) may be used for security roads, parking, or open space.
- (3) If a 50-foot buffer planting screen is established, pursuant to WCC 20.80.345, the minimum setback(s) shall conform to the setback requirements of WCC 20.80.200, as measured from the district boundary. In addition, security roads may be situated within the minimum buffer setback; provided, that the 50-foot-wide buffer planting is established.
- (4) When a parcel situated within this district is located within the Bellingham Urban Growth Area and adjoins an Urban Residential District or residential district within the city limits, setbacks for heavy industrial buildings and/or uses shall be increased to 100 feet and landscaped in accordance with the requirements of WCC 20.80.345.
- (5) In no case shall the setback from the northern and western boundaries of the Cherry Point Heavy Industrial area not contiguous to another industrial zone be less than 660 feet, nor the natural vegetation removed except for parking and security or protective.

Chapter 20.80 Supplementary Requirements

9. In 20.80.220(1)(a), clarify the “use of setback areas” language and add “uncovered decks” and “utilities,” as these are typically allowed in a front yard setback.

In 20.80.220(1)(a)(i)(A), updated the name of the adopted fire code.

In 20.80.220(1)(c), clarify that higher appurtenances (up to 6 feet) are allowed in rural areas. We distinguish that these are allowed in rural areas, but not urban areas, since in urban areas lots are smaller and typically built as suburban neighborhoods where 6-foot fences and hedges in front yards lead to isolation of neighbors, lessen safety (both sight distance and policing), break up the streetscape, and generally diminish “community.”

Additionally in 20.80.220(1)(c), delete the vision clearance requirements, as this is just a repeat of what’s found in WCC 20.80.210(3).

20.80.220 Use of setback areas

All setback measurements are minimum requirements. All front yard and rear yard setback areas shall be open from side-to-side of the lot except as otherwise provided by the following:

(1) Front Yards.

- (a) Appurtenances, including but not limited to: uncovered patios and decks less than 30 inches in height; driveways and walkways; pools and other recreation equipment; utilities, septic systems, and propane tanks with fuel capacities up to 500 gallons; and fences, walls, and vegetative hedges up to four feet in height may be placed in this front yard setback area subject to the limitations of WCC 20.80.210(3) (Vision Clearance); and provided, that:

- (i) The location of propane tanks with fuel capacities up to 500 gallons is restricted to the rear 50 percent of front yard setbacks. All such propane tanks shall be:

- (A) Inspected and approved by the Whatcom County fire marshal for compliance with the most currently adopted International Fire Code and, when required by the Fire Marshal, isolated from other uses by a noncombustible wall or fence; and
(B) Screening by a fence or with shrub vegetation planted to a minimum height of six inches above the top surface of the propane tank is encouraged.

...

- (c) Outside of Urban Growth Areas fences, walls, and vegetative hedges up to a maximum of six feet in height may be located within the front yard setback area subject to the limitations of WCC 20.80.210(3) (Vision Clearance).

- (3) Side yards must be kept open; provided, that uncovered patios and decks less than 30 inches in height; driveways, walkways, and parking areas; pools and other recreational equipment; and fences, walls, and vegetative hedges up to seven feet in height may be placed in the side yard.

10. In 20.83.050, clarify that nonconforming structures, while they can be rebuilt, must be rebuilt on one's own property and cannot cross onto someone else's property (even if it's been there awhile).

20.83.050 Damage or destruction – Rebuilding permitted.

If a nonconforming use or structure is damaged or destroyed by any means, that use or structure may be permitted to be rebuilt to the same square footage of damaged or destroyed structure(s), for the same use and location on the site; except, no portions of said rebuilt structure may extend onto property not belonging to the owner.

11. Amend 20.80.230(2) so that reduced front yard setbacks can be applied wherever necessary to protect critical areas, not just shorelines.

20.80.230 Measurement of setbacks.

(4) Reduction of setbacks. In situations where a property is so encumbered by shoreline setbacks, critical areas, and/or their buffers that a typical structure for that zone cannot be built due to dimensional requirements, the Zoning Administrator or Hearing Examiner, whichever is the decision maker on the permit, may reduce the standard front yard setback to 20 feet.

12. Delete 20.80.545. The limitations of the first sentence are already covered by WCC 20.80.350 (Parking Areas). The second sentence requires that a driveway be at least 30 feet long (20' for the parking spot, plus the 10' setback), which is greater than the typical front yard setback (20-25'). Driveways on typical suburban development are 20 feet long. The existing language basically makes it illegal to park in a typical driveway.

13. In 20.80.650, update the name of agency responsible for establishing minimum permissible emission levels (it was renamed many years ago).

20.80.650 Air quality.

No development, including traffic generated directly by it, should generate air pollution exceeding the minimum permissible emission levels established by the Northwest Clean Air Agency (NWCAA) or the Environmental Protection Agency.

14. Delete WCC 20.80.670, as it is covered in the Shoreline Management Program (WCC 23.100.090). This is already covered by WCC 16.16.720.

Chapter 20.85 Planned Unit Developments (PUD)

15. Amend 20.85.101 to reference the correct building and fire codes.

20.85.100 Design and development standards.

20.85.101 Conformance.

All uses and development shall conform to all relevant requirements and standards of:

(2) The International Building and Fire Codes;

16. Add a new section 20.85.119 to Chapter 20.85. WCC 16.16.260(E) already has this allowance, but this insertion will help point readers to it.

20.85.119 Critical Areas – Alternative Mitigation Plans.

The Hearing Examiner may recommend and the County Council may approve alternative mitigation plans for planned unit developments in accordance with WCC 16.16.261, which may be used to satisfy the requirements of WCC Chapter 16.16 and relief from the specific standards and requirements thereof.

Chapter 20.88 Major Project Permits

17. Amend 20.88.275. If someone applies for a Planned Unit Development, we do not make them obtain a Master Project Permit. The same should be true of applying for a developer's agreement, as they, too, go before the Council.

20.88.200 Procedure

.275 Major project permits: Where an applicant has applied for a planned unit development or a development agreement, that project shall be exempt from the requirement to obtain a major project permit.

18. In 20.97, amend the definition of “party of record” and add a definition of “standing.” In other sections of the code, amend so that one must be a person with “standing” in order to file an appeal.

According to the Prosecuting Attorney, our current definition of “Party of Record” is a broad, somewhat confusing status for people who are in the record or contribute to the record. This status should only mean that you get notice of hearings. This does not mean that you automatically have standing. A person could be a Party of Record and have standing, but they don’t have standing just because they are a party of record. “Standing” should be the operative term that allows people to appeal. The proposed definition of “standing” is that found in RCW 36.70C.060 (Judicial Review of Land Use Decisions)

Chapter 20.97 Definitions

20.97.293 Party of record.

“Party of record” means any of the following:

1. The applicant and any appellant;
2. The property owner as identified by Whatcom County Assessor’s records;
3. Any person, County department, and/or public agency who individually submitted written comments or testified at the open record hearing on the merits of the case (excluding persons who have only signed petitions or mechanically produced form letters); and;
4. Any person, County department, and/or public agency who specifically request notice of decision by entering their name and mailing address on a register provided for such purpose at the open record hearing.

A party of record does not include a person who has only signed a petition or mechanically produced form letters. A party of record to an application/appeal shall remain such through subsequent county proceedings involving the same application/appeal. The county may cease mailing material to any party of record whose mail is returned by the postal service as undeliverable.

A Party of Record does not have standing unless they meet the standing criteria. Persons who do not qualify as a party of record may still receive notice of a decision or recommendation by submitting their names and addresses to the Hearing Examiner with a request for such notice.

20.97.293 Standing.

“Standing” is the status required for a person, agency, or other entity to bring an action before the Hearing Examiner. A person has standing per RCW 36.70C.060 if they are:

1. The applicant and the owner of property to which the land use decision is directed;
2. Another person, County department, and/or public agency aggrieved or adversely affected by the land use decision, or who would be aggrieved or adversely affected by a reversal or modification of the land use decision. A person is aggrieved or adversely affected within the meaning of this section only when all of the following conditions are present:
 - (a) The land use decision has prejudiced or is likely to prejudice that person;
 - (b) That person's asserted interests are among those that the local jurisdiction was required to consider when it made the land use decision;

- (c) A judgment in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the land use decision; and
- (d) The petitioner has exhausted his or her administrative remedies to the extent required by law.

Chapter 21.02 Variances, Appeals and Amendments

21.02.030 Appeals.

- (1) Any person with standing may appeal any order, final permit decision, final administrative determination including pre-approval or preliminary approval in the administration or enforcement of this title. The hearing examiner shall have the authority to hear and decide appeals pursuant to WCC 22.05.160.

Chapter 22.05 Project Permit Procedures

22.05.110 Final decisions.

- (1) The director or designee's final decision on all Type I or II applications shall be in the form of a written determination or permit. The determination or permit may be granted subject to conditions, modifications, or restrictions that are necessary to comply with all applicable codes.
- (2) The hearing examiner's final decision on all Type III applications per WCC 22.05.020 or appeals per WCC 22.05.160(1) shall either grant or deny the application or appeal.
 - (a) The hearing examiner may grant Type III applications subject to conditions, modifications or restrictions that the hearing examiner finds are necessary to make the application compatible with its environment, carry out the objectives and goals of the comprehensive plan, statutes, ordinances and regulations as well as other official policies and objectives of Whatcom County.
 - (b) Performance bonds or other security, acceptable to the prosecuting attorney, may be required to ensure compliance with the conditions, modifications and restrictions.
 - (c) The hearing examiner shall render a final decision within 14 calendar days following the conclusion of all testimony and hearings. Each final decision of the hearing examiner shall be in writing and shall include findings and conclusions based on the record to support the decision.
 - (d) No final decision of the hearing examiner shall be subject to administrative or quasi-judicial review, except as provided herein.
 - (e) The applicant, any person with standing, or any county department may appeal any final decision of the hearing examiner to superior court, except as otherwise specified in WCC 22.05.020.

Chapter 22.20 Land Use and Development Code Interpretation Procedures

22.20.060 Appeals.

Any person with standing may file an appeal of a formal code interpretation. The appeal shall follow all rules and procedures for appeals to the Hearing Examiner as set forth in WCC 22.05.160.

Chapter 20.89 Density Transfer Procedure

19. Delete 20.86.051(2) and (3), which require Transfer of Development Rights (TDRs) for certain rezones and UGA expansions. Similar provisions in WCC 2.160.080 and WCC 20.90.064 were repealed when Title 22 was adopted in June 2018 (Ordinance 2018-032). Additionally, the Whatcom County TDR/PDR Multi-Stakeholder Work Group Final Report (October 3, 2018) states:

"A Civil Deputy from the County Prosecuting Attorney's Office stated that, in his opinion, the County cannot require TDRs for UGA expansions or rezones under RCW 82.02.020.

The TDR/PDR Work Group recommends that the County consider deleting WCC 20.89.051(2) and (3), which state that certain rezone requests and UGA expansions are required to transfer development rights from designated TDR sending areas" (pp. 55, see also pp. 50 and 51).

Therefore, deleting these code provisions should be considered.

20.89.050 Receiving areas.

.051 Designation of Receiving Areas. In addition to those areas which qualify as receiving areas according to the official Whatcom County zoning map, the county council may approve additional areas as receiving areas.

- (1) Designated Receiving Areas. Such additional areas may be approved through the process established for amendments to the official Whatcom County zoning map and pursuant to the procedures and requirements in Chapter 22.10 WCC, Amendments.
- (2) Cities. In cooperation with Whatcom County, cities may designate additional TDR receiving areas within their jurisdictional boundaries for the purposes of receiving transferred densities pursuant to this chapter. Under the above provisions, the designation of additional TDR receiving areas shall be based upon findings that the area/site is appropriate for higher residential densities, is not limited by significant critical areas, and neighboring areas would not be significantly adversely impacted. If such areas are determined to be appropriate for designation as TDR receiving areas/sites, prior to development, parcel owners shall be required to purchase TDRs to attain the maximum gross density requested under the proposed zoning. The purchase of TDRs shall not be required until such time that the requirements of WCC 20.89.060 have been met.
- (3) Water Resource Protection Overlay District. Development rights may be transferred within the Water Resource Protection Overlay District for an increase in impervious surface pursuant to Chapter 20.71 WCC.

Chapter 20.97 Definitions

20. In 20.97, add a definition of "director."

20.97.099.4 Director.

"Director" means the Director of Planning and Development Services or his/her designee.

Chapter 22.05 Project Permit Procedures

21. In 22.05.010, add a section that says all definitions are found in 20.97, as there is no definitions section of Title 22.

22.05.010 Purpose and applicability.

(3) The meaning of words used in this chapter shall be as defined in WCC 20.97.

22. In 22.05.160(1):

- Clarify that an appeal application is only valid if it meets the listed requirements and that it must be filed with an application form developed by PDS.
- Clarify that appeal hearings before the Hearing Examiner are “open record public hearings.”
- Change “party of record” to “person with standing” for the reasons provided in Issue 18, above.

22.05.160 Appeals.

- (1) Any person with standing may appeal any order, final permit decision, or final administrative determination made by the director or designee in the administration or enforcement of any chapter to the hearing examiner, who has the authority to hear and decide such appeals per WCC 2.11.210.
- (a) To be valid, an appeal shall be filed, on a form provided by the Department, with the Department within 14 calendar days of the issuance of a final permit decision and shall be accompanied by a fee as specified in the Unified Fee Schedule. The written appeal shall include:
- i. The action or decision being appealed and the date it was issued;
 - ii. Facts demonstrating that the person is adversely affected by the decision;
 - iii. A statement identifying each alleged error and the manner in which the decision fails to satisfy the applicable decision criteria;
 - iv. The specific relief requested; and
 - v. Any other information reasonably necessary to make a decision on the appeal.
- (b) The hearing examiner shall schedule an open record public hearing on the appeal to be held within 60 calendar days following the department’s receipt of the application for appeal unless otherwise agreed upon by the county and the appellant.
- (c) A party who fails to appeal within 14 calendar days is barred from appeal, per Chapter 2.11 WCC.
- (d) The business rules of the hearing examiner shall govern appeal procedures. The hearing examiner shall have the authority granted in the business rules, and that authority is incorporated herein by reference. See also WCC 2.11.220.
- (2) The applicant, any person with standing, or any county department may appeal any final decision of the hearing examiner to superior court or other body as specified by WCC 22.05.020. The appellant shall file a written notice of appeal within 21 calendar days of the final decision of the hearing examiner, as provided in RCW 36.70C.040.

23. Amend the definitions (20.97) of “electric vehicle charging station” and “electric vehicle rapid charging station” merging the two into one definition. We can merge the two definitions since the code doesn’t even address “electric vehicle charging stations,” and there isn’t much difference between the two other than how fast it can charge.

Additionally, wherever “electric vehicle rapid charging stations” are allowed as accessory uses, delete the word “rapid” and “accessory to conditionally approved service stations” (or the variants on that clause).

These rules were adopted when electric vehicles were relatively new and no one knew what charging stations would look like or how they would operate. Today, electric vehicle charging stations generally occupy a small number of parking spaces already existing in strip malls or other commercial centers, where people can stop and eat, shop, or run other errands while their car is changing, typically for 30-60 minutes. The equipment is relatively small, about the size of a traditional U.S. Postal drop box.





Chapter 20.97 Definitions

20.97.113 Electric vehicle charging station.

“Electric vehicle charging station” means a parking space that is served by battery charging equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle and that meets or exceeds any standards, codes, and regulations set forth by RCW Chapter 19.28 and consistent with rules adopted under RCW 19.27.540.

Chapter 20.59 Rural General Commercial (RGC) District

20.59.100 Accessory uses.

.107 Electric vehicle charging stations and battery exchange facilities.

Chapter 20.60 Neighborhood Commercial Center (NC) District

20.60.100 Accessory uses.

.105 Electric vehicle charging stations and battery exchange facilities.

Chapter 20.61 Small Town Commercial (STC) District

20.61.100 Accessory uses.

.109 Electric vehicle charging stations and battery exchange facilities.

Chapter 20.62 General Commercial (GC) District

20.62.100 Accessory uses.

.105 Electric vehicle charging stations and battery exchange facilities.

Chapter 20.63 Tourist Commercial (TC) District

20.63.100 Accessory uses.

.105 Electric vehicle charging stations and battery exchange facilities.

Chapter 20.65 Gateway Industrial (GI) District

20.65.100 Accessory uses.

.108 Electric vehicle charging stations and battery exchange facilities.

Chapter 20.67 General Manufacturing (GM) District

20.67.100 Accessory uses.

.109 Electric vehicle charging stations and battery exchange facilities.

Chapter 20.69 Rural Industrial and Manufacturing (RIM) District

20.69.100 Accessory uses.

.111 Electric vehicle charging stations and battery exchange facilities.

Chapter 20.70 Airport Operations (AO) District

20.70.100 Accessory uses.

.107 Electric vehicle charging stations and battery exchange facilities.

24. The language of the “Drainage” sections varies between zones and should be standardized. Staff proposes to have them all say:

“All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.”

The clause “within Whatcom County” can be deleted because our code only applies in Whatcom County, and the clause “unless specifically exempted” can be deleted because such exemptions are listed in WCC 20.80.631, one of the referenced sections.

In addition, delete 20.22.655(1) (URM District). This is old code inserted at a time when we thought Whatcom County was going to adopt the City of Bellingham’s code to apply within its UGA. However, the City of Bellingham never provided the County with the code to adopt, and since then both Bellingham and Whatcom County have adopted the Department of Ecology Stormwater Manual; therefore, this section isn’t needed.

Chapter 20.20 Urban Residential (UR) District

20.20.656 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

Chapter 20.22 Urban Residential – Medium Density (URM) District

20.22.655 Drainage.

All development activities are subject to the stormwater management provisions of the WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

Chapter 20.24 Urban Residential Mixed (UR-MX) District

20.24.656 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

Chapter 20.32 Residential Rural (RR) District

20.32.656 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

Chapter 20.34 Rural Residential-Island (RR-I) District

20.34.659 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

Chapter 20.35 Eliza Island (EI) District

20.35.654 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

Chapter 20.36 Rural (R) District

20.36.656 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

Chapter 20.37 Point Roberts Transitional Zone (TZ) District

20.37.655 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

Chapter 20.40 Agriculture (AG) District

20.40.652 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

Chapter 20.42 Rural Forestry (RF) District

20.42.657 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

Chapter 20.43 Commercial Forestry (CF) District

20.43.653 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

Chapter 20.44 Recreation and Open Space (ROS) District

20.44.652 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

Chapter 20.59 Rural General Commercial (RGC) District

20.59.704 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

Chapter 20.60 Neighborhood Commercial Center (NC) District

20.60.655 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

Chapter 20.61 Small Town Commercial (STC) District

20.61.704 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

Chapter 20.62 General Commercial (GC) District

20.62.653 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

Chapter 20.63 Tourist Commercial (TC) District

20.63.654 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

Chapter 20.64 Resort Commercial (RC) District

20.64.655 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

Chapter 20.65 Gateway Industrial (GI) District

20.65.659 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

Chapter 20.66 Light Impact Industrial (LII) District

20.66.653 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

Chapter 20.67 General Manufacturing (GM) District

20.67.653 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

Chapter 20.68 Heavy Impact Industrial (HII) District

20.68.653 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

Chapter 20.69 Rural Industrial and Manufacturing (RIM) District

20.69.655 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

Chapter 20.70 Airport Operations (AO) District

20.70.653 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

Chapter 20.72 Point Roberts Special District

20.72.658 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

Chapter 20.74 Cherry Point Industrial (CP) District

20.74.100 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

25. Allow park model trailers as a temporary ADU, similar to manufactured homes, travel trailers, and motorhomes.

20.97.292 Park model trailer.

"Park model trailer" means a trailer designed to provide seasonal or temporary living quarters which may be used with temporary connections to utilities necessary for operation of installed fixtures and appliances. It has a gross trailer area not exceeding 400 square feet or is approved by the state as a park model trailer.

Chapter 20.40 Agriculture (AG) District

20.40.130 Administrative approval uses.

.131 A temporary second dwelling unit of no more than 1,248 square feet in floor area, in the form of a manufactured home, a fully serviced travel trailer, park model trailer, or motor home, to provide:

Chapter 20.34 Rural Residential-Island (RR-I) District

20.34.130 Administrative approval uses.

.131 A temporary second dwelling unit of no more than 1,248 square feet in floor area, in the form of a manufactured home, a fully serviced travel trailer, park model trailer, or motor home, to provide:

Chapter 20.36 Rural (R) District

20.36.130 Administrative approval uses.

.131 A temporary second dwelling unit of no more than 1,248 square feet in floor area, in the form of a manufactured home, a fully serviced travel trailer, park model trailer, or motor home, to provide:

Chapter 20.32 Residential Rural (RR) District

20.32.130 Administrative approval uses.

.131 A temporary second dwelling unit of no more than 1,248 square feet in floor area, in the form of a manufactured home, a fully serviced travel trailer, park model trailer, or motor home, to provide:

Chapter 20.42 Rural Forestry (RF) District

20.42.130 Administrative approval uses.

.131 A temporary second dwelling unit of no more than 1,248 square feet in floor area, in the form of a manufactured home, a fully serviced travel trailer, park model trailer, or motor home, to provide:

Chapter 20.37 Point Roberts Transitional Zone (TZ) District

20.37.130 Administrative approval uses.

.131 A temporary second dwelling unit of no more than 1,248 square feet in floor area, in the form of a manufactured home, a fully serviced travel trailer, park model trailer, or motor home, to provide:

Chapter 20.24 Urban Residential Mixed (UR-MX) District

20.24.130 Administrative approval uses.

.131 A temporary second dwelling unit of no more than 1,248 square feet in floor area, in the form of a manufactured home, a fully serviced travel trailer, park model trailer, or motor home, to provide:

Chapter 20.20 Urban Residential (UR) District

20.20.130 Administrative approval uses.

.131 A temporary second dwelling unit of no more than 1,248 square feet in floor area, in the form of a manufactured home, a fully serviced travel trailer, park model trailer, or motor home, to provide:

Chapter 20.22 Urban Residential – Medium Density (URM) District

20.22.130 Administrative approval uses.

.131 A temporary second dwelling unit of no more than 1,248 square feet in floor area, in the form of a manufactured home, a fully serviced travel trailer, park model trailer, or motor home, to provide:

26. In the setback tables, delete the repetitious table notes. These “rules” are already found in WCC 20.80.250 (Special Setback Provisions by District) or other places. They have been copied here, often with slightly different language, which just confuses things and makes the setback table overly long.

Staff proposes to reformat the setback table to that shown below, and reduce the notes to just references to the sections that might modify the setbacks (thus reducing repetitious, inconsistent language).

Staff also proposes to delete the header references to "principal arterials," "neighborhood collectors," and "commercial" and "industrial" arterials as Public Works doesn't have these roadway classifications.

Chapter 20.80 Supplementary Requirements

20.80.210 Minimum setbacks.

(5) Setbacks.

(b) Setbacks Table.

Zoning District	Setback (in feet) from:						
	Right-of-Way Classification						Other
	I-5, State Hwys, Urban Principal, & Urban Minor Arterials	Urban Collector Arterials & Rural Major Collectors	Minor Collectors	Local Access Streets	Minor Access Streets	Side Yard	Rear Yard
Residential Setbacks							
Rural Residential (RR)	45	35	25	25	20	5	5
- If in a WRPO ¹ or LWWO ²	30	30	20	20	20	5	5
Note: Depending on circumstances, some RR setbacks may differ pursuant to WCC 20.80.210(5)(a)(iv) and 20.80.251(2).							
Rural Residential-Island (RR-I)	-	-	25	25	20	5	5
Note: Depending on circumstances, some RR-I setbacks may differ pursuant to WCC 20.80.251(4).							
Point Roberts Transitional Zone (TZ)	45	35	25	25	20	5	5
Urban Residential Mixed Use (UR-MX)	45	35	25	10	10	5	5
- If in a WRPO ¹ or LWWO ²	30	30	20	20	20	5	5
Urban Residential Medium (URM)	45	35	25	25	20	5	5
- If in a WRPO ¹ or LWWO ²	30	30	20	20	20	5	5
Note: Depending on circumstances, some URM setbacks may differ pursuant to WCC 20.80.251(3).							
Urban Residential (UR)	45	35	25	25	20	5 ¹	5
- If in a WRPO ¹ or LWWO ²	30	30	20	20	20	5	5
Note: Depending on circumstances, some UR setbacks may differ pursuant to WCC 20.80.251(1).							
Rural Setbacks							
Rural (R)	45	45	35	25	20	5	5
- If in a WRPO ¹ or LWWO ²	30	30	20	20	20	5	5
Note: Depending on circumstances, some R setbacks may differ pursuant to WCC 20.38.060(7), 20.80.210(5)(a)(iv), and 20.80.252.							
Commercial Setbacks							
General Commercial (GC)	30	30	25	25	20	0	10
Note: Depending on circumstances, some GC setbacks may differ pursuant to WCC 20.62.550.							
Rural General Commercial (RGC)	30	30	25	25	20	0	10
Note: Depending on circumstances, some RGC setbacks may differ pursuant to WCC 20.59.600.							
Tourist Commercial (TC)	30	30	25	25	20	0	10
Note: Depending on circumstances, some TC setbacks may differ pursuant to WCC 20.63.550 and 20.80.253(3).							
Small Town Commercial (STC)	30	30	25	25	20	0	10
Note: Depending on circumstances, some STC setbacks may differ pursuant to WCC 20.59.600, 20.61.400(1), and 20.61.600.							
Resort Commercial (RC)	30	30	25	25	20	5	5
Note: Depending on circumstances, some RC setbacks may differ pursuant to WCC 20.64.350, 20.64.550, and 20.80.253(4).							
Neighborhood Commercial	25	25	25	25	20	0	10

Zoning District	Setback (in feet) from:						
	Right-of-Way Classification						Other
	I-5, State Hwys, Urban Principal, & Urban Minor Arterials	Urban Collector Arterials & Rural Major Collectors	Minor Collectors	Local Access Streets	Minor Access Streets	Side Yard	Rear Yard
(NC)							
- If in a WRPO ¹ or LWWO ²	30	30	20	20	20	0	10
Note: Depending on circumstances, some NC setbacks may differ pursuant to WCC 20.80.253 and 20.60.550.							
Industrial Setbacks							
Heavy Impact Industrial (HII)	100	100	100	100	30	30	30
Note: Depending on circumstances, some HII setbacks may differ pursuant to WCC 20.68.552 and 20.80.254(3).							
Light Impact Industrial (LII)	30	30	30	30	20	10	10
Note: Depending on circumstances, some LII setbacks may differ pursuant to WCC 20.80.254(1).							
General Manufacturing (GM)	30	30	30	30	20	10	10
Note: Depending on circumstances, some GM setbacks may differ pursuant to WCC 20.80.254(2).							
Gateway Industrial (GI)	25	25	25	25	25	10	10
Note: Depending on circumstances, some GI setbacks may differ pursuant to WCC 20.65.400.							
Airport Operations (AO)	30	30	30	30	20	10	10
Note: Depending on circumstances, some AO setbacks may differ pursuant to WCC 20.70.550 and 20.80.254(4).							
Rural Industrial – Manufacturing (RIM)	30	30	30	30	20	10	10
Note: Depending on circumstances, some RIM setbacks may differ pursuant to WCC 20.69.350 and 20.69.550.							
Resource Lands Setbacks							
Agricultural (AG)							
- parcels ≥ 5 acres	50	50	50	50	50	20	20
- parcels < 5 acres	45	35	25	25	20	5	5
Note: Depending on circumstances, some AG setbacks may differ pursuant to WCC 20.38.060(7) and 20.80.255.							
Rural Forestry (RF)	45	35	25	25	20	20	20
- If in a WRPO ¹ or LWWO ²	30	30	20	20	20	20	20
Note: Depending on circumstances, some RF setbacks may differ pursuant to WCC 20.80.210(5)(a)(iv) and 20.80.256.							
Commercial Forestry (CF)	45	35	25	25	20	100	100
- If in a WRPO ¹ or LWWO ²	30	30	20	20	20	100	100
Note: Depending on circumstances, some CF setbacks may differ pursuant to WCC 20.80.256(2).							
Other Setbacks							
Recreation Open Space (ROS)	100	100	50	50	50	50	50
Note: Depending on circumstances, some ROS setbacks may differ pursuant to WCC 20.80.257.							

¹ Water Resources Protection Overlay district

² Lake Whatcom Watershed Overlay district

27. In 20.80.254:

- Delete the reference to the Cherry Point/Ferndale Subarea Plan in subsection (3)(c), as it is slated for repeal. The intent of this policy is already included within the regulation of 20.68.552. Also,
- Fix the faulty cross-reference in subsection (3)(b).
- Delete the last sentence of (3)(e), as it makes no sense (refers to a process in (3)(d), but there is no process in that section).

20.80.250 Special setback provisions by district.

20.80.254 Industrial districts.

(3) Heavy Impact Industrial District.

- (a) All setbacks shall be increased by one foot for each foot of building height (excluding tanks and similar structures) that exceeds 50 feet in height.
- (b) The building setbacks of WCC 20.80.210 shall not apply to utility or security structures such as poles, meters, fences, guard structures and the like, nor to structures relating to shipment on railroad rights-of-way; provided, that no traffic hazards are created. For nonindustrial buildings, the provisions of subsection (3)(e) of this section shall apply.
- (c) Setbacks for parcels adjoining a nonindustrial district(s) shall be administered pursuant to WCC 20.68.550 (Buffer Area).
- (d) The setback requirements of the Heavy Impact Industrial District shall apply to the storing and handling of hazardous materials; provided, that if federal and/or state regulations require different setbacks, the greater setback (county, federal, or state) shall be used.
- (e) The zoning administrator may reduce setbacks for nonindustrial buildings to those of Light Impact Industrial if the reduced setbacks would not interfere with existing sewer, water and other easements.

Chapter 20. 25 Land Use and Development Fees

28. The current refund code language is oriented towards short-term permit time periods rather than the lengthier docketing of Comprehensive Plan or code amendments. Docket items can take a year or more (sometimes several years) to process due to PDS workloads, state mandates, Council priorities, and/or work program resource limitations. However, the existing refund deadlines of 14 or 90 days precludes an applicant from receiving a refund after those deadlines even if work has not yet commenced on the project. This proposed amendment would allow for partial to full application fee refunds for docketed items depending upon the amount of review and work undertaken by PDS.

22.25.040 Refund of application fees.

Refunds of application fees for project permits and for amendments to the Whatcom County comprehensive plan, development regulations and official maps shall be computed based on the following, unless otherwise indicated in the Whatcom County Code. All refund requests shall be submitted in writing to the department of planning and development services director. The date of

application for a refund request shall be the date the written refund request is received by the department. For the purpose of computing elapsed calendar days, the day after the date of application or deadline date as appropriate shall be counted as day one.

(1) Fees for Project Permits.

- (a) Applications withdrawn on or before the fourteenth calendar day after the date of application shall be eligible for a refund of 90 percent of all application fees including any SEPA fees.
- (b) Applications withdrawn after the period set forth in subsection (1)(a) of this section but on or before the ninetieth calendar day after the date of application shall be eligible for a refund of 50 percent of all application fees except for any SEPA fees which shall not be eligible for a refund.
- (c) Applications withdrawn after the ninetieth calendar day after the date of application shall not be eligible for a refund.
- (d) Notwithstanding the above, no fees shall be refunded for any permit or approval that has been issued or granted by the county.
- (e) The director may authorize a full refund of any project permit application fee paid in error.

(2) Fees for Amendments to the Whatcom County Comprehensive Plan, Development Regulations, and Official Maps.

- (a) The docketing fee shall be non-refundable.
- (b) The amendment application fee may be refunded, if the application is withdrawn, as follows:
 - (i) If the application has been docketed, but review of the application has not commenced, 100% of the application fee may be refunded.
 - (ii) If the application has been docketed and review of the application has commenced, but the staff report has not been issued, 75% of the application fee may be refunded.
 - (iii) If the application has been docketed and a staff report has been issued, but a Planning Commission hearing has not been held, 50% of the application fee may be refunded.
 - (iv) If the application has been docketed and the Planning Commission has held a public hearing, then the application fee may not be refunded.
- (c) The SEPA checklist fee may be refunded if the application is withdrawn and SEPA review has not commenced.
- (d) The legal notice fee may be refunded if the application is withdrawn and legal notice has not been published.

WHATCOM COUNTY

Planning & Development Services
5280 Northwest Drive
Bellingham, WA 98226-9097
360-778-5900, TTY 800-833-6384
360-778-5901 Fax



Mark Personius, AICP
Director

Memorandum

TO: The Honorable County Council
Jack Louws, County Executive

FROM: Cliff Strong, Senior Planner

DATE: December 17, 2018

SUBJECT: Code Scrub 2018

Staff has prepared some minor amendments to WCC Titles 20 (Zoning), 21 (Land Division Regulations), and 22 (Land Use and Development Procedures). This is our annual "code scrub," wherein staff proposes various amendments to clarify code and fix inconsistencies and grammar they have found over the year. No major policy changes are proposed.

Staff recommends that the Council's Planning & Development Committee review and discuss the attached staff report and Exhibit A showing the proposed amendments, introduce the ordinance January 15th, hold a public hearing on January 29th, and recommend the County Council adopt these provisions.



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2019-101

File ID:	AB2019-101	Version:	2	Status:	Agenda Ready
File Created:	01/23/2019	Entered by:	DBrown@co.whatcom.wa.us		
Department:		File Type:	Discussion		

First Assigned to: Council Special Committee of the Whole

Agenda Date:	Next Mtg. Date:	Hearing Date:
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TITLE FOR AGENDA ITEM:

Council to clarify intent of motion approved January 15, 2019, related to preliminary draft Comprehensive Plan and Zoning Code amendments - Cherry Point

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Council to clarify intent of motion approved January 15, 2019, related to preliminary draft Comprehensive Plan and Zoning Code amendments - Cherry Point

Motion: Send to the Planning Commission a document with marked changes that incorporates both the October 4th changes and Mr. Donovan's current changes.

Motion carried 4-2, Byrd and Brenner opposed, Browne abstained

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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Attachments:

Final Action:
Enactment Date:
Enactment #:



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2019-032

File ID:	AB2019-032	Version:	1	Status:	Introduced for Public Hearing
File Created:	01/03/2019	Entered by:	RWadkins@co.whatcom.wa.us		
Department:		File Type:	Resolution to Sell Tax Title Property		
First Assigned to:	Council				
Agenda Date:		Next Mtg. Date:		Hearing Date:	01/29/2019

TITLE FOR AGENDA ITEM:

Resolution to sell tax-title property by public auction

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Pursuant to Whatcom County Code 1.10, the Whatcom County Property Management Committee has recommended sale of the following tax-title property as surplus: Tax parcel number 400527 506192 0000; TRACT M, PLAT OF PARADISE LAKES COUNTRY CLUB, DIVISION NO. 4, ACCORDING TO THE PLAT THEROF, RECORDED IN VOLUME 10 OF PLATS, PAGES 2 AND 3. The parcel is approximately 0.08 acres and would be sold at public auction, following notification of adjacent property owners, for no less than \$1,543.04 (total taxes, interest, penalties and foreclosure costs).

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
01/15/2019	Council	INTRODUCED FOR PUBLIC HEARING	Council

Attachments: Map T 40N R 05E SEC 27, Res to Sell Tax-title Prop

Final Action:
Enactment Date:
Enactment #:

PROPOSED BY: Treasurer
INTRODUCTION DATE: 01/15/2019

RESOLUTION NO. _____

TO SELL COUNTY TAX TITLE PROPERTY

1 WHEREAS, RCW 36.35.120 allows the County to sell real estate acquired by tax
2 foreclosure where it is found to be in the best interest of Whatcom County to sell the
3 same; and,

4
5 WHEREAS, the Whatcom County Property Management Committee
6 recommends that the resolution be passed to effectively meet the legal requirement for
7 the disposal; and,

8
9 WHEREAS, RCW 36.35.120 requires the Council to establish the minimum price
10 for said unit of property and to determine whether or not a contract will be allowed, or if
11 it will be a cash price; and,

12
13 WHEREAS, the Whatcom County Code as well as the state law allows the
14 County to reserve from the sale coal, oil, gas, gravel, mineral, ores, fossils, timber or
15 other resources if the Council finds that it is in the best interest to reserve these;

16
17 NOW, THEREFORE, BE IT RESOLVED that it is in the best interest of the
18 County to sell:

19
20 Parcel # 400527 506192 0000 / PID 144183

21
22 TRACT M, PLAT OF PARADISE LAKES COUNTRY CLUB, DIVISION NO. 4,
23 ACCORDING TO THE PLAT THEROF, RECORDED IN VOLUME 10 OF
24 PLATS, PAGES 2 AND 3, RECORDS OF WHATCOM COUNTY,
25 WASHINGTON. TOWNSHIP 40 RANGE 05E SECTON 27.

26
27 For no less than taxes, interest, penalties and foreclosure costs of \$1,543.04
28 to the highest and best bidder;

29
30 BE IT FURTHER RESOLVED that said price shall not be allowed under contract
31 and shall be paid in either cash, certified check, or money order to the Whatcom
32 County Treasurer at the time of sale; and,

33
34 BE IT FURTHER RESOLVED that said parcels shall be sold subject to restrictive
35 covenants allowing for imposition of Community Association fees, if any, as set forth in
36 Whatcom County Resolution No. 88-37; and,

37 BE IT FURTHER RESOLVED that this sale transfer to the owners all coal, oil,
38 gas, gravel, minerals, ores, fossils, timber or other resources on or in said land and the
39 right to mine for and remove the same in conformity with zoning regulations in force and
40 effect; and,

41
42 BE IT FURTHER RESOLVED that the Whatcom County Treasurer is hereby
43 directed to sell such property at not less than a certified price and said sale shall take
44 place in accordance with the duties as established in RCW 36.35.120.

45
46
47 APPROVED this _____ day of _____, 2019.

48
49
50 ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

51
52
53 _____
54 Dana Brown-Davis, Council Clerk

Rud Browne, Chair

55
56 APPROVED AS TO FORM:

57
58
59 _____
60 Civil Deputy Prosecuting Attorney



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2019-064

File ID:	AB2019-064	Version:	1	Status:	Introduced for Public Hearing
File Created:	01/09/2019	Entered by:	DBrown@co.whatcom.wa.us		
Department:		File Type:	Ordinance		
First Assigned to:	Council				
Agenda Date:		Next Mtg. Date:		Hearing Date:	01/29/2019

TITLE FOR AGENDA ITEM:

Ordinance imposing an interim moratorium on the acceptance and processing of applications and permits for new or expanded facilities in the Cherry Point UGA, the primary purpose of which would be the shipment of unrefined fossil fuels not to be processed at Cherry Point

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Ordinance imposing an interim moratorium on the acceptance and processing of applications and permits for new or expanded facilities in the Cherry Point UGA, the primary purpose of which would be the shipment of unrefined fossil fuels not to be processed at Cherry Point.

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
01/15/2019	Council	INTRODUCED FOR PUBLIC HEARING	Council

Attachments: Cherry Point Interim for January 15 Introduction

Final Action:
Enactment Date:
Enactment #:

PROPOSED BY: _____
INTRODUCTION DATE: **JANUARY 15, 2019**

ORDINANCE NO. _____
(INTERIM ORDINANCE)

**IMPOSING AN INTERIM MORATORIUM ON THE ACCEPTANCE AND PROCESSING
OF APPLICATIONS AND PERMITS FOR NEW OR EXPANDED FACILITIES IN THE
CHERRY POINT URBAN GROWTH AREA THE PRIMARY PURPOSE OF WHICH
WOULD BE THE SHIPMENT OF UNREFINED FOSSIL FUELS NOT TO BE
PROCESSED AT CHERRY POINT**

WHEREAS, on July 12, 2016, the county received a letter from Chairman Ballew of the Lummi Business Council which included the statement that they "hope that the amendments to the Comprehensive Plan not unfairly impact the current employers within Cherry Point."; and

WHEREAS, the County Council previously adopted Title 20-Zoning of Whatcom County Code which regulates land use within unincorporated areas of Whatcom County; and

WHEREAS, the County Council adopted the Whatcom County Comprehensive Plan on May 20, 1997, which contains goals, objectives and policies regarding land use compatibility and environmental considerations; and

WHEREAS, the Whatcom County Council recently updated the Whatcom County Comprehensive Plan as required by Revised Code of Washington 36.70A; and

WHEREAS, during the Comprehensive Plan review process the Whatcom County Council received many individual public comments on fossil fuel transshipment, transport, and transfer from Cherry Point related to the protection of the health of Whatcom County's environment, economy, and residents; and

WHEREAS, the County recognizes that the existing refineries have for decades been significant shippers of refined fossil fuels such as jet fuel and calcined coke used in manufacture of aluminum while providing substantial local employment; and

WHEREAS, the refining of fossil fuels at Cherry Point provides high wage jobs which could be lost if the existing refineries were converted to crude oil export facilities; and

WHEREAS, the Whatcom County Council has requested the Whatcom County Planning Commission review language that would discourage new development that would primarily facilitate the shipment of unrefined fossil fuels not to be processed or consumed at Cherry Point; and

WHEREAS, multiple trains carrying crude oil from the Bakken formation moving through the United States and Canada have derailed and exploded causing damage to property and the environment, one derailment caused significant fatalities, which is the reason regulations must be improved; and

WHEREAS, a unit train carrying Bakken crude traveling through Mosier, Oregon, on June 3, 2016, derailed and exploded causing damage to property and the Columbia River, demonstrating that recently adopted state and federal policies and corporate investment intended to reduce the risks associated with oil by rail have proven insufficient to protect communities along the rail corridor; and

WHEREAS, the Washington State Department of Natural Resources has designated waters adjacent to the Cherry Point Urban Growth Area as an aquatic reserve to ensure long-term protection of this unique aquatic environment; and

WHEREAS, the United States recently lifted a ban on the export of crude oil from the country, increasing pressure on deep water ports such as Cherry Point to develop into crude export terminals; and

WHEREAS, existing refineries at Cherry Point have recently increased their ability to accept crude oil by rail by constructing new rail offloading facilities to serve the refineries; and

WHEREAS, existing and proposed pipeline facilities have increased, or proposed to increase, their capacity to move crude oil, diluted bitumen, and natural gas to Cherry Point; and

WHEREAS, Title 20 currently does not explicitly prohibit transshipment, transport, and transfer of unrefined fossil fuels and construction of infrastructure to facilitate expanded shipment of unrefined fossil fuels not to be processed at Cherry Point; and

WHEREAS, according to the June 27, 2016 Land Capacity Analysis report produced by Planning and Development Services, Cherry Point contains only 1,072.6 acres of developable land that is zoned Heavy Impact Industrial (HII) for the purposes of "supplying a reasonable amount of land, commensurate with demand, for the location and grouping of heavy impact industrial uses" and to "minimize the scope of impacts generated within the HII District and to provide protection for nonindustrial districts situated outside thereof..." (WCC 20.68.010); and

WHEREAS, expansion of existing facilities for purposes of shipping unrefined fossil fuels not to be processed or consumed at Cherry Point will increase the transport of dangerous fuels through our community and increase the risk of possible derailment, spills, explosions, and the fallout will pose a serious threat to the community; and

WHEREAS, pursuant to the Washington State Constitution, the general police powers granted to counties empower and authorize Whatcom County to adopt land use controls to provide for the regulation of land uses within the County and to provide that such uses shall be consistent with applicable law; and

WHEREAS, on August 9, 2016, the Whatcom County Council adopted Ordinance 2016-031, an emergency ordinance imposing a sixty day moratorium on the filing, acceptance, and processing of new applications for conversion of land or water, new building or structure permits, or other County permits or authorizations in the Cherry Point Urban Growth Area for new or expanded facilities whose purpose is to facilitate the increased shipment of unrefined fossil fuels not to be processed or consumed at Cherry Point; and

WHEREAS, the Whatcom County Council adopted interim measures on September 27, 2016 (Ordinance 2016-039), March 21, 2017 (Ordinance 2017-011), September 26, 2017 (Ordinance 2017-049), February 27, 2018 (Ordinance 2018-007), and August 8, 2018 (Ordinance 2018-044) prohibiting the filing, acceptance, and processing of new applications for conversion of land or water, new building or structure permits, or other County permits or authorizations in the Cherry Point Urban Growth Area for new or expanded facilities whose purpose is to facilitate the increased shipment of unrefined fossil fuels not to be processed or consumed at Cherry Point, unless the applications:

1. Were filed and complete prior to the effective date of the ordinance and vested pursuant to Washington statutes;
2. Were for building permits for remodels, maintenance, or repairs of existing structures where no increased capacity for shipping unrefined fossil fuels not to be processed or consumed at Cherry Point would result; or
3. Were necessary to protect health and safety of the community.

WHEREAS, the County Council finds that extending the moratorium imposed by Ordinance 2018-007 is necessary for the protection of public health and safety; and

WHEREAS, RCW 36.70.790 and RCW 36.70.795 allow for adoption of interim official controls as long as a public hearing is held within sixty (60) days of adoption; and

WHEREAS, the Whatcom County Council is scheduled to hold a public hearing on this issue on January 29, 2019, or a later date; and

WHEREAS, the County Council fully recognizes the limits to its authority over transportation of certain goods imposed by federal statutes and the US Constitution, and finds that this action is within its authority;

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

BE IT FURTHER ORDAINED by the Whatcom County Council that an interim moratorium is hereby imposed prohibiting the filing, acceptance, and processing of new applications for conversion of land or water, new building or structure permits, or other County permits or authorizations in the Cherry Point Urban Growth Area for new or expanded facilities whose purpose is to facilitate the increased shipment of unrefined fossil fuels not to be processed or consumed at Cherry Point, unless the applications:

1. Were filed and complete prior to the effective date of this ordinance and vested pursuant to Washington statutes;
2. Are for building permits for remodels, maintenance, or repairs of existing structures where no increased capacity for shipping unrefined fossil fuels not to be processed or consumed at Cherry Point will result; or
3. Are necessary to protect health and safety of the community.

BE IT FURTHER ORDAINED by the Whatcom County Council that this interim ordinance shall be effective for not longer than six months following its effective date, but may be renewed for one or more six-month periods if subsequent public hearings are held and findings of fact are made prior to each renewal.

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.

BE IT FURTHER ORDAINED that for the purpose of this ordinance the definition of "unrefined fossil fuel" includes but is not limited to all forms of crude oil whether stabilized or not; raw bitumen, diluted bitumen, or syncrude; coal; methane propane, butane, and other "natural gas" in liquid or gaseous formats excluding those that are the byproduct of refinery processes in the Cherry Point UGA; and condensate.

BE IT FINALLY ORDAINED that for the purpose of this ordinance, the definition of "facility" includes but is not limited to piers, wharfs, buildings, tank farms, pipelines, rail loading and offloading facilities, road spurs, or any other such physical infrastructure intended to receive, transfer, or store unrefined fossil fuels;

APPROVED this _____ day of _____, 2019.

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**

Civil Deputy Prosecutor

Jack Louws, County Executive

() Approved () Denied

Date Signed: _____



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2019-052

File ID:	AB2019-052	Version:	1	Status:	Agenda Ready
File Created:	01/08/2019	Entered by:	NHanson@co.whatcom.wa.us		
Department:		File Type:	Council Appointment		

First Assigned to: Council

Agenda Date:	Next Mtg. Date:	Hearing Date:
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TITLE FOR AGENDA ITEM:

Appointments to fill vacancies on the Flood Control Zone District Advisory Committee - Applicants: Geographic Area - Dale Blok, Albert DeBoer, Scott Hulse, Kent Roorda. Special Districts - Ron Bronsema, Jeff DeJong. Impacted Cities - Kyle Christensen, John Perry. Council acting as the Whatcom County Flood Control Zone Board of Supervisors

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Appointments to fill the following vacancies on the Flood Control Zone District Advisory Committee. 4 vacancies representing Geographical Areas, 2 vacancies representing Special Districts, 2 vacancies representing Impacted cities. Applicants: Geographic Area - Dale Blok, Albert DeBoer, Scott Hulse, Kent Roorda. Special Districts - Ron Bronsema, Jeff DeJong. Impacted Cities - Kyle Christensen, John Perry.

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
01/15/2019	Council	WITHDRAWN	

Attachments: Applications for January 29, 2019 meeting

Final Action:
Enactment Date:
Enactment #:

2019-052

Flood Control Zone District Advisory Committee

Committee assists and makes recommendations to the Board of Supervisors in performing flood damage repairs, maintenance and improvements, and minimizing future flood damage through prevention and management on the Nooksack River, its watershed, and the other watersheds within Whatcom County.

APPLICANTS

4 Vacancies representing geographical areas. (3 are 4-year terms

1 is a partial term ending 1/31/2022

Dale Blok – Representing Geographic Area

Albert DeBoer – Representing Geographic Area

Scott Hulse – Representing Geographic Area

Kent Roorda – Representing Geographic Area

2 Vacancies representing Special Districts. 1-year terms

Ron Bronsema – Incumbent - Representing Special Districts

Jeff DeJong - Representing Special Districts

2 Vacancies representing Impacted Cities. 1-year terms

Kyle Christensen – Incumbent - Representing Impacted Cities

John Perry – Incumbent – Representing Impacted Cities

Flood Control Zone District Advisory Committee Representing - Geographic Area

JACK LOUWS
County Executive



COUNCIL MEMBERS:
Timothy Ballew II
Barbara E. Brenner
Rud Browne
Barry Buchanan
Tyler Byrd
Todd Donovan
Satpal Sidhu

APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Dale Blok Date: 11-28-18
Street Address: 296 E. Wiser Lake Rd
City: Lynden WA Zip Code: 98264
Mailing Address (if different from street address): _____
Day Telephone: _____ Evening Telephone: _____ Cell Phone: (360)-815-3171
E-mail address: daleblok@hotmail.com

1. Name of board or committee—**please see reverse:** Flood Control Zone District Advisory Committee
2. You must specify which position you are applying for.
Please refer to vacancy list. Geographic Area
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.) _____ (X) yes () no
4. Which Council district do you live in? _____ () One () Two () Three () Four () Five
5. Are you a US citizen? _____ (X) yes () no
6. Are you registered to vote in Whatcom County? _____ (X) yes () no
7. Have you ever been a member of this Board/Commission? _____ () yes (X) no
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? _____ () yes (X) no
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? _____ () yes () no

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.

Doing Farmer who lives and farms on the
Nooksack River

11. Please describe why you're interested in serving on this board or commission: Need to make
good decisions on the flooding problems of
the Nooksack River and Lowlands or flood plains

References (please include daytime telephone number): _____

Signature of applicant: Dale Blok

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.

Flood Control Zone District Advisory Committee Geographic Area

JACK LOUWS
County Executive

Received
JAN 08 2019

Whatcom County
River & Flood



COUNCILMEMBERS:
Timothy Ballew II
Barbara E. Brenner
Rud Browne
Barry Buchanan
Tyler Byrd
Todd Donovan
Satpal Sidhu

APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Albert de Boer Date: 1/8/2019
Street Address: 1633 Mate Rd
City: Ferndale, WA Zip Code: 98248
Mailing Address (if different from street address): _____
Day Telephone: (360) 384-4148 Evening Telephone: _____ Cell Phone: (360) 319-2186
E-mail address: deboerfarm@yahoo.com

1. Name of board or committee—**please see reverse:** Flood Control Zone Advisory Comm.
2. You must specify which position you are applying for.
Please refer to vacancy list. Geographic Area
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.) ☒ yes () no
4. Which Council district do you live in? () One () Two () Three () Four () Five
5. Are you a US citizen? ☒ yes () no
6. Are you registered to vote in Whatcom County? ☒ yes () no
7. Have you ever been a member of this Board/Commission? () yes ☒ no
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? () yes ☒ no
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? () yes ☒ no

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. Farmer, college graduate in agri/business, Diking District
#4 Commissioner, Member Portage Bay Shellfish Advisory Comm, Washington
State Dairy Council member.
11. Please describe why you're interested in serving on this board or commission: Several people have
asked me to apply. Ties in with my work in DD #4. Water
issues affect my livelihood.

References (please include daytime telephone number): Fred Littel 1-(360) 815-4361
Henry Bierlink (360) 354-1337

Signature of applicant: Albert de Boer

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.

RECEIVED
JAN 08 2019
WHATCOM COUNTY
COUNCIL

Flood Control Zone District
Advisory Committee
NaDean Hanson Representing - Geographic Area

From: noreply@civicplus.com
Sent: Wednesday, January 02, 2019 9:02 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	Scott
Last Name	Hulse
Date	1/1/2019
Street Address	6911 Holeman Avenue
City	Blaine
Zip	98230
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	360 243 0745
Secondary Telephone	none
Email Address	<u>scottehulse@gmail.com</u>

Step 2

1. Name of Board or Committee	Flood Control Zone District Advisory Committee
Flood Control Zone District Advisory Committee Position:	Special Districts representative <i>Geographic area</i>
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 5
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?	Yes
If yes, please list dates:	2016,2017,2018
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	<i>Field not completed.</i>
9. Please describe your	BS Mine Engineering, BS Geological Sciences - Geophysics,

occupation (or former occupation if retired), qualifications, professional and/or community activities, and education	MS Geological Sciences - Geophysics, Hydrology, PhD Radiological Health Sciences - Health Physics, Registered Professional Engineer - Colorado Registration Number 22254, 20 years mine/geotechnical engineering, 20 years multidisciplinary project and program management, 8 years research and development characterizing risk from environmental transport and deposition of man-made radionuclides in soil. Member of Birch Bay Water and Resource Management Committee since February 2012.
---	--

10. Please describe why you're interested in serving on this board or commission	Our family has lived on Whitehorn Point along the southern boundary of Birch Bay since 1960. The disposition of storm water and flooding have increasingly become an issue as a result of both residential and commercial development. I am interested in the development of a comprehensive storm water management program for Whatcom County that addresses deficiencies and over-sights in the Washington State Department of Ecology's Storm Water Management Manual.
--	---

References (please include daytime telephone number):	Mr. Peter Winterfeld 360-441-6833, Mr. Jack Westford 360-303 6596
---	---

Signature of applicant:	Scott E. Hulse
-------------------------	----------------

Place Signed / Submitted	Blaine (Birch Bay) Washington
--------------------------	-------------------------------

(Section Break)

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JACK LOUWS
County Executive

Flood Control zone District
Advisory Committee
Representing:
Geographic area



RECEIVED

JAN 18 2019

WHATCOM COUNTY
COUNCIL

COUNCILMEMBERS:

Timothy Ballew II
Barbara E. Brenner
Rud Browne
Barry Buchanan
Tyler Byrd
Todd Donovan
Satpal Sidhu

APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Kent Roorda Date: 1-11-2019
Street Address: 2114 Stickney Is. Rd.
City: Everson Wa Zip Code: 98247
Mailing Address (if different from street address): _____
Day Telephone: _____ Evening Telephone: _____ Cell Phone: 360-815-4145
E-mail address: Kentroorda22@hotmail.com

1. Name of board or committee-please see reverse: Whatcom County Flood Control District. Adv
 2. You must specify which position you are applying for. Geographic Areas Position
Please refer to vacancy list. Whatcom County Flood Control District
 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.) Advisory Comm.
☒ yes ☐ no
 4. Which Council district do you live in? _____ ☐ One ☐ Two ☐ Three ☒ Four ☐ Five
 5. Are you a US citizen? ☒ yes ☐ no
 6. Are you registered to vote in Whatcom County? ☒ yes ☐ no
 7. Have you ever been a member of this Board/Commission? ☐ yes ☒ no
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? ☐ yes ☒ no
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? ☐ yes ☒ no
- 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.
- Ferndale Ready Mix -
- Custom Farm work
Former Dairy Farmer
 11. Please describe why you're interested in serving on this board or commission: _____

References (please include daytime telephone number): Keith Korthuis - 360-815-9090
Herold Vunberkun - 360-815-4395

Signature of applicant: Kent Roorda

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.



RECEIVED

JAN 07 2019

WHATCOM COUNTY
COUNCIL

COUNCILMEMBERS:
Timothy Ballew II
Barbara E. Brenner
Rud Browne
Barry Buchanan
Tyler Byrd
Todd Donovan
Satpal Sidhu

Representing: Special Districts
Incumbent

APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Kon Bronsema Date: 12-12-2018
Street Address: 8135 Northwood Rd.
City: Everson Zip Code: 98247
Mailing Address (if different from street address): _____
Day Telephone: 360-354-2972 Evening Telephone: same Cell Phone: 360-961-7792
E-mail address: rbdairy1@gmail.com

- Name of board or committee—please see reverse: Flood Control Zone District A.C.
- You must specify which position you are applying for.
Please refer to vacancy list. SPECIAL DISTRICT
- 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.) _____ ☒ yes () no
- Which Council district do you live in? _____ () One () Two () Three ☒ Four () Five
- Are you a US citizen? _____ ☒ yes () no
- Are you registered to vote in Whatcom County? _____ ☒ yes () no
- Have you ever been a member of this Board/Commission? _____ ☒ yes () no
If yes, dates: 1992-2010, 2012-2018
- 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 ☒ no
If yes, please explain: _____
- Have you declared candidacy (as defined by RCW 42.17A.055, see instructions) for a paid elected
office in any jurisdiction within the county? _____ () yes ☒ no

You may attach a résumé or detailed summary of experience, qualifications, & interest in response to the following questions.

- Please describe your occupation (or former occupation if retired), qualifications, professional and/or community
activities, and education.
Dairy Farmer, Flood Control Zone District A.C. Vice Chair.
Lynden/Everson Flood Control Sub-Zone Vice Chair.
Graduate Lynden High School & Bellingham Tech. College.
 - Please describe why you're interested in serving on this board or commission: Update comprehensive
Flood Hazard management plan use best science
available to make decisions.
- References (please include daytime telephone number): Paula Harris (360) 778-6285
Jon Hutchinson Public Works Director
- Signature of applicant: Kon Bronsema

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JACK LOUWS
County Executive

Flood Control Zone District
Advisory Committee
Representing: Special Districts



RECEIVED

JAN 18 2019

WHATCOM COUNTY
COUNCIL

COUNCILMEMBERS:

Timothy Ballew II
Barbara E. Brenner
Rud Browne
Barry Buchanan
Tyler Byrd
Todd Donovan
Satpal Sidhu

APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Jeff DeJong Date: 1-17-19
Street Address: 1159 Abbott Rd
City: Lynden Zip Code: 98264
Mailing Address (if different from street address): _____
Day Telephone: 360-815-0973 Evening Telephone: _____ Cell Phone: 360-815-0973
E-mail address: eaglemillwookie@yahoo.com

- Name of board or committee-please see reverse: Flood Control Zone District
- You must specify which position you are applying for.
Please refer to vacancy list. Special District (one year term)
- 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.) ☒ yes () no
- Which Council district do you live in? () One () Two () Three ☒ Four () Five
- Are you a US citizen? ☒ yes () no
- Are you registered to vote in Whatcom County? ☒ yes () no
- Have you ever been a member of this Board/Commission? ☒ yes () no
If yes, dates: FC2D 2010-2018
- 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 ☒ no
If yes, please explain: _____

- Have you declared candidacy (as defined by RCW 42.17A.055, see instructions) for a paid elected office in any jurisdiction within the county? () yes ☒ no

You may attach a résumé or detailed summary of experience, qualifications, & interest in response to the following questions.

- Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education.
Daisy Farmer - new Lynden. I have been apart of this committee for some time and have chaired it for the last six. I enjoy working with WG staff & others and see the value in this being a functional comm. office
- Please describe why you're interested in serving on this board or commission: I live & work in the river valley so I have a lot of stake in how we manage the river. I also enjoy getting involved in low level county politics

References (please include daytime telephone number): Paula Cooper - River + Flood
Fred Little - N3 consulting - 360-815-4361 Derak Groatte - 360-815-4704

Signature of applicant: _____

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NaDean Hanson

Representative: Impacted Cities
Encumbrance

From: noreply@civicplus.com
Sent: Tuesday, December 18, 2018 8:12 AM
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

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First Name	Kyle
Last Name	Christensen
Date	12/18/2018
Street Address	422 Wilson Lane
City	Sumas
Zip	98295
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	360-594-1468
Secondary Telephone	Field not completed.
Email Address	kchristensen@cityofsumas.com

Step 2

1. Name of Board or Committee	Flood Control Zone District Advisory Committee
Flood Control Zone District Advisory Committee Position:	Impacted Cities representative
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
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?	Yes
If yes, please list dates:	2018
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	<i>Field not completed.</i>
9. Please describe your	Mayor of Sumas

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

This is an important issue that affects our City.

References (please
include daytime
telephone number):

Field not completed.

Signature of applicant:

Kyle Christensen

Place Signed / Submitted

Lynden Washington

(Section Break)

Email not displaying correctly? [View it in your browser.](#)

Flood Control Zone District
Advisory Committee
Representing Impacted Cities

NaDean Hanson

Unclassified

From: noreply@civicplus.com
Sent: Wednesday, January 16, 2019 9:52 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

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First Name	John
Last Name	Perry
Date	1/16/2019
Street Address	1312 Birchwood Dr.
City	Everson
Zip	98247
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	3608155954
Secondary Telephone	Field not completed.
Email Address	jperry@ci.everson.wa.us

Step 2

1. Name of Board or Committee	Flood Control Zone District Advisory Committee
Flood Control Zone District Advisory Committee Position:	Impacted Cities representative
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
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?	Yes
If yes, please list dates:	1/2010 - to present
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	<i>Field not completed.</i>
9. Please describe your	City of Everson - Mayor

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

Our city lies primarily in the Nooksack River floodplain

References (please
include daytime
telephone number):

Field not completed.

Signature of applicant:

John Perry

Place Signed / Submitted

Everson, WA

(Section Break)

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Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2019-092

File ID:	AB2019-092	Version:	1	Status:	Agenda Ready
File Created:	01/22/2019	Entered by:	NHanson@co.whatcom.wa.us		
Department:		File Type:	Council Appointment		
First Assigned to:	Council				
Agenda Date:		Next Mtg. Date:		Hearing Date:	

TITLE FOR AGENDA ITEM:

Appointment to fill vacancy on Portage Bay Shellfish Protection District Advisory Committee.
Applicant: Alan Chapman

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

There are 3 vacancies - 1 appointment is for a full term ending 1/31/2023, 1 appointment for a partial term ending 1/31/2022, and 1 appointment to partial term ending 1/31/2021. Members must have a direct interest in the shellfish protection district. Duties are to advise the County Council on the proposed actions and operations relating to the restoration of water quality in the Portage Bay Shellfish Protection District. Applicant: Alan Chapman

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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Attachments: Application - January 29th meeting

Final Action:
Enactment Date:
Enactment #:

NaDean Hanson

From: noreply@civicplus.com
Sent: Sunday, January 20, 2019 11:46 AM
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

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Public Statement

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First Name	alan
Last Name	chapman
Date	1/20/2019
Street Address	628 E hemmi rd
City	lynden
Zip	98264
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	3602243129
Secondary Telephone	Field not completed.
Email Address	alanchapman398@gmail.com

Step 2

1. Name of Board or Committee	Portage Bay Shellfish Protection District 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?	Yes
If yes, please explain	Supervisor, Whatcom Conservation District
You may attach a resume or detailed summary of experience, qualifications, & interest in response to the following questions	<i>Field not completed.</i>
9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or	Retired from Fisheries Management after 30 years with Lummi Natural Resources, which included managing tribal shellfish harvest

community activities, and
education

10. Please describe why
you're interested in
serving on this board or
commission

Continuing efforts to ensure conservation and protection of the
natural resources to meet the diverse needs of a healthy
human community in terms of economy and well being

References (please
include daytime
telephone number):

existing board members

Signature of applicant:

Alan B. Chapman

Place Signed / Submitted

628 E Hemmi RD, Lynden, 98264

(Section Break)

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Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2019-093

File ID:	AB2019-093	Version:	1	Status:	Agenda Ready
File Created:	01/22/2019	Entered by:	NHanson@co.whatcom.wa.us		
Department:		File Type:	Council Appointment		

First Assigned to: Council

Agenda Date:	Next Mtg. Date:	Hearing Date:
--------------	-----------------	---------------

TITLE FOR AGENDA ITEM:

Appointment to fill vacancy on the Sumas/Everson/Nooksack Flood Control Sub-Zone Advisory Committee. Applicant: Jerry Juergens

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Appointment to fill two vacancies on the Sumas/Everson/Nooksack Flood Control Sub-Zone Advisory Committee. Applicant: Jerry Juergens. Applicants must live within the subzone boundary. The committee is an integral part of the program reviewing the Comprehensive Plan for flood control.

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
-------	--------------	---------	----------

Attachments: Application January 29, 2019 meeting

Final Action:
Enactment Date:
Enactment #:

Flood Control Zone
Sub
Sumas
Uncumbeht

NaDean Hanson

From: noreply@civicplus.com
Sent: Thursday, January 10, 2019 11:04 AM
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

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First Name	Jerry
Last Name	Juergens
Date	1/10/2019
Street Address	7246 Mission Rd.
City	Everson
Zip	98247
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	3603051260
Secondary Telephone	Field not completed.
Email Address	jwjuergens@comcast.net

Step 2

1. Name of Board or Committee	Sumas/Everson/Nooksack Flood Control Sub-Zone 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?	<i>Field not completed.</i>
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?	Yes
If yes, please list dates:	January, 2015-2019
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	<i>Field not completed.</i>
9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or	Berry farmer. On the board of CHS Northwest. Have served on this board for many years and wish to continue to do so.

community activities, and
education

10. Please describe why you're interested in serving on this board or commission *Field not completed.*

References (please include daytime telephone number): *Field not completed.*

Signature of applicant: Jerry Juergens

Place Signed / Submitted Everson, Wa

(Section Break)

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Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2019-086

File ID:	AB2019-086	Version:	1	Status:	Agenda Ready
File Created:	01/17/2019	Entered by:	SMildner@co.whatcom.wa.us		
Department:		File Type:	Executive Appointment		

First Assigned to: Council

Agenda Date:	Next Mtg. Date:	Hearing Date:
--------------	-----------------	---------------

TITLE FOR AGENDA ITEM:

County Executive Jack Louws requests confirmation of his new appointments and reappointments to Executive boards and committees; appointments to take effect on February 1, 2019

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

See summary list of appointments to several Executive boards, committees and a commission, as well as volunteer applications

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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Attachments: Exec appointments summary Jan2019.pdf, 2019-Volunteer apps-resume-recommend.pdf

Final Action:
Enactment Date:
Enactment #:

COUNTY EXECUTIVE APPOINTMENTS – January 2019

The following boards and committees have vacancies which are filled with appointments by the County Executive and confirmed by County Council.

AGRICULTURAL ADVISORY COMMITTEE

Nominated for appointment are Lydia Strand, Dakota Stranik and Robin Fay.

AMERICANS WITH DISABILITIES ACT (ADA) COMPLIANCE COMMITTEE

Nominated for appointment is Kimberly Reeves.

BEHAVIORAL HEALTH ADVISORY COMMITTEE

Nominated for appointment is Michael Massanari.

BELLINGHAM WHATCOM COUNTY COMMISSION AGAINST DOMESTIC VIOLENCE

Nominated for reappointment Garret Shelsta and Moonwater.

BICYCLE/PEDESTRIAN ADVISORY COMMITTEE

Nominated for appointment are Kyle Morris and Stephen Zylstra.

BOUNDARY REVIEW BOARD

Nominated for reappointment is Bill Bliss.

COUNTY APPEALS BOARD

Nominated for reappointment is Tony Freeland.

DEVELOPMENT STANDARDS TECHNICAL ADVISORY COMMITTEE (TAC)

Nominated for reappointment are Catherine Moore, Ray Peterson and Collin Van Slyke; nominated for appointment are David Galbraith and Jenifer Ramsey.

DEVELOPMENTAL DISABILITIES BOARD

Nominated for reappointment are Ken Larson and Aaron Perzigian.

ETHICS COMMISSION

Nominated for reappointment is Ramona Abbott.

FOOD SYSTEM COMMITTEE

Nominated for appointment are Margaret Gerard, Andy Enfield, Riley Starks, Adrienne Renz, Riley Sweeney, Amber Noskoff, Maureen Darras, Krista Rome and Mardi Solomon.

HOUSING ADVISORY COMMITTEE

Nominated for reappointment is Karen Burke; nominated for appointment is Brien Thane.

HOUSING AUTHORITY OF WHATCOM COUNTY

Nominated for reappointment, effective 4/18/19, is Daniel Austin

MARINE RESOURCES COMMITTEE

Nominated for reappointment are Glen Alexander and Eleanor Hines.

POINT ROBERTS COMMUNITY ADVISORY COMMITTEE

Nominated for appointment is Stephen Falk.

RURAL LIBRARY BOARD (Whatcom County Library System)

Nominated for reappointment is Lori Jump.



Application for Appointment to Whatcom County Boards and Commissions

Public Statement

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First Name	Lydia
Last Name	Strand
Date	12/15/2018
Street Address	4269 Y 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?	<i>Field not completed.</i>
Primary Telephone	320-733-4127
Secondary Telephone	<i>Field not completed.</i>
Email Address	lydiastrand@gmail.com
1. Name of Board or Committee	Agricultural Advisory Committee
Agricultural Advisory Committee Position:	Agricultural Producer
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	<u>Strand, Lydia-Resume.pdf</u> – see attached
9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education	Please see attached resume
10. Please describe why you're interested in serving on this board or commission	As a new farmer to the area, I am looking for opportunities to become involved in the Whatcom County agricultural community, with a focus on sustainable and regenerative agriculture. In raising sheep, we offer a complimentary perspective to those raising crops or dairy operations.
References (please include daytime telephone number):	Maddy Bartsch 920-277-8100; Jess Daniels 860-984-1901
Signature of applicant:	Lydia Strand
Place Signed / Submitted	Bellingham, WA

Lydia Strand

Farm Owner and Manager; Shepherd

4269 Y Road
Bellingham, WA 98226
(320)733-41127
lydiastrand@gmail.com

EXPERIENCE

Lydia's Flock Icelandic and Shetland Sheep, Bellingham, WA — *Shepherd; Farm Owner and Manager*

May 2008 - PRESENT

Oversee day to day management and animal husbandry of pasture based sheep farm operation including nutrition, pasture rotation, and medical care; using recognized breeding practices to improve stock genetics, care and support of gestating ewes and lambs during spring lambing time.

Administrative work including accounting for one time and rotating farm expenses, tracking finances for annual cash flow and balance sheet; ordering farm and livestock feed and supplies.

Farm marketing and promotion of the farm's products and offerings in person at fiber fairs and festivals, via the farm's website (www.lydiasflock.com) and regular email newsletters; planning and promotion of community farm open house/shearing days; maintenance and inventory updates of online farm store.

Responsible for preparation and processing arrangements of wool, post-shearing, into yarn, roving, and batting.

Instruction and facilitation of on-farm Beginning Shepherding course, offered a various times throughout the spring, summer, and early fall.

Ongoing mentorship of new shepherds with a focus on regenerative and pasture based management systems.

EDUCATION

Central Lakes College, Brainerd, MN — *Associate of Arts Degree*

August 2014 - May 2016

2 year degree with a focus on Liberal Arts.

Central Lakes College, Staples, MN — *Farm Business Management Education*

August 2014 - June 2018

The primary emphasis of Farm Business Management is to assist farm families in meeting their business and personal goals through quality

SKILLS

Microsoft Office Suite experience.

Social media platform experience- Facebook, Instagram.

Google Office Suite experience- Docs, Sheets, Forms, Slides.

Website development and maintenance.

E-newsletter design and delivery.

AWARDS

2017 Fibershed Micro-Grant Award- Producer Outreach Project; amount \$1864

farm records and sound business decisions. Farm Business Management is designed to work closely with active, functional farmers and persons interested in farming as a business.

PROJECTS

Three Rivers Fibershed, Producer Outreach Coordinator — *Volunteer Position*

May 2016-May 2018

Staff Fibershed educational booths at various fiber fairs and festivals, answering questions and offering information on local fiber production and local fiber systems.

Network with local fiber focused organizations such as the MN Textile Center and Weavers Guild of MN.

Design, implementation and facilitation of curriculum for a series of Producer Outreach Workshops focusing on various subjects related to rearing and marketing of local produced and processed fiber in line with the values and vision of Fibershed.

Individual farm visits to complete pasture walks and SWOT analysis to assist in directing fiber farm plan and business decisions.

Answer questions regarding local fiber processing, marketing, and pricing.

Local producer support for pasture remediation, regeneration, design and implementation of grazing plans.

Producer guidance on Climate Beneficial Wool transition verification program.

Facilitation of small scale, local fiber production education opportunities for local producers.

REFERENCES

Available Upon Request



Application for Appointment to Whatcom County Boards and Commissions

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First Name	Dakota
Last Name	Stranik
Date	12/12/2018
Street Address	7762 Enterprise Rd
City	Ferndale
Zip	98248
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	9179718960
Secondary Telephone	Field not completed.
Email Address	d.stranik@gmail.com
1. Name of Board or Committee	Agricultural Advisory Committee
Agricultural Advisory Committee Position:	Agricultural Producer
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
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	<u>Resume Dakota Stranik.pdf</u> – see attached
9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education	Originally from Anchorage, Alaska, I have lived in Whatcom County since November 2014. I hold a degree from Cornell University's College of Art, Architecture, and Urban Planning and have worked in the agricultural industry since 2010. My agricultural expertise lies primarily in vegetable production, with some experience in small livestock and urban agriculture. Before moving to Washington State I spent four years in Colorado where I worked for a non-profit focused on providing fresh produce to residents of urban food deserts. In 2016 I founded my own small farm, Rabble and Roost in Ferndale. I sell a variety of produce as well as eggs at the Lynden Farmers Market and hope to expand while continuing to practice sustainable agricultural practices. My journey as an agricultural entrepreneur has connected me with various organizations in the community with whom I enjoy a positive and productive relationship. These include Sustainable Connections, WSU Extension, Whatcom Conservation District, and Spark Northwest.
10. Please describe why you're interested in serving on this board or commission	I value the opportunity to collaborate with the community and with our county leadership in order to foster a productive future for farmers of Whatcom County. I believe I can offer a unique perspective through my experience in agriculture as well as architecture and urban planning.
References (please include daytime telephone number):	Alex Smith, Sustainable Connections - (206) 890-4063 Chris Benedict, WSU Extension - (360) 778-5809 Mia Devine, Spark Northwest - (206) 755-1233
Signature of applicant:	Dakota Stranik
Place Signed / Submitted	Ferndale, WA

Dakota Stranik

November 07, 2018

7762 Enterprise Rd – Ferndale, WA 98248

Phone: 917.971.8960 Email: d.stranik@gmail.com

Education

Cornell University – Ithaca, NY

B.Arch degree in Architecture – May 2010

Experience

Rabble and Roost Organic Farm & CSA – Ferndale, WA

Feb 2015 – Present

- ❖ Founder, owner, and farm manager
- ❖ Crop planning, sales, branding, and online marketing
- ❖ Site planning in CAD software for current and future growth

Idlewild Urban Farm – Lakewood, CO

Nov 2013 – Dec 2014

- ❖ Farm Manager and Co-Founder
- ❖ Site planning in CAD, crop management, sales, and marketing
- ❖ Graphic and web design

The GrowHaus Permaculture Center – Denver, CO

Nov 2013 – Mar 2015

- ❖ Program Coordinator of Sustainability Education
- ❖ Managing student materials, sales, website and social media
- ❖ Designing renovation of greenhouse space as an educational center

Agriburbia – Golden, CO

Feb 2012 – Nov 2013

- ❖ AutoCAD draftsman and GIS specialist for agricultural development
- ❖ Field specialist at agricultural sites
- ❖ Client consulting and project design, marketing, and sales

Dillon & Dillon Timber – Seldovia, AK

June 2009 – Sept 2009

- ❖ Technical AutoCAD drafting, client consultation, and contractor negotiation
- ❖ Lead designer for a 5000 sq ft luxury timber frame home on pilings

Skills

- ❖ Adept in drafting, sales, customer service, and graphic and visual presentation
- ❖ Proficient in Microsoft Office, Adobe Creative Suite, AutoCAD, & WordPress
- ❖ Fluent Portuguese, proficient Spanish, conversational Italian
- ❖ LEED Green Associate through USGBC
- ❖ FSMA Food Safety Training through WSU



Application for Appointment to Whatcom County Boards and Commissions

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First Name	Robin
Last Name	Fay
Date	12/31/2018
Street Address	2222 G ST
City	Bellingham
Zip	98225
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	253-677-9730
Secondary Telephone	Field not completed.
Email Address	robinhfay@gmail.com
1. Name of Board or Committee	Agricultural Advisory Committee
Agricultural Advisory Committee Position:	Agricultural Products Consumer Rep
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 2
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	<u>RobinFay Resume 12.31.18.pdf</u> – attached
9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education	I work for a statewide land conservation organization that is dedicated to conserving working farmland, keeping farmland in production, and ensuring farmers have access to the land they need to stay viable. I have worked with County governments around Puget Sound on land use planning and policy issues related to agriculture, and have knowledge of the local/regional agricultural community. My college and graduate education focused on public policy and resource land management. I also grew up on a farm and have a first hand appreciation for the challenges and rewards of running a farm business.
10. Please describe why you're interested in serving on this board or commission	I have a vested interest in local agriculture and would like to be more involved in my local community. I think the role of the Agricultural Advisory Committee is important in helping Whatcom County maintain a viable farm community, and I hope to add value to the Agricultural Advisory Committee by bringing perspective from around the region and experience from my work in land use and land conservation.
References (please include daytime telephone number):	Chris Elder (360) 840-3064 Hilary Aten (206) 777-4043
Signature of applicant:	Robin Fay
Place Signed / Submitted	Bellingham, WA

ROBIN FAY

253-677-9730 robinhfay@gmail.com

Education

University of Washington, Seattle, WA

Master of Public Administration

2013

- Concentration in Environment and Natural Resources; graduated with 3.73 G.P.A.
- Graduate Certificate in Environmental Management

University of Puget Sound, Tacoma, WA

B.A. Degree in Politics and Government

2007

- Concentration in U.S. Politics, Minor in Environmental Studies; graduated with 3.39 G.P.A.

Work Experience

PCC Farmland Trust, North Puget Sound Conservation Manager

*Jan. 2015-
Present*

- Manage conservation easement and fee simple land transactions.
- Lead development of conservation projects in the North Sound geography.
- Lead all project due diligence, including hiring of appraisals, environmental assessments, water rights research, and surveys as needed.
- Screen and respond to landowner inquiries, conduct site visits and property assessments.
- Develop public grant funding strategy, complete public grant applications, and coordinate with partner organizations on project planning & funding strategies.
- Complete all project review documentation for record keeping and Board review.
- With attorney, draft Purchase Agreements and negotiate terms and signing with landowners
- Coordinate closing, recording, and project documentation of transactions
- Manage GIS and mapping needs for conservation projects.
- Help to create stewardship plans, property management plans, and baseline documentation reports as needed for active farm conservation projects

*Jun. 2013-
Present*

Raven Consulting Group, Principle and Owner

- Consultant to clients including nonprofits and community interest groups on public policy and engagement, land conservation, and environmental restoration on working lands.
- Represent clients to individual landowners and the community in building partnership around land conservation and preservation.

*Jun. 2012-
Dec. 2014*

American Farmland Trust, Pacific Northwest Project Manager

- Managed all aspects of projects providing technical support to local governments seeking to improve regulations and policies related to land use.
- Wrote grants and funding requests.
- Conducted landowner outreach, completed surveys and focus groups, and reported on landowner willingness to adopt conservation practices.
- Developed recommendations for increasing enrollment in conservation incentive programs and improving the environmental benefit gained from restoration projects on farms.
- Completed research and policy analysis to provide technical assistance to counties around the 12-county Puget Sound region on land use planning.
- Developed maps, geographic priorities, and a GIS-based evaluation tool to rapidly identify the most appropriate places for farmland conservation.

The Nature Conservancy, Marketing Intern

*Nov. 2011-Jun.
2012*

- Managed social media and member communications, planned events, and organized trips for the Washington's Next Generation Initiative.

American Medical Response, Emergency Medical Technician

*Nov. 2007-Feb.
2008*

- Worked on Basic and Advanced Life Support teams to assess, treat, and transport patients.



Application for Appointment to Whatcom County Boards and Commissions

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First Name	Kimberly
Last Name	Reeves
Date	1/4/2019
Street Address	2808 Pacific Street
City	Bellingham
Zip	98226-3538
Do you live in & are you registered to vote in Whatcom County?	Yes
Do you have a different mailing address?	<i>Field not completed.</i>
Primary Telephone	360-510-1128
Secondary Telephone	<i>Field not completed.</i>
Email Address	ursasmajor@gmail.com
1. Name of Board or Committee	Americans with Disabilities Act (ADA) Compliance 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 2
4. Are you a US citizen?	Yes
5. Are you registered to vote in Whatcom County?	Yes
6. Have you declared candidacy (as	No

defined by RCW 42.17A.055) for a paid elected office in any jurisdiction within the county?

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 I am a Professor of Biology at Whatcom Community College, an author (Raising Ryan: Living with Autism) and contributing writer for Autism Parenting Magazine. I have a B.S. in Zoology and a M.Ed in Biomechanics. I have been a resident and educator in Whatcom County for 28 years. In addition, I am a single parent of a adult child with physical and intellectual disability and would like the opportunity to serve on the Board and lend my expertise as an individual that has to navigate the ADA on a daily basis.

10. Please describe why you're interested in serving on this board or commission As stated above, as a parent of a special needs young adult and an educator, I have a unique perspective in regards to ADA compliance, its impact on people of disability and their caregivers and the ability of my son to navigate through his environment with as little additional supports as possible. I also have a strong commitment to community and have served on the Public Health Advisory Board in the past.

References (please include daytime telephone number): Tresha Dutton 360.201.8805 Julie Van Dooren 360.441.2209 Blanche Bybee 360.296.6333

Signature of applicant: Kimberly C. Reeves

Place Signed / Submitted Bellingham, Wa



Memorandum

TO: JACK LOUWS

FROM: Jackie Mitchell

DATE: 12/05/18

RE: Nomination to the Behavioral Health Advisory Committee

RECEIVED

DEC 6 - 2018

**JACK LOUWS
COUNTY EXECUTIVE**

I am pleased to forward a nomination of Michael Massanari for the Behavioral Health Advisory Committee (BHAC). He will replace David Kincheloe on this board.

Mike's professional background in direct medical care and research makes his experience applicable to the policy issues discussed on this board. In addition, Mike's dedicated leadership in areas related to integrated primary care and behavioral healthcare will be an asset as we prepare for total healthcare transformation in 2020 and beyond. He has partnered on multiple County boards and committees in the past.

Thank you for considering this nomination for appointment.





RECEIVED

NOV 26 2018

COUNCILMEMBERS:
Timothy Ballew II
Barbara E. Brenner
Rud Browne
Barry Buchanan
Tyler Byrd
Todd Donovan
Satpal Sidhu

JACK LOUWS
COUNTY EXECUTIVE

APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: R. MICHAEL MASSANARI MD Date: 11/29/2018
Street Address: 930 HEMLOCK LOOP
City: LYNDELL Zip Code: 98264
Mailing Address (if different from street address): _____
Day Telephone: _____ Evening Telephone: _____ Cell Phone: 360 941 7321
E-mail address: MMASSANARI@COMCAST.NET

1. Name of board or committee-**please see reverse**: BEHAVIORAL HEALTH ADVISORY COMM.
2. You must specify which position you are applying for.
Please refer to vacancy list. (RECENTLY VACATED MEMBERSHIP POSITION)
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.) () yes () no
4. Which Council district do you live in? () One () Two () Three (X) Four () Five
5. Are you a US citizen? (X) yes () no
6. Are you registered to vote in Whatcom County? (X) yes () no
7. Have you ever been a member of this Board/Commission? (X) yes () no
If yes, dates: ? 2013-2016
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 (X) no
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? () yes (X) no

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.
RETIRED PHYSICIAN + PROFESSOR OF MEDICINE
(INTERNAL MEDICINE / PREVENTIVE MEDICINE)

11. Please describe why you're interested in serving on this board or commission:
I SERVE ON THE NORTH SOUND BEHAVIORAL HEALTH ADVISORY
COMMITTEE. THIS APPOINTMENT WILL ENABLE ME TO SERVE
AS LIAISON.

References (please include daytime telephone number):
SHARON BENTON - PASTOR, FIRST CONGREGATIONAL CHURCH - 360 734-3720
JACKIE MITCHELL, MA, BH PROGRAM SPECIALIST - UIC HEALTH DEPT 360 778 6048

Signature of applicant: R. Michael Massanari MD

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Community Members:

Alan Artman
FaithLife Corp

Riannon Bardsley
Northwest Youth Services

Beth Boyd
PeaceHealth Medical Center

Karen Burke
DVSAS

Lorayne Dennis
Lummi Victims of Crime

Christina Kobdich
Unity Care Northwest

Kathy McNaughton
Catholic Community Services

Ken Levinson
Bellingham Attorney General's Office

Katie Plewa Olvera
KPO Counselling

Sharon Rutherford
St. Joseph's Hospital

Garret Shelsta
Christ the King Church-Bellingham

Mary Welch
Northwest Justice Project

Michele Zlotek
Whatcom Transportation Authority

Moonwater
Whatcom Dispute Resolution Center

Government Members:

Regina Delahunt
Whatcom Co. Health Department

David Doll
Bellingham Police Department

William Elfo
Whatcom Co. Sheriff's Office

Silvia Johnson
DSHS Children's Administration

Starck Follis
Whatcom Co Public Defender

Dave McEachran
Whatcom County Prosecutor

Jon Mutchler
City of Ferndale

Darlene Peterson
Bellingham Municipal Court

Linda Quinn
Ferndale School District

Dave Reynolds
Whatcom Co. Superior Court

Mike Riber
DSHS Community Service Office

Peter Ruffatto
City of Bellingham

Kevin Turner
Ferndale Police Department

Bruce Van Glubt
Whatcom Co. District Court

Staff:

Susan Marks
Director

Liz Stuart
Project Manager

Melissa Lacki
Project Manager

Elizabeth Montoya
Administrative Coordinator

December 14, 2018

Executive Jack Louws ✓
311 Grand Avenue
Bellingham, WA 98225

Dear Executive Louws,

The Bellingham-Whatcom County Commission Against Domestic Violence would like to recommend the following reappointments of the following members whose terms expire on January 31, 2019:

- Moonwater, Executive Director, Whatcom Dispute Resolution Center, began serving a partial term in January 2017. Moonwater is working with the DV Commission to host a series of trainings on survivor-centered restorative practices.
- Garret Shelsta, Pastor of Young Adults, Christ the King Community Church, began serving a partial term in November 2016. Garret has been a valuable connection to both the young adult and faith communities.

We'd also like to provide the following updates, related to our membership roster:

- The following Commission members were appointed by the City of Bellingham, and are seeking re-appointment for an additional term:
 - Alan Artman, Chief Financial Officer, FaithLife Corporation, began serving on the DV Commission in February 2015; his first full term will end January 31, 2019. Alan will be joining our Education Committee to provide input on how to best collect and disseminate data to our community partners.
 - Sharon Rutherford, Nursing Director, St. Joseph's Medical Center, began serving a partial term in November 2016. Sharon has joined our Executive Committee and is our current Treasurer, in addition to advocating for improved hospital responses to domestic and sexual violence.
- With Dave McEachran's retirement, Eric Richey will serve on the DV Commission for the Whatcom County Prosecutor position, with no terms or term limits.
- Ferndale Mayor Jon Mutchler, has his term ending on January 31, 2019. He would like to continue for another term, with no term limits.

Feel free to let me know if you have any questions or comments about any of these recommendations or updates.

Sincerely,


Susan Marks
Director

Cc: Mayor Kelli Linville, City of Bellingham
Karen Goens, Whatcom County Human Resources

RECEIVED

DEC 21 2018

JACK LOUWS
COUNTY EXECUTIVE

BWCCADV

**Bellingham-Whatcom County
Commission Against Domestic Violence**





APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Garret Shelsta Date: 9/19/2016
Street Address: 2939 Lafayette St
City: Bellingham Zip Code: 98225
Mailing Address (if different from street address): _____
Day Telephone: 720-365-3533 Evening Telephone: 720-365-3533 Cell Phone: 720 - 365 - 3533
E-mail address: garrets@ctk.church

1. Name of board or committee-**please see reverse:** Commission Against Domestic Violence
2. You must specify which position you are applying for.
Please refer to vacancy list. Community at Large
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.) _____ ☒ yes () no
4. Which Council district do you live in? _____ () One ☒ Two () Three
5. Are you a US citizen? _____ ☒ yes () no
6. Are you registered to vote in Whatcom County? _____ ☒ yes () no
7. Have you ever been a member of this Board/Commission? _____ () yes ☒ no
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? _____ () yes ☒ no
If yes, please explain: _____

You may attach a résumé 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.

I am currently the Pastor of Young Adults at Christ the King Community Church. I have my BA in Biblical studies from Azusa Pacific University. I manage 4 staff members who are responsible for over 100 volunteers.

10. Please describe why you're interested in serving on this board or commission: _____

I want to help be part of helping this community be safe. In addition, I have a passion to engage in helping address systematic cultural issues that activity marginalize people. This commission will help me both of those ends.

References (please include daytime telephone number): _____

Pastor Wendy Powel - Christ The King Community Church - 360.733.1337

Signature of applicant:

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Application for Appointment to Whatcom County Boards and Commissions

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First Name	Ms
Last Name	Moonwater
Date	1/3/2019
Street Address	1463 country lane
City	Bellingham
Zip	98225
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	3606760122
Secondary Telephone	Field not completed.
Email Address	director@whatcomdrc.org
1. Name of Board or Committee	Bellingham-Whatcom County Commission Against Domestic Violence
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 5
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?	Yes
If yes, please list dates:	January 2017 to present
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	I am the Executive Director of the Whatcom Dispute Resolution Center, which is the designated DRC for Whatcom County under RCW 7..75. We have various service contracts with the County.
You may attach a resume or detailed summary of experience, qualifications, & interest in response to the following questions	<u>Resume- Moonwater 2018.pdf</u> - attached
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	I appreciate the opportunity to collaborate with a cross section of leaders to help address DV in our community.
References (please include daytime telephone number):	Bellingham Police Chief David Doll - (360) 778-8800 Superior Court Commissioner Leon Henley - (360) 778-5560
Signature of applicant:	Moonwater
Place Signed / Submitted	Bellingham, WA



Application for Appointment to Whatcom County Boards and Commissions

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First Name	kyle
Last Name	morris
Date	1/6/2019
Street Address	2618 peabody st
City	Bellingham
Zip	98225
Do you live in & are you registered to vote in Whatcom County?	Yes
Do you have a different mailing address?	<i>Field not completed.</i>
Primary Telephone	3602017338
Secondary Telephone	3602552072
Email Address	huffyhumper@gmail.com
1. Name of Board or Committee	Bicycle/Pedestrian 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 2
4. Are you a US citizen?	Yes
5. Are you registered to vote in Whatcom County?	Yes
6. Have you declared candidacy (as	No

defined by RCW 42.17A.055) for a paid elected office in any jurisdiction within the county?

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 I currently work at a non-profit organization called the Pedal Project. The main program of this organization is a community bike shop called The Hub Community Bike Shop which processes used bikes and parts, educates the community regarding bicycle repair and encourages Bellingham residents to consider using bicycle as form of transportation. The Pedal Project is a program going strong for over 20 years and has contributed greatly in inspiring bicycle ridership through implementation of various events and outreach.

10. Please describe why you're interested in serving on this board or commission I have sat in on City level bike advisory meetings in the past and have been thinking about how I could currently engage with and promote a broader level of advocacy in my community. I would love to be connected on a deeper level with the transportation infrastructure and policy development in Whatcom County.

References (please include daytime telephone number): Nicole Oliver 360-223-2230 Sandra Cloud 360-224-7365

Signature of applicant: Kyle Morris

Place Signed / Submitted Bellingham, Wa



Application for Appointment to Whatcom County Boards and Commissions

Public Statement

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First Name	Stephen
Last Name	Zylstra
Date	1/4/19
Street Address	2636 Ellis St
City	Bellingham
Zip	98225
Do you live in & are you registered to vote in Whatcom County?	Yes
Do you have a different mailing address?	<i>Field not completed.</i>
Primary Telephone	3603039993
Secondary Telephone	<i>Field not completed.</i>
Email Address	zmanpdx@gmail.com
1. Name of Board or Committee	Bicycle/Pedestrian 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 2
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	<i>Field not completed.</i>
9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education	I retired from the US Fish and Wildlife Service in February 2018 after 26 years in the agency. I have a PhD in Biology and was a regional manager with the agency, worked with local, county, state, federal and tribal governments on planning and other related efforts including impact assessments, ecological surveys, ecological restoration and so forth.
10. Please describe why you're interested in serving on this board or commission	I have been an avid cyclist for over 20 years, with my bicycle serving as my primary mode of local transportation during that time. In addition, my wife and I have toured on our bicycles extensively within the US and in other countries. I believe that a viable network of bike paths and bike lanes around the county can enhance the quality of life in the county by reducing commuter vehicle traffic (less cars also mean less emissions), offering alternative transportation to low income residents, creating recreational opportunities, supporting tourism, and simply encouraging a more active, healthier community.
References (please include daytime telephone number):	Sonya Wingard (Executive Director, Animals as Natural Therapy); (360) 671-3509
Signature of applicant:	Stephen J Zylstra
Place Signed / Submitted	Bellingham, WA

**WHATCOM COUNTY
BOUNDARY REVIEW BOARD**

600 Lakeway Drive
Bellingham, WA 98225-5236



December 19, 2018

Jack Louws
Whatcom County Executive
311 Grand Avenue, Suite 108
Bellingham, WA 98225

Dear Executive Louws,

Board member Bill Bliss's current four-year term on the Boundary Review Board for Whatcom County will expire January 31, 2019.

This memo is to confirm Mr. Bliss's willingness to continue to serve on the Boundary Review Board and to request the County reappoint him to another term.

Bill is an excellent member and is currently serving as Chair. On behalf of the other members of the Board, I urge you to reappoint this informed and thoughtful board member. His background and experience will be needed as the Board considers its business.

If you have any questions or would like additional information, please contact me at 360-676-6749 or glasgkm@dshs.wa.gov.

Sincerely,

Kristine Glasgow
Chief Clerk, Boundary Review Board for Whatcom County



Application for Appointment to Whatcom County Boards and Commissions

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First Name	Bill (William)
Last Name	Bliss
Date	12/18/2018
Street Address	3139 Chandler Parkway
City	Bellingham
Zip	98226
Do you live in & are you registered to vote in Whatcom County?	Yes
Do you have a different mailing address?	<i>Field not completed.</i>
Primary Telephone	360-961-9267
Secondary Telephone	<i>Field not completed.</i>
Email Address	blissbill@hotmail.com
1. Name of Board or Committee	Boundary Review Board
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 2
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?	Yes
If yes, please list dates:	Since 1995
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	<i>Field not completed.</i>
9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education	Global Director of Business Development, Refining, CH2M Hill
10. Please describe why you're interested in serving on this board or commission	I have been chairman for the past 10-15 years, enjoy the position and wish to continue for another term.
References (please include daytime telephone number):	Dan Washbiurn, Windermere Real Estate, 360-734-7500 Nick Jerns, retired funeral director, 360-961-2100
Signature of applicant:	Bill Bliss
Place Signed / Submitted	Bellingham, Wa

JACK LOUWS
County Executive



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DEC 19 2018
JACK LOUWS
COUNTY EXECUTIVE

COUNCILMEMBERS:
Timothy Ballew II
Barbara E. Brenner
Rud Browne
Barry Buchanan
Tyler Byrd
Todd Donovan
Satpal Sidhu

APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Tony Freeland Date: 12-18-18
Street Address: 220 West Champion St #200
City: Bellingham Zip Code: 98225
Mailing Address (if different from street address): _____
Day Telephone: 360-650-1408 Evening Telephone: _____ Cell Phone: 360-739-1589
E-mail address: tfreeland@freelandengineering.com

1. Name of board or committee—**please see reverse**: County Appeals Board
2. You must specify which position you are applying for.
Please refer to vacancy list. County Appeals Board
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.) (x) yes () no
4. Which Council district do you live in? (x) One () Two () Three () Four () Five
5. Are you a US citizen? (x) yes () no
6. Are you registered to vote in Whatcom County? (x) yes () no
7. Have you ever been a member of this Board/Commission? (x) yes () no
If yes, dates: Current
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? (x) yes () no
If yes, please explain: Freeland and Associates provides engineering services to Whatcom County.
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? () yes (x) no

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.
Professional Civil Engineer, Secretary Bellingham Bay Rotary Club, Board Member Bellingham Schools Foundation, Whatcom County Appeals Board
11. Please describe why you're interested in serving on this board or commission:
My professional background and commitment to community service is why I am interested in serving on this board.

References (please include daytime telephone number):

Tyler Schroeder 360-778-5207

Signature of applicant: Tony Freeland

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JAN 9 - 2019

MEMORANDUM

JACK LOUWS
COUNTY EXECUTIVE

TO: The Honorable Jack Louws, Whatcom County Executive

FROM: Douglas Ranney, P.E., Public Works Engineering Services (PWES) Manager *DWR*

DATE: January 8, 2019

SUBJECT: Staff Recommendations Regarding Membership on the Technical Advisory Committee for the Whatcom County Development Standards

On behalf of the PWES staff and the Whatcom County Development Standards Technical Advisory Committee (TAC), I am pleased to present to you the following recommendations;

Membership Reappointments –

Raymond Peterson, PLS – serving a second term
Catherine Moore, Attorney – serving a second term

Collin Van Slyke – reappointed to serve a first term

Jenifer Ramsey, P.E. – new applicant seeking a first term appointment
David Galbraith, P.E. – new applicant seeking a first term appointment

We have full confidence that the above mentioned people will be a positive continued influence and the addition of the new members will be a benefit to the committee as a whole and recommend them without reservation.



Board and Commission Application

Application for Appointment to Whatcom County Boards and Commissions

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First Name	Raymond
Last Name	Peterson
Date	11/30/2016
Street Address	2105 Wildflower Way
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 31626, Bellingham, WA 98228
Primary Telephone	360-739-8098
Secondary Telephone	Field not completed.
Email Address	raypeterson36@gmail.com
1. Name of Board or Committee	Development Standards Technical 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 1
4. Are you a US citizen?	Yes

5. Are you registered to
vote in Whatcom County?

Yes

6. Have you ever been a
member of this
Board/Commission?

No

7. 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

Professsional Land Surveyor with Larry Steele and Associates
Inc. which does land surveying work for Whatcom County.

You may attach a resume
or detailed summary of
experience, qualifications,
& interest in response to
the following questions

[Raymond Peterson - Whatcom County TAC.pdf](#)

8. Please describe your
occupation (or former
occupation if retired),
qualifications,
professional and/or
community activities, and
education

See attached document

9. Please describe why
you're interested in
serving on this board or
commission

See attached document

References (please
include daytime
telephone number):

See attached document

Signature of applicant:

Raymond Peterson

Place Signed / Submitted

Bellingham, WA

**Raymond Peterson, PLS
2105 Wildflower Way
Bellingham, WA 98229
360-319-3429**

Application for the Whatcom County Development Standard Technical Advisory Committee

Occupation & qualifications:

I have almost 20 years of experience working in the Land Surveying Profession. I began working for Larry Steele & Associates on the Field Crew in 1997, and earned my Washington State Professional Land Surveyor License in May of 2012.

I have a strong construction and business background, working in the field and in the office, and have a strong proficiency at conducting the survey calculations required for construction staking. I have worked in the field and in the office on many projects in Whatcom County, from small housing developments and municipal road projects, to large scale industrial projects. I have served as the Construction Coordinator for Larry Steele and Associates on many large scale projects and frequently interacted with the prime contractors to determine the most effective and efficient use of our field surveying and mapping efforts. I have previously performed the onsite field management of a 23 mile portion of the pipeline capacity replacement project through Whatcom County, running from Sumas and into Skagit County, for Williams Pipeline Company. I managed up to 6 onsite field crews at one time, coordinating with the contractor for all survey aspects of the job that were needed throughout the 23 mile project. Most recently, Mr. Kleinknecht and I worked together and oversaw the survey completion of the Crude Rail Logistics Project at the BP Railway Loop. This included the oversight of 3-4 field crews working on various sites and navigating the needs of several construction companies and contractors working on the job site.

I am an active member in the Land Surveyor's Association of Washington (LSAW), and have been the Treasurer of the Northwest Chapter of the LSAW since 2010.

Interest for serving on the committee:

With my extensive surveying history in construction, I feel that I could be very helpful in reviewing and modifying proposed standards. I feel that serving on the committee would be a great way to give back to my community and further my knowledge about the development standards.

References:

Larry Steele, PLS
Larry Steele & Associates Inc.
360-676-9350

Erich Kleinknecht, PLS
Larry Steele & Associates Inc.
360-676-9350

Tony Freeland, PE
Freeland & Associates
360-650-1408



Application for Appointment to Whatcom County Boards and Commissions

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First Name	Catherine
Last Name	Moore
Date	1/09/2019
Street Address	2222 Iron St
City	Bellingham
Zip	98225
Do you live in & are you registered to vote in Whatcom County?	Yes
Do you have a different mailing address?	No.
Primary Telephone	360-647-1500
Secondary Telephone	360-201-7451
Email Address	cmoore@carmichaelclark.com
1. Name of Board or Committee	Development Standards Technical 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 2
4. Are you a US citizen?	Yes
5. Are you registered to vote in Whatcom County?	Yes
6. Have you ever been a member of this Board/Commission?	Yes (served a first term)

7. 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	I am employed as an associate attorney at Carmichael Clark, a law firm operating in Bellingham.
You may attach a resume or detailed summary of experience, qualifications, & interest in response to the following questions	<u>Catherine Moore - TAC Application.pdf</u> - attached
8. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education	Please see attached.
9. Please describe why you're interested in serving on this board or commission	Please see attached.
References (please include daytime telephone number):	Bob Carmichael - <u>bob@carmichaelclark.com</u> - 360-647-1500 Simi Jain - <u>sjain@carmichaelclark.com</u> - 360-647-1500
Signature of applicant:	Catherine Moore
Place Signed / Submitted	Bellingham, WA

CATHERINE MOORE

2321 Iron Street, Bellingham, WA 98225 • (360) 201-7451 • cmoore@carmichaelclark.com

CARMICHAEL CLARK, P.S.

ATTORNEY • October 2016 to Present • Bellingham, WA

Practice areas include land use, water use, environmental regulations, and litigation. Provide support to partners to advise clients including municipalities, water districts, land developers, non-profit organizations, homeowners' associations, and private individuals.

Member of the Washington State Bar Association and the Whatcom County Bar Association.

EDUCATION

UNIVERSITY OF WASHINGTON SCHOOL OF LAW • Seattle, WA

Juris Doctor, June 2016 • GPA: 3.56

Selected Honors and Activities:

Pro Bono Honors Award Recipient • Charlotte MacDonald Malone Endowed Scholarship Recipient • 2014-2015 Moderate Means Intern

UNIVERSITY OF WASHINGTON • Seattle, WA

Bachelor of Arts, Political Science and Bachelor of Science, Economics • June 2012 • GPA: 3.87

Selected Honors and Activities:

Graduated Magna Cum Laude • Dean's List all 12 quarters • College Honors Program • Phi Beta Kappa • Senior Thesis: *Marbled Murrelets: Mysteries and Management*

SELECTED EXPERIENCE

STUDENT LEGAL SERVICES • September 2015 to July 2016 • Seattle, WA

Advised members of the University of Washington community on a wide variety of legal issues. Particular emphasis on landlord-tenant issues.

WASHINGTON FOREST LAW CENTER • January 2016 to March 2016 • Seattle, WA

Researched novel areas of land use and natural resources law and drafted litigation documents.

NORTHWEST JUSTICE PROJECT • June 2015 to August 2015 • Bellingham, WA

Aided residents of Whatcom and Skagit Counties under 200% of the federal poverty level with legal concerns.

REGULATORY AND ENVIRONMENTAL LAW CLINIC • September 2014 to March 2015 • Seattle, WA

Worked with high-profile environmental non-profits on cases involving water law on the Columbia River and land use and zoning matters regarding Concentrated Animal Feeding Operations.



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NOV 26 2018

COUNCILMEMBERS:
Timothy Ballew II
Barbara E. Brenner
Rud Browne
Barry Buchanan
Tyler Byrd
Todd Donovan
Satpal Sidhu

JACK LOUWS
COUNTY EXECUTIVE

APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Collin Van Slyke Date: 11/20/18
Street Address: 3020 Elm St
City: Bellingham Zip Code: 98225
Mailing Address (if different from street address): _____
Day Telephone: _____ Evening Telephone: _____ Cell Phone: 425-466-1299
E-mail address: collin@nwecological.com

1. Name of board or committee—**please see reverse:** Development Standards TAC
2. **You must specify which position you are applying for.**
Please refer to vacancy list. At Large
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.) ☒ yes ☐ no
4. Which Council district do you live in? ☐ One ☒ Two ☐ Three ☐ Four ☐ Five
5. Are you a US citizen? ☒ yes ☐ no
6. Are you registered to vote in Whatcom County? ☒ yes ☐ no
7. Have you ever been a member of this Board/Commission? ☒ yes ☐ no
If yes, dates: July 2018 - Nov 2018
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 ☒ no
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? ☐ yes ☒ no

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 currently employed as a wetland ecologist in Bellingham. I have recently completed a partial term on the TAC.

11. Please describe why you're interested in serving on this board or commission: I will be able to provide valuable input regarding critical areas to the Development Standards TAC.

References (please include daytime telephone number):

Vikki Jackson, employer 360-319-6988

Signature of applicant: Collin Van Slyke

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Northwest Ecological Services
2801 Meridian Street, Suite 202
Bellingham, WA 98225

360.734.9484 W
425.466.1299 C

collin@nwecological.com



Collin J. Van Slyke

professional experience

Wetland Delineations

Experience with field reconnaissance, delineations,
WDOE ratings, functional assessments

Stream / Shoreline Delineations

Knowledgeable with reconnaissance, delineations,
OHWM determinations, habitat assessments

Mitigation

Successfully completed wetland and buffer mitigation
designs

Environmental Permitting

Experience preparing applications for local, state, and
federal environmental permits including
CWA 404/401 Nationwide and Individual permits
Local Critical Areas Ordinance permits

Mitigation Monitoring

Diverse experience monitoring project success,
performance standards, developing contingency
plans, and providing contractor coordination

associations

Society of Wetland Scientists
Society of Ecological Restoration

education

Bachelors of Science in Environmental Science

Huxley College of the Environment
Western Washington University, June 2014

certifications & continuing education

Wetland Professional in Training

Society of Wetland Scientists

Basic Wetland Delineation

Western Washington University, 2014

Washington State Wetland Rating System (2014)

WA Coastal Training Program, 2014

Determining the OHWM

WA Coastal Training Program, 2016

Administering Shoreline Development Permits

WA Coastal Training Program, 2018

relevant employment

Northwest Ecological Services

consulting ecologist, 2014 to present
Bellingham, WA

Public Works- Snohomish County

surface water intern, 2013
Everett, WA

Washington State Parks

park aide, 2012
Bellingham, WA



Application for Appointment to Whatcom County Boards and Commissions

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First Name	Jenifer
Last Name	Ramsey
Date	1/7/2019
Street Address	1500 Runge Ave
City	Blaine
Zip	98230
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 618, Blaine WA 98231
Primary Telephone	3607336100
Secondary Telephone	Field not completed.
Email Address	jramsey@wilsonengineering.com
1. Name of Board or Committee	Development Standards Technical Advisory Committee
Development Standards Technical Advisory Committee Position:	Alternate
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 5
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	I work with an engineering firm that occasionally is used by the County to help design and construct stormwater infrastructure for its citizens.
You may attach a resume or detailed summary of experience, qualifications, & interest in response to the following questions	<u>Resume for TAC.pdf</u> - attached
9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education	I am a professional civil engineer with expertise in design and construction of stormwater and onsite wastewater facilities. I have degrees in Environmental Resource Engineering and Marine Biology.
10. Please describe why you're interested in serving on this board or commission	Due to the nature of my work and being a County resident, I want to ensure that development standards adopted by the County strike a balance between protecting the general public, the environment, private property rights, and costs while maintaining compliance with federal and state laws.
References (please include daytime telephone number):	Liz Sterling at Wilson Engineering - 360-733-6100.
Signature of applicant:	Jenifer Ramsey
Place Signed / Submitted	Bellingham, WA

Resume for
Jenifer A Ramsey, PE

Wilson Engineering
805 Dupont Street, Suite 7
Bellingham, WA 98225

PROFESSIONAL QUALIFICATIONS:

Jenifer has 14 years of experience in engineering design and permitting, including stormwater treatment and detention, constructed wetland design and operation, wastewater treatment, water treatment and water quality monitoring and assessment studies. She has designed Low Impact Development (LID) stormwater facilities, onsite wastewater treatment and disposal systems, onsite water treatment systems, and developed Operations and Maintenance plans for these facilities. A recent stormwater treatment facility Jenifer designed for Point Defiance won the silver ACEC award. She has provided sediment and erosion control expertise to clients to remain in full compliance with construction water quality permits.

She is a Registered Professional Engineer in Washington State (#43086).

WORK EXPERIENCE:

- Project Engineer for Wilson Engineering, Bellingham WA – 2015 to present
- Project Engineer for Parametrix, Bremerton, WA – 2012 to 2015
- Project Water Resources Engineer for Aspect Consulting, Seattle WA – 2008 to 2011
- Project Engineer for 2020 Engineering, Bellingham WA – 2005 to 2008
- Associate Engineer for Fall Creek Engineering, Santa Cruz CA – 2002 to 2005
- Project Engineer for Raines, Melton and Corella Inc, San Jose CA – 2000 to 2002

EDUCATION:

- BS, Environmental Resource Engineering from Humboldt State University, Arcata CA (2000)
- Completed Post Graduate Coursework (Masters Degree in Environmental Systems with a Concentration in Environmental Resource Engineering) from Humboldt State University, Arcata CA (2000)
- BA, Marine Biology from UC Santa Cruz, Santa Cruz CA (1992)

Additional information available upon request.



Application for Appointment to Whatcom County Boards and Commissions

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First Name	David
Last Name	Galbraith
Date	1/8/2019
Street Address	909 Squalicum Way, Suite 111
City	Bellingham
Zip	98225
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	360-671-7387
Secondary Telephone	360-815-3885
Email Address	dgalbraith@psurvey.com
1. Name of Board or Committee	Development Standards Technical Advisory Committee
Development Standards Technical Advisory Committee Position:	Construction Trade
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?	Yes
If yes, please explain	Principal at Pacific Surveying and Engineering
You may attach a resume or detailed summary of experience, qualifications, & interest in response to the following questions	<u>Galbraith RESUME.pdf</u> – attached.
9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education	I'm a civil engineer licensed in the state of Washington and a principal at Pacific Surveying and Engineering. See attached resume.
10. Please describe why you're interested in serving on this board or commission	I want to use my professional experience related to development activities within Whatcom County and other jurisdictions to review, revise and improve the Whatcom County Development Standards.
References (please include daytime telephone number):	See attached resume.
Signature of applicant:	David Galbraith
Place Signed / Submitted	Bellingham, WA



David Galbraith, PE

Project Engineer & Principal

Summary of Qualifications

David is a project engineer with more than 14 years of experience on a wide variety of civil engineering and surveying projects. He has had civil engineering design responsibilities for municipal, residential, industrial, and commercial developments including pedestrian improvements, water and sewer systems, drainage, parking facilities, and roadway designs. He is extremely proficient in utilizing AutoCAD C3D software to streamline production of civil engineering drawings including plan & profile sheets, grading plans, cross-sections, etc. Mr. Galbraith's technical design experience includes urban street design, commercial site grading plans, sanitary sewer conveyance, potable water distribution, fire lines, cross connection control improvements, pedestrian corridors, and stormwater management. Mr. Galbraith's project experience includes client and project team management, scheduling, permit acquisition, and design team leadership responsibilities. He is experienced in preparing roadway plans and bid documents satisfying WSDOT requirements.

Project Experience

Jones Creek Road & Bridge Alternatives

Whatcom County River & Flood
Gary Goodall, Project Manager
(360) 778-6287

Barkley District Improvements

The Barkley Company
John Moullen, Project Manager
(360) 671-6450

All American Marine

Port of Bellingham
Jon Gibson, P.E., Project Manager
(360) 676-2500

Alpha Technologies Site Improvements

Alpha Technologies
Larry Madsen, Project Manager
(360) 201-8425

Expertise

- Geometric Road Design
- Storm Water Management
- Construction Quality Control
- Construction Cost Estimating
- Public Roadway Design
- Industrial Site Development
- NPDES Permits
- Pedestrian Corridors
- Construction Management
- Permit Coordination

Education

- BS – Civil Engineering
University of Washington
Seattle, Washington

Registration & Affiliation:

- PE – State of Washington No. 44679
(2008)

Professional References:

Mr. Martin Kjelstad, PE
Project Engineer
CITY OF BELLINGHAM
Bellingham, Washington
(360) 778-7900

Mr. John Moullen
Project & Facilities Manager
BARKLEY COMPANY.
Bellingham, Washington
(360) 671-6450

Jon Gibson
Project Engineer
Port of Bellingham
Bellingham, Washington
(360) 676-2500

Mr. Adam Fulton, P.E.
Director of Facilities
Port of Bellingham
Bellingham, Washington
(360) 676-2500



RECEIVED

JAN 8 - 2019

JACK LOUWS
COUNTY EXECUTIVE

January 8, 2019

TO: Jack Louws, County Executive

CC: Suzanne Mildner

FROM: Jessica Lee, Developmental Disabilities Program Specialist

RE: Larson and Perzigian Re-appointment:
Developmental Disabilities Advisory Board (DDAB)

I am pleased to recommend the re-appointment of current Developmental Disabilities Advisory Board (DDAB) members, Ken Larson and Aaron Perzigian. Both have been consistent and enthusiastic contributors to the board and have applied for second terms.

The board benefits from their skill and expertise and I look forward to continuing our work with them!

Thank you for considering their re-appointment to the DDAB.



JACK LOUWS
County Executive



RECEIVED COUNCILMEMBERS:
Timothy Ballew II
Barbara E. Brenner
Rud Browne
Barry Buchanan
Tyler Byrd
Todd Donovan
Satpal Sidhu

JAN 07 2019

JACK LOUWS
COUNTY EXECUTIVE

APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Kenneth Raymond Larson Date: 1-3-2019
Street Address: 3427 Northwest Ave 230
City: Bellingham Washington Zip Code: 98225
Mailing Address (if different from street address): _____
Day Telephone: (360) 738-2060 Evening Telephone: _____ Cell Phone: (360) 441-0104
E-mail address: Ken.L@iCloud.com

1. Name of board or committee—**please see reverse**: Developmental Disabilities Board
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.) () yes () no
4. Which Council district do you live in? () One ☒ Two () Three () Four () Five
5. Are you a US citizen? ☒ yes () no
6. Are you registered to vote in Whatcom County? ☒ yes () no
7. Have you ever been a member of this Board/Commission? ☒ yes () no
If yes, dates: 2005-2011
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 ☒ no
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? () yes ☒ no

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. Disability Rights Washington 2016-2019 people first north
Region 3 Rep 2016-2019 president of out and about center for independence
2016-2019 athlete Impact council special olympics Washington 2016-2019
 11. Please describe why you're interested in serving on this board or commission: I have many connections
with my community outreach and am always asking my friends with
disabilities how their lives are and I really like my vote to mean something
- References (please include daytime telephone number): Beverly Porter (360) 715-0170 ext 306
Meridith Moyer (360) 393-3421
- Signature of applicant: Kenneth Raymond Larson

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.



Application for Appointment to Whatcom County Boards and Commissions

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First Name	Aaron
Last Name	Perzigian
Date	1/8/2019
Street Address	1916 Lake Crest 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?	Field not completed.
Primary Telephone	2628933232
Secondary Telephone	Field not completed.
Email Address	aperzigian@gmail.com
1. Name of Board or Committee	Developmental Disabilities Board
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 2
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?	Yes
If yes, please list dates:	2016-2018
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	<i>Field not completed.</i>
9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education	Professor of special education at WWU
10. Please describe why you're interested in serving on this board or commission	I am committed to the full participation of persons with disabilities in our community
References (please include daytime telephone number):	Keith Hyatt - (360) 650-2353
Signature of applicant:	Aaron Perzigian
Place Signed / Submitted	Bellingham, WA



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First Name	Ramona
Last Name	Abbott
Date	1/3/2019
Street Address	5483 Noon 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?	<i>Field not completed.</i>
Primary Telephone	3605104080
Secondary Telephone	<i>Field not completed.</i>
Email Address	ramonakayabbott@gmail.com
1. Name of Board or Committee	Ethics 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 2
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?	Yes
If yes, please list dates:	Most recent term: partial term after Mary Kay Robinson resigned to run for public office.
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	I occasionally teach seminars to some employees of the County. This usually takes the form of one 3-hour seminar per year.
You may attach a resume or detailed summary of experience, qualifications, & interest in response to the following questions	<u>Ramona Abbott Resume.pdf</u> – attached.
9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education	In addition to my consulting work, I also volunteer for a variety of arts organizations in Whatcom County, perform as an actor and improviser, and engage in a wide range of community activities and fundraising efforts.
10. Please describe why you're interested in serving on this board or commission	I believe we are all well served by a high degree of professionalism and ethics in our public sector.
References (please include daytime telephone number):	Margaret Bikman 360-715-2273 Gail Ridenour 360-756-6752
Signature of applicant:	Ramona Kay Abbott
Place Signed / Submitted	Bellingham, WA



To: Whatcom County Executive Jack Louws

From: Ali Jensen, Whatcom County Health Department

Date: January 11, 2019

Subject: Whatcom County Health Department Recommendations for the Food System Committee

Below are the Health Department's recommendations for members of the Food System Committee. The Ordinance requires four members will serve a four-year term and five positions will serve a two-year term. I have included recommended terms for each position.

Food System Committee Recommendations		
Representing Area	Name	Recommended Term
Local Sales Farming	Margaret Teresa Gerard	4 years
Export Sales Farming	No recommendation at this time	2 years
Fishing Industry	Riley Starks	2 years
Food Processing/Distribution	Adrienne Renz	4 years
Food Access	Riley Sweeney	2 years
Nutrition/ Public Health	Amber Noskoff	4 years
Labor Issues	Maureen Darras	2 years
Natural Resources	Krista Rome	4 years
Whatcom Food Network Representative	Mardi Solomon	2 years

Please let me know if you have any questions.

OK To
ALL
[Signature]

Ali Jensen

Program Specialist

Whatcom County Health Department





Application for Appointment to Whatcom County Boards and Commissions

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First Name	Margaret
Last Name	Gerard
Date	1/8/2019
Street Address	1210 Bowman rd.
City	Acme
Zip	98220
Do you live in & are you registered to vote in Whatcom County?	Yes
Do you have a different mailing address?	YES
Mailing Address	P.O. box 71 Acme, Wa 98220
Primary Telephone	(360)927-9827
Secondary Telephone	Field not completed.
Email Address	Margarettteresa@gmail.com
1. Name of Board or Committee	Food System Committee
Food System Committee position:	Local sales farming
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	<u>Margaret resume 2019 pdf.pdf</u> - attached
9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education	Please see attached resume for details. I have 7 years experience selling vegetables at the Bellingham Farmers Market, and I have helped develop the collaborative farmers market Twin Sisters Market. Since its conception in 2015, I have served in leadership roles including market manger, member of the executive committee, and have been a grassroots vendor. One aspect of this market is to facilitate community building in an area known as a food dessert. The market members have demonstrated this by volunteering to host a meal at the East Whatcom Regional Resource center in Kendall, one of our location sites. We gathered donations for the food, created the menu, prepared and served a nutritious, delicious meal. This was a way for us to connect with our local customer base, and demonstrate our commitment to being a part of feeding the community. I participated in the Sustainable Connections program Food to Bank On from 2013-2015. This is a 3 year educational program for new farmers. It include business planning workshops, mentorship with an experienced farmer, marketing support, and payments to deliver food to a food bank. This was an invaluable way to connect and grow food for the community.
10. Please describe why you're interested in serving on this board or commission	I am passionate about strengthening our food system, building local resilience, and providing access to healthy food. I have built my livelihood around growing local produce for this county. My background in farming has helped me to recognize the connection between soil health, plant health, and personal health. For each of these areas to thrive, a vibrant local food system is necessary. My work allows me to be very connected to our local food system. I will apply my knowledge and experience to contribute to the work of this committee. I believe serving on this committee is an opportunity to help catalyze positive movement in the Whatcom county food system. My personal dedication and enthusiasm for this work will be an asset to the committee.
References (please include daytime telephone number):	Jean Rogers (360)734-8158, ext. 311 Board Facilitator, Community Food Co op board Scout Urling (360) 303-8196 Owner/operator, Flying Bird Botanicals Chris Elder (360) 840-3064 President, Twin Sisters Market Board chair, Farm Fund Committee
Signature of applicant:	Margaret Gerard
Place Signed / Submitted	Acme, WA

Margaret Teresa Gerard

(360) 927-9827 margarettteresa@gmail.com P.O. box 71 Acme, Wa

Profile

Seeking an outlet to use my passion and experience in supporting local food systems

Experience

CO-OPERATOR, SUNSEED FARM AND NURSERY ACME, WA — 2018-PRESENT

Delegate tasks with other co-operator to see that all functions of the farm and business are functioning. Including, interviewing, hiring and training a crew of 4. Managing 5 nursery greenhouses and 3 acres vegetable crops. Farmers market set up and customer service. Wholesale nursery plant delivery and customer relations

OWNER/OPERATOR, GRATEFUL BOUNTY FARM, WHATCOM COUNTY, WA — 2013-2017

Conceive and develop a small scale vegetable farm. Write business plan and crop plan. Order supplies, manage soil fertility and prep field. Sow, plant and harvest vegetables. Farmer market sales/ wholesale customer relations. Tractor operator/mechanic troubleshooter.

LEAD TEA BLENDER, FLYING BIRD BOTANICALS — 2012-2017

Hand blend and package 30 different tea blends, quality control of many types of herbs. Train new employees on blending. Receive and organize over 100 types of herbs/ teas. Attention to detail when converting recipes to smaller or larger quantities.

FARM MANAGER, SUNSEED FARM AND NURSERY, ACME WA — 2011-2014

Manage and train a crew of 4. Oversee nursery and field operations of over 300 varieties. Sow, plant, weed and harvest vegetables. Farmers market set up and customer service.

Education

The Evergreen State College, Olympia, WA 2008-2009

Studied the global food system, organic gardening, and community building

Bellingham High School, graduate 2007

Volunteer

BELLINGHAM COMMUNITY FOOD CO-OP, BOARD OF DIRECTORS, 2016-PRESENT

Attend board meetings monthly, review co-op policies and evaluate compliance. Active on 2 committees, farm fund and member affairs committees; brainstorm ways committees can best serve mission, delegate grant funds to eligible applicants

TWIN SISTERS MARKET, EXECUTIVE COMMITTEE, 2015-PRESENT

Attend meetings monthly. Active member since year 1, helped develop and build market. Collaborate/ cooperate with other group members to create functioning market. Brainstorm funding ideas/ host fundraisers and community meals

BELLINGHAM FOOD BANK, GARDEN PROJECT BUILDING HELPER 2015-2016

Help assemble multiple raised garden beds by building wooden frames and filling with compost. Give garden advice to recipients, and encourage growing endeavors.

References

Jean Rogers (360)734-8158, ext. 311
Board Facilitator, Community Food Co op board

Scout Urling (360) 303-8196
Owner/operator, Flying Bird Botanicals

Chris Elder (360) 840-3064
President, Twin Sisters Market
Board chair, Farm Fund Committee



Application for Appointment to Whatcom County Boards and Commissions

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First Name	Andy
Last Name	Enfield
Date	01/14/19
Street Address	8220 Bob Hall Rd.
City	Lynden
Zip	98264
Do you live in & are you registered to vote in Whatcom County?	Yes
Do you have a different mailing address?	YES
Mailing Address	1064 BIRCH BAY LYNDEN RD., Lynden, WA 98264
Primary Telephone	3603542580
Secondary Telephone	Field not completed.
Email Address	aenfield@enfieldfarms.com
1. Name of Board or Committee	Food System Committee
Food System Committee position:	Export Sales Farming
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
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	<i>Field not completed.</i>
9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education	Own and operate Enfield Farms with my brother Adam, my father Marv, our families, and our great employees! We grow and pack raspberries and blueberries. Current Sumas WID board member Current Ag Water Board board member Current Whatcom Business Alliance board member
10. Please describe why you're interested in serving on this board or commission	Its important to have someone on this committee that represents our county's berry industry and also someone that exports food overseas.
References (please include daytime telephone number):	360-410-2639
Signature of applicant:	Andy Enfield
Place Signed / Submitted	Lynden, WA



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First Name	riley
Last Name	starks
Date	1/2/2019
Street Address	4300 matia view dr
City	lummi island
Zip	98262
Do you live in & are you registered to vote in Whatcom County?	Yes
Do you have a different mailing address?	<i>Field not completed.</i>
Primary Telephone	3607587616
Secondary Telephone	<i>Field not completed.</i>
Email Address	riley@salishcenter.org
1. Name of Board or Committee	Food System Committee
Food System Committee position:	Fishing Industry
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 5
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

[Riley fishing bio.pdf](#) – see attached

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education

As mentioned in my bio above, I am a life long Washington native, have fished commercially my entire adult life, and direct a non-profit whose mission it is to educate the public about selective fisheries.

10. Please describe why you're interested in serving on this board or commission

I believe I can add a seasoned voice to the dialogue.

References (please include daytime telephone number):

Brad Smith, chair Fish and Wildlife Commission Mike LaPointe, retiring chief biologist of the Pacific Salmon Commission

Signature of applicant:

Riley D Starks

Place Signed / Submitted

Lummi Island Wa

Riley Starks bio

Born July 14, 1950 in Fort Worden, Port Townsend Wa

Graduated Cascade High School, Everett Wa

Graduated WWU BS Political Science 1972

Bought a fishing boat and fitted it for crab and salmon fishing, 1973

Fished commercial all of my life, from Bristol Bay to San Francisco. In 1992 I moved to Lummi Island and bought a reefnet gear. I have reefnetted since then.

In 1992 I started Nettles Farm on Lummi Island, where I still live today. It is a working farm and B&B.

In 2001 I bought the Willows Inn, sold it in December, 2012.

I am a partner in Lummi Island Wild, which I co-founded in 2003.

In 2018 I became the founding Executive Director of the Salish Center for Sustainable Fishing Methods, a 501 c(3) non-profit, whose mission it is to educate the public about reefnet fishing and the health of the Salish Sea. We own the gear yard property on Legoe Bay, and lease a reefnet gear and site, which serve as an educational platform for the non-profit center.



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First Name	Adrienne
Last Name	Renz
Date	1/3/2019
Street Address	2700 Ellis st
City	Bellingham
Zip	98225
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	3604418008
Secondary Telephone	3607348158
Email Address	adriennerenz@gmail.com
1. Name of Board or Committee	Food System Committee
Food System Committee position:	Food processing/distribution
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 2
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	<u>Adrienne Renz Resume 2019.doc</u> – attached.
9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education	Current general manager of the Community Food Co-op, former chair of the Whatcom Food Network. Focused on system development around food economies, distribution and food access.
10. Please describe why you're interested in serving on this board or commission	As the General Manager for the Community Food Co-op my directive from our elected Board and 14,000 community owners is to work on issues of local food system development and healthy food access. I have remained committed to a multi-stakeholder planning process to make sure next steps and goals reflect the various sectors within the food system. With over 260 staff, 36 million in sales and hundreds of local vendors we must continually balance the needs of various groups for the best long-term outcome for the community. In addition to oversight of Farmer Development programs through the Co-op's Farm Fund grant and loan program. After serving the Whatcom Food Network for 7 years I would like to continue the multi-sector conversation to ensure the long-term viability of our food economy and resources. Ultimately my work in food system development has led to participating in assessment, planning, programing at various levels and perspectives, which I think will serve the committee well in bringing perspective.
References (please include daytime telephone number):	Diana Meeks, Whatcom Food Network Coordinator, (360) 647 - 7093 Chris Elder, Farm Fund Chair, Whatcom County Planner, (360)778-5932
Signature of applicant:	Adrienne Renz
Place Signed / Submitted	Bellingham, WA

Adrienne Renz

2700 Ellis Street
Bellingham, WA 98225
360.441.8008 (cell)
adriennerenz@gmail.com

Dependable Strengths

- Highly articulate and motivated, Masters level Manager experienced in building mission driven collaborative partnerships around innovative programming.
 - Possess clear vision for success with aptitude to establish goals, develop strategies, and engage with key internal and external customers and partners towards achieving those goals.
 - Skilled in communicating program goals and project resources to engage staff, partners and funders.
 - Experienced in the development, coordination, assessment and supervision of professional level trainings and programming on topics of Poverty Reduction, Domestic Violence, Community Building, Conflict Resolution, Prevention, Leadership and Community Engagement.
 - Proficient in Microsoft Office products having developed linked Excel spreadsheets, Access databases and Word forms and correspondence on both PC and MAC operating systems.
-

EDUCATION AND PROFESSIONAL DEVELOPMENT TRAINING

Master of Arts in Organizational Psychology • Antioch University Seattle • Seattle, WA • September 2007

Bachelor of Arts in Psychology • Western Washington University • Bellingham, WA • August 2002

2009 Asset Based Community Development, ABCD Institute, IL

2008 Motivational Interviewing 1, 2, 3, WA Health Department, WA

2007 Master Facilitation, Skagit County Dispute Resolution Center, WA

2006 Dependable Strengths: Methods for Interviewing, Whatcom Community College, WA

2006 Graduate Certificate in Integrated Skills for Sustainable Change, Antioch University Seattle, WA

2006 Certified Professional Coach, International Coaching Academy

2002 Basic Mediation Training, Snohomish & Island County Dispute Resolution Center, WA

PROFESSIONAL EXPERIENCE

Management and Coordination

- Management and oversight of training development.
- In partnership with management team, ensured company mission, policies and procedures were achieved. Provide coaching in support of organizational and professional goals.
- State and Federal grants management, oversight, implementation and writing.
- Engaged community and developed stakeholder groups on issues of food systems, poverty, gang and substance abuse prevention.
- Ensured compliance with funder requirements while developing innovative and responsive programs.

Organizational Development and Human Resources

- Developed and facilitated organizational change via strategic planning, multi-stakeholder collaboration.
- Coalition Development and partnering to create and prioritize criteria for adding new Board members and help identify, recruit, orient, educate and motivate active participants.
- Work closely with Board committees to maximize communication of organization needs and plans.
- Created and implemented review system with measurements to strengthen project satisfaction.
- Created training manual to share programs, rules and expectations with new employees and volunteers.
- Development and delivery of training for program participants, employees and volunteers.

- Recruitment of program participants and partners to meet program goals.
- Strengthened program to include manuals, job descriptions and community networking.
- Mediated employee, youth, family, small claims and peer conflict.

Communications

- Manage production of award winning promotional and publicity materials and activities.
- Business liaison between departments, offices, organizations and community.
- Serve as primary media contact and oversees press release and development of new marketing campaigns.
- Fostered collaboration between organizations, backgrounds and interests.
- Creation and development of monthly newsletter, e-newsletter, program brochures, natural health catalog and website content.

Financial Management and Fundraising

- Managed budgets with regular expense tracking and reporting for various stakeholders.
- Successful Federal grant applications to support community development and organization goals.
- Secured community donations and sponsorship towards programming and fundraising events.
- Maintain ongoing financial reports.
- Reviewed and ensured correct contract billing.

Analysis and Reporting

- Conduct community needs assessments to aid in developing timely and responsive programming opportunities.
- Implement and maintain ongoing program assessment through various tools.
- Conducted county-wide research on the issue of poverty resulting in policy and programming changes.
- Coordinated the completion of required reporting documents.
- Compiled statistical data for monthly monitoring report.
- Ran cost analysis reports to assess and develop strategies for continuous quality improvements.
- Analyzed company procedures to develop better feedback within the system for informed data driven decision making.

Technology

- Proficient in PC and Macintosh applications: Microsoft Word, Excel, PowerPoint, Outlook, Internet Explorer, Word Perfect, Mozilla Firefox.
- Maintained data integrity of a secure and stable information network.

PROFESSIONAL HISTORY

General Manager , Community Food Co-op, Bellingham WA	2018-present
Outreach Manager , Community Food Co-op, Bellingham, WA	2012-2018
Assistant Director/Community Liaison , Colorado State University	
City of Fort Collins, Fort Collins, CO	2010-2012
Community Mobilization Manager , Whatcom Family & Community Network Bellingham, WA	2007-2010
Training Program Specialist , Northwest Training Institute, Bellingham, WA	2006-2007
Manufacturing Manager , Omega Nutrition, Bellingham, WA	2005-2006
Program Manager , Whatcom Dispute Resolution Center, Bellingham, WA	2002-2005
Crisis Support Advocate , Womenscare Shelter, Bellingham, WA	1998-2001

COMMUNITY INVOLVEMENT

WHATCOM FOOD NETWORK	Bellingham, WA	2012-2018
CAMPUS COMMUNITY COALITION TEAM	Fort Collins, Fort Collins, CO	2010-2013
BOARD OF DIRECTORS, President	Birchwood Neighborhood Assoc., Bellingham, WA	2007-2010
CM ADVISORY COMMITTEE	WA State Commerce Department, Olympia, WA	2007-2010
MEDIATOR/TRAINER	Whatcom Dispute Resolution Center, Bellingham, WA	2002-2010
BOARD OF DIRECTORS	Womenscare Shelter, Bellingham, WA	2002-2004



Application for Appointment to Whatcom County Boards and Commissions

Public Statement

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First Name	Riley
Last Name	Sweeney
Date	11/15/2018
Street Address	200 E Pole Rd
City	Lynden
Zip	98264
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	3604414191
Secondary Telephone	Field not completed.
Email Address	riley.sweeney@gmail.com
1. Name of Board or Committee	Food System Committee
Position Applied For:	Food consumption
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?	Yes
If yes, please explain	Employee of the City of Ferndale
You may attach a resume or detailed summary of experience, qualifications, & interest in response to the following questions	<u>Riley Sweeney resume.pdf</u> – see attached.
9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education	I helped draft the food system committee ordinance and worked with the PHAB task force to refine it for the County Council. In my work for the City of Ferndale, I've worked closely with our Food Bank in their efforts to fight hunger in the north county and bring a wealth of municipal policy experience to the table.
10. Please describe why you're interested in serving on this board or commission	Food is essential to life, and our current food system enables dysfunctional behavior, the boom/bust cycle of the market and predatory actions by out-of-state companies that hurt our local farmers, ag workers, consumers and grocers. We need stability for our food system and that starts with a clear food system plan with actionable items. I started my work on the task force because I believe that this issue - more than water, planning or cherry point - will be the key flash point in the years to come and rather than it becoming a political football, I want to craft meaningful solutions with all the stakeholders, county and city, fishers and environmentalists, farmers and business owners. In short, I want to carry forward my work on this ordinance and dive into the details.
References (please include daytime telephone number):	Suzanne Nevan, Executive Director of the Ferndale Food Bank (360-223-0788) and Mayor Jon Mutchler (360-927-1881)
Signature of applicant:	Riley Sweeney
Place Signed / Submitted	Ferndale, Washington

Riley Sweeney

200 E. Pole Rd. Lynden, WA 98264

(360) 441-4191

riley.sweeney@gmail.com

Qualifications

- **Four Years Municipal Experience.** As the Communications Officer for the City of Ferndale, I drafted ordinances and worked with diverse stakeholders to accomplish meaningful policy change on the local level.
- **Whatcom Civics Enthusiast.** With six years experience as a community organizer in Whatcom County, I worked with business leaders, elected officials and the non-profit community to support local programs and enact policy changes, using consensus building and stakeholder development.
- **Drafted Ordinance Creating the Whatcom Food System Committee.** Served on the PHAB Task Force and wrote initial draft of the ordinance.
- **County Resident and Advocate.** As a Lynden resident, Ferndale employee and Blaine tourism ambassador, I'm deeply familiar with county concerns, issues and challenges.

Education

BA at Western Washington University, Bellingham, WA.

Communication Major, Political Science Minor

Experience

- ◆ **Communications Officer/Recreation Coordinator** for the City of Ferndale.
Responsible for communications city-wide, including website, social media, press releases, and emergency communications. As of 2017, placed in charge of all Ferndale Parks and Recreation activities, garnering over 3,000 attendees for public events each year. Handles City insurance, emergency preparedness, risk management, and serves as executive assistant to the Mayor. (May 2015-Present)
- ◆ **Campaign Organizer and Manager** for a wide range of political candidates.
Oversaw multiple paid staff and volunteers, assembled policy briefs, conducted media prep, managed office, handled ad buys and carried out large-scale events. (May 2008 to May 2015)
- ◆ **Writer and Journalist** for The Political Junkie.
Analyzed data, gathered quotes, dug through public records and packaged information for the public in bite-size pieces. (Jan 2009 to May 2015)

Volunteer Work

KMRE 102.3 FM Fundraising Chair, and radio producer. Raised over \$10,000 and produced one season of a historical drama series set in 1935 Bellingham.

Director of Pilgrim Experience, with the Aquarian Tabernacle Church. Co-coordinated an annual church festival with over 300 attendees.



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First Name	Amber
Last Name	Noskoff
Date	11/21/2018
Street Address	1079 Kingsmill St.
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	360-927-9972
Secondary Telephone	360-778-5820
Email Address	anoskoff@wsu.edu
1. Name of Board or Committee	Food System Committee
Food System Committee position:	Nutrition/public health
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?

No

You may attach a resume or detailed summary of experience, qualifications, & interest in response to the following questions

Noskoff, Amber - Resume and accomplishments.pdf – attached

9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education

Please see attached resume and accomplishments.

10. Please describe why you're interested in serving on this board or commission

As a lifelong Whatcom County resident with a decade-long career in nutrition education and public health, I am passionate about the health of our community and in collaborating with fellow community members and stakeholders to strengthen our local food system and advocate for positive change. I've been a member of the Whatcom Food Network for several years and am delighted to hear of the establishment of this committee to devise, implement and oversee a county-wide food plan. I would value the opportunity to serve on this committee to represent the voice of nutrition education and public health, and continue to advocate for the residents of Whatcom County.

References (please include daytime telephone number):

Lee Anne Riddle, WSU Extension SNAP-Ed Implementing Agent; (360) 778-5818 Acacia Zambrana, Regional SNAP-Ed Implementing Agent; (206) 459-9378 Jen Hey, Regional Farm to Community program coordinator; (206) 263-1914

Signature of applicant:

Amber Noskoff

Place Signed / Submitted

Bellingham, WA

Amber Noskoff

(360) 927-9972 | anoskoff@wsu.edu

Professional Experience

Whatcom County SNAP-Ed CEO, Washington State University, Whatcom County Extension (October 2017 – present)

- Responsible for the development and implementation of nutrition education and obesity prevention programming for low-income audiences in Whatcom County and the Lummi Nation
 - Responsible for developing and managing a \$178,000 budget to support SNAP-Ed programming
 - Responsible for identifying, recruiting and maintaining relationships with regional, county, and community level partners
 - Coordinates trainings, support and leadership of local SNAP-Ed program staff
 - Oversees administration of program evaluation, maintaining records, and required federal grant reporting
 - Reviews, selects, adapts, and implements appropriate nutrition education curricula
 - Participates in community coalitions to increase impact and ensure consistent nutrition messaging across the county: Whatcom County Food Bank Coalition, Foothills Food Access Coalition, East County Food Education Committee, and Whatcom Food Network
- Coordinates county-wide policy, environment and systems change strategies to prevent and decrease obesity among SNAP eligible families in Whatcom County and the Lummi Nation Tribe
 - Collaborates with Food Service Directors and school kitchen leads to conduct Smarter Lunchrooms Assessments, reporting and implementation of behavioral economics strategies to increase student selection and consumption of healthy items in a school cafeteria
 - Collaborates with health directors at Lummi Tribal Health Center to assess client needs and provide culturally appropriate programming to support and promote SNAP-Ed messaging
 - Coordinates Student Nutrition Action Councils (SNAC) at four schools, helping student nutrition ambassadors to promote seasonal fruits and vegetables through activities such as cooking classes with tastings and development of Harvest of the Month promotional posters and school signage
 - Coordinates with local food banks to implement recipe demonstrations and tastings, featuring distributed ingredients, and rotating informational bulletin boards to increase knowledge of food preparation, cooking and storage. Collaborates with local food bank directors to administer the Healthy Food Pantry Assessment Tool (HFPA), to assess and implement behavioral economics strategies to increase and improve healthy food access and promotion to clients.

Region 3 SNAP-Ed Data Specialist, Washington State University, Whatcom County Extension (October 2016 – present)

- Primary regional expert in PEARS (Program Evaluation and Reporting System)
 - Collaborates with IA's and DOH evaluation team to develop statewide reporting guidance and standards to SNAP-Ed providers in Washington State
 - Provides oversight of Region 3 WSU and non-WSU program partners to insure correct and complete reporting of SNAP-Ed program data

Page 1 only



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First Name	Maureen
Last Name	Darras
Date	1/9/2019
Street Address	2409 Grant Street
City	Bellingham
Zip	98225
Do you live in & are you registered to vote in Whatcom County?	Yes
Do you have a different mailing address?	<i>Field not completed.</i>
Primary Telephone	(360) 738-0893
Secondary Telephone	<i>Field not completed.</i>
Email Address	c2cprojectsupport@foodjustice.org
1. Name of Board or Committee	Food System Committee
Food System Committee position:	Whatcom Food Network
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 5
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	<i>Field not completed.</i>
9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education	<p>I work as a project coordinator at Community to Community Development, a farmworker justice organization based in Bellingham, WA. Alongside farmworker leaders, I co-developed our latest analysis of food systems and the related political and institutional structures on a county, regional, and national level. Through presentations and immersive workshops with classes from The Evergreen State College and Western Washington University, as well as in public events and forums, I provide community education around C2C's areas of focus: inequities in the food system; labor rights and labor violations; the intersections between climate change, pesticide use, and farmworker and community health; and our vision for a just, sustainable food system. The civic education I provide around our food system is rooted in the experiences I have had working with C2C and organizing directly with farmworkers on the frontlines of some of the most extreme injustices in agriculture, such as H2A workers striking due to unsanitary conditions and inhumane production standards, or domestic farmworkers organizing for livable wages and protection from sexual harassment in their workplace. C2C is a trusted partner of farmworkers across Washington State, and we are often the first to be contacted when there are labor violations or health or community hazards due to corporate agriculture. With this perspective in mind, C2C has been serving on the Whatcom Food Network for years. I farm and coordinate our organic community garden, which is the site of our summer garden educational program for youth aged 8-18, as well as a teaching garden for adult farmworkers and small farmers interested in deepening their organic farming practices. I spent 2 years farming in Chile, my family's country of origin, learning traditional organic farming practices which I now implement in our community garden. Additionally, I work as a trainer and developer of cooperatives, and co-developed the farmworker-owned farming cooperative Tierra y Libertad which organically farms on 65 acres in Whatcom County. As a fluent, bilingual speaker of Spanish and English, I assist them in their sales and marketing, as well as their business plan and community relationships. I represent C2C in the US Food Sovereignty Alliance and the Food Chain Workers Alliance, where I have developed broad and deep insights about the perspectives of various stakeholders across the food system. I received a Bachelor of Arts in Philosophy at Lawrence University in Appleton, Wisconsin in 2011, and have been working and volunteering for community-based non profits focusing on social, economic, and environmental justice ever since. Examples of my past work include developing the business plan (and then going on to work for) a zero waste organization in upstate NY, Zero to Go, as well working for 4 years for a progressive political party, the Working Families Party, focusing on training and developing first-time candidates on progressive policy.</p>

10. Please describe why you're interested in serving on this board or commission

At C2C we believe that farmworker justice is interconnected with the struggles of small-scale organic farmers against an increasingly corporatized and industrialized agricultural system. This committee will be a diverse coalition of private and public stakeholders capable of creating a healthy, just and sustainable food system for our County. No one should have to feed themselves with food that was produced through the exploitation of humans or the land, and no one should have to work in an industry that jeopardizes their health or the health of their children, community, and environment. Farmworker input is required for the aims of this committee to be met, and through C2C and the Whatcom Food Network farmworkers will have a seat at the table and guarantee no aspect of our local and regional food system is developed without their perspective and knowledge.

References (please include daytime telephone number):

Rosalinda Guillen (360) 381-0293 Edgar Franks (360) 391-4561 Kara Black (360) 676-2300

Signature of applicant:

Maureen Darras

Place Signed / Submitted

Bellingham, WA



Application for Appointment to Whatcom County Boards and Commissions

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First Name	Krista
Last Name	Rome
Date	1/7/2019
Street Address	1187 W Axton RD
City	Ferndale
Zip	98248
Do you live in & are you registered to vote in Whatcom County?	Yes
Do you have a different mailing address?	<i>Field not completed.</i>
Primary Telephone	3602244757
Secondary Telephone	<i>Field not completed.</i>
Email Address	kristar@re-sources.org
1. Name of Board or Committee	Food System Committee
Food System Committee position:	Natural resources
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
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	<u>Resume - Krista Rome - Food System Committee - 2019.pdf</u> - attached
9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education	I am currently employed at RE Sources for Sustainable Communities, as the Community Organizer for the Clean Water Program. I work on local water quality and water supply issues and ensuring equity in the food system. Over the past year I have conducted a great deal of outreach with local market farmers as well as the general environmental community to learn their perspectives on water supply challenges and potential strategies/solutions. I facilitate the monthly meetings of the Environmental Caucus to the WRIA 1 (Nooksack watershed) Planning Unit and administer the listservs for the Environmental Caucus and the Water Working Group. Both groups include natural resource professionals from across the spectrum and are good networks for sharing information and gathering input. In addition to my natural resources work, I own and manage a local, organic seed company and produce fresh vegetables and storage crops for wholesale and retail sales. My farm endeavors grew from a desire to produce healthy local food in a manner that constitutes good stewardship of land, water, and habitat.
10. Please describe why you're interested in serving on this board or commission	I see a great need for our community to create a well-thought-out plan for how we will feed ourselves in the case of disaster, disruptions in the global food system, or the challenges posed by climate change and water shortages. I believe that low-income residents deserve healthy, local, fresh produce just as much as those with more money, and that food access and food sovereignty are issues our community sincerely wants to address. I have spent my life in dedicated to ecological land stewardship, sustainability, and teaching others how to produce and preserve year-round food for their families. Serving on this committee is simply one more tool I can use to contribute to our community in the areas I know best and care about most.
References (please include daytime telephone number):	Debbie Cantrell Cantrell & Associates, Inc. (360) 920-0981 Hank Kastner Environmental Caucus member, Whatcom Land Trust volunteer, & Whatcom Food Network member (360) 325-1764 Ander Russell Clean Water Program Manager RE Sources for Sustainable Communities (360) 510-8008
Signature of applicant:	Krista M Rome
Place Signed / Submitted	Ferndale, WA



Application for Appointment to Whatcom County Boards and Commissions

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First Name	Mardi
Last Name	Solomon
Date	1/7/2019
Street Address	2728 Walnut St.
City	Bellingham
Zip	98225
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	3603256002
Secondary Telephone	3607151676
Email Address	coordinator@whatcomfarmtoschool.org
1. Name of Board or Committee	Food System Committee
Food System Committee position:	Whatcom Food Network
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 2
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	I am a sub-contractor with Crossroads Consulting which provides facilitation, planning, and research support for the Health Dept. and we did one project with the Criminal Justice & Public Safety Committee of the County Council.
You may attach a resume or detailed summary of experience, qualifications, & interest in response to the following questions	<i>Field not completed.</i>
9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education	I have been a sub-contractor with Crossroads Consulting for the past 20 years working on a wide variety of projects, most of which have focused on topics related to health and food. For nearly ten years, Holly O'Neil & I have contracted with the Whatcom Community Foundation to coordinate the Whatcom Farm to School (F2S) Support Team. We work with the 8 school districts in Whatcom County to support their efforts to increase healthy local food in school meals and food education. Related to this work, I was one of the founders of the Whatcom Food Network and have been involved in all three Community Food Assessments (I did the majority of the writing of the 2017 CFA). Whatcom F2S also has been a "Supporting Partner" to the National F2S Network and we have helped to start the WA State F2S Network. With the experience I bring from the Whatcom Food Network and conducting the Community Food Assessments, I think I can contribute to the Food System Committee. In addition, I feel I bring a broad perspective rather than focusing narrowly on one specific food system sector. While working on the 2017 CFA, there were some contentious issues that we needed to approach in an open, non-partisan, and diplomatic way. While this was not easy work since there are very strong feelings among many advocacy groups, I feel like I was able to maintain an open mind, and communicate clearly and fairly with all involved, and help find a middle ground that worked. I expect these same abilities will be required of members of the Food System Committee in order for the process to be productive. In terms of my education, I have a Masters degree from the University of Chicago (1987) and worked in the mental health research field for many years prior to moving to Bellingham in 1995.
10. Please describe why you're interested in serving on this board or commission	Having been involved in the Whatcom Food Network from its inception to the point of proposing the Food System Committee, I have held a strong belief in the value of efforts to increase coordination and collaboration across the food system. I think that we are now ready to take the next step and need to develop a countywide food system plan that establishes goals for strengthening our local food system with the backing of the County Council. And while a plan is important, so is action/implementation, and I really want to see a plan implemented and track the progress we make toward shared food system goals. In sum, I am interested in serving on this Committee because I really want it to be successful in developing and implementing a strong food system plan and therefore I feel like I should put energy into helping make that happen.

References (please include daytime telephone number):	Holly O'Neil - (360)303-3217; Diana Meeks - (360)647-7093 ext. 110
Signature of applicant:	Mardi Solomon
Place Signed / Submitted	Bellingham, WA

**WHATCOM COUNTY
Health Department**

*Leading the community in promoting health
and preventing disease.*



Regina A. Delahunt
Director

RECEIVED
Greg Stern, M.D.
Health Officer

DEC 14 2018

**JACK LOUWS
COUNTY EXECUTIVE**

To: County Executive Jack Louws
From: Barbara Johnson-Vinna, Housing Specialist, Whatcom Co. Health Department
Date: December 13, 2018

The Whatcom County Housing Advisory Committee (WCHAC) met today, December 13, 2018, and voted to recommend the appointment of Brien Thane and the re-appointment of Karen Burke to the WCHAC.

Brien Thane is the executive director of the Bellingham/Whatcom County Housing Authority and brings a wealth of knowledge and experience concerning housing services and affordable housing to the committee. He has been regularly attending meetings of the WCHAC and has already made significant contributions to discussions concerning development of affordable housing

Karen Burke is the Director of Domestic Violence and Sexual Assault Services (DVSAS), and has a strong history of serving on various community boards, including the Law and Justice Commission, the Steering Committee for the Child Advocacy Center, the Whatcom Co. Coalition to End Homelessness, and the Whatcom Co. Commission Against Domestic Violence. Karen's commitment to working on behalf of those who have experienced injustice will be a guiding force for the committee.

The Housing Advisory Committee enthusiastically supports the appointment of Mr. Thane and Ms. Burke to this committee.

Barbara Johnson-Vinna

JACK LOUWS
County Executive



COUNCILMEMBERS:
Barbara E. Brenner
Sam Crawford
Kathy Kershner
Bill Knutzen
Pete Kremen
Ken Mann
Carl Weimer

APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Karen Burke Date: 12/28/2015
Street Address: 4708 Fir Tree Way
City: Bellingham Zip Code: 98229
Mailing Address (If different from street address): _____
Day Telephone: 360-671-5714 Evening Telephone: _____ Cell Phone: 360-319-6171
E-mail address: Karen.Burke@msn.com

1. Name of board or committee-**please see reverse:** County Advisory Committee
2. You must specify which position you are applying for,
Please refer to vacancy list. Housing Advisory Committee Open Position
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.) _____ (☒) yes () no
4. Which Council district do you live in? _____ (☒) One () Two () Three
5. Are you a US citizen? _____ (☒) yes () no
6. Are you registered to vote in Whatcom County? _____ (☒) yes () no
7. Have you ever been a member of this Board/Commission? _____ () yes (☒) no
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? _____ () yes (☒) no
If yes, please explain: _____
9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community
activities, and education.

Executive Director of Domestic Violence and Sexual Assault Services from 2007-Present

Court Director, Lummi Nation Tribal Court 2004-2007

Bachelors Degree in Liberal Arts from Western Washington University

Member of the Bellingham/Whatcom County Commission against Domestic Violence

Member of the Homelessness Coalition and the Coalition Steering Committee

10. Please describe why you're interested in serving on this board or commission; I am very passionate about
working to serve those who are experiencing homelessness and making that experience temporary.

References (please include daytime telephone number): Susan Marks, Director of the Bellingham/Whatcom County
Commission Against Domestic Violence - 671-5714; Riannon Bardsley, ED of Northwest Youth Services- 734-9862

Signature of applicant: Karen J. Burke

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First Name	Brien
Last Name	Thane
Date	9/5/2018
Street Address	218 Bayside Road
City	Bellingham
Zip	98225
Do you live in & are you registered to vote in Whatcom County?	Yes
Do you have a different mailing address?	YES
Mailing Address	P.O. Box 9701, Bellingham, WA 98227-9701
Primary Telephone	360-527-4602
Secondary Telephone	360-746-9048
Email Address	bthane@bwcha.org
1. Name of Board or Committee	Other
Other	Whatcom County Housing 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 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	I am the Executive Director/CEO of the Housing Authority of Whatcom County and the Housing Authority of the City of Bellingham.
You may attach a resume or detailed summary of experience, qualifications, & interest in response to the following questions	<u>BrienThane Resume 2018.pdf</u>
9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education	As of July 2018 I am the Executive Director/CEO of the Housing Authority of Whatcom County and the Housing Authority of the City of Bellingham. I have been with the Housing Authorities for five years, previously as Director of Asset Development. I have been Executive Director of two statewide affordable housing nonprofit organizations and have been developing housing affordable to lower income households in Washington State since 1990. I also serve on the board of the Max Higbee Center.
10. Please describe why you're interested in serving on this board or commission	The Whatcom County Housing Advisory Committee plays a key role in guiding the County's affordable housing policy and use of document recording fees for affordable housing and homelessness.
References (please include daytime telephone number):	Gary Williams 360-224-9535; Dave Finet 360-739-7953; Greg Winter 360-220-3788
Signature of applicant:	Brien Thane
Place Signed / Submitted	Bellingham, WA

Brien Thane
218 Bayside Road, Bellingham, WA 98225
206-354-5036(cell)
thane0923@msn.com

RESUME

Bellingham Housing Authority

September 2013 – Present

Executive Director/CEO

July 2018 - Present

Director of Asset Development

Manage housing development, financial restructuring, lifecycle replacement, and housing rehabilitation programs.

Affordable Housing Consultant

June 2012 – September 2013

Community Frameworks: Senior Housing Developer

Managed syndication and renovation of an aging HUD financed senior housing highrise.

Federal Home Loan Bank of Seattle: Affordable Housing Program Funding Round Coordinator

Coordinated review and underwriting of 2012 applications for \$6.7 million in affordable housing capital funds. Assured consistency with statute, regulation, bank policy, and sound real estate practices. Developed recommended policy and procedural revisions for 2013 funding round.

Latino Community Fund of Washington: Researched issues, developed and presented position recommendations; assisted with advocacy strategy development.

Washington State Farmworker Housing Trust, Seattle, WA

2006 – June 2012

Executive Director

Developed statewide partnership of agricultural employers, labor, community-based housing providers, and other public/private organizations, forging consensus on the long-contentious issue of appropriate housing for the agricultural workforce. Established administrative and operating policies and procedures. Developed and implemented programs to increase local capacity to develop farmworker housing, including local advocacy teams and action plans, and a competitive grant program resulting in the development of 550 new affordable housing units for 7,000 farmworkers and their dependents in eight counties. Published *A Sustainable Bounty: Investing in Our Agricultural Future*, the largest and most extensive farm worker survey in Washington's history. Secured legislation prohibiting local jurisdictions from discriminating against affordable housing in land-use decisions. Led expansion into Washington of a regional rural housing development internship program for minority students.

Office of Rural and Farmworker Housing (ORFH), Yakima, WA

1990 - 2006

Executive Director

Housing Development Specialist/Policy Analyst

Responsible for the development of more than 600 farmworker housing units for local housing authorities and nonprofits. Increased the number of local organizations providing farmworker housing in Washington State by 85%. Helped establish a three-state (Washington, Oregon and Idaho) predevelopment loan fund for farmworker housing. Lead advocate for securing a sales/use tax exemption for farmworker housing construction. Awarded HUD Best Practices, Secretary's Top 100 (1999); the Affordable Housing Tax Credit Coalition's Tax Credit Excellence Award (2000) and the Washington State Housing Finance Commission's Friend of Housing Award (2000).

Neighborhood Housing Services of Norwalk, CT

Fairfield County Mutual Housing Association

1985 - 1989

Home Ownership Coordinator, Special Projects Director

Developed and initiated low and moderate income homeownership program. Established the first home ownership community land trust in Connecticut. Established and managed the Fairfield County Mutual Housing Association, a cooperative developer/owner/manager of affordable housing for lower income households.

Community Peoples' Action, Helena, MT

1983 - 1985

Founder, Staff Member

Established a community organization of low and moderate income persons active in neighborhood, consumer and anti-displacement issues. Developed organization from twelve founding members to a membership of over 550.

Seattle Tenants Union

1980 - 1983

Organizer

Education

Carleton College, Northfield, MN. BA Philosophy

Affiliations and Leadership Positions

Max Higbee Center; Board member 2013 – Present

WA Housing Alliance Action Fund; Founding Board Member, Secretary-Treasurer 2012-Present

WA Low Income Housing Alliance (formed by merger of WA Low Income Housing Congress and Network below); President 2004 – 2007, Federal Committee Chair 2003-2004, Director 2003-2012

WA Low Income Housing Congress; President 1995-1998, Vice-President 1993-1995, Secretary 1992-1993, Board Liaison to WA Low Income Housing Network 2001-2003

WA Low Income Housing Network; Board member 2001-2003

National Farm Worker Housing Directors' Association; Treasurer 1997-2000, Regional Representative 1995-2000

National Rural Housing Coalition; Board member 1992 - Present

WA Housing Trust Fund Policy Advisory Team; 1992 – 2012

WA Housing Trust Fund Credit Committee; 2007 – 2009

WA State Affordable Housing Advisory Board Farm Worker Housing Subcommittee; 2000 -2010

Federal Home Loan Bank of Seattle Affordable Housing Advisory Council; 1995-1996

The Food Alliance; Board member 1998-2001. Stewardship Committee 2001-2004



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	Daniel
Last Name	Austin
Date	1/9/2019
Street Address	4323 Skallaham Drive
City	Lummi Island
Zip	98262
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 245 Lummi Island WA 98262
Primary Telephone	3603196190
Secondary Telephone	Field not completed.

Email Address	sierrared2@gmail.com
---------------	--

1. Name of Board or Committee	Housing Authority of Whatcom County
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 5
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?	Yes
If yes, please list dates:	April 2014 through present
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	<i>Field not completed.</i>
9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education	See previous application from 2014 Retired Physician, Bellingham, WA
10. Please describe why you're interested in serving on this board or commission	See previous application from 2014 Believe in what BWCHA strives for and wish to continue to serve
References (please include daytime telephone number):	Ronald Walsh 360-220-7465 James Wakefield 360-393-7994 Loch Trimmingham 360-739-9341
Signature of applicant:	Daniel E. Austin
Place Signed / Submitted	San Francisco, Nyarit, Mexico



BELLINGHAM WHATCOM COUNTY HOUSING AUTHORITIES

Commissioner Application

Name Daniel E. Austin, M.D.

Date 02/26/2014

Address 4323 Skallaham Drive, PO Box 245, Lummi Island, WA 98262

Email SIERRARED2@GMAIL.COM

Phone 360.319.6190

Please answer the questions below completely. You may attach additional pages to this form.

1. Why do you wish to serve on the Housing Authorities Board of Commissioners?

I have dedicated my careers initially as an educator and later as a family physician trying to help all improve their health, education and quality of life. I believe having a roof over one's head is a key component to achieving these. I would gladly give of my time and energy in helping an entity such as BWCHA provide affordable housing for all.

2. What personal strengths would you bring to the Board?

- 8 years as an educator – Junior High, Community College, Whitworth College
- 4 years as a general and electrical contractor
- 23 years as a family physician practicing in Bellingham at North Sound Family Medicine /Family Care Network (NSFM/FCN).
- 20 years of experience as committee member/chair/officer and president of professional organizations.
- A lifetime commitment to service to others. Working within BWCHA would be an excellent opportunity in retirement to continue this.

3. What do you think are the critical issues facing affordable housing in this community and what role do you see the Housing Authority and others playing?

- Ever increasing demand while the economy falters and financial resources dry up.
- Critical need for all to have a residence they can call "home".
- BWCHA et al. need to continue to pursue broad-based financial resources, while finding creative means to provide housing for those in need!

4. **Please list your community volunteer experiences.**

None – I have dedicated my time for 23 years to a very busy and demanding family medicine practice while serving in organized medical entities at multiple positions including committee and commission member and chair, board member, multiple offices including president for organizations including the Washington Academy of Family Physicians (WAFP) and American Academy of Family Physicians (AAFP).

5. **List any experiences you have on policy-making boards and how they would contribute to your being an effective Board member.**

(See #4 above) 20 years serving in organized medical entities at multiple positions including committee and commission member and chair, board member, multiple offices including president for organizations including the Washington Academy of Family Physicians (WAFP) and American Academy of Family Physicians (AAFP) and Washington State Medical Association (WSMA). Areas experienced include legislation and government affairs, student and resident affairs, finance, women in family medicine, ethics, and more. This has provided me an excellent background to facilitate the development of my personal skills in serving on and leading boards to get results.

6. **How do you see the role of a Commissioner in relationship to the role of an Executive Director and staff?**

Day-to-day operations belong in the hands of the Executive Director and his/her staff. The Executive Director advises Commissioners regarding tasks and challenges at hand, and the Commissioners form the governing body to deal with these challenges, especially around policy and finance.

7. **Using information on Page 4, Commissioner Selection Guidelines, please comment on your qualifications for each guideline.**

a. Demonstrated leadership capabilities.

As noted above, I have years of experience at running a business, both in my early construction years and then in my medical practice with North Sound Family Medicine prior to forming Family Care Network where I have served as "lead" physician in the operations our current practice today providing care to over 17,000 patients.

b. Knowledge of and commitment to affordable housing

Life experience has been a big help on both counts; 4 years in construction; 20+ years in family practice witnessing the difference having a home can mean to individuals and families.

c. Time commitment

I am currently easing into retirement, completing a transition from NSFM by end of this coming June. I will only be doing urgent care and locum tenens (filling in for other physicians) from this July forward, expecting to work less than 10 hours a week with no on call duties.

d. Policy, planning, budgeting experience

Graduated college with majors in physics and mathematics; mathematics teacher at various levels for 8 years; multiple responsibilities in medical professional organizations including finance chair, treasurer and president (15 years on the board of WAFP); active involvement in financial viability of former construction business and current medical practice.

e. Collaboration and interpersonal skills

During years of active participation while working in a collaborative relationship with folks from a variety of cultural, economic and political backgrounds, I have always strived to show and appreciate the opinions and perspectives of others. Three careers have definitely enhanced my interpersonal skills. As an aside I was the only male member on the AAFP Committee on Women in Family Medicine.

f. Board perspective

Again, too many positions on boards to list in detail, but I have always strived to get results in an efficient manner while looking for consensus and helping all involved feel they have had a voice in the process. I have both participated and led under a philosophy of making it a priority to appreciate and respect the perspective of all involved.

Added Comments:

I believe strongly in the mission of BWCHA and would love the opportunity to give of my time and experience on behalf of such a just cause.

Thank you for considering my candidacy.

Daniel E. Austin, M.D.



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NOV 26 2018

COUNCILMEMBERS:
Timothy Ballew II
Barbara E. Brenner
Rud Browne
Barry Buchanan
Tyler Byrd
Todd Donovan
Satpal Sidhu

JACK LOUWS
COUNTY EXECUTIVE

APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Glen "Alex" Alexander Date: 11-20-18
Street Address: 869 Reveille
City: Bellingham WA Zip Code: 98229
Mailing Address (if different from street address): _____
Day Telephone: 360.647.2770 Evening Telephone: _____ Cell Phone: 360.927.2812
E-mail address: GLAL1952@gmail.com

1. Name of board or committee-please see reverse: Marine Resource Committee
2. You must specify which position you are applying for.
Please refer to vacancy list. My current position, citizen at large
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.) ☒ yes () no
4. Which Council district do you live in? ☒ One () Two () Three () Four () Five
5. Are you a US citizen? ☒ yes () no
6. Are you registered to vote in Whatcom County? ☒ yes () no
7. Have you ever been a member of this Board/Commission?
If yes, dates: May 2017 to present ☒ yes () 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 ☒ no
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? () yes ☒ no

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 an environmental educator. After 27 years, I retired in 2017 from Education Coordinator at Padilla Bay National Estuarine Research Reserve. I have a Masters Degree in Environmental Education from Western
11. Please describe why you're interested in serving on this board or commission: I have skills and experience that will strengthen the effectiveness of the work of the MRC.

References (please include daytime telephone number): Sasha Horst, 360.428.1084; Austin Rose, 360.778.6286; Bert Webber, 360.733.9078

Signature of applicant: [Signature]

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Application for Appointment to Whatcom County Boards and Commissions

Public Statement

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First Name	Eleanor
Last Name	Hines
Date	1/9/2019
Street Address	511 Gladstone St
City	Bellingham
Zip	98225
Do you live in & are you registered to vote in Whatcom County?	Yes
Do you have a different mailing address?	<i>Field not completed.</i>
Primary Telephone	2152870043
Secondary Telephone	<i>Field not completed.</i>
Email Address	eleanorehines@gmail.com
1. Name of Board or Committee	Marine Resource Committee
Marine Resource Committee Position:	Relevant Scientific Experience
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?	Yes
If yes, please list dates:	2014-2018 (term expired but was never sent reapplication request or it was sent to the wrong address)
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	<i>Field not completed.</i>
9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education	I have been either on the Whatcom MRC or volunteered with the Whatcom MRC for more than 10 years, being involved with projects to improve water quality and to collect citizen science. I also have volunteered with Surfrider (protecting nearshore marine environment) for the past 13 year. I work currently as the North Sound Baykeeper/Lead Scientist at RE Sources for Sustainable Communities, protecting the WRIA 1 watershed, including marine water.
10. Please describe why you're interested in serving on this board or commission	I am interested in being on this Committee because I want to share my skills and knowledge to apply scientific understanding to protect our marine resources in Whatcom County, while working alongside the other MRCs in a collective effort throughout Puget Sound.
References (please include daytime telephone number):	Ander Russell, Clean Water Program Manager: 360-733-8307 ext. 212 Brice Boland, Surfrider WA Chapter Coordinator: 253-442-3743
Signature of applicant:	Eleanor E. Hines
Place Signed / Submitted	Bellingham, WA



Application for Appointment to Whatcom County Boards and Commissions

Public Statement

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First Name	Stephen
Last Name	Falk
Date	12/3/2018
Street Address	1616 APA Road
City	Point Roberts
Zip	98281
Do you live in & are you registered to vote in Whatcom County?	Yes
Do you have a different mailing address?	YES
Mailing Address	P.O. Box 42, Point Roberts, WA 98281-0042
Primary Telephone	3609450915
Secondary Telephone	6103489365
Email Address	sfalkjd@gmail.com
1. Name of Board or Committee	Point Roberts Community Advisory Committee
Position applied for:	Citizen At Large
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 5
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 wife Elizabeth Otwell is a part-time employee of the Whatcom County Library System. I am a commissioner on the Park and Recreation District (elected)(unpaid) and the Public Hospital District (appointed)(paid) in Point Roberts.
You may attach a resume or detailed summary of experience, qualifications, & interest in response to the following questions	<u>Falk Resumé 181202.pdf</u> – attached.
9. Please describe your occupation (or former occupation if retired), qualifications, professional and/or community activities, and education	I have a B.S. in Biology from the University of North Carolina at Chapel Hill (1983) and a J.D. from Temple University School of Law (1990). I was an attorney in Philadelphia, PA for over 20 years, specializing in intellectual property law (patents, trademarks, licensing, etc.). In 2013, my wife and I moved to Point Roberts. In 2014, I became licensed to practice law in Washington. Since 2014, I have been a commissioner on the Park and Recreation District. Most recently, I served as project manager on the construction of the new Point Roberts Library in a building owned by the Park District. Since May 2018, I have been a commissioner on the Public Hospital District. The current challenge in that role is helping to get a new health care provider after Unity Care Northwest gave notice not to continue as of year-end 2018.
10. Please describe why you're interested in serving on this board or commission	At the urging of local friends, I have come to feel that my experience and personality could make me an asset to the PRCAC. Despite being a former East Coast big city lawyer for over 20 years, I am a pretty easy-going person. I like to think that I get along with, and work well with, people from all backgrounds and perspectives, and I am a good listener. My intelligence and my career in law would be useful to the PRCAC, and to the County Executive and County Council with whom the PRCAC interacts. I am not a part of any particular "faction" in Point Roberts with respect to recent issues confronting our community.
References (please include daytime telephone number):	Barbara Bradstock -- 360-945-2529
Signature of applicant:	Stephen T. Falk
Place Signed / Submitted	Point Roberts, WA

STEPHEN T. FALK
1616 APA Road
(P.O.Box 42)
Point Roberts, Washington 98281-0042
tel: 360-945-0915
e-mail: SFALKJD@GMAIL.COM

EDUCATION

Temple University School of Law, Philadelphia, PA
J.D., 1990; GPA; 3.55/4.0
Magna Cum Laude
Dean's list 6 of 6 semesters
Best Paper: Patents, Taxation, Alternative Dispute Resolution
Outstanding Classroom Performance: Secured Transactions,
Corporate Taxation

University of North Carolina, Chapel Hill, NC
B.S. Biology, December 1983; GPA; 3.81/4.0
Phi Beta Kappa
Dean's list 7 of 7 semesters
Phi Eta Sigma
International Folk Dance Club

WORK HISTORY

POINT ROBERTS

3/14 to present

PARK AND RECREATION DISTRICT

Commissioner and Vice Chair; served as project manager for the construction of the new Point Roberts Library (2017-2018)

5/18 to present

PUBLIC HOSPITAL DISTRICT

Commissioner; joined board just in time to help deal with finding a new provider to run the Point Roberts Clinic (in progress)

LEGAL CAREER

9/98 to 9/13

THE DOW CHEMICAL COMPANY, *formerly*

ROHM AND HAAS COMPANY, Philadelphia, PA

Senior Patent Attorney – Trademark & Copyright Counsel -

Handled intellectual property matters for \$1.3B Adhesives & Sealants, Plastics Additives and Functional Polymers businesses, including development of IP strategies, licensing, joint development agreements, confidentiality agreements, and general IP counseling. Managed trademark group and oversaw all trademark and branding activities for \$10B Company – clearance, prosecution, oppositions, infringements, licensing. Managed litigation in infringement and employee non-competition actions. Handled all copyright issues for the Company. Performed transactional IP due diligence and handled all aspects of \$5MM acquisition.

8/95 to 8/98

DECHERT PRICE & RHOADS (now Dechert LLP), Philadelphia, PA

Patent Attorney - Prepared and analyzed trademark searches, and prosecuted trademark registration applications, oppositions and

cancellations, and infringement actions. Drafted and negotiated technology, software and trademark licenses, and confidentiality agreements. Prepared and prosecuted U.S. and foreign patent applications pertaining to chemical, mechanical and biotechnical inventions. Worked with litigation team on patent infringement actions. Performed transactional IP due diligence.

6/89 to 8/95

SUN COMPANY, INC. (now Sunoco, Inc.), Philadelphia, PA
Patent Attorney - Prepared and prosecuted U.S. and foreign patent applications pertaining to catalyst compositions, methods of manufacture, and processes using such catalysts. Managed U.S. and foreign trademark portfolio, including clearance, prosecution of applications, oppositions, infringement actions and maintenance filings. Negotiated confidentiality and trademark license agreements.

2/89 to 4/89

HECKER BROWN SHERRY AND JOHNSON, Philadelphia, PA
Law Clerk (part-time) - Researched and wrote memoranda on a variety of issues including workmen's compensation, products liability and civil procedure.

6/88 to 8/88

ALBERT EINSTEIN MEDICAL CENTER, Philadelphia, PA
Summer Legal Intern - Researched, drafted, and filed a variety of pleadings. Consolidated and rewrote bylaws for non-profit corporations.

NON-LEGAL CAREER
12/85 to 8/87

COLLEGE OF PHYSICIANS OF PHILADELPHIA,
Philadelphia, PA
Biomedical Information Specialist - Reviewed scientific articles concerning pharmaceutical products to determine keywords. Keyworded and wrote English abstracts of German, French, Danish, Swedish and Norwegian foreign articles.

1/85 to 5/85

CHEMICAL INDUSTRY INSTITUTE OF TOXICOLOGY,
Durham, NC
Research Assistant - Performed experiments concerning DNA adducts and induction of liver cancer. Developed computerized system for cataloguing reprints in MASS-11.

5/84 to 10/84

CHEMISTRY DEPARTMENT, UNIVERSITY OF NORTH CAROLINA, Chapel Hill, NC
Research Assistant - Performed experiments in yeast molecular genetics involving DNA isolation electrophoresis, autoradiography. Maintained lab supplies and supervised staff.

BARS AND MEMBERSHIPS

Washington Bar, 2014
Pennsylvania Bar, 1990 (inactive status)
Patent Bar, 1993
Circuit Court for the Federal Circuit, 1994
Philadelphia Intellectual Property Law Association

ACTIVITIES

Pres., Jewish Genealogical Society of British Columbia (2016 to present)
V.P., Friends of the Point Roberts Library (2014 to present)
Small farm chores



RECEIVED
DEC 28 2018
JACK LOUWS
COUNTY EXECUTIVE

December 21, 2019

Mr. Jack Louws, Whatcom County Executive
311 Grand Avenue, Suite 108
Bellingham, WA 98225

Dear Executive Louws:

At December's Whatcom County Library System Board of Trustees meeting, the Board reviewed the sole application for Position #4 and enthusiastically asked me to pass along their recommendation that Lori Jump continue to serve a second term, which would go through January 31, 2024.

Ms. Jump has been a thoughtful and active member of the WCLS Board. She serves on the Community Relations and Marketing Committee and on the Services Committee. She has been an alternate during union negotiations and participated in community input sessions for a future Birch Bay Library. She and her teenage daughter are active library users; because they live in the Laurel area, they use the Lynden, Ferndale, and Northwest Drive Library Express locations.

If you have any questions about this recommendation, please do not hesitate to call. Thank you for your consideration. We look forward to hearing the news of your re-appointment.

Sincerely,

Christine Perkins, Executive Director

the best place to begin

5205 Northwest Drive Bellingham, Washington 98226 | (360) 305-3600 | wcls.org



RECEIVED

NOV 29 2018

COUNCILMEMBERS:
Timothy Ballew II
Barbara E. Brenner
Rud Browne
Barry Buchanan
Tyler Byrd
Todd Donovan
Satpal Sidhu

JACK LOUWS
COUNTY EXECUTIVE

APPLICATION FOR APPOINTMENT TO WHATCOM COUNTY BOARDS AND COMMISSIONS

PLEASE PRINT LEGIBLY and COMPLETE ALL ITEMS

Name: Lori Jump Date: 11/21/18
Street Address: 606 E Laurel Rd
City: Bellingham WA Zip Code: 98226
Mailing Address (if different from street address): _____
Day Telephone: _____ Evening Telephone: _____ Cell Phone: 360.815.4312
E-mail address: Loriannjump@gmail.com

1. Name of board or committee-**please see reverse:** Rural Library Board (WCLS)
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.) ☒ yes () no
4. Which Council district do you live in? () One () Two ☒ Three () Four () Five
5. Are you a US citizen? ☒ yes () no
6. Are you registered to vote in Whatcom County? ☒ yes () no
7. Have you ever been a member of this Board/Commission? ☒ yes () no
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? () yes ☒ no
If yes, please explain: 2015 - present
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? () yes ☒ no

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.

International Sales & Logistics manager @Blacklock U.S.A., Alpha Technologies, Georgia-Pacific, Owner of Media Migration Services, Inc, B.S. Business Administration

11. Please describe why you're interested in serving on this board or commission: I've had the privilege of serving on the WCLS Board for 4 years. I look forward to assisting new libraries, systems & programs to continue to evolve.

References (please include daytime telephone number): Suzanne Chandler 360.220.2624

Signature of applicant: Lori Jump

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Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2019-073

File ID:	AB2019-073	Version:	1	Status:	Agenda Ready
File Created:	01/14/2019	Entered by:	SMock@co.whatcom.wa.us		
Department:		File Type:	Ordinance		
First Assigned to:	Council				
Agenda Date:		Next Mtg. Date:		Hearing Date:	02/12/2019

TITLE FOR AGENDA ITEM:

Ordinance Regarding Temporary Installation of Stop Signs on Certain County Roads

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

To comply with RCW 36.32.120 and 46.62.200, it is found necessary to install temporary traffic control signs on Harborview Road, Shintaffer Road, Cottonwood Drive, and Birch Bay Drive in the vicinity of the erosion area.

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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Attachments: Memo-Ordinance Regarding Temporary Installation of Stop Signs on Certain County Roads.pdf,
Ordinance Regarding Temporary Installation of Stop Signs on Certain County Roads.pdf

Final Action:
Enactment Date:
Enactment #:

Jon Hutchings
Director



Joseph P. Rutan, P. E.
County Engineer/Assistant Director
322 N. Commercial Street, Ste 301
Bellingham, WA 98225-4042
Phone: (360) 778-6210
Fax: (360) 778-6211

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: January 11, 2019

Re: **Emergency Ordinance Regarding Temporary Installation of Stop Signs on
Certain County Roads until the repair work is completed on Birch Bay
Drive.**

Requested Action

Public Works respectfully requests that the County Council adopt the proposed ordinance to install temporary stop signs on Harborview Road, Shintaffer Road, Cottonwood Drive, and Birch Bay Drive, until the road repairs for erosion are completed.

Background and Purpose

Due to recent severe weather, there was severe erosion to portions of Birch Bay Drive, requiring a one lane roadway between Harborview Road and Shintaffer Road, with stop control at Shintaffer Road. An alternate route using Anderson Road between Harborview Road and Shintaffer Road has been established, with all-way stop control at each end. Additionally, for the safety of residents living within the erosion area of Birch Bay Drive and those residents who live on Cottonwood Drive and Cottonwood Court, who's only egress is via Birch Bay Drive, Cottonwood Drive was temporarily reopened to traffic northbound at Morgan Drive, requiring the installation of a temporary stop sign on Cottonwood Drive at Morgan Drive. The expected repair time is currently unknown. These temporary stop signs will be removed at the completion of the repair work.

Information

This ordinance will allow for the temporary installation of stop signs and is necessary to comply with RCW 36.32.120 and 46.61.200 to install traffic control signs.

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

ORDINANCE NO. _____

TEMPORARY INSTALLATION OF STOP SIGNS ON CERTAIN COUNTY ROADS

WHEREAS, in compliance with RCW 46.61.200 and 47.36.110, it is found necessary and expedient to install traffic control signs on certain County Roads; and

WHEREAS, due to the recent severe weather, there was erosion to portions of Birch Bay Drive, and it was determined that a one-way road is needed on Birch Bay Drive between Harborview Road and Shintaffer Road with stop control at Shintaffer Road; and

WHEREAS, an alternate route using Anderson Road between Harborview Road and Shintaffer Road, has been established, with all-way stop control at each end; and

WHEREAS, an alternate route using Cottonwood Drive between Birch Bay Drive and Morgan Drive, has been established, with stop control on Cottonwood Drive at Morgan Drive; and

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that temporary stop signs be established at the following locations:

- 1) Harborview Road northbound at Anderson Road
- 2) Harborview Road southbound at Anderson Road
- 3) Shintaffer Road northbound at Anderson Road
- 4) Shintaffer Road southbound at Anderson Road
- 5) Cottonwood Drive northbound at Morgan Drive
- 6) Birch Bay Drive westbound at Shintaffer Road
- 7) Birch Bay Drive eastbound at Shintaffer Road

All within Section 24, Township 40 North, Range 1 West, and Section 19, Township 40 North, Range 1 East, W.M. as shown upon attached Exhibit A, Emergency Traffic Control Plan; and

BE IT FURTHER ORDAINED that when the repairs to Birch Bay Drive are completed, the temporary stop signs will be removed; and

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

ADOPTED this ____ day of _____, 2019.

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

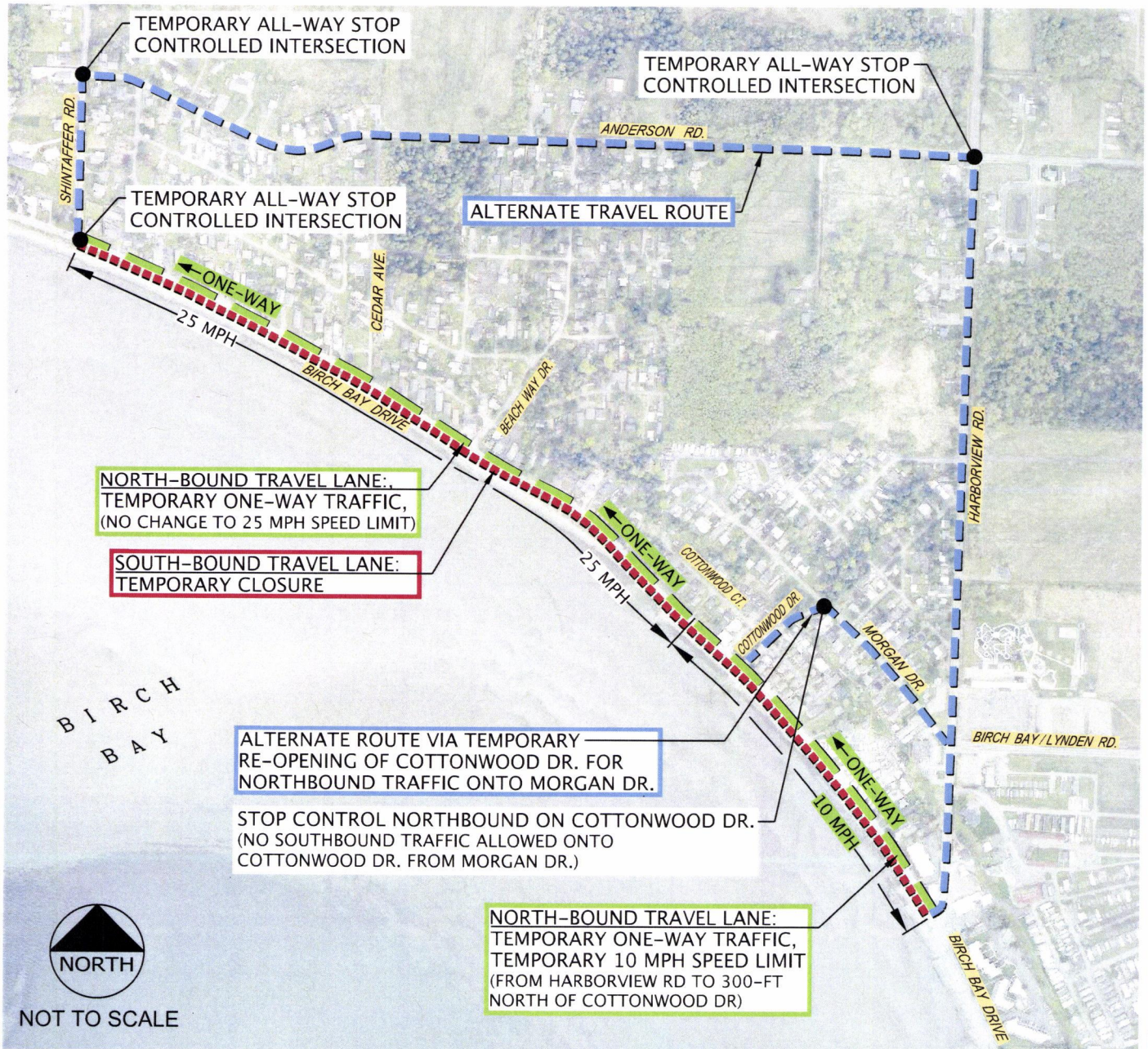
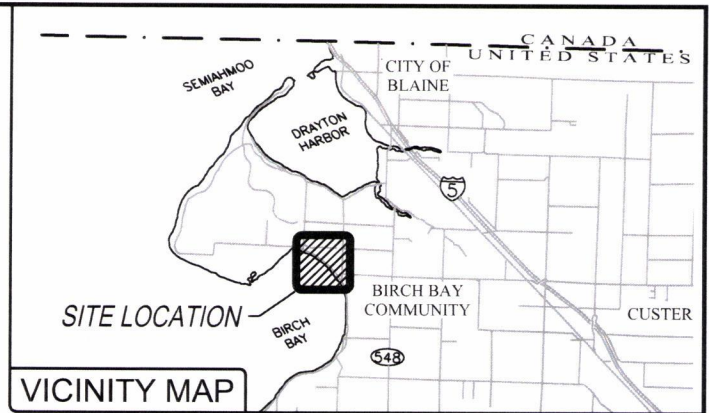
Jack Louws, Executive

Date: _____



EXHIBIT

DEPARTMENT OF PUBLIC WORKS
322 N. COMMERCIAL ST., SUITE 301
BELLINGHAM, WA 98225
(360) 778-6210



BIRCH BAY DRIVE EMERGENCY DECLARATION RESPONSE EXHIBIT 'A' - EMERGENCY TRAFFIC CONTROL PLAN

DATE: JAN. 15, 2019

SHEET: 01 OF 01



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2019-074

File ID:	AB2019-074	Version:	1	Status:	Agenda Ready
File Created:	01/14/2019	Entered by:	SMock@co.whatcom.wa.us		
Department:		File Type:	Ordinance		
First Assigned to:	Council				
Agenda Date:		Next Mtg. Date:	02/12/2019	Hearing Date:	02/12/2019

TITLE FOR AGENDA ITEM:

Ordinance Establishing a Temporary Speed Limit Change for Birch Bay Drive

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

This ordinance establishes a temporary speed limit of 10 MPH on Birch Bay Drive from the intersection of Harborview Road to 300-feet past the intersection of Cottonwood Drive due to the special hazard of erosion to the southbound lane of Birch Bay Drive, pursuant to RCW 46.61.400 and 46.61.415.

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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Attachments: Memo-Ordinance Establishing a Temporary Speed Limit Change for Birch Bay Drive.pdf, Ordinance Establishing a Temporary Speed Limit Change for Birch Bay Drive.pdf

Final Action:
Enactment Date:
Enactment #:

Jon Hutchings
Director



Joseph P. Rutan, P. E.
County Engineer/Assistant Director
322 N. Commercial Street, Ste 301
Bellingham, WA 98225-4042
Phone: (360) 778-6210
Fax: (360) 778-6211

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: January 11, 2019

Re: **Ordinance Establishing a Temporary Speed Limit for Birch Bay Drive until the repair work is completed.**

Requested Action

Public Works respectfully requests that the County Council adopt the proposed ordinance to temporarily lower the speed limit on Birch Bay Drive, from the intersection of Harborview Road to 300-feet past the intersection of Cottonwood Drive, to 10 MPH due to the special hazard of erosion to the southbound lane, until the road repairs are completed.

Background and Purpose

Due to recent storms, there was severe erosion to portions of Birch Bay Drive, requiring a one road roadway between Harborview Road and Shintaffer Road. RCW 46.61.400 allows the County Council to reduce the maximum speed limit on a county road to below the provision of RCW 46.61.415, if a special hazard exists. The County Engineer has determined through his engineering judgement that a special hazard does exist. The expected repair time is currently unknown. Upon completion of the repair work Birch Bay Drive will be returned to 25 MPH pursuant to Ordinance No. 2009-043.

Information

This ordinance will allow for the temporary installation of speed limit signs and is necessary to comply with RCW 46.61.400 and 46.61.415.

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

ORDINANCE NO. _____

ESTABLISHING A TEMPORARY SPEED LIMIT CHANGE FOR BIRCH BAY DRIVE

WHEREAS, the County Council is authorized under RCW 46.61.400 to establish a speed limit when a special hazard exists; and

WHEREAS, Birch Bay Drive has been significantly damaged due to erosion from recent storms; and

WHEREAS, the County Engineer has determined that a special hazard exists; and

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the speed limit of Birch Bay Drive from the intersection of Harborview Road to 300-feet past the intersection of Cottonwood Drive, shall be temporarily changed to 10 MPH; and

BE IT FURTHER ORDAINED by the Whatcom County Council that when repairs to Birch Bay Drive have been completed, this ordinance will expire and Birch Bay Drive shall revert to its previous limit of 25 MPH established under Ordinance No. 2009-043;

BE IT FURTHER ORDAINED, that the County Engineer is hereby directed to install the appropriate signs and 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 10.040.030.

ADOPTED this ____ day of _____, 2019.

ATTEST:

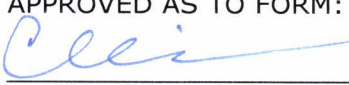
WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Clerk of the Council

Rud Browne, Council Chair

APPROVED AS TO FORM:

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON



Christopher Quinn,
Civil Deputy Prosecutor

Jack Louws, County Executive

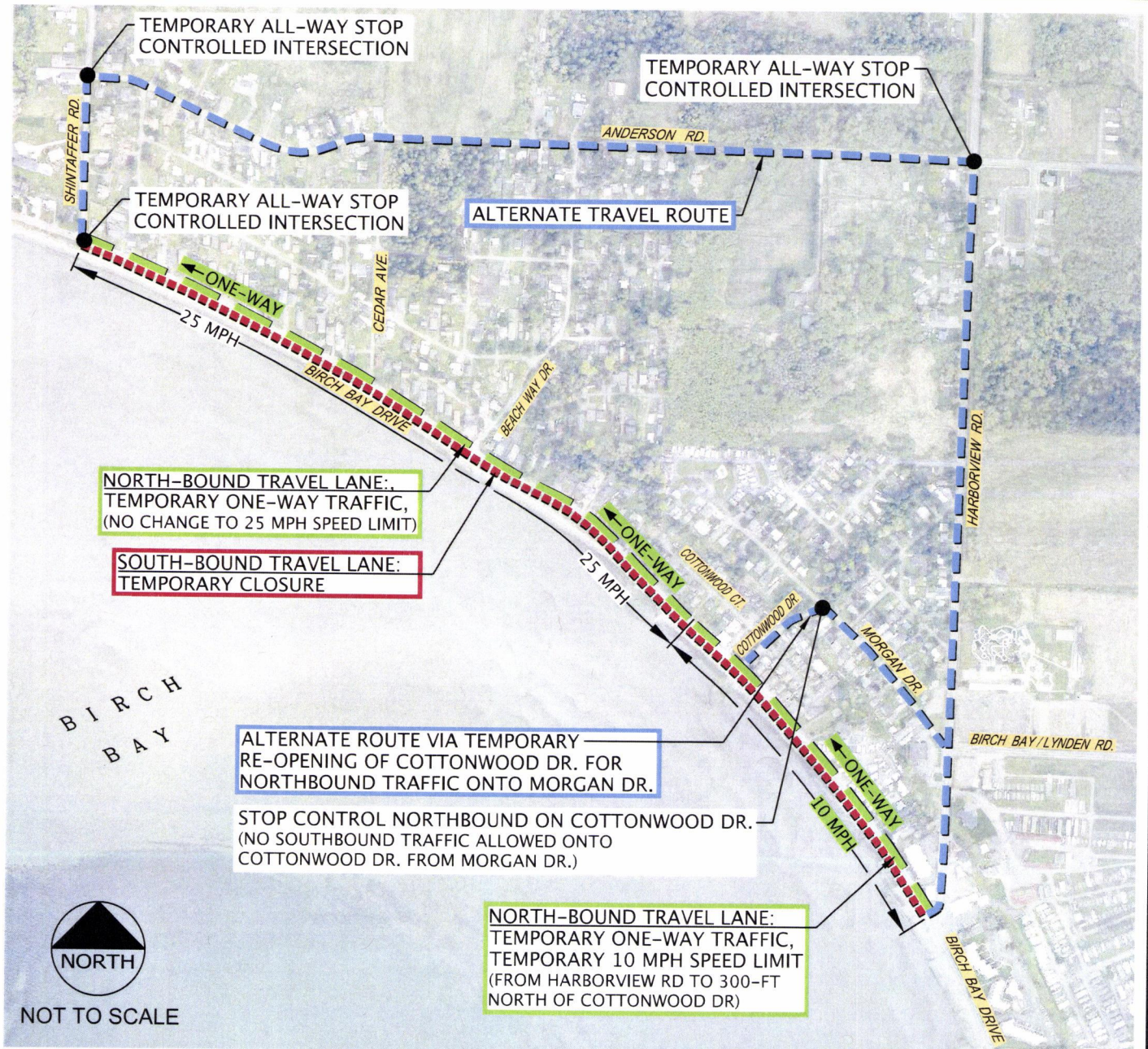
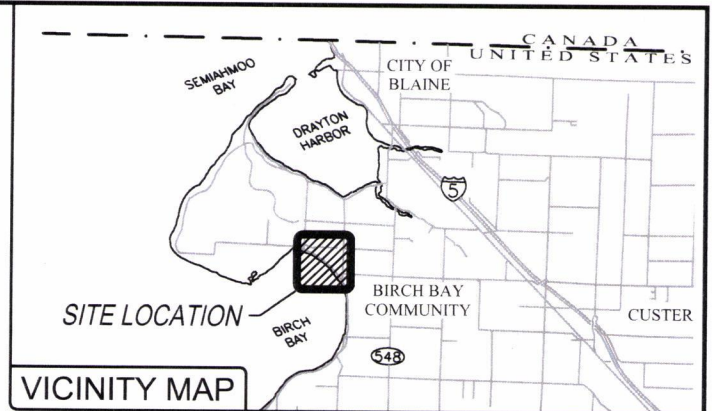
() Approved () Denied

Date Signed: _____



EXHIBIT

DEPARTMENT OF PUBLIC WORKS
322 N. COMMERCIAL ST., SUITE 301
BELLINGHAM, WA 98225
(360) 778-6210



BIRCH BAY DRIVE EMERGENCY DECLARATION RESPONSE EXHIBIT 'A' - EMERGENCY TRAFFIC CONTROL PLAN

DATE: JAN. 15, 2019

SHEET: 01 OF 01

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2009-201A

CLEARANCES	Initial	Date	Date Received in Council Office	Agenda Date	Assigned to:
Originator:	MJD	4/29/09	<div style="text-align: center;"> RECEIVED MAY 05 2009 WHATCOM COUNTY COUNCIL </div>	5/12/09	Council - Introduction
Division Head:	JPR	5/1/09		5/26/09	Council - Hearing
Dept. Head:	MAH	5/1/09			
Prosecutor:	DA	05/01/09			
Purchasing/Budget:					
Executive:	<i>Dwyer</i>	5/5/09			

TITLE OF DOCUMENT:

An Ordinance Regarding Establishment of Speed Limits on Birch Bay Drive and Harborview Road

ATTACHMENTS:

1. Memo to County Executive and County Council
2. Birch Bay Drive and Harborview Road Speed Limit Ordinance
3. Vicinity Map

SEPA review required?	() Yes	(X) NO	Should Clerk schedule a hearing?	(X) Yes	() NO
SEPA review completed?	() Yes	(X) NO	Requested Date:	5/26/2009	

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 speed limit on Birch Bay Drive and Harborview Road.

COMMITTEE ACTION:

COUNCIL ACTION:

5/12/2009: Introduced
5/26/2009: Council Adopted 7-0
Ord. 2009-043

Related County Contract #:

Related File Numbers:

Ordinance or Resolution
Number: Ord. 2009-043

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.

SPONSORED BY: Consent
PROPOSED BY: Public Works-Engineering
INTRODUCTION DATE: 5/12/2009

ORDINANCE NO. 2009-043
AN ORDINANCE REGARDING ESTABLISHMENT OF SPEED LIMITS
PORTIONS OF BIRCH BAY DRIVE AND HARBORVIEW ROAD

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

WHEREAS, a traffic study was conducted by the County Engineer's office; and

WHEREAS, the County Council has found it necessary to formally establish a new speed limit on various roads in the Birch Bay area; and

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that a speed limit be set and posted as follows:

10.04.030

on Birch Bay Drive, from the intersection of Holman Ave. to the intersection with Birch Point Road the speed limit will be 25 mph year round, and

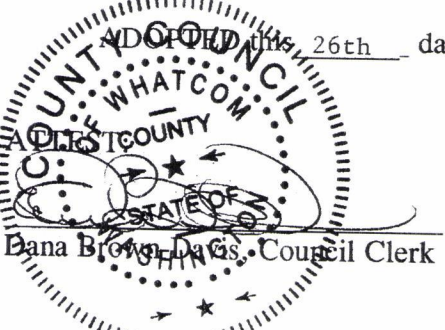
10.04.030

on Harborview Road south of Forsberg Road the speed limit will be 25 mph year round.

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
10.04.030.

ADOPTED this 26th day of May, 2009.





Dana Brown, Council Clerk

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON


Seth M. Fleetwood, Council Chair

APPROVED AS TO FORM:


Civil Deputy Prosecutor


Pete Kremen, Executive

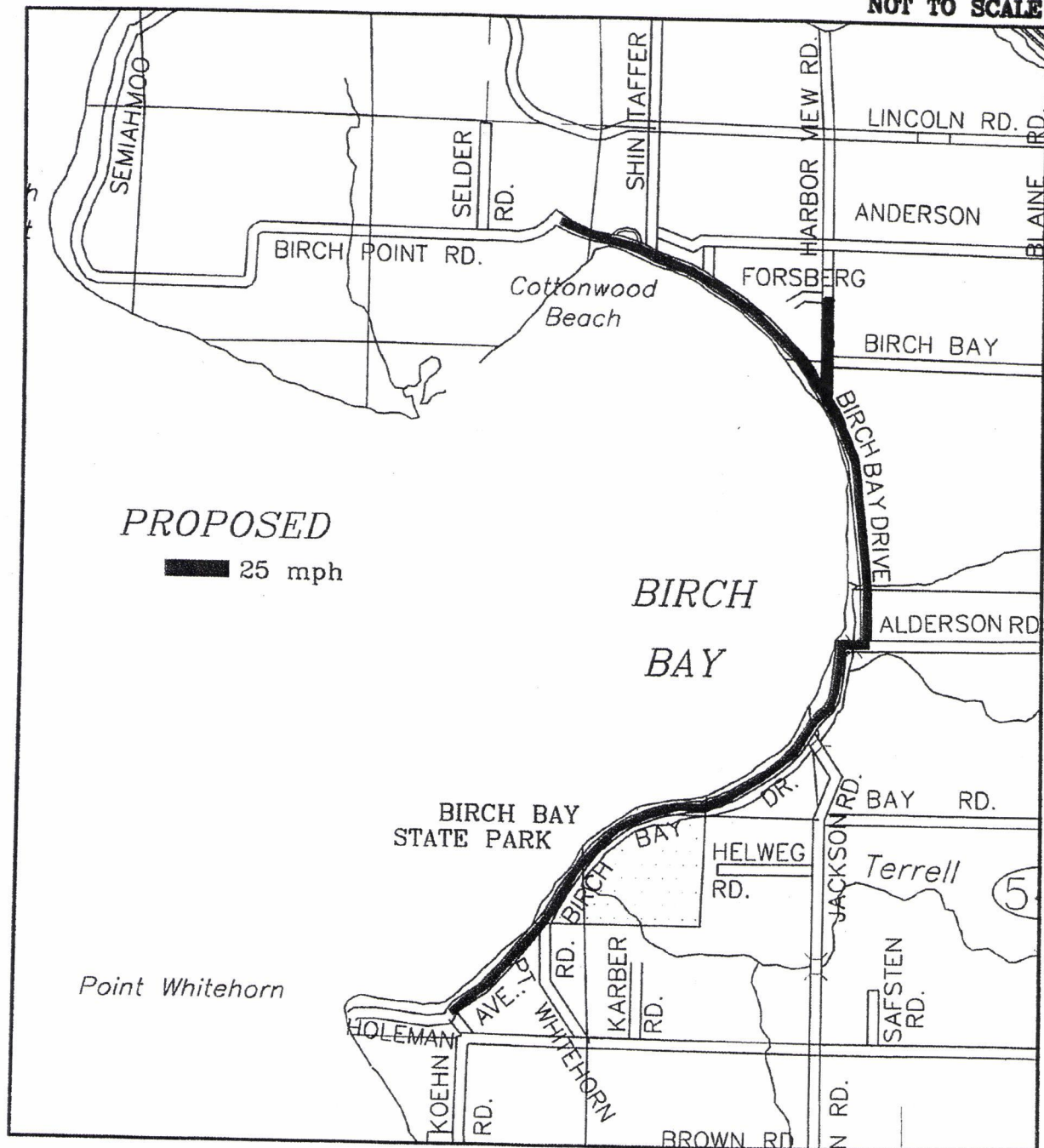
(☒) Approved (☐) Denied

Date Signed: 5-28-09

VICINITY MAP FOR BIRCH BAY DRIVE SPEED LIMIT CHANGE



NOT TO SCALE





Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2019-075

File ID:	AB2019-075	Version:	1	Status:	Agenda Ready
File Created:	01/14/2019	Entered by:	SMock@co.whatcom.wa.us		
Department:		File Type:	Ordinance		
First Assigned to: Council					
Agenda Date:		Next Mtg. Date:	02/12/2019	Hearing Date:	02/12/2019

TITLE FOR AGENDA ITEM:

Ordinance Establishing Temporary One-Way Traffic on Birch Bay Drive

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

This ordinance establishes temporary one-way traffic on Birch Bay Drive northwest bound from the intersection of Harborview Road to the intersection of Shintaffer Road due to the special hazard of erosion to the southbound lane of Birch Bay Drive, pursuant to RCW 46.61.135.

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
<hr/>			

Attachments: Memo-Ordinance Establishing Temporary One-Way Traffic on Birch Bay Drive.pdf, Ordinance Establishing Temporary One-Way Traffic on Birch Bay Drive.pdf

Final Action:
Enactment Date:
Enactment #:

Jon Hutchings
Director



Joseph P. Rutan, P. E.
County Engineer/Assistant Director
322 N. Commercial Street, Ste 301
Bellingham, WA 98225-4042
Phone: (360) 778-6210
Fax: (360) 778-6211

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: January 11, 2019

Re: **Ordinance Establishing Temporary One-Way Traffic on Birch Bay Drive
until repair work is completed.**

Requested Action

Public Works respectfully requests that the County Council adopt the proposed ordinance to temporarily establish a one-way traffic pattern on Birch Bay Drive, from the intersection of Harborview Road to the intersection of Shintaffer Road, due to the erosion to the southbound lane, until the road repairs are completed.

Background and Purpose

Due to recent storms, there was severe erosion to portions of Birch Bay Drive, requiring a one-way roadway between Harborview Road and Shintaffer Road. RCW 46.61.135 allows the County Council to designate one-way roadways. The expected repair time is currently unknown. Upon completion of the repair work Birch Bay Drive will be returned to two-way traffic.

Information

This ordinance will allow for the temporary installation of one-way signs and is necessary to comply with RCW 46.61.135.

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

PROPOSED BY: Public Works - Engineering
INTRODUCTION DATE: _____

ORDINANCE NO. _____

ESTABLISHING TEMPORARY ONE-WAY TRAFFIC ON BIRCH BAY DRIVE

WHEREAS, the Whatcom County Council is authorized under RCW 46.61.135 to designate one-way roadways; and

WHEREAS, Birch Bay Drive has been significantly damaged due to erosion from recent storms; and

WHEREAS, the County Engineer has determined that for the safety of the public, the traffic pattern of Birch Bay Drive should be modified due to emergency conditions; and

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that for the duration of repairs, Birch Bay Drive be a one-way roadway northeast bound from the intersection of Harborview Road to the intersection of Shintaffer Road, according to the provisions of RCW 46.61.135; and

BE IT FURTHER ORDAINED that when repairs to Birch Bay Drive have been completed, this ordinance will expire and Birch Bay Drive shall revert to two-way traffic;

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 10.08.

ADOPTED this ____ day of _____, 2019.

ATTEST:

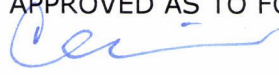
WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Clerk of the Council

Rud Browne, Council Chair

APPROVED AS TO FORM:

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON



Christopher Quinn,
Civil Deputy Prosecutor

Jack Louws, County Executive

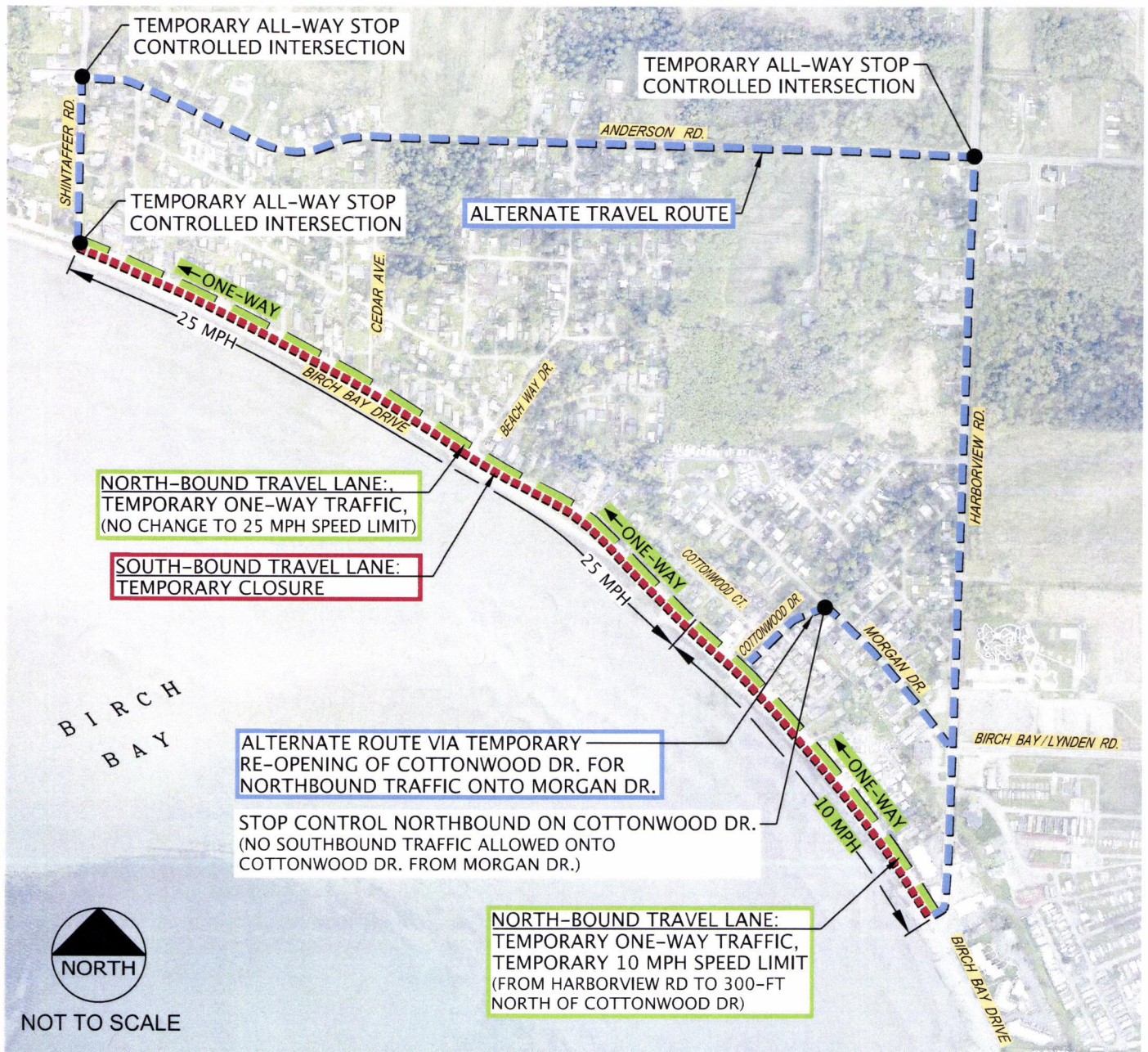
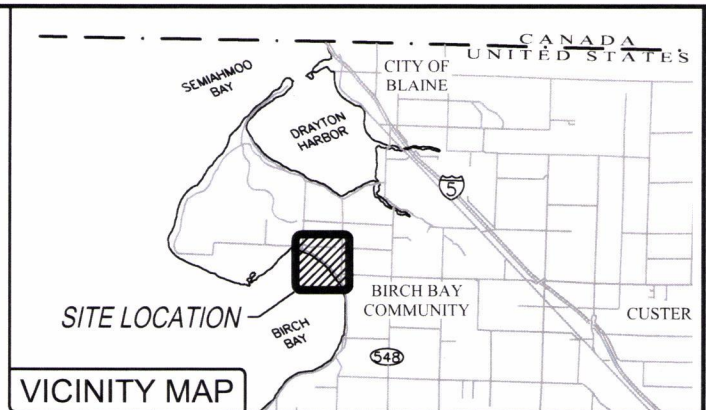
() Approved () Denied

Date Signed: _____



EXHIBIT

DEPARTMENT OF PUBLIC WORKS
322 N. COMMERCIAL ST., SUITE 301
BELLINGHAM, WA 98225
(360) 778-6210



BIRCH BAY DRIVE EMERGENCY DECLARATION RESPONSE EXHIBIT 'A' - EMERGENCY TRAFFIC CONTROL PLAN

DATE: JAN. 15, 2019

SHEET: 01 OF 01



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2019-076

File ID:	AB2019-076	Version:	1	Status:	Agenda Ready
File Created:	01/14/2019	Entered by:	SMock@co.whatcom.wa.us		
Department:		File Type:	Ordinance		
First Assigned to: Council					
Agenda Date:		Next Mtg. Date:		Hearing Date:	02/12/2019

TITLE FOR AGENDA ITEM:

Ordinance Authorizing the Temporary Re-Opening of Cottonwood Drive at Morgan Drive to Vehicular Traffic

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

This ordinance authorizes the temporary re-opening of Cottonwood Drive at Morgan Drive to northeast bound vehicular traffic until the completion of repairs to Birch Bay Drive, pursuant to RCW 36.32.120.

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
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Attachments: Ordinance Authorizing the Temporary Re-Opening of Cottonwood Drive at Morgan Drive to Vehicular Traffic.pdf, Memo-Ordinance Authorizing the Temporary Re-Opening of Cottonwood Drive at Morgan Drive to Vehicular Traffic.pdf

Final Action:
Enactment Date:
Enactment #:

ORDINANCE NO. _____

**AUTHORIZING THE TEMPORARY RE-OPENING OF COTTONWOOD DRIVE AT
MORGAN DRIVE TO VEHICULAR TRAFFIC**

WHEREAS, in 2001 the Whatcom County Council closed Cottonwood Drive at Morgan Drive to vehicular traffic via Ordinance No. 2001-043; and

WHEREAS, Birch Bay Drive has been significantly damaged due to erosion from recent storms; and

WHEREAS, the County Engineer has determined that for the safety of the public, Northeast bound Cottonwood Drive at Morgan Drive should be temporarily re-opened to through traffic due to emergency conditions; and

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the closed intersection of Cottonwood Drive at Morgan Drive be temporarily opened at the direction of the County Engineer to Northeast bound vehicular traffic for the duration of repairs to Birch Bay Drive according to the provisions of RCW 36.32.120; and


BE IT FURTHER ORDAINED by the Whatcom County Council that when repairs to Birch Bay Drive have been completed, this ordinance will expire and Cottonwood Drive at Morgan Drive will be closed to vehicular traffic at the further direction of the County Engineer and as set forth in Ordinance No. 2001-043;

ADOPTED this ____ day of _____, 2019.

ATTEST:

Dana Brown-Davis, Clerk of the Council

APPROVED AS TO FORM:



Christopher Quinn,
Civil Deputy Prosecutor

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Rud Browne, Council Chair

WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON

Jack Louws, County Executive

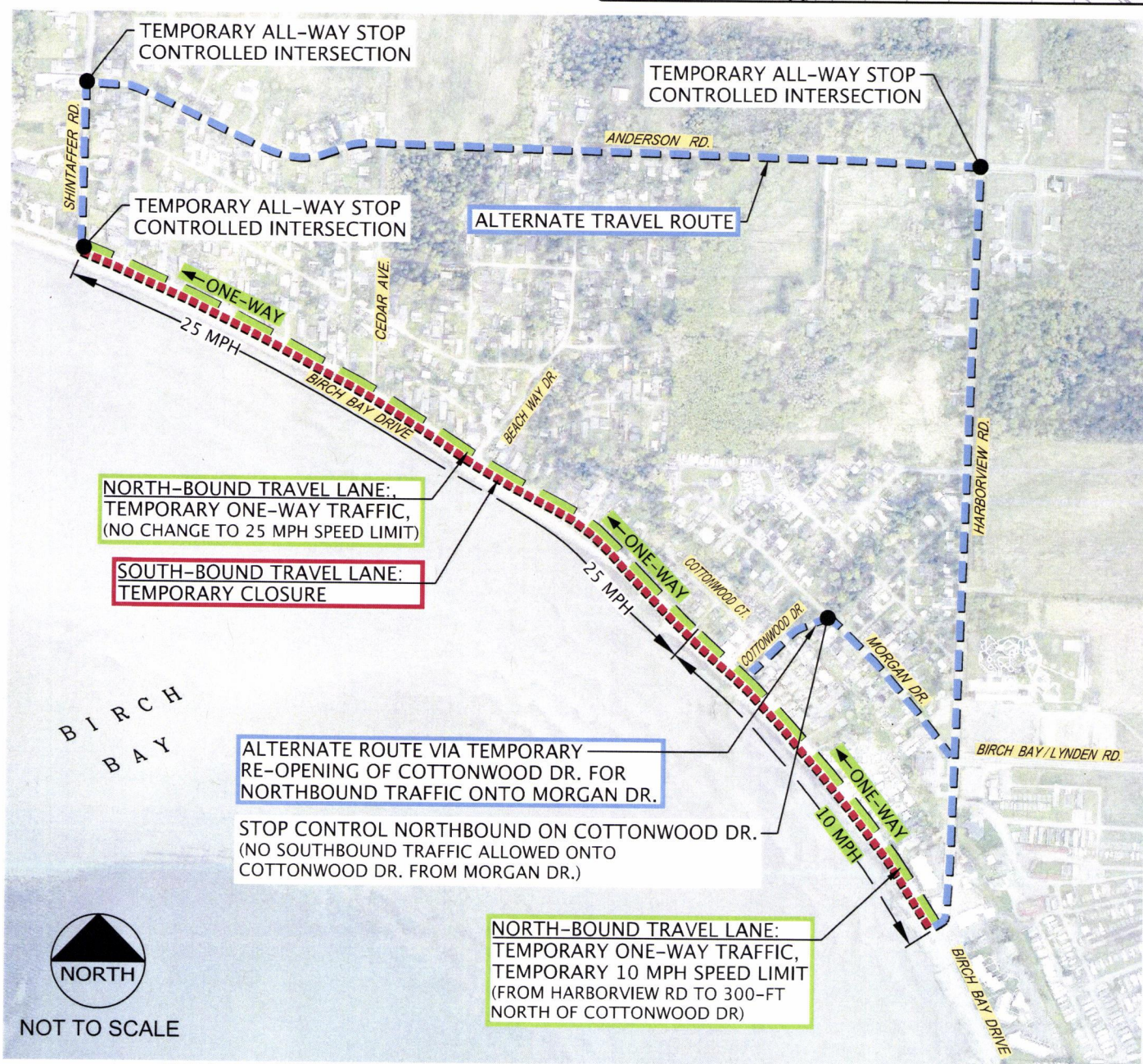
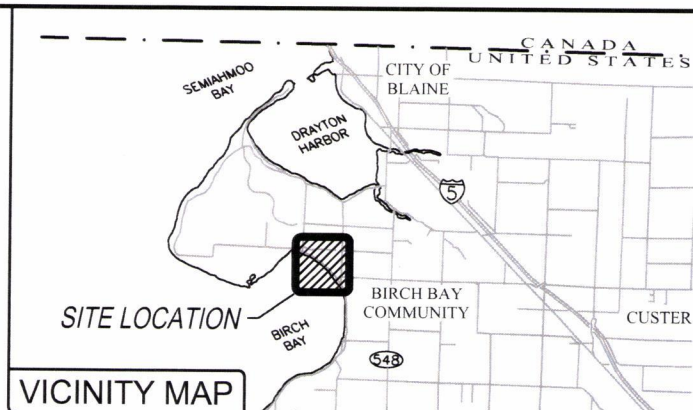
() Approved () Denied

Date Signed: _____



EXHIBIT

DEPARTMENT OF PUBLIC WORKS
322 N. COMMERCIAL ST., SUITE 301
BELLINGHAM, WA 98225
(360) 778-6210



BIRCH BAY DRIVE EMERGENCY DECLARATION RESPONSE EXHIBIT 'A' - EMERGENCY TRAFFIC CONTROL PLAN

DATE: JAN. 15, 2019

SHEET: 01 OF 01

WHATCOM COUNTY COUNCIL AGENDA BILL

NO. 2001 - 303 A

CLEARANCES		Date	Date Received in Council Office	Agenda Date	Assigned To
Orig. Dept.:	Public Works	09/12/2001	<div style="text-align: center;"> <p>RECEIVED</p> <p>SEP 12 2001</p> <p>WHATCOM COUNTY COUNCIL</p> </div>	09/11/2001	Introduction
Division Head:					
Dept. Head:					
Prosecutor:	DML				
Budget:					
Executive:					

SUBJECT:

Ordinance ordering the closure of Cottonwood Drive at Morgan Drive - Birch Bay

ATTACHMENTS

SUMMARY STATEMENT:

Related County Contract #

Should the Clerk schedule a hearing? (Y/N) Y

Requested Date: 09/25/2001

Ordinance ordering the closure of Cottonwood Drive at Morgan Drive between Birch Bay Drive and Birch Bay-Lynden Road to vehicular traffic

RECOMMENDED MOTION (for final action):

COUNCIL ACTION TAKEN:

2001 - 303 A 9/11/2001: Introduced
9/25/2001: Adopted 7-0, Ord. #2001-043

Related File Numbers:

Ordinance or Resolution Number (this item only):

ORD.# 2001-043

SPONSORED BY: Consent
PROPOSED BY: Petition
INTRODUCTION DATE: 9/11/2001

ORDINANCE NO. 2001-043
ORDERING THE CLOSURE OF COTTONWOOD DRIVE AT MORGAN DRIVE
TO VEHICULAR TRAFFIC

WHEREAS, the Whatcom County Council has been requested by petition from the neighborhood residents to close Cottonwood Drive at Morgan Drive, and

WHEREAS, the Whatcom County Engineering Division has conducted a traffic analysis which indicates that approximately 90% of the total vehicular traffic along Morgan Drive and Cottonwood Drive is pass-through traffic from outside the neighborhood, regularly using this section of road as a shortcut between Birch Bay Drive and Birch Bay-Lynden Road, and

WHEREAS, the existing road is narrow, with a substandard sharp road curve and a steep road grade, with significant summer pedestrian traffic, and

WHEREAS, improvements to widen and straighten the road are impractical, due to the close proximity of neighboring residences and the topography of the land, and

WHEREAS, the Whatcom County Sheriff's Department and Whatcom County Fire District No. 13 are favorable of the proposed closure, with no unacceptable loss in response time, and

WHEREAS, the County Council held a public hearing on the proposed closure on September 25, 2001, and is authorized to close the road according to the provisions of RCW 36.32.120.

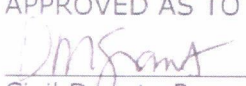
NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that the Public Works Department of Whatcom County is hereby directed to close Cottonwood Drive at Morgan Drive to vehicular traffic.

ADOPTED this 25 day of Sept., 2001.

ATTEST:


Dana Brown-Davis, Council Clerk


APPROVED AS TO FORM:


Civil Deputy Prosecutor

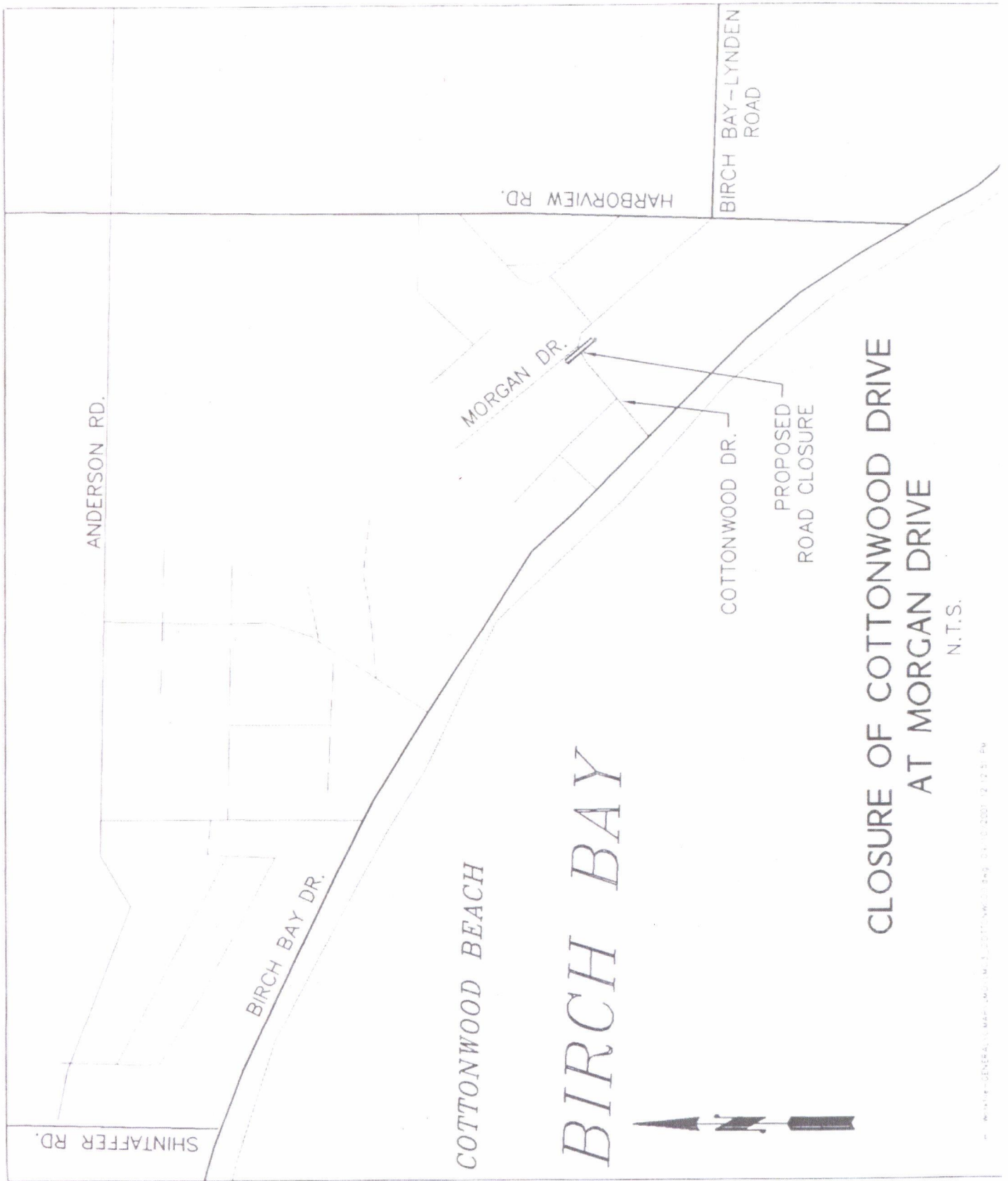
WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON


L. Ward Nelson, Council Chair

(☒ Approved (☐ Denied


Pete Kremen, County Executive

Date: 10-2-01



CLOSURE OF COTTONWOOD DRIVE
AT MORGAN DRIVE

N.T.S.

Jon Hutchings
Director



Joseph P. Rutan, P. E.
County Engineer/Assistant Director
322 N. Commercial Street, Ste 301
Bellingham, WA 98225-4042
Phone: (360) 778-6210
Fax: (360) 778-6211

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: January 11, 2019

Re: **Ordinance Regarding Temporary Re-Opening of Cottonwood Drive at
Morgan Drive to Vehicular Traffic, until the repair work is completed on
Birch Bay Drive.**

Requested Action

Public Works respectfully requests that the County Council adopt the proposed ordinance to re-open Cottonwood Drive at Morgan Drive to northeast bound Vehicular Traffic, until the road repairs for erosion of Birch Bay Drive are completed.

Background and Purpose

Due to recent storms, there was severe erosion to portions of Birch Bay Drive, and for the safety of residents living within the erosion area of Birch Bay Drive and those residents who live on Cottonwood Drive and Cottonwood Court, who's only egress is via Birch Bay Drive, Cottonwood Drive was temporarily re-opened to northeast bound traffic at Morgan Drive. The expected repair time is currently unknown. Upon the completion of the repair work, Cottonwood Drive at Morgan Drive will be closed as provided in Ordinance No. 2001-043.

Information

This ordinance will allow for the temporary re-opening of Cottonwood Drive at Morgan Drive pursuant to RCW 36.32.120.

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



Whatcom County

COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010

Agenda Bill Master Report

File Number: AB2019-018

File ID:	AB2019-018	Version:	1	Status:	Withdrawn
File Created:	12/21/2018	Entered by:	CStrong@co.whatcom.wa.us		
Department:		File Type:	Ordinance		
First Assigned to:	Council				
Agenda Date:		Next Mtg. Date:		Hearing Date:	01/29/2019

Ordinance adopting various minor amendments to Whatcom County Code Titles 20 (Zoning), 21 (Land Division Regulations), and 22 (Land Use and Development Procedures), making corrections, updates, and clarifications

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
01/15/2019	Council	WITHDRAWN	

Attachments: Memo (2) to Council P&D Comm, 2019-01-22, for January 29 Agenda, PLN2018-00014 Staff Report to Council, Ordinance, PC approved 2018-12-13, Exhibit A (PC approved, staff revised, with Council edits, 2018-01-22) for January 29 Agenda, Memo (1) to Council P&D Comm, 2018-12-17, for January 15 Agenda, Exhibit A (PC approved, staff revised, 2018-12-21) for January 15 Agenda

Final Action:
Enactment Date:
Enactment #:



Memorandum

TO: The Honorable County Council
Jack Louws, County Executive

FROM: Cliff Strong, Senior Planner

THROUGH: Mark Personius, Director

DATE: January 18, 2019

SUBJECT: Code Scrub 2018

This is a continuation of the discussion started on January 15, 2019, of some minor amendments to WCC Titles 20 (Zoning), 21 (Land Division Regulations), and 22 (Land Use and Development Procedures). This is our annual "code scrub," wherein staff proposes various amendments to clarify code and fix inconsistencies and grammar they have found over the year. No major policy changes are proposed.

Mea Culpa

I would first like to apologize for some confusion at that meeting. Evidently, there's a glitch in the new agenda bill system. If a Word document (such as Exhibit A) is attached, the program converts it to PDF, but in doing so removes all the strikeout text as well as the underline showing new text, and in so doing changes the page numbers. Thus, Council could not see what was existing vs. new text and what was being proposed for deletion. It also made it difficult for us to quickly find any one issue Council was referring to, because our page numbers were different than yours. This issue has been discussed with Council staff and a protocol now put into place so hopefully that doesn't happen again. A new Exhibit A is also being provided, this time showing the strikeout/underline.

Councilmember Issues Raised

Though time was short and we didn't get to discuss most of the proposed amendments, some Councilmembers did raise issues they had with a few of the proposed amendments.

Councilmember Brenner said that there were typos and grammatical errors in some of the text. However, these were in fact due to the glitch raised above and should be rectified with the replacement Exhibit A we've provided.

She also expressed concerns about the proposed amendments to the hazard tree rules (Item 5 of Exhibit A), essentially saying that she would prefer simpler rules regarding their removal. However, in speaking with her this week, she was under the impression that the sections proposed for amendment applied countywide. They do not¹. The sections proposed for amendment apply only in the Lake Whatcom Watershed Overlay District (Chapter 20.51) and the Water Resource Protection Overlay District (Lake Padden and Lake Samish watersheds, Chapter 20.71). These rules have been in place since those districts were first adopted in 2002 to protect the watersheds, and further amended when Council revised the stormwater/low impact development (LID) regulations in 2016, again to protect the

¹ WCC 16.16, the Critical Areas Ordinance, does contain other rules about hazard trees which do apply countywide, but then only in critical areas. Other than standardizing the definitions, the Critical Areas Ordinance hazard tree regulations themselves are not subject to any proposed changes in this code scrub.

watersheds. Through this code scrub, staff is only trying to eliminate inconsistencies², not change policy. If Council still has issues with the proposed amendments, staff suggests just pulling from consideration Item 5 (the amendments to the Overlay Districts). However, we still recommend acting on Item 4, amending the definition of hazard tree, so that we don't have multiple definitions of the same thing.

CM Brenner also had an issue with the permissible height of fences in front yards (4 and 6 feet, depending on where located; Item 9 of Exhibit A). However, after speaking with her, her primary issue was with how staff characterized the reason for a height limit of front yard appurtenances. Staff is not proposing to change these existing height limits, only reorganizing the language to make it clearer. We have, however, removed the explanatory language to which she objected.

CM Browne asked whether electric vehicle charging stations could be a permitted use rather than an accessory use. Staff would suggest not, for two reasons:

- First, these stations are basically parking lots with charging equipment at each of the 5-10 stalls they typically occupy. We only allow parking lots as primary permitted uses only in the Airport Operations District, and these are all for long-term airport parking.
- Second, Tesla (with whom we've met, but potentially other companies as well) prefers to lease underused parking stalls from existing commercial uses so that they don't have to install the parking lot, and so their customers can shop or eat while waiting for their car to charge (typically 45 – 60 minutes), a very symbiotic relationship.

Staff Recommendation

Staff recommends that the Council's Planning & Development Committee review and discuss the attached staff report and Exhibit A showing the proposed amendments, introduce the ordinance on January 29th, and hold a public hearing on February 12th to adopt these provisions.

² Though they both say the removal of hazard trees is exempt from obtaining a tree removal permit, they also say you have to meet the requirements of (5), which require obtaining a tree removal permit.

Whatcom County Planning & Development Services Staff Report

Code Scrub 2018

I. Background Information

File # PLN2018-00014

File Name: Code Scrub 2018

Applicants: Whatcom County Planning and Development Services (PDS)

Summary of Request: Proposed minor amendments to WCC Titles 20, 21, and 22. This is an annual "code scrub," wherein staff proposes numerous amendments to clarify code and fix inconsistencies and grammar. No policy changes are proposed.

Location: Countywide.

Staff Recommendation: Approve. The amendments are necessary to add clarity to development regulations and procedures and to keep the code up to date.

Background: From time to time, the County adopts a series of minor code amendments to improve unclear wording or procedures, or to correct errors or outdated text. This collection of 27 code amendments includes such items.

II. Code Amendments

The proposed code amendments are found in Exhibit A. Please refer to that attachment; explanations are provided.

III. Comprehensive Plan Evaluation

The proposed amendments are consistent with Comprehensive Plan's Goal 2D to "Refine the regulatory system to ensure accomplishment of desired land use goals in a fair and equitable manner."

IV. Proposed Findings of Fact and Reasons for Action

Staff recommends the Planning Commission adopt the following findings of fact and reasons for action:

1. Whatcom County Planning and Development Services has submitted an application to make various amendments to Whatcom County Code (WCC) Title 20 Zoning to make corrections, updates, and clarifications.
2. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on October 19, 2018, 2018.
3. Notice of the subject amendment was submitted to the Washington State Department of Commerce on October 15, 2018.

4. The Planning Commission held a public hearing on the proposed amendments on December 13, 2018, notice of which was published in the Bellingham Herald on October 26 and November 30, 2018. November 8, 2018, notice of which was published in the Bellingham Herald on October 26, 2018.
5. Comprehensive Plan Policy Goal 2D is to “refine the regulatory system to ensure accomplishment of desired land use goals in a fair and equitable manner.”
6. WCC 0.38.060(7) provides increased setbacks for cluster subdivisions when adjacent to agricultural properties so as to minimize nuisance complaints. However, it is confusing in its current state. The amendment would clarify its intent.
7. WCC 20.40.254(5)(a) & (b) is inconsistent with the minimum parcel sizes listed in Table 20.40.251. Table 20.40.251 lists the minimum parcel sizes as 40 and 10 acres, whereas the text of 20.40.254(5)(a) & (b) says “larger/greater than” 40 and 10 acres. The amendments would rectify this inconsistency.
8. WCC Chapter 20.40 is the only zone chapter that doesn’t explicitly specify what the maximum density is in that zone. Though a maximum density of a dwelling unit/acre is implied by the 40 ac minimum parcel size, it’s not explicitly stated. The amendment would rectify this.
9. Both WCC 20.51.430 (Lake Whatcom Watershed Overlay District) and 20.71.354 (Water Resource Protection Overlay District) exempt hazard tree removal from having to obtain a tree removal permit provided they meet the requirements of subsection (5) of their respective sections. However, each of the subsection (5)s specifically state that a tree removal permit is required. The amendments would rectify this inconsistency.
10. The text of WCC 20.62.300 describes a maximum density, not a minimum as the heading implies. The amendment would rectify this inconsistency.
11. WCC 20.66.550 (Light Impact Industrial (LII) District) includes increased setbacks from certain adjacent zones, as well as from “principal arterials.” However, Whatcom County has no such roadway classification. The amendment would rectify this inconsistency.
12. WCC 20.68.552(5) contains increased setbacks and buffers in the LII District under certain circumstances. It also conformance to Policy 1.05 of the Cherry Point/Ferndale Subarea Plan. However, the intent and specifics of this policy are already included in the regulations. Furthermore, the Cherry Point/Ferndale Subarea Plan is slated for repeal. Therefore this reference isn’t required. The amendment would rectify this.
13. WCC 20.80.220, subsection (a) specifies what appurtenances are allowed in setback areas. However, decks and utilities, which are common uses in front and side yard setbacks, are not specified allowances, and neighbors have been trying to use this section to protest development. The amendments would also update an old reference to the Uniform Fire Code to the International Fire Code, which Whatcom County has adopted. Additionally, the amendment would delete the repetitious language regarding vision clearance, already found in the referenced section.
14. WCC 20.83.050 allows someone to rebuild a damaged or destroyed nonconforming structure exactly where it was. However, as it stands, owners have argued that they can rebuild over property lines. The amendment would rectify this.
15. WCC 20.80.230(2) allows property owners on constrained lots in the shoreline jurisdiction to consider their front yard (that next to road) their rear yard, and their rear yard (that next to the

water) their front yard, effectively reducing their setback next to the road to down to 20 feet. The amendments would effectively do the same; though also allow the same consideration for other critical areas.

16. WCC 20.80.545 contains rules for parking areas. However, the rule in the first sentence is already covered by WCC 20.80.350 (Parking Areas). And the second sentence requires that a driveway be at least 30 feet long (20' for the parking spot, plus the 10' setback), which is greater than the typical front yard setback (20-25'). Driveways on typical suburban development are 20 feet long. The existing language basically makes it illegal to park in a typical driveway and is not enforced. The deletion of this section would rectify this.
17. WCC 20.80.650 refers to the Northwest Air Pollution Control Agency, which was renamed the Northwest Clean Air Agency many years ago. The amendment would rectify this.
18. WCC 20.80.670 contains dock requirements. However, these are also addressed in the Shoreline Management Program (Title 23) and the Critical Areas Ordinance (Chapter 16.16), so these are duplicative. The deletion of this section would rectify this.
19. WCC 20.85.101 contains an old reference to the Uniform Building Code, whereas Whatcom County has adopted the International Building Code. The amendment would rectify this.
20. The Critical Areas Ordinance (WCC 16.16.260(E)) allows someone doing a Planned Unit Development to develop alternative mitigation plans. The amendment would add a section to Chapter 20.85 (Planned Unit Developments) pointing readers to that possibility.
21. WCC 20.88.275 exempt applicants for a Planned Unit Development from having to obtain a Master Project Permit, as it goes before Council for a decision anyways. The amendment would provide the same exemption for development agreement applicants, as they, too, go before Council.
22. WCC 20.97.293 contains an outdated definition of "party of record," and WCC 20.97 contains no definition of "standing." The amendments would rectify this by amending the definition of "party of record" and adding a definition of "standing" consistent with RCW 36.70C.060 (Judicial Review of Land Use Decisions). Additionally, various sections of the code pertaining to appeals are amended to specify that in order to appeal, one must have standing.
23. WCC 20.86.051 defines receiving areas for Whatcom County's Transfer of Development Rights program. However, the County's Prosecuting Attorney has advised against requiring TDRs for UGA expansions or rezones under RCW 82.02.020. The amendments would delete these two requirements.
24. WCC Chapter 20 (Zoning) contains no definition of "Director." The amendment would add such a definition to WCC 20.97.
25. WCC Chapter 22 (Project Permit Procedures) does not have a definitions section. The amendment would rectify this, by referring to the definitions found in WCC 20.97.
26. WCC 22.05.160 contains rules for processing appeals. The amendments would clarify that appeals need to be filed on a department-provided form and the application would need to meet the rules contain in subsection (a) to be valid. The amendments would also clarify that the Hearing Examiner would hold an open record public hearing on administrative appeals and that one has to have standing to appeal.
27. When charging stations for electric cars were relatively new and no one knew what they would look like or how they would operate, Whatcom County adopted regulations for where they can be

located, making them accessory to conditionally approved automobile service stations, and differentiating between rapid and standard charging stations. However, given how they are actually used (users typically charge their cars for 45-60 minutes while shopping or eating), and what they actually look like, it makes more sense to allow them accessory to any permitted use in commercial or industrial zones. Nor do rapid and standard charging stations look different. The amendments would merge the two existing definitions into one, and allow charging stations accessory to any permitted use in certain commercial and industrial zones.

28. The language of the various "Drainage" sections varies between zones, even though it's intended to mean the same thing. The amendments would standardize the language in all the zoning district chapters.
29. Various sections allow a temporary second dwelling unit in various zones in the form of a manufactured home, a fully serviced travel trailer, or motor home. The amendments would allow park model trailers, which aren't much different from those allowed, to be used as such as well.
30. WCC 20.80.210(b) lists the various setbacks from roads or other properties. However, it lists some setbacks from some roadway classifications that Whatcom County Public Works no longer use in their transportation planning. Additionally, the table contains 67 footnotes that repeat sections of the code that modify the standard setbacks. Not only is the language of the footnotes different from the actual code, but the inclusion of the inaccurate language makes the table 14 pages long. The amendment rectifies this by removing the non-used road classifications and reformatting the table, with notes only referring to the modifying sections, also allowing the table to fit on two pages.
31. WCC 20.68.554 contains additional setback requirements in the Heavy Industrial District. However, it contains a faulty cross-reference (subsection (b)), a policy contained in the Cherry Point/Ferndale Subarea Plan which is slated for repeal and the intent of which is already addressed by another section of the code (subsection (c)), and another faulty reference to a process that does not exist. The amendment rectifies this.
32. WCC 20.97.436.2 is a definition for "Tree, hazard." However, there is a different definition for "Hazard tree" in 20.97.171, which itself reads the same as that in 16.16.900 (Critical Areas Ordinance) and 23.110.080 (Shoreline Management Program). The amendment would eliminate this discrepancy.
33. WCC 22.25.040 contains the policy for refunds of fees for permit and docket applications. However, the deadline thresholds for docket application refunds are set at 14 and 90 days, where in reality the docket applications may take a year or more to process, during which varying amounts of work may or may not have commenced. The amendment would set the thresholds for docket application refunds to coincide more closely to how much staff time has been expended.

V. Proposed Conclusions

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

VI. Recommendation

Planning and Development Services recommends the Planning Commission forward the proposed amendments to the County Council with a recommendation of approval.

Attachments

1. Draft Ordinance
2. Exhibit A – Proposed Code Amendments

PROPOSED BY: _____
INTRODUCTION DATE: _____

ORDINANCE NO. _____

ADOPTING VARIOUS MINOR AMENDMENTS TO WHATCOM COUNTY CODE TITLES 20 (ZONING), 21
(LAND DIVISION REGULATIONS), AND 22 (LAND USE AND DEVELOPMENT PROCEDURES) MAKING
CORRECTIONS, UPDATES, AND CLARIFICATIONS

WHEREAS, Whatcom County Planning and Development Services has proposed amendments to
Whatcom County Code Titles 20, 21, and 22; and,

WHEREAS, The Whatcom County Council reviewed and considered Planning Commission
recommendations, 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. Whatcom County Planning and Development Services has submitted an application to make various amendments to Whatcom County Code (WCC) Title 20 Zoning to make corrections, updates, and clarifications.
2. A determination of non-significance (DNS) was issued under the State Environmental Policy Act (SEPA) on October 19, 2018, 2018.
3. Notice of the subject amendment was submitted to the Washington State Department of Commerce on October 15, 2018.
4. The Planning Commission held a public hearing on the proposed amendments on December 13, 2018, notice of which was published in the Bellingham Herald on October 26 and November 30, 2018.
5. Comprehensive Plan Policy Goal 2D is to "refine the regulatory system to ensure accomplishment of desired land use goals in a fair and equitable manner."
6. WCC 0.38.060(7) provides increased setbacks for cluster subdivisions when adjacent to agricultural properties so as to minimize nuisance complaints. However, it is confusing in its current state. The amendment would clarify its intent.
7. WCC 20.40.254(5)(a) & (b) is inconsistent with the minimum parcel sizes listed in Table 20.40.251. Table 20.40.251 lists the minimum parcel sizes as 40 and 10 acres, whereas the text of 20.40.254(5)(a) & (b) says "larger/greater than" 40 and 10 acres. The amendments would rectify this inconsistency.
8. WCC Chapter 20.40 is the only zone chapter that doesn't explicitly specify what the maximum density is in that zone. Though a maximum density of a dwelling unit/acre is implied by the 40 ac minimum parcel size, it's not explicitly stated. The amendment would rectify this.
9. Both WCC 20.51.430 (Lake Whatcom Watershed Overlay District) and 20.71.354 (Water Resource Protection Overlay District) exempt hazard tree removal from having to obtain a tree removal permit provided they meet the requirements of subsection (5) of their

respective sections. However, each of the subsection (5)s specifically state that a tree removal permit is required. The amendments would rectify this inconsistency.

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33. WCC 22.25.040 contains the policy for refunds of fees for permit and docket applications. However, the deadline thresholds for docket application refunds are set at 14 and 90 days, where in reality the docket applications may take a year or more to process, during which varying amounts of work may or may not have commenced. The amendment would set the thresholds for docket application refunds to coincide more closely to how much staff time has been expended.

CONCLUSIONS

1. The amendments to the development regulations 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 are hereby adopted as shown in Exhibit A.

ADOPTED this _____ day of _____, 2019.

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

ATTEST:

Dana Brown-Davis, Council Clerk

Rud Browne, Council Chair

APPROVED as to form:

() Approved () Denied

Civil Deputy Prosecutor

Jack Louws, Executive

Date: _____

Exhibit A: Proposed Code Amendments

Code Scrub 2018

(Editor's note: **Yellow highlight** indicates Planning Commission amendments. Ellipses (...) indicate that sections of the code that are not being amended are not shown.)

Chapter 20.38 Agriculture Protection Overlay

1. Clarify 20.38.060(7), as the language is confusing. The intent is to have greater setbacks for cluster subdivisions when adjacent to agricultural land so as to minimize nuisance complaints.

20.38.060 Development and use standards-checklist.

- (7) Any inhabitable structure within the cluster subdivision ~~which will be used for human habitation~~ shall be set back a minimum of 100 feet, and any accessory or other non-inhabitable structures shall be set back at least 30 feet, from the property line of any parcel ~~or portion thereof which that is an~~ APO reserve tract or designated or used taxed for agricultural purposes. ~~No structures shall be constructed within 30 feet of exterior, side and rear property lines, and no structure shall be constructed within 30 feet of an agricultural use; and~~

Chapter 20.40 Agriculture (AG) District

2. Revise 20.40.254(5)(a) & (b) to correspond to the minimum parcel sizes listed in Table 20.40.251. Pursuant to the table, one has to maintain a minimum lot size of "X acres," but the text inconsistently says "greater than X acres."

20.40.250 Division or modification of parcels.

.254 Separation of the Farmstead Parcel Criteria.

...

- (5) Division or Boundary Line Adjustment for Agricultural Purposes Only. Lots smaller than the minimum lot size of WCC 20.40.251 may be created through land division or rearranged through a boundary line adjustment provided the following:

- (a) The parent parcel does not contain an existing residence, or said existing residence will remain on a parcel ~~larger than 40 acres~~ or larger in size; and
- (b) The parcel created is ~~greater than 10 acres~~ or larger or is appended to another parcel; and

...

3. Add maximum density language to Chapter 20.40 similar to other zones. All other zoning chapters specify what the maximum density for that zone is. Though a maximum density of a dwelling unit/acre is implied by the 40 ac minimum parcel size, it's not explicitly stated.

20.40.550 Maximum Density.

The maximum density in the Agricultural District shall be 1 dwelling unit per 40 acres.

Chapter 20.97 Definitions

4. Currently there are four definitions of hazard trees in various sections of the code. Staff had proposed to replace the definition of "Hazard Tree" with one recommended by our Prosecuting Attorney and delete the others so that they are all consistent.

The Planning Commission, though, found that definition was wanting in terms of grammar and clarity and amended it to try to fix it (see below).

However, upon further reflection, staff still found it ambiguous, especially in conjunction with the amendments proposed in Issue 5, below. Staff now proposes a new definition.

16.16.900 Definitions.

~~"Hazard tree" means any tree that is susceptible to immediate fall due to its condition (damaged, diseased, or dead) or other factors, and which because of its location is at risk of damaging permanent physical improvements to property or causing personal injury.~~

20.97.436.2 Tree, hazard.

~~"Hazard tree" means a tree, either live or dead, having an incurable disease, infestation, defects or stress, singly or combined, in the roots, trunk or primary limbs, which predispose the tree to mechanical failure in whole or in part, and which is located in such a manner that failure may result in property damage or personal injury.~~

20.97.171.2 Hazard tree.

~~"Hazard tree" means any tree that is susceptible to immediate fall due to its condition (damaged, diseased, or dead) or other factors, and which because of its location is at risk of damaging permanent physical improvements to property or causing personal injury.~~

23.110.080 H definitions.

~~2. "Hazard tree" means any tree that is susceptible to immediate fall due to its condition (damaged, diseased, or dead) or other factors, and which because of its location is at risk of damaging permanent physical improvements to property or causing personal injury.~~

20.97.171.2 and 16.16.900 Hazard Tree

Original staff proposal: "Hazard Tree" means a tree which poses an imminent failure, poses a likelihood of striking the target, and has a significant consequence of tree failure as determined through a tree risk evaluation form provided by Whatcom. A tree which constitutes an airport hazard is considered a

hazard tree.” “Imminent” in this case means failure has started or is most likely to occur in the near future, even if there is not significant wind or increased load. This is a rare occurrence to encounter, and it may require immediate action to protect people from harm.

Planning Commission rewrite: “Hazard Tree” means a tree that poses an imminent failure and poses a likelihood of causing damage to persons or property, has a significant consequence of tree failure (as determined through a tree risk assessment form provided by Whatcom County). A tree that constitutes an airport hazard is considered a hazard tree.” “Imminent” in this case means failure has started or is most likely to occur in the near future, even if there is no significant wind or increased load.

Final staff proposal: “Hazard Tree” means a tree whose risk evaluation, as determined through a Whatcom County approved tree risk assessment method, is high. Risk evaluation is the combined measurement of: tree failure identification, probability of failure, potential damage to permanent physical improvements to property causing personal injury, and consequences. A tree that constitutes an airport hazard is considered a hazard tree. A hazard tree whose failure is imminent and consequences of damage to permanent physical improvements to property causing personal injury is significant is considered an emergency. “Imminent” in this instance means failure has started or is most likely to occur in the near future, even if there is no significant wind or increased load. Imminent may be determined by a qualified consultant (defined in WCC 16.16.900) or when mutually agreed upon by a land owner and Whatcom County.

5. Amend the hazard tree exemption in 20.51.430(1)(a) and 20.71.354(1)(a). Though they both say the removal of hazard trees is exempt from obtaining a tree removal permit, they also say you have to meet the requirements of (5), which require obtaining a tree removal permit.

Staff had originally proposed, and the Planning Commission recommended approval of (with a few amendments for clarity’s sake), the first versions in the following sections. However, upon further reflection, staff still found it ambiguous, especially in conjunction with the amendments proposed in Issue 4, above. Staff now proposed additional amendments, show in the second versions in the following sections.

Chapter 20.51 Lake Whatcom Watershed Overlay District

Original staff proposal, as amended and approved by the Planning Commission:

20.51.430 Tree removal not associated with development activity.

- (1) Permit Required for Removal of Trees. No person, directly or indirectly, shall remove any significant tree(s) on any property within the Lake Whatcom watershed, or any tree(s) in the public right-of-way, without first obtaining a tree removal permit as provided in this section, unless the activity is exempted below:

- (a) When Whatcom County has approved an ISA Basic Tree Risk Assessment Form, Removal of any hazard trees or as necessary to remedy an immediate threat to person or property, pursuant to the requirements in subsection (5) of this section;
- (b) Pruning and maintenance of trees of up to 25 percent of the foliage.

...

(5) ~~Removal of Hazard Trees~~ Removal. Any property owner seeking to remove any number of significant trees that are a hazard shall first obtain approval of an ISA Basic Tree Risk Assessment Form or a tree removal permit and meet the requirements of this subsection.

- (a) Tree Risk Assessment ~~Evaluation Form~~. When the hazard is obvious, submit only the ISA Basic Tree Risk Assessment Form.
- (b) Tree Risk Assessment. If the hazard condition is not obvious, a tree risk assessment prepared by a qualified professional explaining how the tree(s) meet the definition of a hazard tree is required. ~~Removal of hazard trees does not count toward the tree removal limit if the hazard is supported by such a report and approved by the county.~~
- (b) Trees in Critical Areas or Critical Area Buffers. For hazard trees in critical areas or their buffers, tree removal shall be in accordance with the requirements of Chapter 16.16 WCC.

Final staff proposal:

20.51.430 Tree removal not associated with development activity.

(1) Permit Required for Removal of Trees. No person, directly or indirectly, shall remove any significant tree(s) on any property within the Lake Whatcom watershed, or any tree(s) in the public right-of-way, without first obtaining a tree removal permit as provided in this section, unless the activity is exempted below; provided the tree is not located within the shoreline jurisdiction or within a critical area or a critical area buffer:

- (a) ~~Removal of any hazard trees or as necessary to remedy an immediate threat to person or property, pursuant to the requirements in subsection (5) of this section;~~ considered an emergency within the definition of hazard tree in WCC 20.97. Within 30 days after the emergency is abated the land owner shall submit photo documentation with a form provided by Whatcom County.
- (b) Pruning and maintenance of trees of up to 25 percent of the foliage.

...

(5) Removal of Hazard Trees. Any property owner seeking to remove any number of significant trees not considered an emergency pursuant to subsection (1) must submit a tree risk assessment using an approved Whatcom County method prepared by a qualified professional; provided, that removal of hazard trees in critical areas or their buffers shall be in accordance with the requirements of Chapter 16.16 WCC. ~~that are a hazard shall first obtain approval of a tree removal permit and meet the requirements of this subsection.~~

(a) ~~Tree Risk Assessment. If the hazard condition is not obvious, a tree risk assessment prepared by a qualified professional explaining how the tree(s) meet the definition of a hazard tree is required.~~

~~Removal of hazard trees does not count toward the tree removal limit if the hazard is supported by such a report and approved by the county.~~

- ~~(b) Trees in Critical Areas or Critical Area Buffers. For hazard trees in critical areas or their buffers, tree removal shall be in accordance with the requirements of Chapter 16.16 WCC.~~

Chapter 20.71 Water Resource Protection Overlay District

Original staff proposal, as amended by the Planning Commission:

20.71.354 Tree removal not associated with development activity.

- (1) Permit Required for Removal of Trees. No person, directly or indirectly, shall remove any significant tree(s) on any property within the Lake Padden and Lake Samish watersheds, or any tree(s) in the public right-of-way, without first obtaining a tree removal permit as provided in this section, unless the activity is exempted below:

- (a) ~~When Whatcom County has approved an ISA Basic Tree Risk Assessment Form, Removal of any hazard tree(s) or as necessary to remedy an immediate threat to person or property~~ as necessary to remedy an imminent threat to person or property, pursuant to the requirements in subsection (5) of this section;
- (b) Pruning and maintenance of trees of up to 25 percent of the foliage.

...

- (5) ~~Removal of Hazard Trees~~ Removal. Any property owner seeking to remove any number of significant trees that are a hazard shall first obtain approval of an ISA Basic Tree Risk Assessment Form or a tree removal permit and meet the requirements of this subsection.

- (a) ~~Tree Risk Assessment~~ Tree Risk Assessment Evaluation Form. When the hazard is obvious, submit only the ISA Basic Tree Risk Assessment Form.

- ~~(a) Tree Risk Assessment. If the hazard condition is not obvious, a tree risk assessment prepared by a qualified professional explaining how the tree(s) meet the definition of a hazard tree is required. Removal of hazard trees does not count toward the tree removal limit if the hazard is supported by such a report and approved by the county.~~

- ~~(b) Trees in Critical Areas or Critical Area Buffers. For hazard trees in critical areas or their buffers, tree removal shall be in accordance with the requirements of Chapter 16.16 WCC.~~

- ~~(b)(c) Trees in Critical Areas or Critical Area Buffers. For hazard trees in critical areas or their buffers, tree removal shall be in accordance with the requirements of Chapter 16.16 WCC.~~

Final staff proposal:

20.71.354 Tree removal not associated with development activity.

- (1) Permit Required for Removal of Trees. No person, directly or indirectly, shall remove any significant tree(s) on any property within the Lake Padden and Lake Samish watersheds, or any tree(s) in the public right-of-way, without first obtaining a tree removal permit as provided in this section, unless

the activity is exempted below; provided the tree is not located within the shoreline jurisdiction or within a critical area or a critical area buffer:

(a) Removal of any hazard trees considered an emergency within the definition of hazard tree in WCC 20.97. Within 30 days after the emergency is abated the land owner shall submit photo documentation with a form provided by Whatcom County.~~or as necessary to remedy an immediate threat to person or property, pursuant to the requirements in subsection (5) of this section;~~

(b) Pruning and maintenance of trees of up to 25 percent of the foliage.

...

(5) Removal of Hazard Trees. Any property owner seeking to remove any number of significant trees not considered an emergency pursuant to subsection (1) above must submit a tree risk assessment using an approved Whatcom County method prepared by a qualified professional; provided that removal of hazard trees in critical areas or their buffers shall be in accordance with the requirements of Chapter 16.16 WCC.~~that are a hazard shall first obtain approval of a tree removal permit and meet the requirements of this subsection.~~

~~(a) Tree Risk Assessment. If the hazard condition is not obvious, a tree risk assessment prepared by a qualified professional explaining how the tree(s) meet the definition of a hazard tree is required. Removal of hazard trees does not count toward the tree removal limit if the hazard is supported by such a report and approved by the county.~~

~~(b) Trees in Critical Areas or Critical Area Buffers. For hazard trees in critical areas or their buffers, tree removal shall be in accordance with the requirements of Chapter 16.16 WCC.~~

Chapter 20.62 General Commercial (GC) District

6. Amend the heading of 20.62.300, as the text describes a maximum, not a minimum, density.

20.62.300 Maximum ~~Minimum~~ density.

.301 Hotels and motels shall not exceed a floor area ratio of .60.

Chapter 20.66 Light Impact Industrial (LII) District

7. Amend 20.66.550 to remove the increased setback from “principal arterials.” Whatcom County doesn’t have a “principal arterial” classification.

20.66.550 Buffer area.

.551 When a parcel situated within this district adjoins an Urban Residential, Urban Residential Medium Density, Urban Residential-Mixed, Rural, or Residential Rural District,~~or county or state roads designated as or proposed for improvements to principal arterial status,~~ setbacks shall be increased to 50 feet. A minimum of 25 feet shall be landscaped consistent with the requirements of WCC 20.80.345.

-
8. In 20.68.552(5), delete the reference to the Cherry Point/Ferndale Subarea Plan, as it is slated for repeal. The intent of this policy is already included within the regulation of .552.

“Policy 1.05: To attain compatibility with surrounding nonindustrial land use designations and to minimize heavy industrial off-site impacts, it is the policy of Whatcom County to require industrial users to provide a buffer which is located within the designated HEAVY IMPACT INDUSTRIAL area and which adjoins said nonindustrial land use designations.

As a means of protecting the existing and planned residential uses in the Point Whitehorn area from detrimental environmental and visual impacts generated from the Heavy Impact Industrial area, a 660-foot buffer strip shall be established. Said buffer shall be situated adjacent to and south of Grandview Road between Jackson Road and Koehn Road; adjacent to and east of Koehn Road between Grandview Road and Brown Road; and adjacent to the east of the eastern property line of tax lots 2.27 and 2.28 between Brown Road and the shoreline. This buffer strip may be utilized for security or protective uses, parking, or the open space requirements of the Heavy Impact Industrial zone district. Land within the buffer strip which is not required for the above uses and is currently covered with natural vegetative species shall not be cleared, logged, or altered in any manner which would reduce the natural screening characteristics of said buffer.”

Chapter 20.68 Heavy Impact Industrial (HII) District

20.68.550 Buffer area.

.552 To implement the buffer requirements of this district, minimum setbacks for heavy industrial buildings and accessory structures shall be established consistent with the following options:

- (1) If a planting screen is not provided by the industrial user and no natural vegetative screening exists, the minimum setback(s) shall be 660 feet, as measured from the edge of the district boundary. The setback area may be used for security roads, parking, or open space.
- (2) If natural sight-obscuring and dense vegetation exists, the minimum setback(s) shall be 250 feet, as measured from the district boundary; provided, that a minimum width of 50 feet of natural vegetation is retained. The remainder of the setback(s) may be used for security roads, parking, or open space.
- (3) If a 50-foot buffer planting screen is established, pursuant to WCC 20.80.345, the minimum setback(s) shall conform to the setback requirements of WCC 20.80.200, as measured from the district boundary. In addition, security roads may be situated within the minimum buffer setback; provided, that the 50-foot-wide buffer planting is established.
- (4) When a parcel situated within this district is located within the Bellingham Urban Growth Area and adjoins an Urban Residential District or residential district within the city limits, setbacks for heavy industrial buildings and/or uses shall be increased to 100 feet and landscaped in accordance with the requirements of WCC 20.80.345.
- (5) In no case shall the setback from the northern and western boundaries of the Cherry Point Heavy Industrial area not contiguous to another industrial zone be less than 660 feet, nor the

natural vegetation removed except for parking and security or protective uses in accordance with Heavy Impact Industrial Policy 1.05 of the Cherry Point Ferndale Subarea Comprehensive Plan.

Chapter 20.80 Supplementary Requirements

9. In 20.80.220(1)(a), clarify the “use of setback areas” language and add “uncovered decks” and “utilities,” as these are typically allowed in a front yard setback.

In 20.80.220(1)(a)(i)(A), updated the name of the adopted fire code.

In 20.80.220(1)(c), clarify that higher appurtenances (up to 6 feet) are allowed in rural areas. We distinguish that these are allowed in rural areas, but not urban areas, since in urban areas lots are smaller and typically built as suburban neighborhoods where 6-foot fences and hedges in front yards lessen safety (both sight distance and policing).

Additionally in 20.80.220(1)(c), delete the vision clearance requirements, as this is just a repeat of what’s found in WCC 20.80.210(3).

20.80.220 Use of setback areas

All setback measurements are minimum requirements. All front yard and rear yard setback areas shall be open from side-to-side of the lot except as otherwise provided by the following:

(1) Front Yards.

- (a) Appurtenances, including but not limited to: Uncovered patios, and decks less than 30 inches in height; driveways, and walkways; vegetation, pools, and other recreation equipment; utilities, septic systems, and propane tanks with fuel capacities up to 500 gallons; and fences, and walls, and vegetative hedges up to four feet in height, and propane tanks with fuel capacities up to 500 gallons may be placed in this front yard setback area subject to the limitations of WCC 20.80.210(3) regarding (v) Vision eClearance; and provided, that the following applies:

- (i) The location of propane tanks with fuel capacities up to 500 gallons is restricted to the rear 50 percent of front yard setbacks. All such propane tanks shall be:

- (A) Inspected and approved by the Whatcom County fire marshal for compliance with Article 82 of the most currently adopted Uniform International Fire Code and, when required by the Fire Marshal, isolated from other uses by a noncombustible wall or fence; and
- (B) Encourage sScreening by a fence or with shrub vegetation planted to a minimum height of six inches above the top surface of the propane tank is encouraged; and.
- (C) Located so as not to interfere or obstruct sight distances for vehicular traffic.

...

- (c) Outside of Urban Growth Areas fFences, walls, or and vegetative hedges greater than four feet in height up to a maximum of six feet in height may be located within the front yard setback

area subject to the limitations of WCC 20.80.210(3) (Vision Clearance), ~~regarding vision clearance and provided both of the following apply:~~

- ~~ii. The additional height does not obstruct or impair visual corridors of surrounding properties and sight distances of vehicular traffic;~~
- ~~iii. The additional height is determined by the administrator to be necessary in order to provide security and/or privacy to the particular use activity by reason of one or more of the following:~~
 - ~~A. The property's immediate location next to public access areas; or~~
 - ~~B. A determination by the administrator that the property and/or its facilities and amenities are both attractive to the general public, and intended for the exclusive use of its residents and/or patrons; or~~
 - ~~C. A determination by the administrator that the additional height is needed to protect the public health, safety and general welfare.~~

- (3) Side yards must be kept open; provided, that uncovered patios, and decks less than 30 inches in height; driveways, walkways, and parking areas; ~~vegetation,~~ pools and other recreational equipment; ~~parking areas, recreational equipment,~~ and fences, walls, and vegetative hedges up to seven feet in height may be placed in the side yard.

10. In 20.83.050, clarify that nonconforming structures, while they can be rebuilt, must be rebuilt on one's own property and cannot cross onto someone else's property (even if it's been there awhile).

20.83.050 Damage or destruction – Rebuilding permitted.

If a nonconforming use or structure ~~physical feature of a building or group of buildings on one site is~~ damaged or destroyed by any means, that use or structure ~~shall~~ may be permitted to be rebuilt ~~equal to~~ the same square footage of damaged or destroyed ~~building~~ structure(s), ~~and for the same use and location on the site; except, no portions of said rebuilt structure may extend onto property not belonging to the owner.~~

11. Amend 20.80.230(2) so that reduced front yard setbacks can be applied wherever necessary to protect critical areas, not just shorelines.

20.80.230 Measurement of setbacks.

- ~~(2) Shoreline Areas. In situations where the shoreline setback(s) imposed by the Shoreline Management Program exceed the standard rear and/or side yard setbacks imposed by this chapter, the front yard setback(s) shall apply to the waterfront side(s) of the lot or tract and the rear yard setback shall apply to the street side of the lot or tract; provided, however, the zoning administrator may waive the setback reversal requirement of this section upon request of the property owner if he finds that the public interest will not be harmed; provided further, that the minimum setback on the street side of parcels abutting collector and arterial roadways shall be 20 feet.~~

(2) Reduction of setbacks. In situations where a property is so encumbered by shoreline setbacks, critical areas, and/or their buffers that a typical structure for that zone cannot be built due to dimensional requirements, the Zoning Administrator or Hearing Examiner, whichever is the decision maker on the permit, may reduce the standard front yard setback to 20 feet.

12. Delete 20.80.545. The limitations of the first sentence are already covered by WCC 20.80.350 (Parking Areas). The second sentence requires that a driveway be at least 30 feet long (20' for the parking spot, plus the 10' setback), which is greater than the typical front yard setback (20-25'). Driveways on typical suburban development are 20 feet long. The existing language basically makes it illegal to park in a typical driveway.

~~20.80.545 Minimum distance and setbacks.~~

~~No part of any parking area for more than 10 vehicles shall be closer than 20 feet to any dwelling unit, school, hospital, or other institution for human care located on an adjoining lot, unless separated by an acceptably designed screen. Parking areas for one-family and two-family dwellings if located within the required front yard setback areas shall have a setback of at least 10 feet from the road right-of-way. In no case shall any part of a parking area be closer than four feet to any established street or alley right-of-way.~~

13. In 20.80.650, update the name of agency responsible for establishing minimum permissible emission levels (it was renamed many years ago).

20.80.650 Air quality.

No development, including traffic generated directly by it, should generate air pollution exceeding the minimum permissible emission levels established by the Northwest Clean Air Pollution Control Agency (NWCAPA) or the Environmental Protection Agency.

14. Delete WCC 20.80.670, as it is covered in the Shoreline Management Program (WCC 23.100.090). This is already covered by WCC 16.16.720.

~~20.80.670 Docks.~~

~~All dock development shall conform to the following requirements:~~

- ~~(1) The dock development shall conform to all applicable local, state and federal requirements including the Whatcom County Shoreline Management Program. In particular, dock design and construction shall comply with the requirements of WCC 23.100.090.~~
- ~~(2) For all fresh water areas, all new posts or pilings shall be untreated in order to avoid adverse impact on water quality.~~
- ~~(3) The dock shall be painted, marked with reflectors, or otherwise identified so as to prevent unnecessary hazardous conditions for water surface uses during day or night.~~

- ~~(4) Docks for noncommercial use or any watercraft moored thereto shall not be used for a residence.~~
- ~~(5) Storage on a dock is prohibited. However, the requirement does not apply where a specific design or structure has been approved by the zoning administrator after demonstrating that adequate preventions are utilized to maintain safety and water quality.~~
- ~~(6) Any exterior lighting shall be directed or shielded so as not to cause annoying glare to neighboring properties, or to road or water traffic.~~
- ~~(7) Docks shall only be constructed within the property owned by the applicant or where the applicant has obtained the appropriate lease arrangements for the state of Washington or where appropriate.~~

Chapter 20.85 Planned Unit Developments (PUD)

15. Amend 20.85.101 to reference the correct building and fire codes.

20.85.100 Design and development standards.

20.85.101 Conformance.

All uses and development shall conform to all relevant requirements and standards of:

- (2) The ~~Uniform~~ International Building and Fire Codes;

16. Add a new section 20.85.119 to Chapter 20.85. WCC 16.16.260(E) already has this allowance, but this insertion will help point readers to it.

20.85.119 Critical Areas – Alternative Mitigation Plans.

The Hearing Examiner may recommend and the County Council may approve alternative mitigation plans for planned unit developments in accordance with WCC 16.16.261, which may be used to satisfy the requirements of WCC Chapter 16.16 and relief from the specific standards and requirements thereof.

Chapter 20.88 Major Project Permits

17. Amend 20.88.275. If someone applies for a Planned Unit Development, we do not make them obtain a Master Project Permit. The same should be true of applying for a developer's agreement, as they, too, go before the Council.

20.88.200 Procedure

.275 Major project permits: Where an applicant has applied for a planned unit development or a development agreement, that project shall be exempt from the requirement to obtain a major project permit.

18. In 20.97, amend the definition of “party of record” and add a definition of “standing.” In other sections of the code, amend so that one must be a person with “standing” in order to file an appeal.

According to the Prosecuting Attorney, our current definition of “Party of Record” is a broad, somewhat confusing status for people who are in the record or contribute to the record. This status should only mean that you get notice of hearings. This does not mean that you automatically have standing. A person could be a Party of Record and have standing, but they don’t have standing just because they are a party of record. “Standing” should be the operative term that allows people to appeal. The proposed definition of “standing” is that found in RCW 36.70C.060 (Judicial Review of Land Use Decisions)

Chapter 20.97 Definitions

20.97.293 Party of record.

~~“Party of record” means any person, agency or entity entitled to receive notice of application or decision under this title, or any person, agency or entity providing written comments on any application received under this title or notified local government of their desire to receive a copy of the final decision on a permit and who have provided an address for delivery of such notice by mail or email of the following:~~

- ~~1. The applicant and any appellant;~~
- ~~2. The property owner as identified by Whatcom County Assessor’s records;~~
- ~~3. Any person, County department, and/or public agency who individually submitted written comments or testified at the open record hearing on the merits of the case (excluding persons who have only signed petitions or mechanically produced form letters); and;~~
- ~~4. Any person, County department, and/or public agency who specifically request notice of decision by entering their name and mailing address on a register provided for such purpose at the open record hearing.~~

~~A party of record does not include a person who has only signed a petition or mechanically produced form letters. A party of record to an application/appeal shall remain such through subsequent county proceedings involving the same application/appeal. The county may cease mailing material to any party of record whose mail is returned by the postal service as undeliverable.~~

~~A Party of Record does not have standing unless they meet the standing criteria. Persons who do not qualify as a party of record may still receive notice of a decision or recommendation by submitting their names and addresses to the Hearing Examiner with a request for such notice.~~

20.97.429.05 Standing.

~~“Standing” is the status required for a person, agency, or other entity to bring an action before the Hearing Examiner. A person has standing per RCW 36.70C.060 if they are:~~

- ~~1. The applicant and the owner of property to which the land use decision is directed; or~~
- ~~2. Another person, County department, and/or public agency aggrieved or adversely affected by the land use decision, or who would be aggrieved or adversely affected by a reversal or~~

modification of the land use decision. A person is aggrieved or adversely affected within the meaning of this section only when all of the following conditions are present:

- (a) The land use decision has prejudiced or is likely to prejudice that person;
- (b) That person's asserted interests are among those that the local jurisdiction was required to consider when it made the land use decision;
- (c) A judgment in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the land use decision; and
- (d) The petitioner has exhausted his or her administrative remedies to the extent required by law.

Chapter 21.02 Variances, Appeals and Amendments

21.02.030 Appeals.

- (1) Any person with standing¹ ~~party of record~~ may appeal any order, final permit decision, final administrative determination including pre-approval or preliminary approval in the administration or enforcement of this title. The hearing examiner shall have the authority to hear and decide appeals pursuant to WCC 22.05.160.

Chapter 22.05 Project Permit Procedures

22.05.110 Final decisions.

- (1) The director or designee's final decision on all Type I or II applications shall be in the form of a written determination or permit. The determination or permit may be granted subject to conditions, modifications, or restrictions that are necessary to comply with all applicable codes.
- (2) The hearing examiner's final decision on all Type III applications per WCC 22.05.020 or appeals per WCC 22.05.160(1) shall either grant or deny the application or appeal.
 - (a) The hearing examiner may grant Type III applications subject to conditions, modifications or restrictions that the hearing examiner finds are necessary to make the application compatible with its environment, carry out the objectives and goals of the comprehensive plan, statutes, ordinances and regulations as well as other official policies and objectives of Whatcom County.
 - (b) Performance bonds or other security, acceptable to the prosecuting attorney, may be required to ensure compliance with the conditions, modifications and restrictions.
 - (c) The hearing examiner shall render a final decision within 14 calendar days following the conclusion of all testimony and hearings. Each final decision of the hearing examiner shall be in writing and shall include findings and conclusions based on the record to support the decision.
 - (d) No final decision of the hearing examiner shall be subject to administrative or quasi-judicial review, except as provided herein.
 - (e) The applicant, any ~~party of record~~ person with standing, or any county department may appeal any final decision of the hearing examiner to superior court, except as otherwise specified in WCC 22.05.020.

¹ Editor's Note: See proposed definition of "standing," in the preceding section.

Chapter 22.20 Land Use and Development Code Interpretation Procedures

22.20.060 Appeals.

Any ~~person with standing party of record~~ may file an appeal of a formal code interpretation. The appeal shall follow all rules and procedures for appeals to the Hearing Examiner as set forth in WCC 22.05.160.

Chapter 20.89 Density Transfer Procedure

19. Delete 20.86.051(2) and (3), which require Transfer of Development Rights (TDRs) for certain rezones and UGA expansions. Similar provisions in WCC 2.160.080 and WCC 20.90.064 were repealed when Title 22 was adopted in June 2018 (Ordinance 2018-032). Additionally, the Whatcom County TDR/PDR Multi-Stakeholder Work Group Final Report (October 3, 2018) states:

“A Civil Deputy from the County Prosecuting Attorney’s Office stated that, in his opinion, the County cannot require TDRs for UGA expansions or rezones under RCW 82.02.020.

The TDR/PDR Work Group recommends that the County consider deleting WCC 20.89.051(2) and (3), which state that certain rezone requests and UGA expansions are required to transfer development rights from designated TDR sending areas” (pp. 55, see also pp. 50 and 51).

Therefore, deleting these code provisions should be considered.

20.89.050 Receiving areas.

.051 Designation of Receiving Areas. In addition to those areas which qualify as receiving areas according to the official Whatcom County zoning map, the county council may approve additional areas as receiving areas.

(1) Designated Receiving Areas. Such additional areas may be approved through the process established for amendments to the official Whatcom County zoning map and pursuant to the procedures and requirements in Chapter 22.10 WCC, Amendments.

~~(2) Rezones.~~

~~(a) Rezone requests for an area or parcel located within a designated urban growth area, that have been submitted pursuant to Chapter 22.10 WCC, shall be required to transfer development from a designated TDR sending area to obtain the requested density as a condition of approval. In order to obtain the requested density, one development right shall be transferred for every three additional dwelling units obtained through rezones within a designated urban growth area. The county council may modify this requirement if a development agreement has been entered into that specifies the elements of development within the rezone area. The development agreement should include, but not be limited to, affordable housing, density, allowed uses, bulk and setback standards, open space, parks, landscaping, buffers, critical areas, transportation and circulation, streetscapes, design standards and mitigation measures.~~

~~(b) Exceptions from requiring TDRs: rezones initiated by a government agency, rezone correction of map errors, establishing one zoning district on a property with two or more zoning districts,~~

zoning revisions that are intended to make a nonconforming use a conforming use or rezones where the public interest is served.

~~(c) Rezones initiated by the county, cities or other agencies shall be subject to review by county and city planning staff, and the appropriate administrative bodies, to determine whether the subject site is appropriate for designation as a TDR receiving area.~~

~~(3) Expansion of Urban Growth Areas and Associated Rezones. Comprehensive Plan amendment requests, submitted pursuant to Chapter 20.10 WCC (Comprehensive Plan Amendments), that propose the expansion of an urban growth area boundary shall be required to transfer development rights from a designated TDR sending area.~~

~~(a) In order to obtain the requested urban growth area expansion, one development right shall be transferred for every five acres included into UGA. The county council may modify this requirement if a development agreement has been entered into that specifies the elements of development in the expanded UGA. The development agreement should include, but not be limited to, affordable housing, density, allowed uses, bulk and setback standards, open space, parks, landscaping, buffers, critical areas, transportation and circulation, streetscapes, design standards and mitigation measures.~~

~~(b) Exceptions from requiring TDRs: urban growth area expansion initiated by a government agency, correction of map errors, properties that are urban in character, or expansions where the public interest is served.~~

~~(c) Urban growth area expansions initiated by the county, cities or other agencies shall be subject to review by county and city planning staff, and the appropriate administrative bodies, to determine whether the subject site is appropriate for designation as a TDR receiving area.~~

~~(4)(2)~~ Cities. In cooperation with Whatcom County, cities may designate additional TDR receiving areas within their jurisdictional boundaries for the purposes of receiving transferred densities pursuant to this chapter. Under the above provisions, the designation of additional TDR receiving areas shall be based upon findings that the area/site is appropriate for higher residential densities, is not limited by significant critical areas, and neighboring areas would not be significantly adversely impacted. If such areas are determined to be appropriate for designation as TDR receiving areas/sites, prior to development, parcel owners shall be required to purchase TDRs to attain the maximum gross density requested under the proposed zoning. The purchase of TDRs shall not be required until such time that the requirements of WCC 20.89.060 have been met.

~~(5)(3)~~ Water Resource Protection Overlay District. Development rights may be transferred within the Water Resource Protection Overlay District for an increase in impervious surface pursuant to Chapter 20.71 WCC.

Chapter 20.97 Definitions

20. In 20.97, add a definition of "director."

20.97.099.4 Director.

"Director" means the Director of Planning and Development Services or his/her designee.

Chapter 22.05 Project Permit Procedures

21. In 22.05.010, add a section that says all definitions are found in 20.97, as there is no definitions section of Title 22.

22.05.010 Purpose and applicability.

(3) The meaning of words used in this chapter shall be as defined in WCC 20.97.

22. In 22.05.160(1):

- Clarify that an appeal application is only valid if it meets the listed requirements and that it must be filed with an application form developed by PDS.
- Clarify that appeal hearings before the Hearing Examiner are “open record public hearings.”
- Change “party of record” to “person with standing” for the reasons provided in Issue 22, above.

22.05.160 Appeals.

- (1) Any person with standing ~~party of record~~ may appeal any order, final permit decision, or final administrative determination made by the director or designee in the administration or enforcement of any chapter to the hearing examiner, who has the authority to hear and decide such appeals per WCC 2.11.210.
- (a) To be valid, aAn appeal shall be filed, on a form provided by the Department, with the Department within 14 calendar days of the issuance of a final permit decision and shall be accompanied by a fee as specified in the Unified Fee Schedule. The written appeal shall include:
- i. The action or decision being appealed and the date it was issued;
 - ii. Facts demonstrating that the person is adversely affected by the decision;
 - iii. A statement identifying each alleged error and the manner in which the decision fails to satisfy the applicable decision criteria;
 - iv. The specific relief requested; and
 - v. Any other information reasonably necessary to make a decision on the appeal.
- (b) The hearing examiner shall schedule an open record public hearing on the appeal to be held within 60 calendar days following the department’s receipt of the application for appeal unless otherwise agreed upon by the county and the appellant.
- (c) A party who fails to appeal within 14 calendar days is barred from appeal, per Chapter 2.11 WCC.
- (d) The business rules of the hearing examiner shall govern appeal procedures. ~~(4)~~The hearing examiner shall have the authority granted in the business rules, and that authority is incorporated herein by reference. See also WCC 2.11.220.
- (2) The applicant, any person with standing ~~party of record~~, or any county department may appeal any final decision of the hearing examiner to superior court or other body as specified by WCC 22.05.020. The appellant shall file a written notice of appeal within 21 calendar days of the final decision of the hearing examiner, as provided in RCW 36.70C.040.

23. Amend the definitions (20.97) of “electric vehicle charging station” and “electric vehicle rapid charging station” merging the two into one definition. We can merge the two definitions since the code doesn’t even address “electric vehicle charging stations,” and there isn’t much difference between the two other than how fast it can charge.

Additionally, wherever “electric vehicle rapid charging stations” are allowed as accessory uses, delete the word “rapid” and “accessory to conditionally approved service stations” (or the variants on that clause).

These rules were adopted when electric vehicles were relatively new and no one knew what charging stations would look like or how they would operate. Today, electric vehicle charging stations generally occupy a small number of parking spaces already existing in strip malls or other commercial centers, where people can stop and eat, shop, or run other errands while their car is charging, typically for 30-60 minutes. The equipment is relatively small, about the size of a traditional U.S. Postal drop box.





Chapter 20.97 Definitions

20.97.113 Electric vehicle charging station.

“Electric vehicle charging station” means a ~~private~~ parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (~~no more than 220 volts, by~~ conductive or inductive means) to a battery or other energy storage device in an electric vehicle and that meets or exceeds any standards, codes, and regulations set forth by RCW Chapter 19.28 and consistent with rules adopted under RCW 19.27.540. ~~An electric vehicle charging station is allowed accessory to any principal use and meets or exceeds any standards, codes, and regulations set forth by Chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.~~

~~20.97.115 Electric vehicle rapid charging station.~~

~~“Electric vehicle rapid charging station” means a type of electric vehicle charging station that allows for a faster recharging of electric vehicle batteries through higher power levels (typically 480 volts) and that meets or exceeds any standards, codes, and regulations set forth by Chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540.~~

Chapter 20.59 Rural General Commercial (RGC) District

20.59.100 Accessory uses.

~~.107 Electric vehicle rapid charging stations and battery exchange facilities, accessory to conditionally approved service stations.~~

Chapter 20.60 Neighborhood Commercial Center (NC) District

20.60.100 Accessory uses.

~~.105 Electric vehicle rapid charging stations and battery exchange facilities, accessory to conditionally approved service stations.~~

Chapter 20.61 Small Town Commercial (STC) District

20.61.100 Accessory uses.

.109 Electric vehicle rapid-charging stations and battery exchange facilities, ~~accessory to automobile service stations.~~

Chapter 20.62 General Commercial (GC) District

20.62.100 Accessory uses.

.105 Electric vehicle rapid-charging stations and battery exchange facilities, ~~accessory to automobile service stations.~~

Chapter 20.63 Tourist Commercial (TC) District

20.63.100 Accessory uses.

.105 Electric vehicle rapid-charging stations and battery exchange facilities, ~~accessory to service stations.~~

Chapter 20.65 Gateway Industrial (GI) District

20.65.100 Accessory uses.

.108 Electric vehicle rapid-charging stations and battery exchange facilities, ~~accessory to service stations.~~

Chapter 20.67 General Manufacturing (GM) District

20.67.100 Accessory uses.

.109 Electric vehicle rapid-charging stations and battery exchange facilities, ~~accessory to gas stations.~~

Chapter 20.69 Rural Industrial and Manufacturing (RIM) District

20.69.100 Accessory uses.

.111 Electric vehicle rapid-charging stations and battery exchange facilities, ~~accessory to conditionally approved service stations.~~

Chapter 20.70 Airport Operations (AO) District

20.70.100 Accessory uses.

.107 Electric vehicle rapid-charging stations and battery exchange facilities, ~~accessory to gas stations.~~

24. The language of the “Drainage” sections varies between zones and should be standardized. Staff proposes to have them all say:

“All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.”

The clause “within Whatcom County” can be deleted because our code only applies in Whatcom County, and the clause “unless specifically exempted” can be deleted because such exemptions are listed in WCC 20.80.631, one of the referenced sections.

In addition, delete 20.22.655(1) (URM District). This is old code inserted at a time when we thought Whatcom County was going to adopt the City of Bellingham’s code to apply within its UGA. However, the City of Bellingham never provided the County with the code to adopt, and since then both Bellingham and Whatcom County have adopted the Department of Ecology Stormwater Manual; therefore, this section isn’t needed.

Chapter 20.20 Urban Residential (UR) District

20.20.656 Drainage.

All development activities ~~are y within Whatcom County shall be~~ subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635~~the Whatcom County Development Standards unless specifically exempted.~~

No project permit shall be issued prior to meeting ~~submittal requirements relating to stormwater management in the appropriate chapters of the Whatcom County Development Standards~~those requirements.

Chapter 20.22 Urban Residential – Medium Density (URM) District

20.22.655 Drainage.

~~(1) In the Bellingham Urban Growth Area, the City of Bellingham’s design and development standards and guidelines shall apply (see WCC 20.22.665).~~

~~(2) All development activities y within Whatcom County shall be~~ subject to the stormwater management provisions of the WCC 20.80.630 through 20.80.635~~Whatcom County Development Standards unless specifically exempted.~~

No project permit shall be issued prior to meeting ~~those requirements~~submittal requirements relating to stormwater management in the appropriate chapters of the Whatcom County Development Standards.

Chapter 20.24 Urban Residential Mixed (UR-MX) District

20.24.656 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

Chapter 20.32 Residential Rural (RR) District

20.32.656 Drainage.

All development activities ~~y within Whatcom County shall be~~ subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635~~unless specifically exempted.~~

No project permit shall be issued prior to meeting ~~submittal requirements relating to stormwater management in the appropriate chapters of the Whatcom County Code~~those requirements.

Chapter 20.34 Rural Residential-Island (RR-I) District

20.34.659 Drainage.

All development activities ~~are y within Whatcom County~~ shall be subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635 ~~unless specifically exempted~~.

No project permit shall be issued prior to meeting ~~those requirements~~submittal requirements relating to stormwater management in the appropriate chapters of the Whatcom County Code.

Chapter 20.35 Eliza Island (EI) District

20.35.654 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

Chapter 20.36 Rural (R) District

20.36.656 Drainage.

All development activities ~~are y within Whatcom County~~ shall be subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635 ~~unless specifically exempted~~.

No project permit shall be issued prior to meeting ~~those requirements~~submittal requirements relating to stormwater management in the appropriate chapters of the Whatcom County Code.

Chapter 20.37 Point Roberts Transitional Zone (TZ) District

20.37.655 Drainage.

All development activities ~~are y within Whatcom County~~ shall be subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635 ~~unless specifically exempted~~.

No project permit shall be issued prior to meeting ~~those requirements~~submittal requirements relating to stormwater management in the appropriate chapters of the Whatcom County Code.

Chapter 20.40 Agriculture (AG) District

20.40.652 Drainage.

All development activities ~~are y within Whatcom County~~ shall be subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635~~the Whatcom County Development Standards unless specifically exempted~~.

No project permit shall be issued prior to meeting ~~those requirements~~submittal requirements relating to stormwater management in the appropriate chapters of the Whatcom County Development Standards.

Chapter 20.42 Rural Forestry (RF) District

20.42.657 Drainage.

All development activities are y within Whatcom County shall be subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635~~the Whatcom County Development Standards unless specifically exempted.~~

No project permit shall be issued prior to meeting those requirements~~submittal requirements relating to stormwater management in the appropriate chapters of the Whatcom County Development Standards.~~

Chapter 20.43 Commercial Forestry (CF) District

20.43.653 Drainage.

All development activities are y within Whatcom County shall be subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635~~the Whatcom County Development Standards unless specifically exempted.~~

No project permit shall be issued prior to meeting those requirements~~submittal requirements relating to stormwater management in the appropriate chapters of the Whatcom County Development Standards.~~

Chapter 20.44 Recreation and Open Space (ROS) District

20.44.652 Drainage.

All development activities are y within Whatcom County shall be subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635~~unless specifically exempted.~~

No project permit shall be issued prior to meeting those requirements~~submittal requirements relating to stormwater management in the appropriate chapters of the Whatcom County Code.~~

Chapter 20.59 Rural General Commercial (RGC) District

20.59.704 Drainage.

All development activities are y within Whatcom County shall be subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635~~unless specifically exempted.~~

No project permit shall be issued prior to meeting those requirements~~submittal requirements relating to stormwater management in the appropriate chapters of the Whatcom County Code.~~

Chapter 20.60 Neighborhood Commercial Center (NC) District

20.60.655 Drainage.

All development activities are y within Whatcom County shall be subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635~~unless specifically exempted.~~

No project permit shall be issued prior to meeting those requirements~~submittal requirements relating to stormwater management in the appropriate chapters of the Whatcom County Code.~~

Chapter 20.61 Small Town Commercial (STC) District

20.61.704 Drainage.

All development activities are y within Whatcom County shall be subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635 ~~unless specifically exempted.~~

No project permit shall be issued prior to meeting those requirements ~~submittal requirements relating to stormwater management in the appropriate chapters of the Whatcom County Code.~~

Chapter 20.62 General Commercial (GC) District

20.62.653 Drainage.

All development activities are y within Whatcom County shall be subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635 ~~the Whatcom County Development Standards unless specifically exempted.~~

No project permit shall be issued prior to meeting those requirements ~~submittal requirements relating to stormwater management in the appropriate chapters of the Whatcom County Development Standards.~~

Chapter 20.63 Tourist Commercial (TC) District

20.63.654 Drainage.

All development activities are y within Whatcom County shall be subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635 ~~unless specifically exempted.~~

No project permit shall be issued prior to meeting those requirements ~~submittal requirements relating to stormwater management in the appropriate chapters of the Whatcom County Code.~~

Chapter 20.64 Resort Commercial (RC) District

20.64.655 Drainage.

All development activities are y within Whatcom County shall be subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635 ~~unless specifically exempted.~~

No project permit shall be issued prior to meeting those requirements ~~submittal requirements relating to stormwater management in the appropriate chapters of the Whatcom County Code.~~

Chapter 20.65 Gateway Industrial (GI) District

20.65.659 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

Chapter 20.66 Light Impact Industrial (LII) District

20.66.653 Drainage.

All development activities are y within Whatcom County shall be subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635~~the Whatcom County Development Standards unless specifically exempted.~~

No project permit shall be issued prior to meeting those requirements~~submittal requirements relating to stormwater management in the appropriate chapters of the Whatcom County Development Standards.~~

Chapter 20.67 General Manufacturing (GM) District

20.67.653 Drainage.

All development activities are y within Whatcom County shall be subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635 ~~unless specifically exempted.~~

No project permit shall be issued prior to meeting those requirements~~submittal requirements relating to stormwater management in the appropriate chapters of the Whatcom County Code.~~

Chapter 20.68 Heavy Impact Industrial (HII) District

20.68.653 Drainage.

All development activities are y within Whatcom County shall be subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635~~the Whatcom County Development Standards unless specifically exempted.~~

No project permit shall be issued prior to meeting those requirements~~submittal requirements relating to stormwater management in the appropriate chapters of the Whatcom County Development Standards.~~

Chapter 20.69 Rural Industrial and Manufacturing (RIM) District

20.69.655 Drainage.

All development activities are y within Whatcom County shall be subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635 ~~unless specifically exempted.~~

No project permit shall be issued prior to meeting those requirements~~submittal requirements relating to stormwater management in the appropriate chapters of the Whatcom County Code.~~

Chapter 20.70 Airport Operations (AO) District

20.70.653 Drainage.

All development activities are y within Whatcom County shall be subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635~~the Whatcom County Development Standards unless specifically exempted.~~

No project permit shall be issued prior to meeting those requirements~~submittal requirements relating to stormwater management in the appropriate chapters of the Whatcom County Development Standards.~~

Chapter 20.72 Point Roberts Special District

20.72.658 Drainage.

All development activities ~~are y within Whatcom County~~ shall be subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635 ~~WCC 20.80.630, Stormwater and drainage, unless specifically exempted.~~ No project permit shall be issued prior to meeting those requirements ~~the stormwater management requirements.~~

Chapter 20.74 Cherry Point Industrial (CP) District

20.74.100 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

25. Allow park model trailers as a temporary ADU, similar to manufactured homes, travel trailers, and motorhomes.

20.97.292 Park model trailer.

“Park model trailer” means a trailer designed to provide seasonal or temporary living quarters which may be used with temporary connections to utilities necessary for operation of installed fixtures and appliances. It has a gross trailer area not exceeding 400 square feet or is approved by the state as a park model trailer.

Chapter 20.40 Agriculture (AG) District

20.40.130 Administrative approval uses.

.131 A temporary second dwelling unit of no more than 1,248 square feet in floor area, in the form of a manufactured home, a fully serviced travel trailer, park model trailer, or motor home, to provide:

Chapter 20.34 Rural Residential-Island (RR-I) District

20.34.130 Administrative approval uses.

.131 A temporary second dwelling unit of no more than 1,248 square feet in floor area, in the form of a manufactured home, a fully serviced travel trailer, park model trailer, or motor home, to provide:

Chapter 20.36 Rural (R) District

20.36.130 Administrative approval uses.

.131 A temporary second dwelling unit of no more than 1,248 square feet in floor area, in the form of a manufactured home, a fully serviced travel trailer, park model trailer, or motor home, to provide:

Chapter 20.32 Residential Rural (RR) District

20.32.130 Administrative approval uses.

.131 A temporary second dwelling unit of no more than 1,248 square feet in floor area, in the form of a manufactured home, a fully serviced travel trailer, park model trailer, or motor home, to provide:

Chapter 20.42 Rural Forestry (RF) District

20.42.130 Administrative approval uses.

.131 A temporary second dwelling unit of no more than 1,248 square feet in floor area, in the form of a manufactured home, a fully serviced travel trailer, park model trailer, or motor home, to provide:

Chapter 20.37 Point Roberts Transitional Zone (TZ) District

20.37.130 Administrative approval uses.

.131 A temporary second dwelling unit of no more than 1,248 square feet in floor area, in the form of a manufactured home, a fully serviced travel trailer, park model trailer, or motor home, to provide:

Chapter 20.24 Urban Residential Mixed (UR-MX) District

20.24.130 Administrative approval uses.

.131 A temporary second dwelling unit of no more than 1,248 square feet in floor area, in the form of a manufactured home, a fully serviced travel trailer, park model trailer, or motor home, to provide:

Chapter 20.20 Urban Residential (UR) District

20.20.130 Administrative approval uses.

.131 A temporary second dwelling unit of no more than 1,248 square feet in floor area, in the form of a manufactured home, a fully serviced travel trailer, park model trailer, or motor home, to provide:

Chapter 20.22 Urban Residential – Medium Density (URM) District

20.22.130 Administrative approval uses.

.131 A temporary second dwelling unit of no more than 1,248 square feet in floor area, in the form of a manufactured home, a fully serviced travel trailer, park model trailer, or motor home, to provide:

26. In the setback tables, delete the repetitious table notes. These “rules” are already found in WCC 20.80.250 (Special Setback Provisions by District) or other places. They have been copied here, often with slightly different language, which just confuses things and makes the setback table overly long. Staff proposes to reformat the setback table to that shown below, and reduce the notes to just references to the sections that might modify the setbacks (thus reducing repetitious, inconsistent language).

Staff also proposes to delete the header references to “principal arterials,” “neighborhood collectors,” and “commercial” and “industrial” arterials as Public Works doesn’t have these roadway classifications.

Chapter 20.80 Supplementary Requirements

20.80.210 Minimum setbacks.

(5) Setbacks.

(b) Setbacks Table.

Commercial Setbacks							
General Commercial (GC)							
Road Type						Other	
Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
30' ¹	30'	25'	25'	25'	20'	0'	10'
1. Setbacks for those parcels situated adjacent to Urban Residential, Rural Cluster Development and Rural Zone Districts shall be administered pursuant to WCC 20.62.550 (Buffer area).							
Rural General Commercial (RGC)							
Road Type						Other	
Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
30' ¹	30'	25'	25'	25'	20'	0'	10'
1. Setbacks for those parcels situated adjacent to Agriculture, Urban Residential, Rural Cluster Development, and Rural Zone Districts shall be administered pursuant to WCC 20.59.600 (Buffer area).							
2. Side and rear yard setbacks shall be 10 feet from vacant, adjacent, commercially zoned properties.							
Tourist Commercial (TC)							
Road Type						Other	

Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
30' [±]	30'	25'	25'	25'	20'	0'	10'
Water Resource Protection Overlay							
30'	30'	20'	20'	20'	20'	0'	5'
<ol style="list-style-type: none"> Setbacks for those parcels situated adjacent to Agriculture, Urban Residential, Urban Residential Medium Density, Residential Rural and Rural Zone Districts shall be administered pursuant to WCC 20.63.550 (Buffer area). Setback requirements for recreational vehicle parks shall be 30 feet for side and rear yards. Front yard setback requirements for service islands of service stations shall be 25 feet to the center line of the driveway of the closest service island. 							
Small Town Commercial (STC)							
Road Type						Other	
Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
30' [±]	30'	25'	25'	25'	20'	0'	10'
<ol style="list-style-type: none"> Commercial uses shall be allowed to reduce front yard setback to 10 feet and the side yard setback to zero feet where the site and landscape plans promote pedestrian access to the building. Side and rear yard setbacks shall be 10 feet from vacant, adjacent, commercially zoned properties. Setbacks for those parcels situated adjacent to Agriculture, Urban Residential, Urban Residential Medium Density, Residential Rural, and Rural Zone Districts shall be administered pursuant to WCC 20.61.600 (Buffer area). 							
Resort Commercial (RC)							
Road Type						Other	
Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
30'	30'	25'	25'	25'	20'	5'	5'
<ol style="list-style-type: none"> Setbacks for those parcels situated adjacent to Urban Residential, Residential Rural and Rural Zone Districts shall be administered pursuant to WCC 20.64.550 (Buffer area). Setback requirements for multifamily housing, including all condominiums except time share condominiums and mobile home parks, shall be 20 feet for side and rear yards. Setback requirements for recreational vehicle parks, and resort-oriented hotels and motels including time share condominiums, shall be 45 feet for front yard and 20 feet for side and rear yards. Setback requirements for non-resort-oriented hotels and motels and non-habitation commercial 							

development shall be zero feet for side yards and 10 feet for rear yards.							
5. A 10-foot setback from the international border between Canada and the United States shall be maintained as an open space vista. The 10-foot setback area may be used for landscaping, agriculture, and natural vegetation. Structures may only be built within the 10-foot setback area after approval from the International Boundary Commission.							
Neighborhood Commercial (NC)							
Road Type						Other	
Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
25'	25'	25'	25'	25'	20'	0'	10'
Water Resource Protection Overlay							
30'	30'	20'	20'	20'	20'	0'	10'
1. Neighborhood Commercial District. Setbacks for those parcels situated adjacent to Agriculture, Urban Residential, Residential Rural and Rural Zone Districts shall be administered pursuant to WCC 20.60.550 (Buffer area).							
¹ When located adjacent to I-5 these setbacks may be reduced to 25' subject to the screening requirements under WCC 20.80.300.							
-							
Industrial Setbacks							
Heavy Impact Industrial (HII)							
Road Type						Other	
Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
100'	100'	100'	100'	100'	30'	30'	30'
1. All setbacks shall be increased by one foot for each foot of building height, excluding tanks and similar structures, which exceeds 50 feet.							
2. The building setbacks of WCC 20.80.210 shall not apply to utility or security structures such as poles, meters, fences, guard structures and the like, nor to structures relating to shipment on railroad rights-of-way; provided, that no traffic hazards are created. For nonindustrial buildings, the zoning administrator may reduce or eliminate side and rear yard setbacks from side and rear property lines that are adjoining an industrial district; provided, that all of the following provisions are met:							
(i) Screening will be provided to protect adjacent uses from unsightliness or visual distraction;							
(ii) A site plan has been submitted that shows that all structures and improvements, including roof overhangs, will not cross property boundaries, and a stormwater management plan has been provided that shows that runoff will be diverted to on-site drainage facilities;							

<p>(iii) A reduction in setbacks will not reduce solar access on adjacent properties or if a setback reduction will result in reduced solar access, all parties having an ownership interest in the property adjacent to the side or rear yards to be reduced stipulate in writing, on forms provided by the zoning administrator, to the reductions. The zoning administrator may require a title report to establish the ownership interests in the adjacent property;</p> <p>(iv) Adjoining properties will be shielded from light sources;</p> <p>(v) The use and storage of toxic or hazardous materials or processes will not be located within what would otherwise be the setback area unless adequate facilities to contain accidental spills on site consistent with state regulations are provided;</p> <p>(vi) The reduced setbacks will not interfere with existing sewer, water and other easements; and</p> <p>(vii) Reduced setbacks will not result in the creation of a traffic hazard nor will the reduced setback create a circumstance that does not comply with WCC 20.80.210(3), Vision Clearance.</p> <p>3. Setbacks for parcels adjoining a nonindustrial district(s) shall be administered pursuant to WCC 20.68.550 (Buffer area) and Policy 1.05 of the Heavy Impact Industrial designation of the Cherry Point-Ferndale Subarea Plan.</p> <p>4. The setback requirements of the Heavy Industrial District shall apply to the storing and handling of hazardous materials; provided, that if federal and/or state regulations require different setbacks, the greater setback (county, federal or state) shall be used.</p> <p>5. The zoning administrator may reduce setbacks for nonindustrial buildings to those of Light Impact Industrial if the reduced setbacks would not interfere with existing sewer, water and other easements. A greater reduction in setback requires approval under section (4) of the Heavy Impact Industrial Zone's setback requirements.</p>							
Light Impact Industrial (LII)							
Road Type						Other	
Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
30'	30'	30'	30'	30'	20'	10'	10'

1. All setbacks shall be increased by one foot for each foot of building height, excluding tanks and similar structures, which exceeds 35 feet.
2. The building setbacks of WCC 20.80.210 shall not apply to utility or security structures such as poles, meters, fences, guard structures, and the like. In addition, the zoning administrator may reduce side and rear yard setbacks for other structures as provided by section (4) of the Light Impact Industrial Zone's setback requirements.
3. Setbacks for parcels adjoining a nonindustrial district(s) shall be administered pursuant to WCC 20.66.550 (Buffer area).
4. The zoning administrator may reduce or eliminate side and rear yard setbacks from side and rear property lines that are adjoining an industrial district; provided, that the administrator finds that all of the following provisions are met:
 - (i) Screening will be provided to protect adjacent uses from unsightliness or visual distraction;
 - (ii) A site plan has been submitted that shows that all structures and improvements, including roof overhangs, will not cross property boundaries, and a stormwater management plan has been provided that shows that runoff will be diverted to on-site drainage facilities;
 - (iii) A reduction in setbacks will not reduce solar access on adjacent properties or if a setback reduction will result in reduced solar access, all parties having an ownership interest in the property adjacent to the side or rear yards to be reduced stipulate in writing, on forms provided by the zoning administrator, to the reductions. The zoning administrator may require a title report to establish the ownership interests in the adjacent property;
 - (iv) Adjoining properties will be shielded from light sources;
 - (v) The use and storage of toxic or hazardous materials or processes will not be located within what would otherwise be the setback area unless adequate facilities to contain accidental spills on site consistent with state regulations are provided;
 - (vi) The reduced setbacks will not interfere with existing sewer, water and other easements; and
 - (vii) Reduced setbacks will not result in the creation of a traffic hazard nor will the reduced setback create a circumstance that does not comply with WCC 20.80.210(3), Vision Clearance.

General Manufacturing (GM)

Road Type						Other	
Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
30'	30'	30'	30'	30'	20'	10'	10'

1. All setbacks shall be increased by one foot for each foot of building height which exceeds 35 feet.
2. The building setbacks of WCC 20.80.210 shall not apply to utility or security structures such as poles, meters, fences, guard structures and the like.
3. Setbacks for parcels adjoining a nonindustrial district(s) shall be administered pursuant to WCC 20.67.550 (Buffer area).
4. The zoning administrator may reduce or eliminate side and rear yard setbacks from side and rear property lines that are adjoining an industrial district; provided, that the administrator finds that all of the following provisions are met:
 - a. Screening will be provided to protect adjacent uses from unsightliness or visual distraction;
 - b. A site plan has been submitted that shows that all structures and improvements, including roof overhangs, will not cross property boundaries, and a stormwater management plan has been provided that shows that runoff will be diverted to on-site drainage facilities;
 - c. A reduction in setbacks will not reduce solar access on adjacent properties or if a setback reduction will result in reduced solar access, all parties having an ownership interest in the property adjacent to the side or rear yards to be reduced stipulate in writing, on forms provided by the zoning administrator, to the reductions. The zoning administrator may require a title report to establish the ownership interests in the adjacent property;
 - d. Adjoining properties will be shielded from light sources;
 - e. The use and storage of toxic or hazardous materials or processes will not be located within what would otherwise be the setback area unless adequate facilities to contain accidental spills on site consistent with state regulations are provided;
 - f. The reduced setbacks will not interfere with existing sewer, water and other easements; and
 - g. Reduced setbacks will not result in the creation of a traffic hazard nor will the reduced setback create a circumstance that does not comply with WCC 20.80.210(3), Vision Clearance.
5. The zoning administrator may reduce setbacks for nonindustrial buildings to those of Light Impact Industrial if the reduced setbacks would not interfere with existing sewer, water and other easements. A greater reduction in setback requires approval under section (4) of the General Manufacturing Zone's setback requirements.

Gateway Industrial (GI)

Road Type						Other	
Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
25'	25'	25'	25'	25'	25'	10'	10'

1. Maximum building height shall not exceed 35 feet; except, that an additional foot in height is allowed for each one foot increase in setback in the yard adjoining the interstate highway up to 45 feet in Map 3 of the Urban Fringe Subarea. Height of structures, where applicable, shall also conform to the general requirements of WCC 20.80.675.

Airport Operations (AO)

Road Type						Other	
Commercial, Industrial, I-5, State	Collector Arterials or	Minor Collectors	Local Access	Neighborhood Collector	Minor Access	Side Yard	Rear Yard

Hwys, Principal & Minor Arterials	Major Collectors		Streets		Streets		
30'	30'	30'	30'	30'	20'	10'	10'

- ~~1. Setbacks for parcels adjoining a nonindustrial district shall be administered pursuant to WCC 20.70.550 (Buffer area).~~
- ~~2. The zoning administrator may reduce or eliminate side and rear yard setbacks from side and rear property lines that are adjoining an industrial district; provided, that the administrator finds that all of the following provisions are met:~~
 - ~~(i) Screening will be provided to protect adjacent uses from unsightliness or visual distraction;~~
 - ~~(ii) A site plan has been submitted that shows that all structures and improvements, including roof overhangs, will not cross property boundaries, and a stormwater management plan has been provided that shows that runoff will be diverted to on-site drainage facilities;~~
 - ~~(iii) A reduction in setbacks will not reduce solar access on adjacent properties or if a setback reduction will result in reduced solar access, all parties having an ownership interest in the property adjacent to the side or rear yards to be reduced stipulate in writing, on forms provided by the zoning administrator, to the reductions. The zoning administrator may require a title report to establish the ownership interests in the adjacent property;~~
 - ~~(iv) Adjoining properties will be shielded from light sources;~~
 - ~~(v) The use and storage of toxic or hazardous materials or processes will not be located within what would otherwise be the setback area unless adequate facilities to contain accidental spills on site consistent with state regulations are provided;~~
 - ~~(vi) The reduced setbacks will not interfere with existing sewer, water and other easements; and~~
 - ~~(vii) Reduced setbacks will not result in the creation of a traffic hazard nor will the reduced setback create a circumstance that does not comply with WCC 20.80.210(3), Vision Clearance.~~

Rural Industrial – Manufacturing (RIM)

Road Type						Other	
Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
30'	30'	30'	30'	30'	20'	10'	10'

- ~~1. Setbacks for parcels adjoining a nonindustrial district(s) shall be administered pursuant to WCC 20.69.550 (Buffer area).~~

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Resource Lands Setbacks

Agricultural (AG)

Road Type						Other	
Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard

50'	50'	50'	50'	50'	50'	20'	20'
<p>1. The 50-foot front yard setback requirement for new buildings or additions may be waived if the zoning administrator finds the new building or addition is located along the same building line(s) of existing structures and will result in no additional encroachment and the public interest, safety and health are protected; provided, that for a new building the applicant shall also demonstrate that the proposed location is necessary for the economic viability and the continued operation of the agricultural use.</p> <p>2. The minimum separation between new residences not located on the same property and farm uses such as barns, pens, milking sheds, or areas used to contain, house or feed animals or store manure or feed shall be 300 feet. New farm uses such as barns, pens, milking sheds, or areas used to contain, house or feed animals or store manure or feed shall be situated at least 150 feet from existing residences not located on the same property. Expansion of existing facilities within the 150-foot buffer, providing such expansion is not closer to a neighbor's residence, and pastures are excluded from this section's requirements.</p> <p>3. Parcels of less than five nominal acres shall have the following minimum setbacks:</p> <ul style="list-style-type: none"> • <i>Front yards:</i> <ul style="list-style-type: none"> — Primary arterials and secondary arterials: 45 feet. — Collector arterials: 35 feet. — Neighborhood collectors, local access streets: 25 feet. — Minor access streets: 20 feet. <p>Minimum front yard requirements can be reduced by the zoning administrator for boundary line adjustments or farmstead parcels established through WCC 20.40.253 and 20.40.254 if the proposed placement of the structures will result in a better fit with critical areas or prime soils and goes through the approval process in Chapter 21.03 WCC. In no case shall front yard depth be less than 20 feet.</p> • <i>Side yards:</i> minimum side yard setbacks shall be five feet. For boundary line adjustments or farmstead parcels established through WCC 20.40.253 and 20.40.254, the exterior side yard and exterior rear yard requirements of habitable structures shall be 30 feet. • <i>Rear yards:</i> minimum rear yard setbacks shall be five feet. <p>4. A marijuana production or processing facility shall not be located within 1,000 feet of a community center. The distance shall be measured as the shortest straight line distance from the property line of the proposed building/business location to the property line of the community center. The zoning administrator may waive this spacing requirement from community centers if the authorized representatives of all existing community centers within 1,000 feet provide a notarized written agreement as provided by the department consenting to the facility and the waiver is approved through an administrative approval process per WCC 20.84.235.</p> <p>5. A marijuana production or processing facility shall not be located within 300 feet of any existing residential unit not located on the same parcel as the facility. The distance shall be measured as the shortest straight line distance from the closest point of a single-family dwelling (structure) to any structure or fence used for the production or processing of marijuana. The zoning administrator may waive this spacing requirement from residential units if the owners of all existing residential units within 300 feet provide a notarized written agreement as provided by the department consenting to the facility, and the waiver is approved through an administrative approval process per WCC 20.84.235.</p> <p>6. A 10-foot setback from the international border between Canada and the United States shall be maintained as an open space vista. The 10-foot setback area may be used for landscaping, agriculture, and natural vegetation. Structures may only be built within the 10-foot setback area after approval</p>							

from the International Boundary Commission.

Commercial Forestry (CF)

Road Type						Other	
Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
45'	35'	25'	25'	25'	20'	100'	100'

Water Resource Protection Overlay

30'	30'	20'	20'	20'	20'	100'	100'
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1. ~~Parcels utilized solely for community centers shall observe the following minimum setback requirements: front yard: 50 feet; side yard: 25 feet; rear yard: 25 feet.~~

Rural Forestry (RF)

Road Type						Other	
Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
45'	35'	25'	25'	25'	20'	20'	20'

Water Resource Protection Overlay

30'	30'	20'	20'	20'	20'	20'	20'
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1. ~~Setbacks shall be increased to 100 feet for those parcels in the Rural Forestry Zone situated adjacent to the Commercial Forestry Zone, except that such parcels whose owners have filed an agreement with the county auditor as specified in WCC 20.42.651 shall be subject to the standard setback of the Rural Forestry Zone. Forest industry buildings, stationary equipment or storage areas excluding scaling stations and watchman's stations shall not be located within 100 feet of any other zone district.~~
2. ~~Parcels utilized solely for community centers shall observe the following minimum setback requirements: front yard: 50 feet; side yard: 25 feet; rear yard: 25 feet.~~
3. ~~When a permitted residence (WCC 20.42.056) adjoins an existing parcel of 20 acres or more in size or a parcel that is being cultivated for commercial forestry production, a minimum building setback of 100 feet shall be established from the common property line.~~
4. ~~Lummi Island scenic estates setbacks shall be administered under the Rural Residential Island setback standards.~~
5. ~~A 10 foot setback from the international border between Canada and the United States shall be maintained as an open space vista. The 10 foot setback area may be used for landscaping, agriculture, and natural vegetation. Structures may only be built within the 10 foot setback area after approval from the International Boundary Commission.~~
6. ~~A marijuana production or processing facility shall not be located within 1,000 feet of a community center. The distance shall be measured as the shortest straight line distance from the property line of the proposed building/business location to the property line of the community center. The zoning~~

administrator may waive this spacing requirement from community centers if the authorized representatives of all existing community centers within 1,000 feet provide a notarized written agreement as provided by the department consenting to the facility and the waiver is approved through an administrative approval process per WCC 20.84.235.

7. A marijuana production or processing facility shall not be located within 300 feet of any existing residential unit not located on the same parcel as the facility. The distance shall be measured as the shortest straight line distance from the closest point of a single-family dwelling (structure) to any structure or fence used for the production or processing of marijuana. The zoning administrator may waive this spacing requirement from residential units if the owners of all existing residential units within 300 feet provide a notarized written agreement as provided by the department consenting to the facility, and the waiver is approved through an administrative approval process per WCC 20.84.235.

Rural Residential Setbacks

Residential Rural (RR)							
Road Type						Other	
Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
45'	35'	25'	25'	25'	20'	5' ^{1/2}	5'
Water Resource Protection Overlay							
30'	30'	20'	20'	20'	20'	5'	5'
<p>1. Setbacks shall be increased to 100 feet for those parcels situated adjacent to the Forestry Zone District, except that such parcels whose owners have filed an agreement with the county auditor as specified in WCC 20.32.651 shall be subject to the standard setback in WCC 20.80.210.</p> <p>2. A 10-foot setback from the international border between Canada and the United States shall be maintained as an open-space vista. The 10-foot setback area may be used for landscaping, agriculture, and natural vegetation. Structures may only be built within the 10-foot setback area after approval from the International Boundary Commission.</p>							
Rural Residential Island (RR-I)							
Road Type						Other	
Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
-	-	25'	25'	25'	20'	5'	5'
<p>1. Residential Rural Island District. Setbacks shall be increased to 100 feet for those parcels situated adjacent to the Forestry Zone Districts, except that such parcels whose owners have filed an agreement with the county auditor as specified in WCC 20.42.651 shall be subject to the standard</p>							

setback in WCC 20.80.210.

Point Roberts Transitional Zone (TZ)

Road Type						Other	
Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
45'	35'	25'	25'	25'	20'	5'	5'

No additional standards.

¹Zero lot line side yard setbacks may be approved by the zoning administrator for single family attached dwelling units along the common property line where the dwellings share a common wall.

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Rural Zoning Setbacks

Rural (R)

Road Type						Other	
Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
45'	45'	35'	25'	25'	20'	5'	5'

Water Resource Protection Overlay

30'	30'	20'	20'	20'	20'	5'	5'
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1. Setbacks shall be increased to 100 feet for those parcels situated adjacent to the Commercial Forestry Zone District, except that such parcels whose owners have filed an agreement with the county auditor as specified in WCC 20.36.651 shall be subject to the standard setback in WCC 20.80.210.
2. Lots created after 2001 through the cluster provisions, or lots created through the APO provisions which will be used for human habitation, shall be set back a minimum of 100 feet from the property line of any parcel or portion thereof which is designated or used for agricultural purposes. No structures shall be constructed within 30 feet of exterior, side and rear property lines, and no structure shall be constructed within 30 feet of an agricultural use. Subject to any further requirements within Chapter 20.38 WCC, Agriculture Protection Overlay.
3. A 10-foot setback from the international border between Canada and the United States shall be maintained as an open-space vista. The 10-foot setback area may be used for landscaping, agriculture, and natural vegetation. Structures may only be built within the 10-foot setback area after approval from the International Boundary Commission.
4. A marijuana production or processing facility shall not be located within 1,000 feet of a community center. The distance shall be measured as the shortest straight line distance from the property line of the proposed building/business location to the property line of the community center. The zoning administrator may waive this spacing requirement from community centers if the authorized representatives of all existing community centers within 1,000 feet provide a notarized written agreement as provided by the department consenting to the facility.
5. A marijuana production or processing facility shall not be located within 300 feet of any existing residential unit not located on the same parcel as the facility. The distance shall be measured as the shortest straight line distance from the closest point of a single-family dwelling (structure) to any structure or fence used for the production or processing of marijuana. The zoning administrator may waive this spacing requirement from residential units if the owners of all existing residential units within 300 feet provide a notarized written agreement as provided by the department consenting to the facility, and the waiver is approved through an administrative approval process per WCC 20.84.235.

Urban Residential Setbacks

Urban Residential Mixed Use (UR-MX)							
Road Type						Other	
Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
45'	35'	25'	10'	10'	10'	5'	5'
Water Resource Protection Overlay							
30'	30'	20'	20'	20'	20'	5'	5'
<ol style="list-style-type: none"> 1. No specific setback requirements shall apply to a planned concept submitted for technical committee review. This provision could be used, for example, to allow zero-lot-line development. 							

Urban Residential Medium (URM)							
Road Type						Other	
Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
45'	35'	25'	25'	25'	20'	5'	5'
Water Resource Protection Overlay							
30'	30'	20'	20'	20'	20'	5'	5'
1. Setback requirements for mobile home parks shall be 20 feet from the perimeter of the park for side and rear yards and shall be screened from neighboring uses in accordance with WCC 20.80.345.							
Urban Residential (UR)							
Road Type						Other	
Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
45'	35'	25'	25'	25'	20'	5' ¹	5'
Water Resource Protection Overlay							
30'	30'	20'	20'	20'	20'	5'	5'
<p>1. Setbacks shall be increased to 100 feet for those parcels situated adjacent to the Forestry Zone District, except that such parcels which are less than 20,000 square feet in a subdivision approved prior to January 1, 1987, and whose owners have filed an agreement with the county auditor as specified in WCC 20.20.651, shall be subject to the standard setback in WCC 20.80.210.</p> <p>2. A 10 foot setback from the international border between Canada and the United States shall be maintained as an open space vista. The 10 foot setback area may be used for landscaping, agriculture, and natural vegetation. Structures may only be built within the 10 foot setback area after approval from the International Boundary Commission.</p>							
¹ Zero lot line side yard setbacks may be approved by the zoning administrator for single-family attached dwelling units along the common property line where the dwellings share a common wall.							
-							

Other Zoning Setbacks

Recreation Open Space (ROS)							
Road Type						Other	
Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
100'	100'	50'	50'	50'	50'	50'	50'
<ol style="list-style-type: none"> 1. Parcels utilized solely for community centers shall observe the following minimum setback requirements: front yard: 50 feet; side yard: 25 feet; rear yard: 25 feet. 2. Shoreline setbacks shall be administered consistent with the Shoreline Management Program of Whatcom County; provided, that a 25-foot setback is maintained from the ordinary high water mark of all water bodies and a 50-foot setback is maintained from the ordinary high water mark of fish spawn streams. 3. A 10-foot setback from the international border between Canada and the United States shall be maintained as an open-space vista. The 10-foot setback area may be used for landscaping, agriculture, and natural vegetation. Structures may only be built within the 10-foot setback area after approval from the International Boundary Commission. 							
Water Resource Protection Overlay (WRPO)							
Road Type						Other	
Commercial, Industrial, I-5, State Hwys, Principal & Minor Arterials	Collector Arterials or Major Collectors	Minor Collectors	Local Access Streets	Neighborhood Collector	Minor Access Streets	Side Yard	Rear Yard
30'	30'	20'	20'	20'	20'	See underlying zoning ⁴	See underlying zoning ⁴
1. No additional standards.							
⁴ Refer to additional provisions of WCC 20.64.250 or 20.65.400.							

Zoning District	Setback (in feet) from:						
	Right-of-Way Classification						Other
	I-5, State Hwys, Urban Principal, & Urban Minor Arterials	Urban Collector Arterials & Rural Major Collectors	Minor Collectors	Local Access Streets	Minor Access Streets	Side Yard	Rear Yard
Residential Setbacks							
Rural Residential (RR)	45	35	25	25	20	5	5
- If in a WRPO ¹ or LWWO ²	30	30	20	20	20	5	5
Note: Depending on circumstances, some RR setbacks may differ pursuant to WCC 20.80.210(5)(a)(iv) and 20.80.251(2).							
Rural Residential-Island (RR-I)	=	=	25	25	20	5	5
Note: Depending on circumstances, some RR-I setbacks may differ pursuant to WCC 20.80.251(4).							
Point Roberts Transitional Zone (TZ)	45	35	25	25	20	5	5
Urban Residential Mixed Use (UR-MX)	45	35	25	10	10	5	5
- If in a WRPO ¹ or LWWO ²	30	30	20	20	20	5	5
Urban Residential Medium (URM)	45	35	25	25	20	5	5
- If in a WRPO ¹ or LWWO ²	30	30	20	20	20	5	5
Note: Depending on circumstances, some URM setbacks may differ pursuant to WCC 20.80.251(3).							
Urban Residential (UR)	45	35	25	25	20	5	5
- If in a WRPO ¹ or LWWO ²	30	30	20	20	20	5	5
Note: Depending on circumstances, some UR setbacks may differ pursuant to WCC 20.80.251(1).							
Rural Setbacks							
Rural (R)	45	45	35	25	20	5	5
- If in a WRPO ¹ or LWWO ²	30	30	20	20	20	5	5
Note: Depending on circumstances, some R setbacks may differ pursuant to WCC 20.38.060(7), 20.80.210(5)(a)(iv), and 20.80.252.							
Commercial Setbacks							
General Commercial (GC)	30	30	25	25	20	0	10
Note: Depending on circumstances, some GC setbacks may differ pursuant to WCC 20.62.550.							
Rural General Commercial (RGC)	30	30	25	25	20	0	10
Note: Depending on circumstances, some RGC setbacks may differ pursuant to WCC 20.59.600.							
Tourist Commercial (TC)	30	30	25	25	20	0	10
Note: Depending on circumstances, some TC setbacks may differ pursuant to WCC 20.63.550 and 20.80.253(3).							
Small Town Commercial (STC)	30	30	25	25	20	0	10
Note: Depending on circumstances, some STC setbacks may differ pursuant to WCC 20.59.600, 20.61.400(1), and 20.61.600.							
Resort Commercial (RC)	30	30	25	25	20	5	5
Note: Depending on circumstances, some RC setbacks may differ pursuant to WCC 20.64.350, 20.64.550, and 20.80.253(4).							
Neighborhood Commercial	25	25	25	25	20	0	10

Zoning District	Setback (in feet) from:						
	Right-of-Way Classification						Other
	I-5, State Hwys, Urban Principal, & Urban Minor Arterials	Urban Collector Arterials & Rural Major Collectors	Minor Collectors	Local Access Streets	Minor Access Streets	Side Yard	Rear Yard
(NC)							
- If in a WRPO ¹ or LWWO ²	30	30	20	20	20	0	10
Note: Depending on circumstances, some NC setbacks may differ pursuant to WCC 20.80.253 and 20.60.550.							
Industrial Setbacks							
Heavy Impact Industrial (HII)	100	100	100	100	30	30	30
Note: Depending on circumstances, some HII setbacks may differ pursuant to WCC 20.68.552 and 20.80.254(3).							
Light Impact Industrial (LII)	30	30	30	30	20	10	10
Note: Depending on circumstances, some LII setbacks may differ pursuant to WCC 20.80.254(1).							
General Manufacturing (GM)	30	30	30	30	20	10	10
Note: Depending on circumstances, some GM setbacks may differ pursuant to WCC 20.80.254(2).							
Gateway Industrial (GI)	25	25	25	25	25	10	10
Note: Depending on circumstances, some GI setbacks may differ pursuant to WCC 20.65.400.							
Airport Operations (AO)	30	30	30	30	20	10	10
Note: Depending on circumstances, some AO setbacks may differ pursuant to WCC 20.70.550 and 20.80.254(4).							
Rural Industrial – Manufacturing (RIM)	30	30	30	30	20	10	10
Note: Depending on circumstances, some RIM setbacks may differ pursuant to WCC 20.69.350 and 20.69.550.							
Resource Lands Setbacks							
Agricultural (AG)							
- parcels ≥ 5 acres	50	50	50	50	50	20	20
- parcels < 5 acres	45	35	25	25	20	5	5
Note: Depending on circumstances, some AG setbacks may differ pursuant to WCC 20.38.060(7) and 20.80.255							
Rural Forestry (RF)	45	35	25	25	20	20	20
- If in a WRPO ¹ or LWWO ²	30	30	20	20	20	20	20
Note: Depending on circumstances, some RF setbacks may differ pursuant to WCC 20.80.210(5)(a)(iv) and 20.80.256.							
Commercial Forestry (CF)	45	35	25	25	20	100	100
- If in a WRPO ¹ or LWWO ²	30	30	20	20	20	100	100
Note: Depending on circumstances, some CF setbacks may differ pursuant to WCC 20.80.256(2).							
Other Setbacks							
Recreation Open Space (ROS)	100	100	50	50	50	50	50
Note: Depending on circumstances, some ROS setbacks may differ pursuant to WCC 20.80.257.							

¹ Water Resources Protection Overlay district

² Lake Whatcom Watershed Overlay district

27. In 20.80.254:

- Delete the reference to the Cherry Point/Ferndale Subarea Plan in subsection (3)(c), as it is docketed for repeal. The intent of this policy is already included within the regulation of 20.68.552.
- Fix the faulty cross-reference in subsection (3)(b).
- Delete the last sentence of (3)(e), as it makes no sense (refers to a process in (3)(d), but there is no process in that section).

20.80.250 Special setback provisions by district.

20.80.254 Industrial districts.

(3) Heavy Impact Industrial District.

- (a) All setbacks shall be increased by one foot for each foot of building height, (excluding tanks and similar structures), ~~which that~~ exceeds 50 feet in height.
- (b) The building setbacks of WCC 20.80.210 shall not apply to utility or security structures such as poles, meters, fences, guard structures and the like, nor to structures relating to shipment on railroad rights-of-way; provided, that no traffic hazards are created. For nonindustrial buildings, the provisions of subsection ~~(23)~~(e) of this section shall apply.
- (c) Setbacks for parcels adjoining a nonindustrial district(s) shall be administered pursuant to WCC 20.68.550 (Buffer Area) ~~and Policy 1.05 of the Heavy Impact Industrial designation of the Cherry Point-Ferndale Subarea Plan.~~
- (d) The setback requirements of the Heavy Impact Industrial District shall apply to the storing and handling of hazardous materials; provided, that if federal and/or state regulations require different setbacks, the greater setback (county, federal, or state) shall be used.
- (e) The zoning administrator may reduce setbacks for nonindustrial buildings to those of Light Impact Industrial if the reduced setbacks would not interfere with existing sewer, water and other easements. ~~A greater reduction in setback requires approval under subsection (3)(d) of this section.~~

Chapter 20. 25 Land Use and Development Fees

28. The current refund code language is oriented towards short-term permit time periods rather than the lengthier docketing of Comprehensive Plan or code amendments. Docket items can take a year or more (sometimes several years) to process due to PDS workloads, state mandates, Council priorities, and/or work program resource limitations. However, the existing refund deadlines of 14 or 90 days precludes an applicant from receiving a refund after those deadlines even if work has not yet commenced on the project. This proposed amendment would allow for partial to full application fee refunds for docketed items depending upon the amount of review and work undertaken by PDS.

22.25.040 Refund of application fees.

Refunds of application fees for project permits and for amendments to the Whatcom County comprehensive plan, development regulations and official maps shall be computed based on the following, unless otherwise indicated in the Whatcom County Code. All refund requests shall be submitted in writing to the department of planning and development services director. The date of application for a refund request shall be the date the written refund request is received by the department. For the purpose of computing elapsed calendar days, the day after the date of application or deadline date as appropriate shall be counted as day one.

(1) Fees for Project Permits.

- (a) Applications withdrawn on or before the fourteenth calendar day after the date of application shall be eligible for a refund of 90 percent of all application fees including any SEPA fees.
- (b) Applications withdrawn after the period set forth in subsection (1)(a) of this section but on or before the ninetieth calendar day after the date of application shall be eligible for a refund of 50 percent of all application fees except for any SEPA fees which shall not be eligible for a refund.
- (c) Applications withdrawn after the ninetieth calendar day after the date of application shall not be eligible for a refund.
- (d) Notwithstanding the above, no fees shall be refunded for any permit or approval that has been issued or granted by the county.
- (e) The director may authorize a full refund of any project permit application fee paid in error.

(2) Fees for Amendments to the Whatcom County Comprehensive Plan, Development Regulations, and Official Maps.

(a) The docketing fee shall be non-refundable.

(b) The amendment application fee may be refunded, if the application is withdrawn, as follows:

(i) If the application has been docketed, but review of the application has not commenced, 100% of the application fee may be refunded.

(ii) If the application has been docketed and review of the application has commenced, but the staff report has not been issued, 75% of the application fee may be refunded.

(iii) If the application has been docketed and a staff report has been issued, but a Planning Commission hearing has not been held, 50% of the application fee may be refunded.

(iv) If the application has been docketed and the Planning Commission has held a public hearing, then the application fee may not be refunded.

(c) The SEPA checklist fee may be refunded if the application is withdrawn and SEPA review has not commenced.

(d) The legal notice fee may be refunded if the application is withdrawn and legal notice has not been published.

~~(a) Applications for amendments that are withdrawn on or before the fourteenth calendar day after the deadline for submitting the fee shall be eligible for a refund of 90 percent of all application fees including SEPA fees. If there is no deadline for submitting the fee, the 90 percent refund shall be given if the application is withdrawn on or before the fourteenth calendar day after the fee was submitted.~~

~~(b) Applications for amendments that are withdrawn after the period set forth in subsection (2)(a) of this section but on or before the ninetieth calendar day after the deadline for submitting the fee shall be eligible for a refund of 50 percent of all application fees except for SEPA fees which shall not be eligible for a refund. If there is no deadline for submitting the fee, the 50 percent refund shall be given if the application is withdrawn on or before the ninetieth calendar day after the fee was submitted.~~

~~(c) Applications for amendments that are withdrawn after the 90 calendar days shall not be eligible for a refund. (3) Withdrawal of an application shall constitute full surrender of any express or implied rights inherent in an application which has been perfected and accepted by the planning and development services department or its designees.~~

WHATCOM COUNTY

Planning & Development Services
5280 Northwest Drive
Bellingham, WA 98226-9097
360-778-5900, TTY 800-833-6384
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Mark Personius, AICP
Director

Memorandum

TO: The Honorable County Council
Jack Louws, County Executive

FROM: Cliff Strong, Senior Planner

DATE: December 17, 2018

SUBJECT: Code Scrub 2018

Staff has prepared some minor amendments to WCC Titles 20 (Zoning), 21 (Land Division Regulations), and 22 (Land Use and Development Procedures). This is our annual "code scrub," wherein staff proposes various amendments to clarify code and fix inconsistencies and grammar they have found over the year. No major policy changes are proposed.

Staff recommends that the Council's Planning & Development Committee review and discuss the attached staff report and Exhibit A showing the proposed amendments, introduce the ordinance January 15th, hold a public hearing on January 29th and recommend the County Council adopt these provisions.

Code Scrub 2018

Exhibit A: Proposed Amendments

(Note: Yellow highlight indicates Planning Commission amendments.)

Chapter 20.38 Agriculture Protection Overlay

1. Clarify 20.38.060(7), as the language is confusing. The intent is to have greater setbacks for cluster subdivisions when adjacent to agricultural land so as to minimize nuisance complaints.

20.38.060 Development and use standards.

- (7) Any inhabitable structure within the cluster subdivision shall be set back a minimum of 100 feet, and any accessory or other non-inhabitable structures shall be set back at least 30 feet, from the property line of any parcel that is an APO reserve tract or designated or taxed for agricultural purposes.

Chapter 20.40 Agriculture (AG) District

2. Revise 20.40.254(5)(a) & (b) to correspond to the minimum parcel sizes listed in Table 20.40.251. Pursuant to the table, one has to maintain a minimum lot size of "X acres," but the text inconsistently says "greater than X acres."

20.40.250 Division or modification of parcels.

.254 Separation of the Farmstead Parcel Criteria.

...

- (5) Division or Boundary Line Adjustment for Agricultural Purposes Only. Lots smaller than the minimum lot size of WCC 20.40.251 may be created through land division or rearranged through a boundary line adjustment provided the following:
 - (a) The parent parcel does not contain an existing residence, or said existing residence will remain on a parcel 40 acres or larger in size; and
 - (b) The parcel created is 10 acres or larger or is appended to another parcel; and

...

3. Add maximum density language to Chapter 20.40 similar to other zones. All other zoning chapters specify what the maximum density for that zone is. Though a maximum density of a dwelling unit/acre is implied by the 40 ac minimum parcel size, it's not explicitly stated.

20.40.550 Maximum Density.

The maximum density in the Agricultural District shall be 1 dwelling unit per 40 acres.

Chapter 20.97 Definitions

4. Currently there are four definitions of hazard trees in various sections of the code. Staff had proposed to replace the definition of "Hazard Tree" with one recommended by our Prosecuting Attorney and delete the others so that they are all consistent.

The Planning Commission, though, found that definition was wanting in terms of grammar and clarity and amended it to try to fix it (see below).

However, upon further reflection, staff still found it ambiguous, especially in conjunction with the amendments proposed in Issue 5, below. Staff now proposes a new definition..

20.97.171.2 and 16.16.900 Hazard Tree

Original staff proposal: "Hazard Tree" means a tree which poses an imminent failure, poses a likelihood of striking the target, and has a significant consequence of tree failure as determined through a tree risk evaluation form provided by Whatcom. A tree which constitutes an airport hazard is considered a hazard tree." "Imminent" in this case means failure has started or is most likely to occur in the near future, even if there is not significant wind or increased load. This is a rare occurrence to encounter, and it may require immediate action to protect people from harm.

Planning Commission rewrite: "Hazard Tree" means a tree that poses an imminent failure and poses a likelihood of causing damage to persons or property, has a significant consequence of tree failure (as determined through a tree risk assessment form provided by Whatcom County). A tree that constitutes an airport hazard is considered a hazard tree." "Imminent" in this case means failure has started or is most likely to occur in the near future, even if there is no significant wind or increased load.

Final staff proposal: "Hazard Tree" means a tree whose risk evaluation, as determined through a Whatcom County approved tree risk assessment method, is high. Risk evaluation is the combined measurement of: tree failure identification, probability of failure, potential damage to permanent physical improvements to property causing personal injury, and consequences. A tree that constitutes an airport hazard is considered a hazard tree. A hazard tree whose failure is imminent and consequences of damage to permanent physical improvements to property causing personal injury is significant is considered an emergency. "Imminent" in this instance means failure has started or is most likely to occur in the near future, even if there is no significant wind or increased load. Imminent may be determined by a qualified consultant (defined in WCC 16.16.900) or when mutually agreed upon by a land owner and Whatcom County.

5. Amend the hazard tree exemption in 20.51.430(1)(a) and 20.71.354(1)(a). Though they both say the removal of hazard trees is exempt from obtaining a tree removal permit, they also say you have to meet the requirements of (5), which require obtaining a tree removal permit.

Staff had originally proposed, and the Planning Commission recommended approval of (with a few amendments for clarity's sake), the first versions in the following sections. However, upon further reflection, staff still found it ambiguous, especially in conjunction with the amendments proposed in Issue 4, above. Staff now proposed additional amendments, show in the second versions in the following sections.

Chapter 20.51 Lake Whatcom Watershed Overlay District

Original staff proposal, as amended and approved by the Planning Commission:

20.51.430 Tree removal not associated with development activity.

- (1) Permit Required for Removal of Trees. No person, directly or indirectly, shall remove any significant tree(s) on any property within the Lake Whatcom watershed, or any tree(s) in the public right-of-way, without first obtaining a tree removal permit as provided in this section, unless the activity is exempted below:

- (a) When Whatcom County has approved an ISA Basic Tree Risk Assessment Form, removal of any hazard trees or as necessary to remedy an immediate threat to person or property, pursuant to the requirements in subsection (5) of this section;
- (b) Pruning and maintenance of trees of up to 25 percent of the foliage.

...

- (5) Hazard Tree Removal. Any property owner seeking to remove any number of significant trees that are a hazard shall first obtain approval of an ISA Basic Tree Risk Assessment Form or a tree removal permit and meet the requirements of this subsection.

- (a) Tree Risk **Assessment**. When the hazard is obvious, submit only the ISA Basic Tree Risk Assessment Form.
- (b) Tree Risk Assessment. If the hazard condition is not obvious, a tree risk assessment prepared by a qualified professional explaining how the tree(s) meet the definition of a hazard tree is required.
- (c) Trees in Critical Areas or Critical Area Buffers. For hazard trees in critical areas or their buffers, tree removal shall be in accordance with the requirements of Chapter 16.16 WCC.

Final staff proposal:

20.51.430 Tree removal not associated with development activity.

- (1) Permit Required for Removal of Trees. No person, directly or indirectly, shall remove any significant tree(s) on any property within the Lake Whatcom watershed, or any tree(s) in the public right-of-way, without first obtaining a tree removal permit as provided in this section, unless the activity is exempted below; provided the tree is not located within the shoreline jurisdiction or within a critical area or a critical area buffer:

- (a) Removal of any hazard trees considered an emergency within the definition of hazard tree in WCC 20.97. Within 30 days after the emergency is abated the land owner shall submit photo documentation with a form provided by Whatcom County.
- (b) Pruning and maintenance of trees of up to 25 percent of the foliage.

...

- (5) Removal of Hazard Trees. Any property owner seeking to remove any number of significant trees not considered an emergency pursuant to subsection (1) must submit a tree risk assessment using an approved Whatcom County method prepared by a qualified professional; provided, that removal of hazard trees in critical areas or their buffers shall be in accordance with the requirements of Chapter 16.16 WCC.

Chapter 20.71 Water Resource Protection Overlay District

Original staff proposal, as amended by the Planning Commission:

20.71.354 Tree removal not associated with development activity.

- (1) Permit Required for Removal of Trees. No person, directly or indirectly, shall remove any significant tree(s) on any property within the Lake Padden and Lake Samish watersheds, or any tree(s) in the public right-of-way, without first obtaining a tree removal permit as provided in this section, unless the activity is exempted below:
 - (a) When Whatcom County has approved an ISA Basic Tree Risk Assessment Form, removal of any hazard tree(s) as necessary to remedy an imminent threat to person or property, pursuant to the requirements in subsection (5) of this section;
 - (b) Pruning and maintenance of trees of up to 25 percent of the foliage.fdsdf

...

- (5) Hazard Tree Removal. Any property owner seeking to remove any number of significant trees that are a hazard shall first obtain approval of an ISA Basic Tree Risk Assessment Form or a tree removal permit and meet the requirements of this subsection.
 - (a) Tree Risk Assessment. When the hazard is obvious, submit only the ISA Basic Tree Risk Assessment Form.
 - (b) Tree Risk Assessment. If the hazard condition is not obvious, a tree risk assessment prepared by a qualified professional explaining how the tree(s) meet the definition of a hazard tree is required. Trees in Critical Areas or Critical Area Buffers. For hazard trees in critical areas or their buffers, tree removal shall be in accordance with the requirements of Chapter 16.16 WCC.
 - (c) Trees in Critical Areas or Critical Area Buffers. For hazard trees in critical areas or their buffers, tree removal shall be in accordance with the requirements of Chapter 16.16 WCC.

Final staff proposal:

20.71.354 Tree removal not associated with development activity.

- (1) Permit Required for Removal of Trees. No person, directly or indirectly, shall remove any significant tree(s) on any property within the Lake Padden and Lake Samish watersheds, or any tree(s) in the

public right-of-way, without first obtaining a tree removal permit as provided in this section, unless the activity is exempted below; provided the tree is not located within the shoreline jurisdiction or within a critical area or a critical area buffer:

(a) Removal of any hazard trees considered an emergency within the definition of hazard tree in WCC 20.97. Within 30 days after the emergency is abated the land owner shall submit photo documentation with a form provided by Whatcom County.

(b) Pruning and maintenance of trees of up to 25 percent of the foliage.

...

(5) Removal of Hazard Trees. Any property owner seeking to remove any number of significant trees not considered an emergency pursuant to subsection (1) above must submit a tree risk assessment using an approved Whatcom County method prepared by a qualified professional; provided that removal of hazard trees in critical areas or their buffers shall be in accordance with the requirements of Chapter 16.16 WCC.

Chapter 20.62 General Commercial (GC) District

6. Amend the heading of 20.62.300, as the text describes a maximum, not a minimum, density.

20.62.300 Maximum density.

.301 Hotels and motels shall not exceed a floor area ratio of .60.

Chapter 20.66 Light Impact Industrial (LII) District

7. Amend 20.66.550 to remove the increased setback from "principal arterials." Whatcom County doesn't have a "principal arterial" classification.

20.66.550 Buffer area.

.551 When a parcel situated within this district adjoins an Urban Residential, Urban Residential Medium Density, Urban Residential-Mixed, Rural, or Residential Rural District, setbacks shall be increased to 50 feet. A minimum of 25 feet shall be landscaped consistent with the requirements of WCC 20.80.345.

8. In 20.68.552(5), delete the reference to the Cherry Point/Ferndale Subarea Plan, as it is slated for repeal. The intent of this policy is already included within the regulation of .552.

"Policy 1.05: To attain compatibility with surrounding nonindustrial land use designations and to minimize heavy industrial off-site impacts, it is the policy of Whatcom County to require industrial users to provide a buffer which is located within the designated HEAVY IMPACT INDUSTRIAL area and which adjoins said nonindustrial land use designations.

As a means of protecting the existing and planned residential uses in the Point Whitehorn area from detrimental environmental and visual impacts generated from the Heavy Impact Industrial area, a 660-foot buffer strip shall be established. Said buffer shall be situated adjacent to and south of Grandview Road between Jackson Road and Koehn Road; adjacent to and east of Koehn Road between Grandview Road and Brown Road; and adjacent to the east of the eastern property line of tax lots 2.27 and 2.28 between Brown Road and the shoreline. This buffer strip may be utilized for security or protective uses, parking, or the open space requirements of the Heavy Impact Industrial zone district. Land within the buffer strip which is not required for the above uses and is currently covered with natural vegetative species shall not be cleared, logged or altered in any manner which would reduce the natural screening characteristics of said buffer."

Chapter 20.68 Heavy Impact Industrial (HII) District

20.68.550 Buffer area.

.552 To implement the buffer requirements of this district, minimum setbacks for heavy industrial buildings and accessory structures shall be established consistent with the following options:

- (1) If a planting screen is not provided by the industrial user and no natural vegetative screening exists, the minimum setback(s) shall be 660 feet, as measured from the edge of the district boundary. The setback area may be used for security roads, parking, or open space.
- (2) If natural sight-obscuring and dense vegetation exists, the minimum setback(s) shall be 250 feet, as measured from the district boundary; provided, that a minimum width of 50 feet of natural vegetation is retained. The remainder of the setback(s) may be used for security roads, parking, or open space.
- (3) If a 50-foot buffer planting screen is established, pursuant to WCC 20.80.345, the minimum setback(s) shall conform to the setback requirements of WCC 20.80.200, as measured from the district boundary. In addition, security roads may be situated within the minimum buffer setback; provided, that the 50-foot-wide buffer planting is established.
- (4) When a parcel situated within this district is located within the Bellingham Urban Growth Area and adjoins an Urban Residential District or residential district within the city limits, setbacks for heavy industrial buildings and/or uses shall be increased to 100 feet and landscaped in accordance with the requirements of WCC 20.80.345.
- (5) In no case shall the setback from the northern and western boundaries of the Cherry Point Heavy Industrial area not contiguous to another industrial zone be less than 660 feet, nor the natural vegetation removed except for parking and security or protective.

Chapter 20.80 Supplementary Requirements

9. In 20.80.220(1)(a), clarify the “use of setback areas” language and add “uncovered decks” and “utilities,” as these are typically allowed in a front yard setback.

In 20.80.220(1)(a)(i)(A), updated the name of the adopted fire code.

In 20.80.220(1)(c), clarify that higher appurtenances (up to 6 feet) are allowed in rural areas. We distinguish that these are allowed in rural areas, but not urban areas, since in urban areas lots are smaller and typically built as suburban neighborhoods where 6-foot fences and hedges in front yards lead to isolation of neighbors, lessen safety (both sight distance and policing), break up the streetscape, and generally diminish “community.”

Additionally in 20.80.220(1)(c), delete the vision clearance requirements, as this is just a repeat of what’s found in WCC 20.80.210(3).

20.80.220 Use of setback areas

All setback measurements are minimum requirements. All front yard and rear yard setback areas shall be open from side-to-side of the lot except as otherwise provided by the following:

(1) Front Yards.

- (a) Appurtenances, including but not limited to: uncovered patios and decks less than 30 inches in height; driveways and walkways; pools and other recreation equipment; utilities, septic systems, and propane tanks with fuel capacities up to 500 gallons; and fences, walls, and vegetative hedges up to four feet in height may be placed in this front yard setback area subject to the limitations of WCC 20.80.210(3) (Vision Clearance); and provided, that:
- (i) The location of propane tanks with fuel capacities up to 500 gallons is restricted to the rear 50 percent of front yard setbacks. All such propane tanks shall be:
- (A) Inspected and approved by the Whatcom County fire marshal for compliance with the most currently adopted International Fire Code and, when required by the Fire Marshal, isolated from other uses by a noncombustible wall or fence; and
- (B) Screening by a fence or with shrub vegetation planted to a minimum height of six inches above the top surface of the propane tank is encouraged.

...

- (c) Outside of Urban Growth Areas fences, walls, and vegetative hedges up to a maximum of six feet in height may be located within the front yard setback area subject to the limitations of WCC 20.80.210(3) (Vision Clearance).

- (3) Side yards must be kept open; provided, that uncovered patios and decks less than 30 inches in height; driveways, walkways, and parking areas; pools and other recreational equipment; and fences, walls, and vegetative hedges up to seven feet in height may be placed in the side yard.

10. In 20.83.050, clarify that nonconforming structures, while they can be rebuilt, must be rebuilt on one's own property and cannot cross onto someone else's property (even if it's been there awhile).

20.83.050 Damage or destruction – Rebuilding permitted.

If a nonconforming use or structure is damaged or destroyed by any means, that use or structure may be permitted to be rebuilt to the same square footage of damaged or destroyed structure(s), for the same use and location on the site; except, no portions of said rebuilt structure may extend onto property not belonging to the owner.

11. Amend 20.80.230(2) so that reduced front yard setbacks can be applied wherever necessary to protect critical areas, not just shorelines.

20.80.230 Measurement of setbacks.

(4) Reduction of setbacks. In situations where a property is so encumbered by shoreline setbacks, critical areas, and/or their buffers that a typical structure for that zone cannot be built due to dimensional requirements, the Zoning Administrator or Hearing Examiner, whichever is the decision maker on the permit, may reduce the standard front yard setback to 20 feet.

12. Delete 20.80.545. The limitations of the first sentence are already covered by WCC 20.80.350 (Parking Areas). The second sentence requires that a driveway be at least 30 feet long (20' for the parking spot, plus the 10' setback), which is greater than the typical front yard setback (20-25'). Driveways on typical suburban development are 20 feet long. The existing language basically makes it illegal to park in a typical driveway.

13. In 20.80.650, update the name of agency responsible for establishing minimum permissible emission levels (it was renamed many years ago).

20.80.650 Air quality.

No development, including traffic generated directly by it, should generate air pollution exceeding the minimum permissible emission levels established by the Northwest Clean Air Agency (NWCAA) or the Environmental Protection Agency.

14. Delete WCC 20.80.670, as it is covered in the Shoreline Management Program (WCC 23.100.090). This is already covered by WCC 16.16.720.

Chapter 20.85 Planned Unit Developments (PUD)

15. Amend 20.85.101 to reference the correct building and fire codes.

20.85.100 Design and development standards.

20.85.101 Conformance.

All uses and development shall conform to all relevant requirements and standards of:

(2) The International Building and Fire Codes;

16. Add a new section 20.85.119 to Chapter 20.85. WCC 16.16.260(E) already has this allowance, but this insertion will help point readers to it.

20.85.119 Critical Areas – Alternative Mitigation Plans.

The Hearing Examiner may recommend and the County Council may approve alternative mitigation plans for planned unit developments in accordance with WCC 16.16.261, which may be used to satisfy the requirements of WCC Chapter 16.16 and relief from the specific standards and requirements thereof.

Chapter 20.88 Major Project Permits

17. Amend 20.88.275. If someone applies for a Planned Unit Development, we do not make them obtain a Master Project Permit. The same should be true of applying for a developer's agreement, as they, too, go before the Council.

20.88.200 Procedure

.275 Major project permits: Where an applicant has applied for a planned unit development or a development agreement, that project shall be exempt from the requirement to obtain a major project permit.

18. In 20.97, amend the definition of “party of record” and add a definition of “standing.” In other sections of the code, amend so that one must be a person with “standing” in order to file an appeal.

According to the Prosecuting Attorney, our current definition of “Party of Record” is a broad, somewhat confusing status for people who are in the record or contribute to the record. This status should only mean that you get notice of hearings. This does not mean that you automatically have standing. A person could be a Party of Record and have standing, but they don’t have standing just because they are a party of record. “Standing” should be the operative term that allows people to appeal. The proposed definition of “standing” is that found in RCW 36.70C.060 (Judicial Review of Land Use Decisions)

Chapter 20.97 Definitions

20.97.293 Party of record.

“Party of record” means any of the following:

1. The applicant and any appellant;
2. The property owner as identified by Whatcom County Assessor’s records;
3. Any person, County department, and/or public agency who individually submitted written comments or testified at the open record hearing on the merits of the case (excluding persons who have only signed petitions or mechanically produced form letters); and;
4. Any person, County department, and/or public agency who specifically request notice of decision by entering their name and mailing address on a register provided for such purpose at the open record hearing.

A party of record does not include a person who has only signed a petition or mechanically produced form letters. A party of record to an application/appeal shall remain such through subsequent county proceedings involving the same application/appeal. The county may cease mailing material to any party of record whose mail is returned by the postal service as undeliverable.

A Party of Record does not have standing unless they meet the standing criteria. Persons who do not qualify as a party of record may still receive notice of a decision or recommendation by submitting their names and addresses to the Hearing Examiner with a request for such notice.

20.97.293 Standing.

“Standing” is the status required for a person, agency, or other entity to bring an action before the Hearing Examiner. A person has standing per RCW 36.70C.060 if they are:

1. The applicant and the owner of property to which the land use decision is directed;
2. Another person, County department, and/or public agency aggrieved or adversely affected by the land use decision, or who would be aggrieved or adversely affected by a reversal or modification of the land use decision. A person is aggrieved or adversely affected within the meaning of this section only when all of the following conditions are present:
 - (a) The land use decision has prejudiced or is likely to prejudice that person;
 - (b) That person's asserted interests are among those that the local jurisdiction was required to consider when it made the land use decision;

- (c) A judgment in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the land use decision; and
- (d) The petitioner has exhausted his or her administrative remedies to the extent required by law.

Chapter 21.02 Variances, Appeals and Amendments

21.02.030 Appeals.

- (1) Any person with standing may appeal any order, final permit decision, final administrative determination including pre-approval or preliminary approval in the administration or enforcement of this title. The hearing examiner shall have the authority to hear and decide appeals pursuant to WCC 22.05.160.

Chapter 22.05 Project Permit Procedures

22.05.110 Final decisions.

- (1) The director or designee's final decision on all Type I or II applications shall be in the form of a written determination or permit. The determination or permit may be granted subject to conditions, modifications, or restrictions that are necessary to comply with all applicable codes.
- (2) The hearing examiner's final decision on all Type III applications per WCC 22.05.020 or appeals per WCC 22.05.160(1) shall either grant or deny the application or appeal.
 - (a) The hearing examiner may grant Type III applications subject to conditions, modifications or restrictions that the hearing examiner finds are necessary to make the application compatible with its environment, carry out the objectives and goals of the comprehensive plan, statutes, ordinances and regulations as well as other official policies and objectives of Whatcom County.
 - (b) Performance bonds or other security, acceptable to the prosecuting attorney, may be required to ensure compliance with the conditions, modifications and restrictions.
 - (c) The hearing examiner shall render a final decision within 14 calendar days following the conclusion of all testimony and hearings. Each final decision of the hearing examiner shall be in writing and shall include findings and conclusions based on the record to support the decision.
 - (d) No final decision of the hearing examiner shall be subject to administrative or quasi-judicial review, except as provided herein.
 - (e) The applicant, any person with standing, or any county department may appeal any final decision of the hearing examiner to superior court, except as otherwise specified in WCC 22.05.020.

Chapter 22.20 Land Use and Development Code Interpretation Procedures

22.20.060 Appeals.

Any person with standing may file an appeal of a formal code interpretation. The appeal shall follow all rules and procedures for appeals to the Hearing Examiner as set forth in WCC 22.05.160.

Chapter 20.89 Density Transfer Procedure

19. Delete 20.86.051(2) and (3), which require Transfer of Development Rights (TDRs) for certain rezones and UGA expansions. Similar provisions in WCC 2.160.080 and WCC 20.90.064 were repealed when Title 22 was adopted in June 2018 (Ordinance 2018-032). Additionally, the Whatcom County TDR/PDR Multi-Stakeholder Work Group Final Report (October 3, 2018) states:

"A Civil Deputy from the County Prosecuting Attorney's Office stated that, in his opinion, the County cannot require TDRs for UGA expansions or rezones under RCW 82.02.020.

The TDR/PDR Work Group recommends that the County consider deleting WCC 20.89.051(2) and (3), which state that certain rezone requests and UGA expansions are required to transfer development rights from designated TDR sending areas" (pp. 55, see also pp. 50 and 51).

Therefore, deleting these code provisions should be considered.

20.89.050 Receiving areas.

.051 Designation of Receiving Areas. In addition to those areas which qualify as receiving areas according to the official Whatcom County zoning map, the county council may approve additional areas as receiving areas.

- (1) Designated Receiving Areas. Such additional areas may be approved through the process established for amendments to the official Whatcom County zoning map and pursuant to the procedures and requirements in Chapter 22.10 WCC, Amendments.
- (2) Cities. In cooperation with Whatcom County, cities may designate additional TDR receiving areas within their jurisdictional boundaries for the purposes of receiving transferred densities pursuant to this chapter. Under the above provisions, the designation of additional TDR receiving areas shall be based upon findings that the area/site is appropriate for higher residential densities, is not limited by significant critical areas, and neighboring areas would not be significantly adversely impacted. If such areas are determined to be appropriate for designation as TDR receiving areas/sites, prior to development, parcel owners shall be required to purchase TDRs to attain the maximum gross density requested under the proposed zoning. The purchase of TDRs shall not be required until such time that the requirements of WCC 20.89.060 have been met.
- (3) Water Resource Protection Overlay District. Development rights may be transferred within the Water Resource Protection Overlay District for an increase in impervious surface pursuant to Chapter 20.71 WCC.

Chapter 20.97 Definitions

20. In 20.97, add a definition of "director."

20.97.099.4 Director.

"Director" means the Director of Planning and Development Services or his/her designee.

Chapter 22.05 Project Permit Procedures

21. In 22.05.010, add a section that says all definitions are found in 20.97, as there is no definitions section of Title 22.

22.05.010 Purpose and applicability.

(3) The meaning of words used in this chapter shall be as defined in WCC 20.97.

22. In 22.05.160(1):

- Clarify that an appeal application is only valid if it meets the listed requirements and that it must be filed with an application form developed by PDS.
- Clarify that appeal hearings before the Hearing Examiner are “open record public hearings.”
- Change “party of record” to “person with standing” for the reasons provided in Issue 18, above.

22.05.160 Appeals.

- (1) Any person with standing may appeal any order, final permit decision, or final administrative determination made by the director or designee in the administration or enforcement of any chapter to the hearing examiner, who has the authority to hear and decide such appeals per WCC 2.11.210.
- (a) To be valid, an appeal shall be filed, on a form provided by the Department, with the Department within 14 calendar days of the issuance of a final permit decision and shall be accompanied by a fee as specified in the Unified Fee Schedule. The written appeal shall include:
- i. The action or decision being appealed and the date it was issued;
 - ii. Facts demonstrating that the person is adversely affected by the decision;
 - iii. A statement identifying each alleged error and the manner in which the decision fails to satisfy the applicable decision criteria;
 - iv. The specific relief requested; and
 - v. Any other information reasonably necessary to make a decision on the appeal.
- (b) The hearing examiner shall schedule an open record public hearing on the appeal to be held within 60 calendar days following the department’s receipt of the application for appeal unless otherwise agreed upon by the county and the appellant.
- (c) A party who fails to appeal within 14 calendar days is barred from appeal, per Chapter 2.11 WCC.
- (d) The business rules of the hearing examiner shall govern appeal procedures. The hearing examiner shall have the authority granted in the business rules, and that authority is incorporated herein by reference. See also WCC 2.11.220.
- (2) The applicant, any person with standing, or any county department may appeal any final decision of the hearing examiner to superior court or other body as specified by WCC 22.05.020. The appellant shall file a written notice of appeal within 21 calendar days of the final decision of the hearing examiner, as provided in RCW 36.70C.040.

23. Amend the definitions (20.97) of “electric vehicle charging station” and “electric vehicle rapid charging station” merging the two into one definition. We can merge the two definitions since the code doesn’t even address “electric vehicle charging stations,” and there isn’t much difference between the two other than how fast it can charge.

Additionally, wherever “electric vehicle rapid charging stations” are allowed as accessory uses, delete the word “rapid” and “accessory to conditionally approved service stations” (or the variants on that clause).

These rules were adopted when electric vehicles were relatively new and no one knew what charging stations would look like or how they would operate. Today, electric vehicle charging stations generally occupy a small number of parking spaces already existing in strip malls or other commercial centers, where people can stop and eat, shop, or run other errands while their car is changing, typically for 30-60 minutes. The equipment is relatively small, about the size of a traditional U.S. Postal drop box.





Chapter 20.97 Definitions

20.97.113 Electric vehicle charging station.

“Electric vehicle charging station” means a parking space that is served by battery charging equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle and that meets or exceeds any standards, codes, and regulations set forth by RCW Chapter 19.28 and consistent with rules adopted under RCW 19.27.540.

Chapter 20.59 Rural General Commercial (RGC) District

20.59.100 Accessory uses.

.107 Electric vehicle charging stations and battery exchange facilities.

Chapter 20.60 Neighborhood Commercial Center (NC) District

20.60.100 Accessory uses.

.105 Electric vehicle charging stations and battery exchange facilities.

Chapter 20.61 Small Town Commercial (STC) District

20.61.100 Accessory uses.

.109 Electric vehicle charging stations and battery exchange facilities.

Chapter 20.62 General Commercial (GC) District

20.62.100 Accessory uses.

.105 Electric vehicle charging stations and battery exchange facilities.

Chapter 20.63 Tourist Commercial (TC) District

20.63.100 Accessory uses.

.105 Electric vehicle charging stations and battery exchange facilities.

Chapter 20.65 Gateway Industrial (GI) District

20.65.100 Accessory uses.

.108 Electric vehicle charging stations and battery exchange facilities.

Chapter 20.67 General Manufacturing (GM) District

20.67.100 Accessory uses.

.109 Electric vehicle charging stations and battery exchange facilities.

Chapter 20.69 Rural Industrial and Manufacturing (RIM) District

20.69.100 Accessory uses.

.111 Electric vehicle charging stations and battery exchange facilities.

Chapter 20.70 Airport Operations (AO) District

20.70.100 Accessory uses.

.107 Electric vehicle charging stations and battery exchange facilities.

24. The language of the “Drainage” sections varies between zones and should be standardized. Staff proposes to have them all say:

“All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.”

The clause “within Whatcom County” can be deleted because our code only applies in Whatcom County, and the clause “unless specifically exempted” can be deleted because such exemptions are listed in WCC 20.80.631, one of the referenced sections.

In addition, delete 20.22.655(1) (URM District). This is old code inserted at a time when we thought Whatcom County was going to adopt the City of Bellingham’s code to apply within its UGA. However, the City of Bellingham never provided the County with the code to adopt, and since then both Bellingham and Whatcom County have adopted the Department of Ecology Stormwater Manual; therefore, this section isn’t needed.

Chapter 20.20 Urban Residential (UR) District

20.20.656 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

Chapter 20.22 Urban Residential – Medium Density (URM) District

20.22.655 Drainage.

All development activities are subject to the stormwater management provisions of the WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

Chapter 20.24 Urban Residential Mixed (UR-MX) District

20.24.656 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

Chapter 20.32 Residential Rural (RR) District

20.32.656 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

Chapter 20.34 Rural Residential-Island (RR-I) District

20.34.659 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

Chapter 20.35 Eliza Island (EI) District

20.35.654 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

Chapter 20.36 Rural (R) District

20.36.656 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

Chapter 20.37 Point Roberts Transitional Zone (TZ) District

20.37.655 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

Chapter 20.40 Agriculture (AG) District

20.40.652 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

Chapter 20.42 Rural Forestry (RF) District

20.42.657 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

Chapter 20.43 Commercial Forestry (CF) District

20.43.653 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

Chapter 20.44 Recreation and Open Space (ROS) District

20.44.652 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

Chapter 20.59 Rural General Commercial (RGC) District

20.59.704 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

Chapter 20.60 Neighborhood Commercial Center (NC) District

20.60.655 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

Chapter 20.61 Small Town Commercial (STC) District

20.61.704 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

Chapter 20.62 General Commercial (GC) District

20.62.653 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

Chapter 20.63 Tourist Commercial (TC) District

20.63.654 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

Chapter 20.64 Resort Commercial (RC) District

20.64.655 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

Chapter 20.65 Gateway Industrial (GI) District

20.65.659 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

Chapter 20.66 Light Impact Industrial (LII) District

20.66.653 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

Chapter 20.67 General Manufacturing (GM) District

20.67.653 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

Chapter 20.68 Heavy Impact Industrial (HII) District

20.68.653 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

Chapter 20.69 Rural Industrial and Manufacturing (RIM) District

20.69.655 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

Chapter 20.70 Airport Operations (AO) District

20.70.653 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

Chapter 20.72 Point Roberts Special District

20.72.658 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

Chapter 20.74 Cherry Point Industrial (CP) District

20.74.100 Drainage.

All development activities are subject to the stormwater management provisions of WCC 20.80.630 through 20.80.635. No project permit shall be issued prior to meeting those requirements.

25. Allow park model trailers as a temporary ADU, similar to manufactured homes, travel trailers, and motorhomes.

20.97.292 Park model trailer.

"Park model trailer" means a trailer designed to provide seasonal or temporary living quarters which may be used with temporary connections to utilities necessary for operation of installed fixtures and appliances. It has a gross trailer area not exceeding 400 square feet or is approved by the state as a park model trailer.

Chapter 20.40 Agriculture (AG) District

20.40.130 Administrative approval uses.

.131 A temporary second dwelling unit of no more than 1,248 square feet in floor area, in the form of a manufactured home, a fully serviced travel trailer, park model trailer, or motor home, to provide:

Chapter 20.34 Rural Residential-Island (RR-I) District

20.34.130 Administrative approval uses.

.131 A temporary second dwelling unit of no more than 1,248 square feet in floor area, in the form of a manufactured home, a fully serviced travel trailer, park model trailer, or motor home, to provide:

Chapter 20.36 Rural (R) District

20.36.130 Administrative approval uses.

.131 A temporary second dwelling unit of no more than 1,248 square feet in floor area, in the form of a manufactured home, a fully serviced travel trailer, park model trailer, or motor home, to provide:

Chapter 20.32 Residential Rural (RR) District

20.32.130 Administrative approval uses.

.131 A temporary second dwelling unit of no more than 1,248 square feet in floor area, in the form of a manufactured home, a fully serviced travel trailer, park model trailer, or motor home, to provide:

Chapter 20.42 Rural Forestry (RF) District

20.42.130 Administrative approval uses.

.131 A temporary second dwelling unit of no more than 1,248 square feet in floor area, in the form of a manufactured home, a fully serviced travel trailer, park model trailer, or motor home, to provide:

Chapter 20.37 Point Roberts Transitional Zone (TZ) District

20.37.130 Administrative approval uses.

.131 A temporary second dwelling unit of no more than 1,248 square feet in floor area, in the form of a manufactured home, a fully serviced travel trailer, park model trailer, or motor home, to provide:

Chapter 20.24 Urban Residential Mixed (UR-MX) District

20.24.130 Administrative approval uses.

.131 A temporary second dwelling unit of no more than 1,248 square feet in floor area, in the form of a manufactured home, a fully serviced travel trailer, park model trailer, or motor home, to provide:

Chapter 20.20 Urban Residential (UR) District

20.20.130 Administrative approval uses.

.131 A temporary second dwelling unit of no more than 1,248 square feet in floor area, in the form of a manufactured home, a fully serviced travel trailer, park model trailer, or motor home, to provide:

Chapter 20.22 Urban Residential – Medium Density (URM) District

20.22.130 Administrative approval uses.

.131 A temporary second dwelling unit of no more than 1,248 square feet in floor area, in the form of a manufactured home, a fully serviced travel trailer, park model trailer, or motor home, to provide:

26. In the setback tables, delete the repetitious table notes. These “rules” are already found in WCC 20.80.250 (Special Setback Provisions by District) or other places. They have been copied here, often with slightly different language, which just confuses things and makes the setback table overly long.

Staff proposes to reformat the setback table to that shown below, and reduce the notes to just references to the sections that might modify the setbacks (thus reducing repetitious, inconsistent language).

Staff also proposes to delete the header references to "principal arterials," "neighborhood collectors," and "commercial" and "industrial" arterials as Public Works doesn't have these roadway classifications.

Chapter 20.80 Supplementary Requirements

20.80.210 Minimum setbacks.

(5) Setbacks.

(b) Setbacks Table.

Zoning District	Setback (in feet) from:						
	Right-of-Way Classification						Other
	I-5, State Hwys, Urban Principal, & Urban Minor Arterials	Urban Collector Arterials & Rural Major Collectors	Minor Collectors	Local Access Streets	Minor Access Streets	Side Yard	Rear Yard
Residential Setbacks							
Rural Residential (RR)	45	35	25	25	20	5	5
- If in a WRPO ¹ or LWWO ²	30	30	20	20	20	5	5
Note: Depending on circumstances, some RR setbacks may differ pursuant to WCC 20.80.210(5)(a)(iv) and 20.80.251(2).							
Rural Residential-Island (RR-I)	-	-	25	25	20	5	5
Note: Depending on circumstances, some RR-I setbacks may differ pursuant to WCC 20.80.251(4).							
Point Roberts Transitional Zone (TZ)	45	35	25	25	20	5	5
Urban Residential Mixed Use (UR-MX)	45	35	25	10	10	5	5
- If in a WRPO ¹ or LWWO ²	30	30	20	20	20	5	5
Urban Residential Medium (URM)	45	35	25	25	20	5	5
- If in a WRPO ¹ or LWWO ²	30	30	20	20	20	5	5
Note: Depending on circumstances, some URM setbacks may differ pursuant to WCC 20.80.251(3).							
Urban Residential (UR)	45	35	25	25	20	5 ¹	5
- If in a WRPO ¹ or LWWO ²	30	30	20	20	20	5	5
Note: Depending on circumstances, some UR setbacks may differ pursuant to WCC 20.80.251(1).							
Rural Setbacks							
Rural (R)	45	45	35	25	20	5	5
- If in a WRPO ¹ or LWWO ²	30	30	20	20	20	5	5
Note: Depending on circumstances, some R setbacks may differ pursuant to WCC 20.38.060(7), 20.80.210(5)(a)(iv), and 20.80.252.							
Commercial Setbacks							
General Commercial (GC)	30	30	25	25	20	0	10
Note: Depending on circumstances, some GC setbacks may differ pursuant to WCC 20.62.550.							
Rural General Commercial (RGC)	30	30	25	25	20	0	10
Tourist Commercial (TC)	30	30	25	25	20	0	10
Note: Depending on circumstances, some RGC setbacks may differ pursuant to WCC 20.59.600.							
Small Town Commercial (STC)	30	30	25	25	20	0	10
Note: Depending on circumstances, some TC setbacks may differ pursuant to WCC 20.63.550 and 20.80.253(3).							
Resort Commercial (RC)	30	30	25	25	20	5	5
Note: Depending on circumstances, some RC setbacks may differ pursuant to WCC 20.64.350, 20.64.550, and 20.80.253(4).							
Neighborhood Commercial	25	25	25	25	20	0	10

Zoning District	Setback (in feet) from:						
	Right-of-Way Classification						Other
	I-5, State Hwys, Urban Principal, & Urban Minor Arterials	Urban Collector Arterials & Rural Major Collectors	Minor Collectors	Local Access Streets	Minor Access Streets	Side Yard	Rear Yard
(NC)							
- If in a WRPO ¹ or LWWO ²	30	30	20	20	20	0	10
Note: Depending on circumstances, some NC setbacks may differ pursuant to WCC 20.80.253 and 20.60.550.							
Industrial Setbacks							
Heavy Impact Industrial (HII)	100	100	100	100	30	30	30
Note: Depending on circumstances, some HII setbacks may differ pursuant to WCC 20.68.552 and 20.80.254(3).							
Light Impact Industrial (LII)	30	30	30	30	20	10	10
Note: Depending on circumstances, some LII setbacks may differ pursuant to WCC 20.80.254(1).							
General Manufacturing (GM)	30	30	30	30	20	10	10
Note: Depending on circumstances, some GM setbacks may differ pursuant to WCC 20.80.254(2).							
Gateway Industrial (GI)	25	25	25	25	25	10	10
Note: Depending on circumstances, some GI setbacks may differ pursuant to WCC 20.65.400.							
Airport Operations (AO)	30	30	30	30	20	10	10
Note: Depending on circumstances, some AO setbacks may differ pursuant to WCC 20.70.550 and 20.80.254(4).							
Rural Industrial – Manufacturing (RIM)	30	30	30	30	20	10	10
Note: Depending on circumstances, some RIM setbacks may differ pursuant to WCC 20.69.350 and 20.69.550.							
Resource Lands Setbacks							
Agricultural (AG)							
- parcels ≥ 5 acres	50	50	50	50	50	20	20
- parcels < 5 acres	45	35	25	25	20	5	5
Note: Depending on circumstances, some AG setbacks may differ pursuant to WCC 20.38.060(7) and 20.80.255.							
Rural Forestry (RF)	45	35	25	25	20	20	20
- If in a WRPO ¹ or LWWO ²	30	30	20	20	20	20	20
Note: Depending on circumstances, some RF setbacks may differ pursuant to WCC 20.80.210(5)(a)(iv) and 20.80.256.							
Commercial Forestry (CF)	45	35	25	25	20	100	100
- If in a WRPO ¹ or LWWO ²	30	30	20	20	20	100	100
Note: Depending on circumstances, some CF setbacks may differ pursuant to WCC 20.80.256(2).							
Other Setbacks							
Recreation Open Space (ROS)	100	100	50	50	50	50	50
Note: Depending on circumstances, some ROS setbacks may differ pursuant to WCC 20.80.257.							

¹ Water Resources Protection Overlay district

² Lake Whatcom Watershed Overlay district

27. In 20.80.254:

- Delete the reference to the Cherry Point/Ferndale Subarea Plan in subsection (3)(c), as it is slated for repeal. The intent of this policy is already included within the regulation of 20.68.552. Also,
- Fix the faulty cross-reference in subsection (3)(b).
- Delete the last sentence of (3)(e), as it makes no sense (refers to a process in (3)(d), but there is no process in that section).

20.80.250 Special setback provisions by district.

20.80.254 Industrial districts.

(3) Heavy Impact Industrial District.

- (a) All setbacks shall be increased by one foot for each foot of building height (excluding tanks and similar structures) that exceeds 50 feet in height.
- (b) The building setbacks of WCC 20.80.210 shall not apply to utility or security structures such as poles, meters, fences, guard structures and the like, nor to structures relating to shipment on railroad rights-of-way; provided, that no traffic hazards are created. For nonindustrial buildings, the provisions of subsection (3)(e) of this section shall apply.
- (c) Setbacks for parcels adjoining a nonindustrial district(s) shall be administered pursuant to WCC 20.68.550 (Buffer Area).
- (d) The setback requirements of the Heavy Impact Industrial District shall apply to the storing and handling of hazardous materials; provided, that if federal and/or state regulations require different setbacks, the greater setback (county, federal, or state) shall be used.
- (e) The zoning administrator may reduce setbacks for nonindustrial buildings to those of Light Impact Industrial if the reduced setbacks would not interfere with existing sewer, water and other easements.

Chapter 20. 25 Land Use and Development Fees

28. The current refund code language is oriented towards short-term permit time periods rather than the lengthier docketing of Comprehensive Plan or code amendments. Docket items can take a year or more (sometimes several years) to process due to PDS workloads, state mandates, Council priorities, and/or work program resource limitations. However, the existing refund deadlines of 14 or 90 days precludes an applicant from receiving a refund after those deadlines even if work has not yet commenced on the project. This proposed amendment would allow for partial to full application fee refunds for docketed items depending upon the amount of review and work undertaken by PDS.

22.25.040 Refund of application fees.

Refunds of application fees for project permits and for amendments to the Whatcom County comprehensive plan, development regulations and official maps shall be computed based on the following, unless otherwise indicated in the Whatcom County Code. All refund requests shall be submitted in writing to the department of planning and development services director. The date of

application for a refund request shall be the date the written refund request is received by the department. For the purpose of computing elapsed calendar days, the day after the date of application or deadline date as appropriate shall be counted as day one.

(1) Fees for Project Permits.

- (a) Applications withdrawn on or before the fourteenth calendar day after the date of application shall be eligible for a refund of 90 percent of all application fees including any SEPA fees.
- (b) Applications withdrawn after the period set forth in subsection (1)(a) of this section but on or before the ninetieth calendar day after the date of application shall be eligible for a refund of 50 percent of all application fees except for any SEPA fees which shall not be eligible for a refund.
- (c) Applications withdrawn after the ninetieth calendar day after the date of application shall not be eligible for a refund.
- (d) Notwithstanding the above, no fees shall be refunded for any permit or approval that has been issued or granted by the county.
- (e) The director may authorize a full refund of any project permit application fee paid in error.

(2) Fees for Amendments to the Whatcom County Comprehensive Plan, Development Regulations, and Official Maps.

- (a) The docketing fee shall be non-refundable.
- (b) The amendment application fee may be refunded, if the application is withdrawn, as follows:
 - (i) If the application has been docketed, but review of the application has not commenced, 100% of the application fee may be refunded.
 - (ii) If the application has been docketed and review of the application has commenced, but the staff report has not been issued, 75% of the application fee may be refunded.
 - (iii) If the application has been docketed and a staff report has been issued, but a Planning Commission hearing has not been held, 50% of the application fee may be refunded.
 - (iv) If the application has been docketed and the Planning Commission has held a public hearing, then the application fee may not be refunded.
- (c) The SEPA checklist fee may be refunded if the application is withdrawn and SEPA review has not commenced.
- (d) The legal notice fee may be refunded if the application is withdrawn and legal notice has not been published.